



Appeal Decision

Site visit made on 19 November 2025

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 December 2025

Appeal Ref: APP/F0114/Y/25/3369970

20 Flat 1 Maisonette, New King Street, Kingsmead, Bath BA1 2BL

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Miss Natalie Bertoncello against the decision of Bath and North East Somerset Council.
 - The application Ref is 25/00991/LBA.
 - The works proposed are the re-instatement of external metal staircase and gate to form new private entrance from Ground floor to Basement floor. Erection of a small single storey glass infill extension. Reinstatement of internal door between kitchen and lounge (widened to 6ft) to form a more 'open plan' layout. 40" Sash window replaced with the 40" French doors using the original stone window cill as a door cill - keeping original stonework intact.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the appeal site comprises a listed building, I have had regard to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act).

Main Issue

3. The main issue is whether the proposal would preserve the Grade II listed building of Nos. 20 and 21 and attached railings¹, New King Street, or its setting, or any of the features of special architectural or historic interest that it possesses.

Reasons

4. The appeal property comprises a maisonette located on the lower ground and ground floors of a former townhouse, built between 1764 and 1770. Separate dwellings occupy the levels above. Together with the adjoining townhouse, the appeal property and accommodation above form a single listed building. Constructed using the honey-coloured stone synonymous with Bath, the listed building comprises limestone ashlar to the front and rubble stone at the rear, with a double mansard slate roof. Its façade includes architectural features that reflect the vernacular of time such as the classically proportioned and positioned sash windows. While the rear elevation comprises courser textures and has an appearance with less finesse than the façade, nonetheless the windows proportions follow the classical aesthetics. The special interest of the listed building, therefore, insofar as is relevant to the appeal scheme, relates to the

¹ List Entry Number: 1396270; date first listed: 12 June 1950 as Nos.20-34 (consec); amended 15 October 2010

condition and quality of its architectural features and materials, together with its fenestration arrangement and proportions.

5. The proposal includes the replacement of the existing lounge window in the rear elevation with double doors to provide direct access to the garden. Whilst the doorway will be no wider than the existing window, a small section of the rear elevation of the building would be removed below the external sill. The stone sill would then be relocated to create a door sill. Although comprising a sash window with wooden frame, the proportions of the glazing within the existing window indicate this, and other windows within the rear elevation, are modern replacements of the historic furnishings. As such, the principle of replacing the window frames and glazing would be acceptable, subject to the provision of further details and scaled sections. However, the insertion of a new doorway in this location would result in the loss of part of the white painted rubble stone construction of the rear elevation and therefore part of the historic fabric of the listed building.
6. At ground floor level, a doorway has been inserted in the rear elevation and a balcony added. The modernity of these features, particularly the thick casement to the white uPVC glazed door, contrast starkly with the texture and honey colour of the rubble stone elevation. Despite leading to the dilution of the proportions and an imbalance in the size and position of the openings typically found in vernacular architecture of the same era, the doorway and balcony do not create an imbalanced, top-heavy appearance to the extent asserted by the appellant. In any event, the presence of unsympathetic or discordant features on an appeal building, or the alterations to and extensions of neighbouring properties, including to the rear of No.21, regardless of their scale, does not provide justification for further incongruent works.
7. Internally, the proposal includes the removal of part of the existing wall between the kitchen and lounge, to improve heat circulation and daylight penetration from the rear, as well as in support of a more modern lifestyle. Notwithstanding the contents of the Design and Access Statement submitted with the application, limited drawing detail has been provided regarding the height of the proposed opening. Such information would provide confirmation as to whether the works would result in harm to the decorative cornice in both rooms. Additionally, there is little evidence before me demonstrating that the opening up of this wall is the sole intervention that would resolve the appellant's experience of the kitchen being cold and damp or that it would lead to a noticeable increase in natural light reaching it.
8. Based on the photograph of a plan submitted with the application for listed building consent, a doorway previously existed in this wall. The plan also highlights that other internal alterations have since been made to the lower ground level through the conversion of the two rooms from bedrooms to a kitchen and a separate lounge, and the removal of sections of partition walls. However, while parts of the former townhouse's evolution can be understood whether the enfilade layout shown on the plan photographed reflects the historic floorplan of this level or relates to a notable event in the former townhouse's story is unsubstantiated.
9. Therefore, the proposal would result in unsympathetic alterations to the designated heritage asset, which would detract from its importance and harm its significance. Hence, I conclude that it would not preserve the Grade II listed building, or its setting, or the features of historical interest it possesses. It therefore conflicts with

Policy CP6 of the Bath and North East Somerset Core Strategy (Core Strategy) insofar as it requires the protection, conservation and enhancement of the historic environment. As the proposal would not sustain and enhance the significance of a listed building, it also conflicts with Policy HE1 of the Bath and North East Somerset Local Plan 2011-2029 (Local Plan) despite the encouragement of appropriate repairs to such buildings within this policy.

10. The proposal also, therefore, fails to satisfy the requirements to the Act. The level of harm in this case would be less than substantial. Taking into account the scale of the alterations, the magnitude of this harm would be towards the lower end of the less than substantial harm scale. In these circumstances, the National Planning Policy Framework (the Framework) states that harm to or loss of the significance of a designated heritage asset requires clear and convincing justification and should be weighed against the public benefits which would be derived from it. This includes securing its optimum viable use, where appropriate.
11. Economic benefits to the construction industry, albeit at a small scale, would be derived from the proposal. The removal of part of the internal wall and the insertion of a rear doorway from the lounge would lead to social benefits through supporting modern ways of living. Any support from Historic England's Making Changes to Heritage Assets – HEAN2 in terms of the ongoing residential use of the appeal dwelling is minimal given this is dependent upon the preservation of the significance of a heritage asset.
12. Environmental benefits, such as improving the energy efficiency of the dwelling from the double-glazed door, greater access to natural light and the encouragement of low-carbon living would result from the proposal. The retrofitting of such works within historic buildings is supported by policies CP1 and CP6 of the Core Strategy, provided the special characteristics of these heritage assets are safeguarded for the future. I have not found this to be the case in regard to the appeal scheme. While primarily of benefit to the appellant, nevertheless, some public benefits would also arise from proposal including a small contribution to the quality of the local housing stock.
13. Although the proposal would enhance the living conditions of the appellant, from the evidence before me and based on my observations during my site visit, there is little to suggest that the continued residential use of the property is dependent upon the proposal or at risk following this dismissed appeal. Moreover, I see no reason to conclude that the living conditions of the appellant are currently unacceptable, including with particular regard to daylight.
14. As such, these benefits would not be of a scale sufficient to outweigh the level of harm identified to the significance of the listed building. Nor has clear and convincing justification for this harm been demonstrated. The proposal, therefore, would fail to preserve the special interest of the Grade II listed building, a result which carries considerable importance and weight, consistent with the statutory duty in the Act and reiterated within the Framework.
15. Consequently, I conclude that the proposal would not preserve the Grade II listed building of Nos. 20 and 21 and attached railings, New King Street, or its setting, or any of the features of special architectural or historic interest that it possesses.

Other Matters

16. As the appeal site is located within the Bath Conservation Area, section 72(1) of the Act is relevant. However, as I have found that the proposal would not preserve the listed building, or its setting, or any of the features of special architectural or historic interest it possesses, it is not necessary for me to consider this matter further as it would not alter the outcome of this appeal.
17. Similarly, while the appeal site is also located within the Bath World Heritage Site (WHS), an area internationally recognised to be of Outstanding Universal Value, given my conclusions above, any consideration of the proposal's effect on the WHS would not lead to a change in my decision.
18. My attention has been drawn to the approved planning application at 27 New King Street (No.27) which included, amongst other works, the opening up of an existing doorway between the two rooms at lower ground level. Notwithstanding the limited detail of the proposed development and works at No.27, including any heritage balance undertaken by the Council, the existence of the doorway in itself is a materially different circumstance to the scheme before me.

Conclusion

19. For the reasons given above, having had regard to all relevant matters raised, I conclude that the appeal should be dismissed.

Juliet Rogers

INSPECTOR