

**Appeal Reference: APP/F0114/F/21/3287443**

**Application 14/04369/LBA**

**10-16 Hampton Row, Bath, BA2 6BJ**

**The Bath Preservation Trust (BPT) calls for this appeal to be dismissed on the following grounds.**

**We maintain that this development constitutes UNJUSTIFIED harm to the special architectural and historic interest of a listed building, harm to the grouped setting of the Grade II terrace, and has an adverse impact on the appearance and character of the Bath conservation area and the special qualities of the World Heritage Site. This development appears to be in breach of Condition 2 of application 14/04369/LBA.**

BPT originally welcomed the opportunity for the appropriate development of the site to secure the repair and long-term survival of the Grade II ‘at risk’ buildings at Hampton Row. However, we had concerns about the proposed design process, and felt a more suitable approach would be to reinstate the historic plan form and layout of the dwellings, replicate missing historic detailing, and retain the surviving historic building fabric *“in the interest of preserving and enhancing the architectural interest and aesthetic value of the listed building”.* We therefore recommended that application 14/04369/LBA be refused, on the grounds that *“this application fails to present sufficient supporting information and a design approach that respects the historic character of Hampton Row.”*

Our objection to application 14/04369/LBA can be found in full under Appendix 1.

The two matters to be considered in relation to this appeal are: a) the adverse impact that this scheme has already had on the special interest of multiple heritage assets which has not been appropriately addressed or outweighed by proposed public benefit; and b) the asserted breach of Condition 2 that *“No construction of external walls shall commence until samples of all external materials, including the front gardens paving stone, are submitted to and approved in writing by the local planning authority”* secured as part of application 14/04369/LBA on 8th March 2016, and subsequently discharged by application 18/04212/COND on 20th March 2020.

**Adverse Impact on the Special Interest of the Heritage Asset**

This appeal looks at works to the rear of a Grade II listed building at 11-14 Hampton Row. However, the resulting harm must be considered against a range of heritage assets, including the following:

1. The listed buildings at 9-15 Hampton Row, jointly Grade II listed.
2. The wider grouped setting and significance of the Grade II listed terrace at Hampton Row, including 1-2 Hampton Row and 3-8 Hampton Row.
3. The Bath conservation area.
4. The Outstanding Universal Value of the World Heritage Site.

The use of reconstituted stone is materially and visually inconsistent with the appearance and special architectural and historic character of the listed building. BPT’s original objection (see Appendix 1) stated that *“we welcome redevelopment which retains the historic facades (our emphasis) and window arrangement whilst providing contemporary living accommodation within a rebuilt terrace.”* The design approach was expected to *“respect[s] the historic character of Hampton Row.”* Whilst architecturally modest, the heritage asset retains significance through its use of traditional material coherent with Bath’s rare homogeneity. Bath stone is distinctive in appearance with a harmonious variance in finish, muted colour palette, and weathering. Any addition to the heritage asset would need to complement the prevalent material, appearance, and relatively fine ashlar finish of the terrace rear. In this context, the use of reconstituted stone to reinstate rear elevations across a number of terraced dwellings is significantly out of keeping with its setting to the detriment of the appearance of the listed building, and is visually and technically incompatible with the building’s historic stonework.

Paragraph 202 of the National Planning Policy Framework (NPPF) states that *“where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”* Application 14/04369/LBA was originally granted consent to address *“the continuing deterioration and threat to the survival of the building”* (Delegated Report) and the harm to the setting of the terrace and wider conservation area due to the terrace’s derelict appearance, with the associated public benefit of bringing the terrace back into residential use. There is no indication that the use of reconstituted stone is required to achieve this optimum viable use, and the same level of public benefit could be secured whilst utilising a traditional finish appropriate to the character of a listed building.

11-14 Hampton Row form part of the wider Grade II terrace of artisan’s cottages attributed to the early 19th century. Greater significance can be attributed to the terrace’s principal two storey façade that characterises the streetscape of Hampton Row, along which there is some minor variance in detailing and roof profile. In relation to 11-14 Hampton Row’s deteriorated condition, the case officer concluded that *“at the rear, the elevation has been severely altered and is now of low significance”* (Delegated Report, application 14/04369/LBA). However, the terrace’s rear elevation is visible from the river footpath along the southern edge of Kensington Meadows (see Appendix 2), and remains significant (albeit to a lesser degree) in the retention of historic form, material, and the interconnected relationship of dwellings along the terrace. This noted reduced significance **does not override** 11-14 Hampton Row’s participation in the grouped setting of the wider Grade II terrace and contribution to Bath’s distinctive backland character, or the need for sensitive interventions to sustain and enhance the special architectural and historic interest of the heritage asset.

The use of reconstituted stone across the rear elevations of this section of terrace therefore creates an unwelcome, bright contrast with the more muted, natural palette used along the terrace rear that can be seen from the river footpath and forms part of wider riverside views due to the terrace’s elevated position on the southern bank (see Appendix 2). A sharp distinction is drawn between the historic body of the terrace and the newer additions, resulting in the visual erosion of the historic and aesthetic connection of 11-14 Hampton Row with its wider terraced setting and associated loss of significance.

Furthermore, the use of reconstituted stone across a shared rear elevation constitutes the cumulatively significant introduction of an incongruous modern material that fails to preserve or enhance the appearance or character of the Bath conservation area. The Bathwick Conservation Area Character Appraisal (CACA) specifically identifies the use of reconstituted stone as a threat to the distinctive character and appearance of this character area within the wider conservation area: *“Widespread use of reconstituted Bath stone (our emphasis), especially for commercial buildings. It provides a generally appropriate colour match but this advantage is eroded by wider mortar joints and a dull, lifeless character which (unlike Bath stone) does not improve with weathering.”* This development instead has an adverse impact on the appearance of the area by the obscuring of the historic façade of the terrace of which some material had been retained (see Appendix 1 of the appellant’s Statement) in a material that poorly replicates Bath stone in an overly bright and homogenous finish.

Reconstituted stone is not considered an acceptable intervention across the visible elevations of historic terraces, which cumulatively make up part of the Georgian Town Planning Outstanding Universal Value (OUV) of the Bath World Heritage Site, a heritage asset of *“the highest significance”* (paragraph 189, NPPF). Part of the significance of the World Heritage Site is its homogenous 18th – 19th century development in local Oolitic (Bath) limestone, developing a distinct localised ‘vernacular’ in material, colour, and architectural form closely connected with local quarrying industry.

Objective 9 of the World Heritage Site Management Plan 2016-2022 is to *“ensure that damaged and disused historic structures within the Site are monitored, repaired, maintained and where appropriate re-used”* (p.35).However, the wider remit of this objective is intended to ensure that good conservation practice is used to inform the repair and maintenance of Bath’s historic building stock. *“Incremental changes from poorly executed or informed repair, or the use of inappropriate materials (our emphasis), such as cement pointing or plastic windows, can erode the authenticity, character and appearance of historic buildings”* (p.34), and result in cumulative harm

We maintain that whilst harm to the World Heritage Site is less than substantial, this development could set a dangerous precedent for the substitution of modern alternatives in place of traditional materials and construction methods, with resulting cumulative harm to the special architectural and historic interest of the listed building and the wider special qualities of the World Heritage Site.

**Precedent of Application 17/01505/FUL**

The appellant has referred to previous works under application 17/01505/FUL as an example of the acceptable use of reconstituted stone in this area.

We note that application 17/01505/FUL has been incorrectly attributed to the Grade II\* Cleveland Pools, and instead details the proposed reconstruction of the boundary wall to 1-7 Cleveland Row, an unlisted section of terrace dated to 1875 (Bathwick CACA, p. 11; Know Your Place). The works proposed include the demolition of the existing deteriorating stone (ashlar)/concrete block built retaining garden/boundary wall and piers to the rear of the terrace, and reconstruction in Bath stone facing reinforced cavity filled blockwork wall.

Condition 3 set out that *“no construction of the external walls of the development shall commence until a sample panel of all external walling materials to be used has been erected on site, approved in writing by the Local Planning Authority.”* This Condition was discharged under 18/01419/COND. Samples provided confirm that the rear wall would be faced in Bath stone (see wall sample dating 28/03/2018). The use of reconstituted stone that the appellant refers to is limited to the proposed use of cast stone for the wall copings. The case officer concluded that *“the submitted details of the ashlar wall sample panel constructed and provided for inspection on site is acceptable notwithstanding the coping stone sample (our emphasis)”*, in reference to the sample dated 27/06/2018 which was superseded by a sample of a more appropriate colour dated 09/07/2018.

We therefore conclude that this example is not an appropriate precedent or case study to consider in relation to this appeal. Application 17/01505/FUL relates to the boundary treatment of an unlisted terrace; whilst this could be considered relevant in relation to wider impact on the conservation area, the boundary wall in question is set to the rear of the terrace and is not visible from Hampton Row, and is set behind the Grade II\* Cleveland Pools to the north and is subsequently screened from riverside views.

The appellant stated that the case officer concluded that the works under application 17/01505/FUL “concluded would too distant to be adverse”. In reference to Appendix 11 of the appellant’s Statement, we would like to clarify that the case officer’s statement is in reference to the “living conditions of those properties” neighbouring 1-7 Cleveland Row.

The use of reconstituted stone is limited to the wall’s coping stone in a close-matching colour sample and is therefore not comparable to the extensive and visually incongruous use of reconstituted stone in this appeal.

**Breach of Condition 2**

As set out in the appellant’s Statement, the focus of this appeal is the *“Failure to comply with condition 2 of listed building consent 14/04369/LBA and the unauthorised and inappropriate use of an external wall material (reconstituted stone) without listed building consent.”* The appellant asserts that the sample provided under application 18/04212/COND (photo dated 24/09/2018, *“ashlar wall”*) is of reconstituted stone, and therefore the use of reconstituted stone does not constitute a breach of the discharged Condition.

Under application 18/04212/COND, the case officer clearly specifies the submitted stone sample deemed acceptable and sufficient to enable discharge of Condition 2: *“Stone - Bath stone from Moonraker Masonry, Corsham (our emphasis) (Photo dated 24.09.2018 'ashlar wall').”* It is acknowledged that the case officer refers to the stone sample in the photo “ashlar wall” dated in 24.09.2018, which has been indicated by the appellant to be a photograph of the reconstituted stone sample supplied by Jewsons Bath (see Appendix 8 of the appellant’s Statement). However, the written discharge of the condition clearly refers to the samples of natural stone *“as viewed on site 04.10.2018”* (Decision Notice, Application 18/04212/COND) as acceptable. This accords with the Delegated Report attached to application 14/04369/LBA where it is stated that *“The rear extension will be faced in Bath ashlar (our emphasis) with a pitched slate roof with fenestration closely matching what is conjectured to be the original arrangement (our emphasis).”*

**There is no written indication that the use of reconstituted stone is considered acceptable to discharge Condition 2.**

BPT further notes that application 18/04212/COND makes no written reference to the proposed use of a reconstituted or cast stone on-site. There is no apparent differentiation between the proposed use of natural Bath stone provided by Moonraker Masonry for “*parapet and verge copings only”* (Appendix 14 of the appellant’s Statement) and the use of reconstituted stone for the rear elevation wall as part of the application. The appellant has accepted that the intended use of reconstituted stone *“may not have been made completely explicit as several materials were displayed on site including, paving, roof tiles and copings; but the appellant had not intended to deceive the LPA.”*

The appellant states that *“the sample panel of Bath stone is from Forticrete and is an Ashlar Block in Bath colour.”* A communication with the case officer dated 29/10/2021 in Appendix 14 of the appellant’s Statement instead indicated that the proposed walling stone sample is described by the supplier as *“Bath Ashlar Block”*. The argument made in Appendix 14 of the appellant’s Statement that the proposed use of *“Bath ashlar”* in in the Delegated Report of 14/04369/LBA is not grammatically inconsistent with a similarly named reconstituted stone product is flawed, and undercuts the value that has been placed throughout the application process on the use of materials coherent with the special architectural and historic interest of a listed building. Furthermore, the Forticrete website refers to the product as *“Cast Stone”* in Bath colour (see Appendix 3) which cannot easily be conflated with Bath ashlar or Bath stone ashlar.

We do not consider that it can be asserted that the reference to *“Bath stone”* in the Decision Notice of 18/04212/COND or *“Bath ashlar”* in the Delegated Report of 14/04369/LBA refers to anything other than natural Bath stone ashlar to appropriately match the existing elevations. Nowhere in application 18/04212/COND is it clearly specified that reconstituted stone is proposed, and consequently accepted to fulfil the requirements of Condition 2.

**Conclusion**

We maintain that this development constitutes the use of an inappropriate material and consequent harm to multiple heritage assets, including the Grade II building at 11-14 Hampton Row, the wider setting of the listed terrace, the Bath conservation area, and the World Heritage Site.

Works are contrary to section 16 of the NPPF where great weight should be given to the asset’s conservation, irrespective of the level of harm, and any harm should require clear and convincing justification.

The proposals do not comply with the requirements of Policies D1 and D2 to contribute positively and avoid harm to local character and distinctiveness.

The proposals do not accord with the guidance in the Bathwick Conservation Area Character Appraisal which identifies the use of inappropriate materials, including reconstituted stone, as one of the key threats to the distinct character and appearance of this character area and the wider conservation area.

The proposals do not comply with Policy HE1 which specifies that great weight will be given to the conservation of heritage assets, unless harm is appropriately outweighed by demonstrated public benefit.

Policy B4 states that there is a strong presumption against development that would cause harm to the special qualities of the World Heritage Site.

The limited public benefits do not outweigh the cumulative harm to local character and distinctiveness and multiple heritage assets.

There is unsatisfactory evidence to clearly demonstrate that there was not a breach of condition, and therefore the works remain in contravention of section 9(1) and (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990

**Bath Preservation Trust therefore calls for this appeal to be dismissed.**