
Appeal Decision

Site visit made on 26 August 2025

by **R E Jones BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3 October 2025

Appeal Ref: APP/F0114/W/25/3360937

Bathwick Cottage, 21 Darlington Place, Bath BA2 6BX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by James Pullan against Bath and North East Somerset Council.
 - The application Ref is 24/04742/FUL.
 - The development proposed is replacement garage roof.
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Decision

1. The appeal is dismissed and planning permission is refused.

Preliminary Matters

2. I have dealt with another appeal¹ on this site. That appeal is the subject of a separate decision.

Background and Main Issues

3. This appeal has been lodged following the Council's failure to determine the application within the relevant timescale. The Council in their submission include a reason for refusal had they been able to determine the application. This includes reference to those development plan policies that it considers to be relevant to the refusal reason put forward.
4. Therefore, having regard to this background, the main issues in this appeal are whether the proposal would: i) preserve the settings of the nearby listed buildings and ii) preserve or enhance the character or appearance of the Bath Conservation Area (CA) and the Bath World Heritage Site (WHS).

Reasons

Listed Buildings, Conservation Area and World Heritage Site

Special interest and significance

5. The appeal site encompasses a detached, single storey, flat roof garage facing onto Sydney Buildings, a residential street on the fringes of the city. The garage is set back a short distance from the road and rises marginally above it. To its rear and on higher ground is Bathwick Cottage, a modern dwelling that is the subject of the other appeal at this site. A stepped footpath runs along the appeal site's northern boundary. This is a well frequented route that leads to Bathwick Meadows,

¹ Apparel Ref: APP/F0114/W/25/3358804 - Demolition of existing dwelling and erection of replacement dwelling and coach house.

a popular area of open space from where elevated views of Bath are obtained from an expansive area of grassland.

6. The site lies in proximity to several listed buildings. The Council's evidence provides the listing details of Sydney Parade (Nos 30-38 (consecutive)), a row of grade II listed Georgian terrace houses, along with the adjacent grade II listed Sydney House and the grade II listed high pavement at the rear entrances of Nos 1-20 Darlington Place ('High Pavement'). The site is also located within the Bath CA and WHS.
7. As required by sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (The Act), I have had special regard to the desirability of preserving the buildings or their settings or any features of special architectural or historic interest which they possess; and paid special attention to the desirability of preserving or enhancing the character or appearance of the CA.
8. Although not captured by the terms of the Act, the WHS is defined by the National Planning Policy Framework (the Framework) as a designated heritage asset, and I must assess the significance of any heritage asset that may be affected by a proposal and apply great weight to that asset's conservation when assessing impacts upon it.
9. Sydney Parade stands opposite the appeal site. The nine terrace houses that form this grade II listed building date from the early 19th century. Comprising two storeys with a lower ground floor, the terrace is mostly finished in limestone ashlar with banded rustication to the ground floor walls of the front elevation. Properties in the terrace have pairs of first floor sash windows, largely timber panelled doors and ornate iron balconettes. Double pitched roofs sit behind a continuous coped parapet.
10. From the evidence before me, the special interest and significance of Sydney Parade is derived, in part, from its historic and architectural interests. Important contributors in these regards are its surviving historic fabric, its refined architectural form and detailing and its elegant appearance in the street.
11. Pertinent to the appeal, the building's special interest and significance also stem, in part, from its setting. The footway and highway along Sydney Parade, are among the main spaces from where the asset is experienced. The appeal site and the adjoining landscape belt that surrounds and rises above it, comprise hedgerows trees and some private gardens. Those features are also visible from the road and collectively they form a striking visual counterpoint and an attractive natural backcloth to Sydney Parade that contributes considerably to both its significance as an asset, as well as the ability to appreciate that significance.
12. In this respect and notwithstanding the current appearance of the garage, the appeal site, as part of the assets' wider settings, contributes positively to their special interest and significance.
13. A short distance from Sydney Parade and separated by the footpath that leads from Bathwick Meadows to the Kennet and Avon canal, is Sydney House, a grade II listed building also dating from the early 19th century. This detached house faces the appeal site, at a slight angle. Its street elevation comprises ashlar and a single pitched slate mansard roof with moulded stacks to the gable ends. It also includes 3

bays comprising symmetrical sash windows and a two storey projecting porch with coped parapet and floating cornice over a six-panel door.

14. The special interest and significance of Sydney House is in part a result of its historic and architectural interests. Primary contributors in these regards include its well-preserved historic fabric, its architectural form and detailing and its contribution to the street's coherent layout and appearance.
15. Sydney House, like Sydney Parade is observed from the street and is clearly seen together with the appeal site and the attractive landscaping that surrounds it. In a similar vein to the setting attributes of Sydney Parade, the landscaping forms a very attractive visual context to Sydney House that contributes to both its significance as an asset, as well as the ability to appreciate that significance.
16. It is acknowledged that the existing garage has a very basic architectural form and lacks the refined construction and detailing that Sydney Parade and Sydney House exhibit. Moreover, the access to it also breaks the largely continuous hedgerow that runs along the highway on this part of Sydney Buildings. Despite having a discordant and detracting presence from close quarters, the garage's squat form and discreet position against the slope of the appeal site, allows the taller trees and shrubs around it to reinforce the interface between buildings and the green spaces that define this part of Sydney Buildings.
17. The stepped footpath leading to Bathwick Meadows separates the appeal site from the grade II listed, High Pavement. This comprises a raised footway some 200m in length. Railings and freestone gate piers line the top of the limestone substructure. The High Pavement has group value with the gate piers and walls to the gardens of Nos 1-20 Darlington Place. According to the list entry the pavement is a late example of a Bath tradition of raised pavements forming a promenade overlooking Sydney Buildings and views beyond.
18. The special interest and significance of the High Pavement is in part derived from its historic and architectural interests. In these regards, the enduring historic fabric and aesthetic unity of the pavement along with its contribution to the period townscape of the street all make an important contribution.
19. Pertinent to this appeal, the High Pavement's special interest and significance also relate to its setting. Although the garage at the appeal site has a somewhat discordant appearance in the street, the landscaping around it forms part of a green corridor that provides, like for other built elements in the street, an attractive natural backdrop to the High Pavement. This setting makes a positive contribution to the significance of the asset, as well as its ability to appreciate that significance.
20. The CA has a remarkable degree of visual homogeneity. Its character and appearance and thus special interest and significance stem from the large proportion of neo-classical buildings arranged in uniform crescents, squares and terraces, and interspersed by a hierarchy of complex and delicate spaces and landscaping. The character appraisal for the CA, indicates that Sydney Buildings represents an understated but first rate example of domestic architecture of the early nineteenth century, either designed by or influenced by Pinch the Elder. The appeal site and surroundings exemplify those characteristics particularly the strong interaction between urban Bath and the adjoining landscape.

21. Therefore, whilst the existing garage detracts from the adjacent built form, the site's immediate landscape context makes a small, albeit positive contribution to the CA, as a whole.
22. Bath's significance as a WHS is rooted in its cultural and historic value. It is derived, in part, from its eighteenth and nineteenth century architecture, town planning and social setting which are recognised for their universal value and cultural significance. The appeal site and the immediate surroundings reinforce those values through the architecture, layout and green spaces that characterise Sydney Buildings.

Appeal proposal and effects

23. The proposal would involve the removal of the garage's existing flat roof and the construction of a much taller pitched roof incorporating half gable profiles to its flanks. The proposed roof's rear plane, where it faces Bathwick Cottage, would incorporate a timber clad dormer that would extend across most of the roof's width. The proposal would utilise the existing footprint of the garage while the roof structure would utilise the existing walls. The proposal would create a storage area within the new roof structure.
24. The new roof would rise above the trees and shrubs that surround the appeal site and in doing so would look far more prominent in the street than the existing structure. The taller and bulkier roof profile would break the perceived rhythm and continuity of the trees and shrubs that line this part of Sydney Buildings and as a consequence have an unsettling and discordant presence on this largely verdant section of the street frontage. The proposed roof with its half-hipped profile and timber clad rear dormer would also appear inconsistent and awkward when observed in context with the more historic roof profiles found on properties such as Sydney Parade and Sydney House.
25. These effects would be most noticeable from short to medium range views from the street as well as from nearby properties from where the proposal and the listed buildings would be observed together. Moreover, as one of the first structures observed on Sydney Buildings when descending, and emerging from the stepped footpath deriving from Bathwick Meadows, the proposal's discordant appearance and scale would appear jarring when seen in relation to the aforementioned listed buildings.
26. Therefore, the proposal's height and built form would disrupt the attractive verdant setting that contributes to the significance and special interest of Sydney Parade, Sydney House and the High Pavement. It would also harmfully detract from the built form in the street. In doing so, it would undermine how these assets are experienced and diminish the ability to appreciate their special interest and significance in relation to their status within the street.
27. These harmful effects are also imposed on the unifying features and characteristics of the CA and WHS, in particular the historic townscape and attractive green spaces that typify Sydney Buildings.
28. Although the removal of the existing garage's flat roof would have a positive effect given its discordant profile, its replacement with a much taller and bulkier roof with a partial hipped profile would be more prominent and incongruous and would have a harmful effect on the street. Furthermore, the use of materials that would be largely

sympathetic to the existing palette of external finishes found locally, although a positive feature, would not overcome my concerns with regard to the garage's overall design and the effect it has on local heritage assets.

29. Several pitched roof extensions, outbuildings and other domestic structures on Sydney Buildings and Darlington Place have been referred to by the appellant as examples of comparable structures to the proposal. The information on whether those structures received consent or were assessed under the same policies and legislation as the scheme before me is limited. Accordingly, I cannot be sure that they are comparable and were considered acceptable by the Council, such that they would weigh in favour of the proposal. In any case the appeal scheme differs to those other examples in terms of its scale, design and position in the street.
30. The provision of new planting around the garage, particularly when fully established and in-leaf, would likely filter views of the proposed roof from medium and long range perspectives along Sydney Buildings and the stepped footpath leading to Bathwick Meadows. However, that screening would be less effective at times when the landscaping has shed its foliage. Moreover, from close range views, the proposal would be clearly visible through the gap created by the access to the garage and its harmful relationship in the street would be seen regardless of the presence of the intended planting. Therefore, I do not agree with the appellant's case that the proposed landscaping would successfully mitigate the visibility of the garage or the harmful effects I have referred to.
31. Drawing all the above together, the proposed replacement garage roof would fail to preserve the special architectural and historic interest of the grade II listed buildings at Sydney Parade, Sydney House and the High Pavement, through development affecting their setting, as well as causing harm to the character and appearance of the CA. This would be contrary to the requirements of sections 66(1) and 72(1) of the Act. Furthermore, the proposal's unacceptable relationship with those listed buildings and the CA would harm the universal value and cultural significance of the WHS.

Public benefits and balance

32. Paragraph 212 of the Framework advises that when considering the impact of a proposed development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 213 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have clear and convincing justification.
33. With reference to Paragraphs 214 and 215 of the Framework, in finding harm to the significance of designated heritage assets, the magnitude of that harm should be assessed. Given that the extent of the development and the perspectives from where it would be viewed would be relatively minor and localised, I find the harm to the heritage assets to be 'less than substantial' and at the lower end of that spectrum in this instance but, nevertheless, of considerable importance and weight. Under such circumstances, Paragraph 215 advises that this harm should be weighed against the public benefits of the proposal, which includes securing the asset's optimum viable use.
34. There would be some limited benefits accrued from the removal of the garage's discordant flat roof, the efficient use of the existing structure in the construction of

the proposal, the use of sympathetic materials, the general repair and upgrading of the building and its long-term use as an off-street parking/storage facility. There would be some economic benefits brought about through the investment into the building and the construction phase. These public benefits are in line with the objectives of the Framework and carry minor weight in favour of the appeal.

35. Notwithstanding the above, the creation of additional storage at the site could be achieved through a more sympathetic proposal which would preserve the special architectural and historic interest of the surrounding heritage assets. Similarly, the new roof with associated internal storage would not be required to secure the optimum viable use of the garage.
36. Overall, the minor weight that I ascribe to the public benefits which would accrue from the proposal is not sufficient to outweigh the considerable importance and weight that I attach to the harm I have found. Therefore, there would be insufficient public benefit to offset the identified harm, and the proposed development would not accord with the Framework.
37. Accordingly, I conclude that the proposal would not preserve the settings of the nearby listed buildings, and would not preserve or enhance the character and appearance of the CA. It would also harm the character and appearance of the WHS, from which its universal value and cultural significance is derived. This would conflict with the statutory presumptions set out in sections 66(1) and 72(1) of the Act, insofar as it relates to the listed buildings and CA. It would, in respect of all the designated heritage assets listed (including the WHS), be contrary to Policies D1, D2 and HE1 of the Bath and North East Somerset Core Strategy and Placemaking Plan (July 2017) in so far as it seeks to protect or enhance the area's historic environment and to contribute positively to local character and distinctiveness; and the provisions within the Framework which seek to conserve or enhance the historic environment.

Other Matter

38. The appellant has raised concerns regarding the role of local elected members in making planning decisions. However, that is not a matter for this appeal and the appellant should pursue that issue separately.

Conclusion

39. Overall, I afford considerable importance and weight to the harm I have identified and the conflict with the development plan when taken as a whole. Whilst I afford minor weight to the benefits which would accrue from the proposed development, material considerations do not indicate that the decision should be taken other than in accordance with the development plan.
40. Therefore, for the reasons given, I conclude that the appeal should be dismissed and planning permission refused.

RE Jones

INSPECTOR