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## Appeal Decision

Site visit made on 16 October 2025

**by A Oyebade MSc FCILT**

an Inspector appointed by the Secretary of State

Decision date: 27 April 2026

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**Appeal Ref: APP/F0114/W/24/3358114**

**20 - 21 Green Park Mews, Kingsmead, Bath, Bath and North East Somerset BA1 1JD**

- 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 Christopher Mackenzie against Bath and North East Somerset Council.
  - The application Ref is 24/03458/FUL.
  - The development proposed is various minor alterations to 20 - 21 Green Park Mews to create new work/office spaces including replacing and re-profiling of the roof. The building requires overall internal refurbishment and upgrade of external envelope and services etc to meet the requirements of the approved use.
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### Decision

1. The appeal is dismissed.

### Procedural matters and main issues

2. The Council did not issue a formal decision on the application. It has, however, provided an appeal statement confirming that, had it determined the proposal, it would have refused permission owing to the identified harm to the Outstanding Universal Value of the Bath World Heritage Site, the historic significance of the Bath Conservation Area, the setting and significance of nearby listed buildings, and the local character and appearance. At my request, the Council also confirmed the development plan policies it considers most relevant. I have determined the appeal based on the evidence before me.
3. The appeal site lies within the City Centre Character Area of the Bath Conservation Area and forms part of the Bath World Heritage Site. It is also near the listed buildings at Nos. 20–30 Green Park. In reaching my decision, I have had regard to my statutory duties under Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
4. I also observed that the proposed alteration works were already underway at the time of my site visit.
5. Having regard to the foregoing, the main issue is the effect on the character and appearance of the Conservation Area (CA) and the setting of the adjacent heritage assets including the World Heritage Site (WHS).

### Reasons

*The significance of the CA and heritage assets including the WHS*

6. The significance of the CA derives not solely from its individual listed buildings but from the coherence and interrelationship of the wider townscape. Historic street patterns, traditional materials, roofscapes, public realm features, and the interplay between built form and landscape combine to create a unified and highly legible historic environment. It is this cumulative character that underpins the area's special interest. Development that disrupts this unity, even in seemingly modest or localised ways, risks eroding the very qualities the designation is intended to safeguard. This significance is further elevated by Bath's status as a UNESCO WHS.
7. The CA provides the essential spatial and visual framework through which the city's Outstanding Universal Value is experienced and understood. Consequently, any change within it must be assessed not only for its immediate local impact but also for its potential to diminish the city's wider international heritage standing. The adjoining River Avon and its banks, designated as a Site of Nature Conservation Interest, and the Grade II listed Green Park Railway Station now repurposed as a covered market and community venue, further reinforce the sensitivity of the context. In such circumstances, the presumption lies firmly in favour of safeguarding the city's historic character. Proposals must therefore demonstrate, with clarity and conviction, that they understand, respect, and enhance this uniquely coherent historic environment.
8. Buildings in the vicinity are characterised by the use of Bath stone or Oolitic limestone in varying degrees of finish and weathering, together with slate or corrugated roofing, often set at shallow pitches. This produces a low and recessive roofscape that ensures views toward the Georgian terraces behind the appeal site and the wider Conservation Area remain uninterrupted. The principal four-storey terraces (including attic level with dormer windows) on Green Park exhibit regular, symmetrical fenestration, with tall, vertically proportioned sash windows aligned consistently across each storey. These elements contribute to a clear classical façade hierarchy and reinforce the formal architectural composition of the terraces.
9. In contrast to the more formal terraces on Green Park, the buildings surrounding the appeal site on Green Park Mews comprise a low-rise, modest, and distinctly utilitarian group. They include workshops, light-industrial units, small offices, and car-related premises, many of which originate from former coach houses. Although subject to incremental alteration over time, these structures remain clearly subservient in both scale and architectural ambition to the grand Georgian terraces that dominate the wider townscape. Their significance lies not in individual architectural merit but in their collective contribution to the character, hierarchy, and legibility of this part of Bath. Development within the mews must therefore sustain this delicate balance, ensuring that the established subservient scale and understated character, integral to the area's historic role and townscape function, are preserved.
10. The Council's Draft City Centre Character Appraisal Bath Conservation Area (November 2015) identifies the CA as a WHS with remarkable degree of visual homogeneity. Authenticity of the site is of the essence, and its preservation and enhancement should be key criteria for all new development. Its complex and delicate hierarchy of interrelated urban spaces, landscape and architecture could be easily disrupted by overbearing or misinformed development and by the accumulation of harm. Accordingly, any proposed development is required to

demonstrate a clear and robust response to the established vernacular, scale, materials, and visual coherence of the CA and WHS.

*Effect on the character and appearance of the area and significance of the CA and WHS*

11. The appeal site is situated to the rear of Nos. 20 and 21 Green Park. The existing structure is a single-storey former car repair garage, currently subject to internal and external alterations, including the replacement and re-profiling of its roof. When viewed from Green Park Mews, the building presents two distinct roof forms: a mono-pitched roof occupying the right-hand section associated with No. 20, and a shallow dual pitched roof form, falling to the front and rear covering the left-hand section linked to No. 21. The mono-pitched roof slopes gently to the right, with its ridge positioned marginally below the upper level of the rear ground-floor rear extension of No. 20 Green Park, where it aligns with the height of the flat-roofed section serving No. 21 Green Park Mews.
12. During my inspection, it was apparent that the first-floor and upper-level windows of Nos. 20 and 21 Green Park are currently highly visible from the nearby bridge. A notable portion of the ground-floor window within the rear extension of No. 20 is also readily discernible from this public vantage point. The proposal seeks to introduce an upward extension to create an enlarged first-floor level across both properties. This intervention would raise the ridge height above No. 20 by approximately 1.5 metres, elevating it well above the upper extent of the rear ground-floor extension at No. 20 and marginally above the roof of the attached No. 21, which would be raised to a similar level.
13. The increased massing would obscure substantial portions of the existing first-floor elevations, including two associated windows, as well as the end ground-floor window of the rear extension to No. 20 Green Park. The resultant height and bulk would appear visually prominent and incongruous in views from the street frontage. Whereas the existing structure remains subservient to the established built form at Nos. 20 and 21 Green Park, the proposed development would introduce a markedly more dominant presence. This alteration in visual hierarchy would erode the established character of the site and diminish its contribution to the wider historic environment. Moreover, the increased scale would compete with and undermine the prominence of the Georgian terrace on Green Park when viewed from Midland Bridge Road, an important approach route to and from the city centre.
14. This intervention would interrupt and diminish the currently open character of the area, thereby harming the setting of the listed buildings, which make a positive and coherent contribution to the character and appearance of the Conservation Area. In addition, the fenestration proposed at first-floor level of No. 21 and in No. 20 departs notably from the established pattern of the listed terrace on Green Park, where upper-floor openings are traditional sash windows which are consistently tall and vertically proportioned.
15. In design terms, large new windows would be introduced at first-floor level to the frontage of No. 21, with additional sizeable openings proposed to both the front and side elevations of No. 20. The proposed fenestration would be constructed in aluminium, and a steel roller-shutter door is proposed at No. 20, contrasting with the timber bi-fold doors proposed at No. 21. The scheme also incorporates the use of fibre-cement cladding and roofing materials. The introduction of larger, broader

windows on the principal frontage, as well as on the side elevation of No. 20, plus the use of fibre-cement cladding and roofing materials, would represent a marked departure from the recognised form, scale, detailing and rhythm of fenestration associated with the primary listed buildings and their historic context.

16. This discordant arrangement would appear visually intrusive and at odds with the historic context. Taken together, these elements would result in clear harm to both the character and appearance of the area and to the setting of the CA and WHS. I also note, and agree with, the Bath Preservation Trust's observation that "the appeal proposal would remain as being legible as rather functional buildings that are subservient to the polite terrace."
17. The appellant argues that the front elevation of No. 21 has been raised to approximately the same position as shown in the extant 1982 planning permission (Ref. 12174/1), which was only partially implemented. That 1982 consent authorised alterations to No. 21 Green Park Mews, including the installation of the existing concertina-style sliding doors across much of the front elevation. It also permitted additional works that were never carried out, such as the partial demolition of the rear wall and the construction of an extra storey on the front elevation incorporating two windows.
18. The appellant asserts that the 1982 Planning Permission remains a viable and deliverable fallback scheme. They argue that substantial weight should be afforded to this position. Evidence submitted in support of the lawful commencement, specifically the installation of the steel structure intended to support the first floor and the insertion of new doors in the front elevation, is both documented and readily observable during a site inspection. The existence of this extant consent has evidently informed the appellant's expectation that the principle of an additional storey would be acceptable.
19. However, the two applications differ in that the 1982 permission relates solely to No. 21, whereas the appeal proposal concerns both Nos. 20 and 21. From the evidence before me, including the existing front elevation drawings for Nos. 20 and 21 and the photographs contained within the appellant's Design and Access Statement, it is apparent that the 1982 consent bears little resemblance to the form of the current building on the site. The Council has explained that, while an application for a lawful development certificate would be the appropriate mechanism for establishing the lawfulness of any existing works, the passage of time has significant implications for the reliability and clarity of the available evidence. Given the age of the permission, the Council's own records are incomplete and do not contain the original planning drawings associated with that approval. As a result, it cannot be established with any degree of certainty what works were undertaken or whether any such works were carried out pursuant to a specific planning permission.
20. Considering the evidence presented and the Council's submissions, I am not persuaded that any works associated with the 1982 consent have in fact been implemented. Therefore, the appeal proposal would not accord with Policies B4, CP6, D1, D2 and HE1 of the Bath and North East Somerset Local Plan Core Strategy and Placemaking Plan incorporating the Local Plan Partial Update (Adopted January 2023).

### **Other matters and planning balance**

21. A protected tree is located adjacent to No. 20 Green Park Mews, and it is likely that construction activity associated with the proposed development could affect it. The Council has advised that an arboricultural method statement and a tree protection plan would be necessary to ensure the tree is adequately safeguarded. I am satisfied that these requirements can be secured through an appropriately worded planning condition, and that adherence to the submitted details would provide suitable protection during the construction phase. Subject to the imposition of the Council's recommended condition, I am content that the development would not result in harm to the adjoining protected tree and would therefore accord with Policy HE1 of the Local Plan in this respect.
22. The Framework requires that the effect of a proposal on the setting of designated heritage assets is assessed in terms of the degree of harm caused. In this case, the impact of the development on the settings of the relevant assets would amount to less than substantial harm, as the proposal would affect only a limited part of their overall significance. Paragraph 215 of the Framework, together with Policy CP6 of the Local Plan, makes clear that where a development would lead to less than substantial harm to the significance of a designated heritage asset, that harm must be weighed against the public benefits of the scheme including, where appropriate, securing its optimum viable use. I have approached the assessment on this basis.
23. The development would generate employment during both the construction phase and subsequent operation, resulting in some social and economic benefits. The appellant maintains that the first-floor addition is essential to secure the economic viability of the building's conversion and the introduction of a new B1 use. They also refer to environmental benefits arising from the scheme, including improved energy efficiency and the provision of a substantial on-site renewable power source. However, the replacement of the existing modest and subordinate structure with a larger and more visually assertive building would cause harm to the character and appearance of the surrounding area. It would further diminish the setting of both the Conservation Area and the World Heritage Site, whose significance is derived from their historic form, architectural coherence, and distinctive townscape qualities.
24. Paragraph 212 of the Framework and Policy HE1 of the Local Plan require that great weight must be given to the conservation of designated heritage assets. This duty applies irrespective of the scale of harm identified. In this context, the limited public benefits identified do not outweigh the degree of harm I have found. The proposal therefore conflicts with the requirements of the relevant national and local heritage policies.

## **Conclusion**

25. The proposal conflicts with the development plan when read as a whole. Overall, none of the other considerations material to the development justify reaching a decision other than in accordance with the development plan. Consequently, for the reasons given above, the appeal should be dismissed.

*A Oyebade*

INSPECTOR