



Appeal Decisions

Site visit made on 11 March 2013

by Paul Griffiths BSc(Hons) BArch IHBC

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

Decision date: 10 April 2013

Appeal A: APP/F0114/A/12/2184647

Basement Flat, 4 Kensington Place, Bath BA1 6AW

- 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 Laranie Hare against the decision of Bath & North East Somerset Council.
 - The application Ref.12/02972/FUL, dated 7 July 2012, was refused by notice dated 3 September 2012.
 - The development proposed is described as 'the conversion of existing vaults to provide bathroom and dry storage space'.
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Appeal B: APP/F0114/E/12/2190574

Basement Flat, 4 Kensington Place, Bath BA1 6AW

- 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 Laranie Hare against the decision of Bath & North East Somerset Council.
 - The application Ref.12/02973/LBA, dated 7 July 2012, was refused by notice dated 17 September 2012.
 - The works proposed are described as 'the conversion of existing vaults to provide bathroom and dry storage space'.
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Procedural Matters

1. It is clear from the submitted plans that the proposals also include a replacement window. On that basis I have dealt with the development and works put forward as 'conversion of existing vaults to provide bathroom and dry storage space and a replacement window'.

Decisions

Appeal A

2. The appeal is dismissed insofar as it relates to the conversion of existing vaults to provide bathroom and dry storage space.
 3. The appeal is allowed insofar as it relates to a replacement window and planning permission is granted for that element of the development proposed at Basement Flat, 4 Kensington Place, Bath BA1 6AW in accordance with the terms of the application, Ref.12/02972/FUL, dated 7 July 2012, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
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- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 001: Existing and Proposed Floor Plans, Elevations and Sections; and 003: Large Scale Joinery Details for New Window, so far as relevant to that part of the development hereby permitted.

Appeal B

4. The appeal is dismissed in so far as it relates to the conversion of existing vaults to provide bathroom and dry storage space.
5. The appeal is allowed and listed building consent is granted for a replacement window at Basement Flat, 4 Kensington Place, Bath BA1 6AW in accordance with the terms of the application, Ref.12/02973/LBA, dated 7 July 2012 and the plans submitted with it, so far as relevant to that part of the works hereby permitted, subject to the condition that the works hereby authorised shall begin not later than three years from the date of this consent.

Main Issue

6. No.4 Kensington Place is part of a terrace that dates from the late 18th Century. The terrace is a Grade II listed building. In that context, the main issue is the effect of the proposals on the special architectural and historic interest (and significance) of the listed building (a designated heritage asset). It is also noteworthy that the terrace stands within the Bath Conservation Area and World Heritage Site.

Reasons

7. On my analysis, there are two parts of the proposal. On the basis of the details submitted, the replacement of the existing window, which is in a parlous state, could be carried out without harm to the special architectural or historic interest of the listed building, the wider conservation area, or World Heritage Site. Being clearly severable from the conversion proposed, that part of the proposals can be permitted, therefore, subject to conditions governing commencement and in the case of Appeal A, to set out the approved plans.
8. In terms of the main element of the proposals, the vaults are an integral part of the listed building, and contribute to an understanding of how the houses originally functioned. As such, they make a positive contribution to the special interest, and significance, of the listed building. That said their original function was the storage of coal which meant some dampness could be accommodated.
9. This purpose no longer endures and rather than accepting redundancy, I can understand why alternative uses might be explored. Those alternative uses will almost certainly require an environment that is not so damp. The crux is finding a method of doing that which strikes a sensible balance between facilitating re-use and maintaining a proper semblance of the original format.
10. The proposals at issue do not achieve that. With proper care, re-use of the existing floor coverings over a new substrate need not create difficulties. However, while the passive tanking membrane system proposed to the walls and ceiling would be fixed into mortar joints and thereby reversible, it would completely obscure the existing surfaces of the vaults and dim an understanding of their original purpose. While reversible, it seems to me very unlikely that the vault wall and ceiling surfaces would ever be re-exposed.

11. The impact of that on the conservation area and World Heritage Site would be negligible but it would cause harm to the special architectural and historic interest of the listed building, and its significance. That this part of the proposals would cause some harm to the listed building brings it into conflict with Policy BH.2 of the Bath & North East Somerset Local Plan.
12. Moreover, sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require the decision maker, in considering whether to grant listed building consent or planning permission for works, or development, affecting a listed building, or its setting, to pay special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses.
13. One of the core principles of the National Planning Policy Framework is to ensure that heritage assets are conserved in a manner appropriate to their significance. Paragraph 132 says that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
14. With regard to paragraph 134, and with the entirety of the terrace, the conservation area, and the World Heritage Site in mind, the proposed conversion would cause less than substantial harm to the significance of these designated heritage assets. That harm needs to be weighed against public benefits. Facilitating re-use of the vaults would bring some public benefit but I do not consider that would justify the harm that would be caused. I reach that conclusion because it has not been convincingly demonstrated that much the same benefits could not be secured from a less invasive solution.
15. Bringing all those points together, I conclude that the appeal should be allowed in part and dismissed in part.

Paul Griffiths

INSPECTOR

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