
Appeal Decisions

Site visit made on 10 November 2015

by Anne Jordan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 November 2015

Appeal A Ref: APP/F0114/Y/15/3133591
25 Daniel Street, Bathwick, Bath, BA2 6ND

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Mr Georg Gruber against the decision of Bath and North East Somerset Council.
- The application Ref 15/00240/LBA, dated 21 January 2015, was refused by notice dated 11 June 2015.
- The works proposed are a single storey glazed extension including formation of doorway opening to replace window, enlargement of existing extension and replacement windows.

Appeal B Ref: APP/F0114/W/15/3133572
25 Daniel Street, Bathwick, Bath, BA2 6ND

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Georg Gruber against the decision of Bath and North East Somerset Council.
- The application Ref15/00239/FUL, dated 21 January 2015, was refused by notice dated 11 June 2015.
- The development proposed are a single storey glazed extension including formation of doorway opening to replace window, enlargement of existing extension and replacement windows.

Decisions

Appeal A

1. The appeal is allowed and listed building consent is granted for a single storey glazed extension including formation of doorway opening to replace window, enlargement of existing extension and replacement windows at 25 Daniel Street, Bathwick, Bath, BA2 6ND in accordance with the terms of application ref 15/00240/LBA, dated 21 January 2015, subject to the following conditions:
 1. The works hereby permitted shall begin not later than three years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Site plan, Drawing No SK_03 revision C, Drawing No 602-007 – Joinery Details, Drawing No 005 revision B, Drawing No Mk3 Supplement 001 revision B.
 3. Prior to the commencement of any works on site, samples of all the external and internal building materials including lime mortar and new limestone, and a sample of the colour of the powder coated paint finish of the proposed

conservatory shall be provided for the inspection and approval in writing of the Local Planning Authority. The works shall be carried out in accordance with the approved details. In the case of the external walling materials the sample should be provided in the form of an in situ panel which is retained on site until the works are completed. The works shall be carried out in accordance with the approved details.

Appeal B

2. The appeal is allowed and planning permission is granted for a single storey glazed extension including formation of doorway opening to replace window, enlargement of existing extension and replacement windows at 25 Daniel Street, Bathwick, Bath, BA2 6ND in accordance with the terms of application ref 15/00239/FUL, dated 21 January 2015, subject to the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Site plan, Drawing No SK_03 revision C, Drawing No 602-007 – Joinery Details, Drawing No 005 revision B, Drawing No Mk3 Supplement 001 revision B.
 3. Prior to the commencement of any works on site, samples of all the external and building materials including lime mortar and new limestone, and a sample of the colour of the powder coated paint finish of the proposed conservatory shall be provided for the inspection and approval in writing of the Local Planning Authority. The works shall be carried out in accordance with the approved details. In the case of the external walling materials the sample should be provided in the form of an in situ panel which is retained on site until the works are completed. The works shall be carried out in accordance with the approved details.

Application for costs

3. An application for costs was made by the appellant against the Council and is the subject of a separate Decision.

Main Issue

4. The main issues for both appeals are the impact of the proposals on the special architectural and historic interest of this Grade II listed building known as 25 Daniel Street and the impact of the proposal on the character and appearance of the Bath Conservation Area.

Reasons

5. S16(2) and S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. S72(1) of the Act requires special attention to be had to the desirability of preserving or enhancing the character and appearance of that area. The *Bath and North East Somerset Core Strategy* was adopted in 2014. Policies DW1, B1, B4 and CP6 of the Core Strategy together seek to protect the integrity of the World Heritage Site and the heritage assets within it. These state that the sensitive adaptation of historic buildings will be

supported and where development has a demonstrable public benefit, this will be weighed against any harm to the significance of the heritage asset. Saved policies D4, BH2 and BH6 of the *Bath and North East Somerset Local Plan* seek to ensure new development does not adversely affect Conservation Areas or buildings listed as being of architectural or historic interest. These policies reflect the statutory duties defined in the Act.

6. 25 Daniel Street is a Grade II listed building. The property also lies within the Bath Conservation Area. The listing describes it as an early 19th Century terraced house by John Pinch the Elder and is constructed in limestone ashlar with three storeys and a basement. The front façade of the terrace is almost uniform, and retains much of its original appearance. The significance of the heritage asset is largely derived from the elegant and intact frontage, and from its position as part of a group, which forms an attractive Georgian streetscape.
7. The property has a small closet wing that sits to one side of the rear elevation and reaches to around one and a half storeys in height. Although it is relatively small, it has an unattractive lean-to roof, clad in pan-tile, with flat verge tiles on either side, and this sits uncomfortably with the simple detailing and materials on the rest of the elevation. The proposal comprises an extension to the rear of the building which would include a modest enlargement in the depth and width of the existing closet wing and a replacement of the existing roof with a parapet roof. Alongside the enlarged addition would sit a glazed structure which would enclose the area between the addition and the adjoining closet wing to No 27 at basement level.
8. The uncomplicated detailing of the enlarged closet wing, along with the more sympathetic fenestration would complement the proportions and vertical emphasis of the rear elevation and the replacement of the existing lean-to with a simpler parapet roof would improve the appearance of the roofline. The glazed structure would also be relatively small, and would sit comfortably within the recess at the rear of the building, projecting only marginally beyond the adjoining closet wing. The lightweight form of the glazed element would also allow clear views of the original rear façade behind. The Council have raised no objection to the appearance of the proposal.
9. To allow access from the kitchen into the glazed area it is proposed to remove the existing basement window to provide an opening. This is a 6 x 6 wooden sliding sash which I noted during my visit was in good condition, and its removal would result in a loss of part of the historic fabric of the building. The removal of a small section of partition walling within the closet wing would also result in the loss of some historic fabric. This loss would affect only small parts of the listed building and would not disrupt its original plan form. The harm caused to its significance as a heritage asset would thus be less than substantial. The *National Planning Policy Framework* (the Framework) directs that when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation. I therefore attribute considerable importance and weight to this harm, which the Framework also indicates should be weighed against the public benefits of the scheme.
10. The rear of the terrace is open to public view from Daniel Mews, and from this public vantage point the impact of various additions on the composition of the original rear elevation is readily apparent. These include extensions of varying

size and depth, predominantly at basement and ground floor level. The rear elevations therefore have a less formally composed appearance than the front façade and this forms part of the established character of this part of the Conservation Area. Amongst these is the existing lean-to addition, which is visible from both the highway and a large number of private gardens which back onto it. Despite the existence of other larger extensions nearby, the awkward profile and materials of the roof nonetheless fails to complement the appearance of the host building and so detracts from the character of the wider Conservation Area.

11. The proposal would provide enhanced, more usable accommodation for the appellant as a family home. This is primarily a private benefit, although, insofar as it represents an improvement to the general housing stock it also represents a limited public benefit. The Council consider that this would be insufficient to outweigh the loss of historic fabric. However, the scheme as a whole would include the removal of the existing pan-tile lean-to, improving the appearance of the existing rear addition. I consider it to be an improvement over the one considered by my colleague¹ as the present proposal brings with it a small enhancement to the appearance of the listed building that the previous scheme did not benefit from. It would have a positive effect on both the listed building, and public and private views within the wider Conservation Area, and would be a demonstrable public benefit, sufficient to outweigh the identified harm to the significance of the heritage asset. When considered as a whole, the architectural and historic interest of the building would be preserved and the proposal would not be contrary to the objectives of the local and national planning policies outlined above.
12. Therefore, for the reasons given above and having regard to all other matters raised, I conclude that the appeals be allowed. Apart from conditions regarding timing and compliance with approved plans, details of materials, including glazing and walling materials will be necessary to ensure that the proposal preserves the character and appearance of the listed building and the Conservation Area.

A Jordan

INSPECTOR

¹ Ref APP/F0114/A/13/2193620 & APP/F0114/E/13/2193619