



Appeal Decision

Site visit made on 18 March 2015

by Aidan McCooey BA MSc MRTPI

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

Decision date: 16 April 2015

Appeal Ref: APP/F0114/Y/14/3001386

4 Cambridge Place, BATH, BA2 6AB

- 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 Mrs Sue Pendle against the decision of Bath & North East Somerset Council.
 - The application Ref 14/04155/LBA, dated 11/09/2014, was refused by notice dated 6th November 2014.
 - The works proposed are Alteration of existing window on front elevation of side extension to form new doorway, removal of modern metalwork to front elevation and replacement of existing modern casement doors and fan light with French doors. Relocation of gas meter to side of front elevation.
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Decision

1. The appeal is dismissed.

Main Issue

2. Whether the proposed alterations would preserve the special interest of the listed building and its setting, which is within a Conservation Area and a World Heritage Site (WHS).

Reasons

3. The significance of the listed building is that it is an early nineteenth century villa attributed to John Pinch, an important local architect. It is one of 6 similar Bath stone villas within generous raised plots on the north side of Widcombe Hill in the City of Bath Conservation Area and WHS. The villas are all elevated above the road and have imposing principal facades that are symmetrical, consisting of mirrored French doors with railings on each side of a blinded alcove. No. 4 has an extension or wing to the side which breaks the symmetry somewhat, but is recessed.
4. The proposed works involve the replacement of the ground floor French doors or windows and fan lights with slim-profile double glazing windows that are akin to the design of those present on the adjoining villas, which was the design of the original windows. The ground floor window on the extension would be replaced by a single leaf door by removing the cill and lower masonry to form the opening. Apart from that cill the internal joinery of all three windows is proposed to be retained. The existing glass would be re-used where possible.

5. Sections 16 (2) and 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 requires that special attention is paid to desirability of preserving or enhancing the character or appearance of a Conservation Area. These duties are reflected in section 12 of the National Planning Policy Framework (NPPF), which sets out the government's policies on the historic environment. The relevant development plan policies are Bath and NE Somerset Core Strategy policies CP6 – Environmental Quality and B4 – World Heritage Site; and Bath and NE Somerset Local Plan saved Policies BH2 – Listed Buildings and their Settings and BH6 – Development within or Affecting Conservation Areas. These policies echo the statutory tests and national policy in the NPPF.
6. The main issue in contention was the impact of the alteration of the window on the side extension. The parties agreed that the east extension in its current form was a later addition. It is likely to have been extended between 1850 and 1880, according to the evidence supplied by the appellant. Its position and fenestration gives it a subservient appearance to the main façade of the house with its more formal French windows and trompe l'oeil detailing.
7. Although not part of the original building, the historic window is part of the history of the building's development over time. Its loss would be detrimental to the conservation of the historic features of the building. I recognise the fact that the internal joinery would be largely retained and the glass is proposed to be re-used. However, the external appearance of the extension would be altered and this must be considered.
8. The alteration would upset the balance of the front elevation. The extension appears as a clear subservient annex. The introduction of a door as proposed would raise the prominence of the extension. The appellant suggested an amendment to change the design of the door to incorporate timber panels at the lower level. She was also willing to accept that the door would be single glazed. This would reduce the dominance of the proposal but would still result in the loss of the window, which would be to the detriment of the special features of the listed building.
9. It was agreed that the French windows were a later addition to the front elevation of the listed building. They do not match the windows in the adjoining listed buildings built at the same time. The Council would have no objection to their replacement in principle. The concern was the proposed use of double glazing and in particular the resultant double reflections that would be detrimental to the appearance of the listed building and the streetscene in a Conservation Area and WHS. The existing windows are early 20th century but are not of such a poor appearance as to justify the use of even the slim profile double glazing proposed. I do not agree that they harm the significance of the building. The use of double glazing on the very important main façade of the building would not be appropriate for the reasons given above and could set a precedent for the future replacement of windows in the main façade of other buildings in the Conservation Area and WHS. The proposed replacement windows would not accord with the English Heritage guidance on traditional windows, referred to by the appellant. The replacement double glazed windows at no. 1 Macaulay Buildings were on the side elevation. They are prominent in views from Widcombe Hill. However, no information on the

circumstances of the approval was provided. I consider that they have had a detrimental effect on the appearance of the host building and are not a good example to follow.

10. I conclude that the proposed works would not preserve the features of special architectural or historic interest which the listed building possesses. The proposal would be detrimental to the setting of the listed building and would fail to preserve the character or appearance of the Conservation Area and the designated WHS. As such the proposal would cause harm to designated heritage assets. The alterations affect part of the listed building and the parties agreed that the harm is therefore less than substantial. I agree with that assessment. Although the proposal would cause less than substantial harm, this harm to a heritage asset must still be given significant weight. Paragraph 134 of the NPPF states that where the proposal would cause less than substantial harm then this should be weighed against the public benefits of the scheme.
11. The benefits of the proposal that were advanced related to the removal of the metalwork on the French windows and a gas meter box close to the proposed door on the extension. The appellant indicated that the door in the extension would have relatively level access to the attractive front garden and would make better use of the rooms and south-facing front garden possible. The meter box could be re-located without the need for the loss of a window. The door would meet the needs of the residents but the long-term conservation of the listed building must take priority. The removal of the metalwork would be of benefit. However, having considered all these matters, I conclude that the public benefits advanced do not outweigh the harm that would be caused to the heritage asset.
12. The proposed works would not meet the statutory tests or the requirements of the NPPF or the identified development plan policies for the reasons given above. I therefore conclude that the appeal should fail.

A L McCooey

Inspector