
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: 03 October 2025

Appeal Ref: APP/F0114/W/25/3358804

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 refusal to grant planning permission.
 - The appeal is made by James Pullan against the decision of Bath and North East Somerset Council.
 - The application Ref is 23/01365/FUL.
 - The development proposed is demolition of existing dwelling and erection of replacement dwelling and coach house.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The evidence includes drawings showing an alternative scheme design. However, my assessment of this appeal is based on the drawings listed in the Council's decision notice and upon which it based its decision.
3. I have dealt with another appeal¹ on this site. That appeal is the subject of a separate decision.

Main Issues

4. The main issues in this appeal are:
 - whether the proposed development 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, iii) the Bath World Heritage Site (WHS); and
 - the effect of the proposed development on the living conditions of neighbouring occupiers, with particular reference to privacy.

Reasons

Listed Buildings, Conservation Area and World Heritage Site

Special interest and significance

5. The appeal site is a steeply sloping plot that encompasses a detached dwelling and a 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. A proposal to extend the garage is the subject

¹ Apparel Ref: APP/F0114/W/25/3360937 – Replacement garage roof.

of the other appeal at this site. To its rear, set further back and on higher ground is Bathwick Cottage, a modern detached house, with a pitched roof and dormers emanating from its planes. A stepped footpath runs along the appeal site's northern boundary. This is a well frequented route that leads to Bathwick Meadows, a popular area of open space from where elevated views of Bath are obtained from an expansive area of grassland.

6. The existing dwelling had remained unlawful for several years until a Lawful Development Certificate regularised its status in 2022². A further two consents were granted in 2024³ to extend and make alterations to the dwelling. Those schemes are largely similar despite some differences in fenestration and external finishes and would involve the removal of the existing conservatory and the construction of a two-storey side extension. During my site inspection it was noted that preliminary construction works are underway at the site.
7. The site lies in proximity to several listed buildings. These include 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 ('the High Pavement'). The site is also located within the Bath CA and WHS.
8. 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.
9. 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.
10. 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.
11. 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.
12. Pertinent to the appeal, the building's special interest and significance also stem, in part, from its setting. The pavement and highway adjacent to 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. Although the existing dwelling is

² 22/03592/CLEU, Erection of dwelling house to be used as a residential dwelling (Use Class C3) (Certificate of Lawfulness of Existing Use) - Lawful 20/10/2022.

³ 24/01947, Granted 01/10/2024; and 24/00332/FUL, Allowed at appeal (Ref - APP/F0114/W/24/3342641) on 04/10/2024

visible through gaps in the trees and the opening created by the site's frontage onto Sydney Buildings, the existing landscape features that line the road and the rising ground around the appeal site collectively 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.

13. An important perspective of Sydney Parade is also gained from the stepped footway that descends from Bathwick Meadows, a popular area where the large open pastures and wooded belts have a semi-rural quality. When descending from this area down the stepped footpath towards the appeal site and Sydney Buildings, there is a sense of arrival as you enter the historic streets of Bath from the more pastoral urban fringes of the city. When approaching the site from this direction the existing dwelling's more modern design has a somewhat discordant presence when seen in context with the more refined and elegant Sydney Parade. This along with the flat roof garage to the front of the site, detracts to some extent from that sense of arrival from the footpath onto Sydney Buildings. Nevertheless, from this perspective the mature trees and shrubs that lie close to the footpath and appeal site provide, in part, an attractive verdant foreground that has a positive effect on the way Sydney Parade is experienced and therefore its significance and special interest.
14. 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.
15. 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.
16. Sydney House, like Sydney Parade is observed from the street and the stepped footpath 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, and notwithstanding the presence of the existing dwelling/garage, 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.
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, in part, to its setting. Although the existing 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. The existing dwelling is set back into the site and at a higher level and whilst its modern design is inconsistent with the architecture of the properties fronting Sydney Buildings, the relationship between it and the High Pavement is less easy to discern given its set back position and the filtering effects of existing planting around the site. Therefore, and notwithstanding the presence of the garage and dwelling, the setting, in so far as it relates to the landscaped edges and green corridor along Sydney Buildings makes a positive contribution to the significance of the asset, as well as the 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 and dwelling detract 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 existing dwelling would be replaced by a three storey dwelling with the top floor of accommodation set within a mansard roof. It would have a comparable width and depth to the existing dwelling were it to be extended in accordance with either of the consented schemes. However, it would incorporate a marginally lower roof height. The proposed dwelling's front elevation facing Sydney Buildings would incorporate several large windows symmetrically arranged. This elevation would be articulated through a series of set-backs and projections and finished in a combination of stone cladding and timber.
24. The existing garage would be removed and replaced by a double storey "coach house" on broadly the same footprint. It would be marginally wider than the existing flat roof garage and include an additional storey incorporating a workshop. The "coach house" would incorporate traditional materials and details that include rusticated ashlar and "ghost windows" to the front elevation, arched reveals over

the entrance and a parapet roof. The space between the “coach house” and the proposed dwelling would comprise a new enclosed courtyard area.

25. The proposed dwelling’s mansard roof would have a timber finish and incorporate steep roof pitches that culminate in a flat-topped roof profile. Although comprising a lower roof height the steeper pitches together with the mansard roof’s flat top give it a bulky and top-heavy appearance. This would contrast markedly in scale with the tapering profile of the existing roof. It would also appear uncharacteristic and visually jarring when viewed in relation to Sydney Parade and Sydney House, which embody more understated roof profiles. When viewed from the stepped footpath alongside the appeal site and from Sydney Buildings, the dwelling’s mansard roof profile would have a dominant presence and appear more obvious and discordant through gaps in the trees and shrubs, compared with the original dwelling. It would also rise ominously above the side boundary with the footpath and distort the view of the Georgian streetscape along Sydney Parade.
26. The existing garage, although somewhat discordant from close quarters has a squat form and occupies a discreet position against the slope of the appeal site. This allows the taller trees and shrubs around it to reinforce the verdant frontage along this part of Sydney Buildings. This is particularly noticeable from angled views to the south. In contrast, the taller and wider “coach house” would rise above the vegetation that surrounds the appeal site and in doing so would look far more prominent in the street than the existing structure. Moreover, the taller and larger roof profile would break the perceived rhythm and continuity of the planting that lines this part of Sydney Buildings and as a consequence have an unsettling and discordant presence on this largely verdant section of the street frontage.
27. It is acknowledged that careful consideration has been given to the design of the “coach house” in response to the predominately Georgian character of the street. However, in this case the proposed “coach house” appears solitary and disconnected in the frontage. Furthermore, its evidential relationship with the more modern replacement dwelling on higher ground, would not evoke a historical or functional association that is typically revealed between a coach house and its host building. Therefore, as a consequence of the “coach house’s” siting, design, and visual association with the proposed dwelling, it would appear contrived and discordant in the street.
28. The combined effects of the “coach house” and the proposed dwelling 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.
29. Therefore, when taken together the proposed dwelling and “coach house” would, as a result of their scale, massing and built form, disrupt the attractive verdant setting that contributes to the significance and special interest of Sydney Parade, Sydney House and the High Pavement. They would also harmfully detract from the built form in the street. In doing so, the proposal would undermine how these assets are experienced and diminish the ability to appreciate their special interest and significance.

30. The combination of the above-mentioned impacts incurred by the proposed dwelling and “coach house” would also harm the unifying features and characteristics of the CA and WHS, in particular the historic townscape and attractive green spaces that typify Sydney Buildings.
31. The appellant considers that the scheme would result in an improvement to the existing built form and would better reveal the heritage significance of the surrounding assets. Yet, whilst I agree that the existing dwelling and garage are somewhat discordant, and there would be some improvements in terms of some aspects of the scheme’s design, the proposal overall would nonetheless harm the designated heritage assets I have identified.
32. It is acknowledged that the proposed mansard roof’s timber external finish would likely have a more muted and natural tone. However, this would not mask the roof’s inherent bulk and the ability to observe that from surrounding perspectives.
33. The provision of new planting around the proposed dwelling particularly when fully established and in-leaf, would likely filter some views of the proposed roof from medium and long-range perspectives along Sydney Buildings. But, that screening would not fully mask the proposal or prevent the ability to perceive the building through gaps in the vegetation. That planting would also be less effective at times when it has shed its foliage. Moreover, from close range views, the proposal would be clearly visible through the gap created by the access to the site and from the stepped footpath. Therefore, I do not agree with the appellant’s case that the proposed landscaping would successfully mitigate the visibility of the dwelling or the harmful effects I have referred to.
34. In the case of the “coach house”, its more advanced position relative to the street frontage and its double storey height, would, in part screen views of the lower portion of the dwelling. However, the effects of the proposed dwelling would still be appreciable from the stepped footpath to the north and from views either side of the proposed “coach house”. Accordingly, I am not convinced by the argument that it would mitigate the effects of the proposed dwelling.
35. There are aspects of the scheme which are well considered, particularly, the arrangement of windows, the use of materials and the articulation of elements of the building’s design. I also have no reason to disagree with the Council that there is scope to develop a modern dwelling within the plot. Nevertheless, these factors do not overcome the harms I have described.
36. I acknowledge that there is a modern dwelling adjacent to the appeal site on the opposite side of the stepped footpath. This is accessed off Darlington Place and occupies a more discreet position compared to the appeal scheme while having an altogether different design. Therefore, I do not agree there are similarities between the two dwellings that would render the appeal scheme acceptable in the context of the surrounding heritage assets.
37. Other dwellings and outbuildings in the vicinity have been cited by the appellant as illustrations of comparable structures to the appeal scheme, in terms of their contemporary design and use of materials (e.g. Deep Lock House, Studio and Horseshoe House). However, these all differ in terms of their scale, design, position in the street and their physical relationship and effects on the designated heritage assets I have referred to in this case. Furthermore, 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, they cannot be considered comparable to the scheme before me, such that they would weigh in its favour.

38. Drawing the threads of my assessment together in respect of the designated heritage assets, the proposed development 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.

Living Conditions

39. The existing dwelling contains several windows facing corresponding fenestration within Sydney Parade and Sydney House. The consented alterations to the existing dwelling would also introduce further windows facing onto those properties. The proposed dwelling would be sited in a similar position and set back from the road. It would have larger windows that would give occupiers a greater range of outward views, however, the distances to the opposing windows in the properties opposite would remain largely unchanged. There would be some loss of trees on the site during the construction of the dwelling. These currently provide some filtering effects from overlooking toward the properties opposite, however, due to seasonal changes the effectiveness of that filtering would be diminished when the trees have shed their leaves.
40. Therefore, although the proposed dwelling would have larger windows and lose some of the filtering effects from the existing trees, its siting and separation distance from the windows in the properties opposite would remain largely unaltered. As such the proposed dwelling would not give rise to any additional effects on neighbouring privacy that would amount to harmful overlooking.
41. In conclusion, the proposed development would have an acceptable effect on the living conditions of neighbouring occupiers, with particular regard to privacy. It would therefore accord with Policy D6 of the Bath and North East Somerset Core Strategy and Placemaking Plan (July 2017) (the CSPP), which amongst other things requires that proposals must not cause significant harm to the privacy of occupiers.

Public Benefits and Balance

42. 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.
43. 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.

44. Scheme benefits would include the provision of a more thermally efficient dwelling at the site, the provision of low carbon and renewable energy technologies and rainwater harvesting. Further environmental benefits would accrue from additional landscaping and enhanced biodiversity at the site. There would also be some minor heritage benefits through the removal of the existing dwelling and garage which both have a discordant presence in the street. However, those benefits would be limited and tempered by the harm associated with the proposal. 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 moderate weight in favour of the appeal.
45. Notwithstanding the above, the continued use of the buildings and the site for residential purposes and as a garage could be achieved through a more sympathetic proposal which would preserve the significance of the surrounding heritage assets. Therefore, the proposed development would not be necessary to secure the optimum viable use of the site.
46. Overall, the moderate weight that I ascribe to the public benefits which would accrue from the proposal are not sufficient to outweigh the considerable importance and weight that I attach to the harm I have found. Therefore, there would be insufficient public benefits to offset the identified harm, and the proposed development would not accord with the Framework.
47. Accordingly, I conclude that both the proposed replacement dwelling and the "coach house" would not preserve the settings of the nearby listed buildings, and would not preserve or enhance the character and appearance of the CA. They 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, D5 and HE1 of the CSPP in so far as it seeks to protect or enhance the area's historic environment, contribute positively to local character and distinctiveness, and support well-designed buildings; and the provisions within the Framework which seek to conserve or enhance the historic environment.
48. The Council's refusal reason refers to Policy D4 of the CSPP. This relates to streets, highways design and the public realm. The specific requirements of the policy are not relevant to this main issue, and I have not referred to it in my conclusion above.

Other Matters

49. The protracted planning history at the site is noted and until the recent regularisation of the existing dwelling's lawful status, it is likely that the unresolved enforcement issues would have frustrated the intention to develop and modernise the dwelling. However, that would be a matter between the main parties and not for this appeal.

Conclusion

50. 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 moderate 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. Moreover, despite finding no harm in respect of the effect on neighbouring privacy, that does not alter my overall conclusion.
51. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

RE Jones

INSPECTOR