



Appeal Decision

Site visit made on 17 February 2026

by **P D Sedgwick BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 March 2026

Appeal Ref: APP/F0114/W/25/3370426

19 Newbridge Hill, Newbridge, Bath BA1 3PW.

- 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 Miss Radha Patel against the decision of Bath and North East Somerset Council.
 - The application Ref is 24/00381/FUL.
 - The development proposed is a 1 bedroom flat attached to existing flats and over existing toilets, staff room and store to café including new gates and planters.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposed development would preserve or enhance the character or appearance of the Bath Conservation Area (CA);
 - whether or not the scheme would provide satisfactory living conditions for future occupiers, with particular regard to outlook, light, amenity space, noise, odour and disturbance;
 - whether the proposed development would adequately offset energy demand; and
 - whether the proposed development would provide adequate outdoor space for growing food.

Reasons

Character and appearance

3. The appeal site is next to the New Crown Inn which sits on the junction where Newbridge Hill and Chelsea Road taper in and meet. It comprises a semi-detached 2 storey house, No 19, which has been converted into 2 flats on the ground and first floor and fronts onto Newbridge Hill. Its lower ground floor provides the kitchen area for a café attached to the rear of the building which fronts on to Chelsea Road. An adjoining flat roofed single storey building provides toilets and storage for the café, to the front of which there is a small service yard. A stone boundary wall between the New Crown Inn and No 19 and the café runs along the edge of the

appeal site. The proposal is to reconfigure the café toilet and store area and build a 1 bedroomed flat above it.

4. The site is in the Bath Conservation Area. Buildings on Newbridge Hill, from its junction with Newbridge Street up to and including the appeal site, consist of large 2 storey semi-detached residential properties set back from the road behind front drives, some with front gardens, and with low stone boundary walls. There are significant gaps between pairs of buildings with side driveways leading to garages at the rear. Because the land slopes down towards Chelsea Road, the gaps enable views of buildings along that road and the sky above them. The similarly designed houses and gaps between them defines the appearance and the pattern of development along this section of road and thus contributes to the appearance of the CA.
5. The appeal site is the last residential property before the detached public house which is prominent because of its location on a junction and the gap between it and neighbouring buildings. The flat roofed café store and toilet building is attached to the side of No 19 and fills the gap between No 19 and the boundary wall with New Cross Inn. However, because it is set back from No 19's frontage and site levels fall away from Newbridge Hill, its roof is approximately level with No 19's ground floor window cills and well below the top of the boundary wall. Consequently, it is relatively unobtrusive and the gap above it enables views of the buildings behind, despite the tree in front of it, and thus largely maintains the gap to the side of pairs of houses that I have identified as an important component of the street scene.
6. From Chelsea Road, walls either side of the entrance to the café service yard restrict views of the building which sits behind a canopied roof above a bin storage area. Although the boundary wall steps down slightly where it joins a rear wing on New Cross Inn it is higher when seen from Chelsea Road because of the difference in ground levels from Newbridge Hill. Although the Council assessed the impact of the building from this view as being neutral, I consider the gap above the roof to be almost as important as from Newbridge Hill because it provides a degree of separation from New Cross Inn, which contributes to its prominent appearance, and enables views across to trees in the cemetery on Newbridge Hill to the rear.
7. The proposed additional floor on the building would substantially raise the height of the roof. It would sit well above the boundary wall and join the corner of the rear wing on New Cross Inn, removing the gap that contributes to its prominence when approaching the site from lower down Chelsea Road. From Newbridge Hill it would have the appearance of a flat roofed ground floor side extension to No 19. Notwithstanding the existing building has a flat roof, its additional height would draw attention to the difference between the roof designs on other elements of No 19 and the adjoining residential property which include dual pitched and hipped roof sections. It would thus appear as an obtrusive and incongruous addition out of keeping with both the host property and its adjoining neighbour. It would also reduce views across to the streetscape beyond from both Chelsea Road and Newbridge Hill and from the latter appear at odds with the pattern of residential development by further reducing the gap to the side.
8. The proposal includes the installation of gates to the service area, which will screen views of the bin storage area from Chelsea Road, and planters on the café forecourt which will improve the appearance of the area. However, those proposals

have already been permitted under a previous planning application and as such do not weigh in favour of the proposed development.

9. Given the small scale of the proposed development within the context of the Conservation Area as a whole, it would not harm its character. There would, however, be harm in terms of its appearance. The harm would be localised, limited and less than substantial but would nevertheless be contrary to Policy CP6 of the Bath and North East Somerset Core Strategy (2014) (CS), Policies D1, D2, D7 and HE1 of the North East Somerset Placemaking Plan (2017) (PP) and parts 12 and 16 of the National Planning Policy Framework (2024) (the Framework) which require development to be of a high quality that sustains or enhances the historic environment.

Living conditions

10. Policy D6 of the PP requires development to achieve appropriate levels of outlook and natural light, adequate amenity space and prevent significant harm from, amongst other things, noise, smell and disturbance.
11. The proposed bedroom window facing Newbridge Hill would be behind a tree which would obscure outlook from, and significantly limit light to, the bedroom. Facing towards Chelsea Road, the proposed flat would be set back behind the café and New Cross Inn frontages. Consequently, the outlook from the living room windows would be dominated by the rear gable wall of New Cross Inn on one side and the hipped roof and parapet wall above the café on the other side. The café roof would also limit light entering the windows, particularly in the mornings.
12. The rear bedroom window would be a few metres from the New Cross Inn rear courtyard which includes outdoor seating and a smoking area which will generate noise and disturbance. I appreciate that there are other commercial premises close to residential properties nearby but they, including the adjacent café, operate indoors and are unlikely to generate the same level of noise and disturbance as the pub courtyard.
13. National and local efforts to improve the nighttime economy inevitably means that in mixed commercial and residential areas there will be noise and disturbance generated by customers and traffic. However, the noise associated with the courtyard would be constant during its use and given that the boundary wall is below the height of the windows, which would be approximately head height with anyone standing in the courtyard, it would not effectively shield occupants of the proposed development from any noise as the appellant suggests. Although the Council has not provided evidence of complaints from the flats at No 19, which will be similarly affected by noise from New Cross Inn, that does not alter my view that there would be an unacceptable level of harm.
14. No private amenity space would be provided for the proposed flat and there is no communal space available to its potential occupants as required by Policy D6. Nonetheless, a lack of private amenity space is not unusual in flats, particularly above premises in commercial areas, and I note that there is public open space at the cemetery immediately opposite the appeal site which has several footpaths. It is not therefore an issue that, on its own, would warrant withholding planning permission.

15. The position of the living/dining room window above the café bin storage area would not be ideal. Nonetheless, flats above restaurants and cafes, and adjacent to their service areas, are not uncommon and subject to proper waste management there would not be significant harm caused to future occupants from smells and disturbance. I also note that the Council's Environmental Protection Team has not objected to the proposal.
16. Overall, I conclude on this main issue that the proposed development would be subject to noise and disturbance from the adjacent pub and would have poor outlook from, and light to, the building which, taken together, would harm the living conditions of future occupants to an unacceptable degree. The proposal would therefore conflict with Policy D6 of the PP and Part 12 of the Framework which require an appropriate level of amenity for future users.

Energy conservation

17. Policy SCR6 of the Bath & North East Somerset Local Plan Partial Update (2023) (LPPU) requires new development to demonstrate space heating demand less than 30 kWh/m²/annum, total energy use less than 40 kWh/m²/annum and onsite renewable energy generation to match the total energy use.
18. The proposed development would utilise an air heat source pump and include solar panels on the roof. The appellant's calculations indicate that whilst the space heating demand would be within the policy requirement, the total energy demand at 46.8 kWh/m²/annum, would exceed it by 17%. The calculations also estimate that the proposed solar panels would deliver 206% of the total energy use of the proposed development.
19. The council consider that the calculations for the solar panels output have underestimated the impact of overshadowing. However, given that the energy from the panels is calculated to exceed the proposed development's needs by more than double, even if that were a substantial overestimate it seems likely that it would meet its energy requirements and result in a carbon neutral development. Therefore, whilst the proposal does not meet the specific policy thresholds it would meet the objective of Policy SCR6 of the LPPU which is that new development should aim to achieve zero operational emissions.

Outdoor growing space

20. Policy LCR9 of the PP requires all residential development to incorporate opportunities for informal food growing, wherever possible. Although no facilities were indicated on the plans, the appellant has confirmed that planters could be installed at the site and window boxes incorporated into the proposed development. Despite the site being overshadowed by neighbouring buildings and a tree, I see no reason why shade tolerant plants could not be grown in such facilities and provide a source of food, commensurate with the limitations of such a small site. Subject to a planning condition requiring those facilities to be installed, as suggested by the appellant, there would be no conflict with Policy LCR9.

Other matters

21. I note that Paragraph 125 e) of the Framework supports using the airspace above existing residential and commercial premises for new homes, where the development would be consistent with neighbouring development and the overall

street scene. Existing extensions at 3, 11 and 15 Newbridge Hill cannot be easily seen from either Newbridge Hill or Chelsea Road because they are at the rear of buildings, or in the case of No 15 to the side and rear of the property where the ground level is low and consequently the extension roof is barely visible above the property's side gates. Similarly, garages to the side of pairs of houses are set back and less obtrusive than would be the case for the proposed development. It would not therefore be consistent with neighbouring development or the street scene and therefore would not accord with the Framework in this regard.

22. The appellant has referred to several appeals¹ in which Inspectors attached significant weight to the Government's objectives of boosting the supply of homes, noting the housing land supply shortfall in Bath and the contribution that small sites can make to housing provision. I note that, notwithstanding the weight attached to housing needs in the area, 2 of the appeals were dismissed. Also, none of the appeals were for proposals within a Conservation Area and they are not, therefore, directly comparable to the proposal before me and as such I accord them limited weight.

Planning Balance

23. The proposal would harm the appearance of the Bath Conservation Area. Any harm to the significance of a designated heritage asset requires justification and, in accordance with paragraph 215 of the Framework, I must weigh the harm against the public benefits of the proposal.
24. Given that the Council cannot currently demonstrate a five-year supply of deliverable housing sites as required by the Framework, paragraph 11(d) of the Framework is engaged. It requires that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes.
25. The proposal would provide benefits in terms of contributing towards the Council's housing land supply in a sustainable location and make effective use of land. It would also provide jobs during construction, and I attach these collective benefits considerable weight. However, I consider the harm to the appearance of the CA, and the living conditions of future occupants, would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Thus, the proposal would not be sustainable development as defined by the Framework and this weighs heavily against the scheme.

Conclusion

26. For the reasons given above, I conclude that the appeal should be dismissed. The proposal would not comply with the development plan and material considerations do not indicate that the decision should be made otherwise.

P D Sedgwick

INSPECTOR

¹ APP/F0114/W/21/3283661, APP/F0114/W/18/3201692, APP/Y3805/W/20/3256355