

DELEGATED REPORT

Application No: 22/01713/LBA

Details of location and proposal and Relevant History:

Kilowatt House , North Road, Bathwick, Bath, Bath And North East Somerset

SITE DESCRIPTION

Kilowatt House is a modern movement two storey house constructed in 1937-38 by Architect Mollie Gerrard for acoustic pioneer sound engineer Anthony Greenhill, It is constructed of white concrete walls with metal windows and sited at an elevated level above North Road. There is a rooftop observation room on the flat roof

The building is set in its own grounds with Bathwick Hill House with Walls and piers to the south. Due to the distance it is not considered that the proposals will affect the grade II* building and not impact on the experience of Bathwick House. The building lies within the North Walk and Cleveland Walk Character Area of Bath Conservation Area and World Heritage Site.

PROPOSAL

Listed Building Consent is sought to carry out external alterations to add insulation to the existing flat roof, install roof-mounted PV panels and add 2 no air source heat pumps with battery storage facilities in plant room at roof level.

PROPERTY HISTORY

Application 19/04469/LBA

External alterations for the replacement of existing single glazed metal casement doors and windows with new matching powder coated double glazed door and windows - Consent

Application 17/01193/FUL

Remove painted wooden gates installed at some time in 2002 and replace with painted steel gates that are in keeping with style of building. - Permitted.

Application 16/03749/FUL

Installation of flue on outside wall - Permitted

A16/03750/LBA

Internal and external alterations for the installation of a woodburning stove in living room and flue on outside wall. - Consent

Application 13/0505/LBA

Internal works to facilitate the conversion of existing garage to habitable room - Consent

Application 13/03980/LBA

Internal and external alterations for repairs to roof, external decoration and internal repair and redecoration = Consent

Application 02/01049/FUL

Construction of a detached garage and revised access drive - Consent

Application 02/01065/LBA

Internal and external alterations to include refurbishment of external envelope and replacement of windows and doors - Consent.

Application 01/01831

Erection of a new detached garage and bedroom extension over existing garage - Refused

Summary of Consultation/Representations:

SUMMARY OF PUBLICITY/CONSULTATIONS/REPRESENTATIONS

PUBLICITY

Site notice displayed and photographic evidence received.

CONSULTATIONS:

Environmental Helath

I refer to your consultation in respect of the above application. The air source heat pumps will be installed underneath a canopy which will shield from the nearest residential receptor. I have also considered the noise emission data for the application and consider little potential for a negative impact.

RERPRESENTATIONS:

Bath Preservation Trust - Support

1 No Comment - Concern over noise level of air source heat pumps

Policies/Legislation:

The Council has a statutory requirement under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant listed building consent for any works 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.

With respect to any buildings or other land in a conservation area the Council has a statutory requirement under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area.

The Revised National Planning Policy Framework (NPPF) 2021 is national policy in the conservation and enhancement of the historic environment which must be taken into account by the Council together with the related guidance given in the Planning Practice Guidance (PPG).

The Council must have regard to its development plan where material in considering whether to grant listed building consent for any works.

The statutory Development Plan for B&NES comprises:

- Core Strategy (July 2014)
- Placemaking Plan (July 2017)
- B&NES Local Plan (2007) - only saved Policy GDS.1 relating to 4 part implemented sites
- Joint Waste Core Strategy
- Made Neighbourhood Plans

Core Strategy:

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The following policies of the Core Strategy are relevant to the determination of this application:

- CP6 - Environmental quality
- B4 - The World Heritage Site (where applicable)
- CP1 Retrofitting Existing Buildings
- CP2 Sustainable Construction

Placemaking Plan:

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

- HE1 Historic Environment
- Historic Environment Good Practice Advice in Planning Notes issued by Historic England - GPA 2 - Managing Significance in Decision Taking in the Historic Environment
- Supplementary Planning Guidance - Energy Efficiency, retrofitting and sustainable construction
- Conservation Area Character Appraisal- North Road and Cleveland Walk

Officer Assessment:

LISTED BUILDING ASSESSMENT

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent for any works, 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 199 of the NPPF states 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. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Similarly Policy HE1 of BaNES Placemaking Plan states that great weight will be given to the conservation of the District's heritage assets. Any harm to the significance of a designated or non-designated heritage asset must be justified.

Kilowatt House was conceived as a house for pioneering electrical applications and an electrical laboratory for Anthony Greenhill who was Chief Electrical Engineer at WD & HO Wills in Bristol. The building was designed in the Art Moderne style in the 1930s to emphasise simple geometry, and incorporating asymmetric curving forms, long horizontal lines and nautical elements. The original building contained studios and electrical devices interconnecting via a network of cables controlled from the Power Room. The property fell derelict following Anthony Greenhill's demise in 1958 and was saved from demolition by Bath Preservation Trust in 1970s.

The heating demands of the building, due to the large areas of glazing has been high and have been improved through introduction of re-glazing and repairs approved on Application No 19/04469/LBA. The proposal, following substantial completion of the re-glazing work, is to introduce a solar array on the flat roof behind the parapets and 2 No air source heat pumps for heating and hot water located at roof level under the canopy. The proposal will substantially reduce energy requirements which will be a development of the original use and focus of the property as a home and electrical laboratory.

From ground level and within the curtilage of the building, the solar array is shielded from view by existing parapet walls and through being set back from the parapet upstand. The two air source heat pumps are located beneath the canopy which sits on top of the flat roof. From within the curtilage of the property the pumps will not be visible however there will be a distant view from the adjacent property Foxborough Cottage.

In this instance, because the air source heat pumps would be visible it is held that the scheme detracts from the overall design and appearance of the building and therefore causes harm to the designated heritage asset. In the context of the significance of the asset as a whole and in the language of the NPPF (2021) this harm is less than substantial.

In such circumstances Paragraph 202 of the NPPF (2021) requires that any harm be weighed against the public benefits of the proposal, including securing the optimum viable use of the building.

In this instance, due to the benefits of introducing lower energy demands on the building which has twice fallen into serious disrepair it is considered that on balance the public benefit sufficiently outweighs the less than substantial visual harm identified. As such, the proposal complies with paragraph 202 of the NPPF.

The concerns raised over the level of noise made by the Air Source Heat pumps and impact on the amenities of the neighbours will be addressed with planning Application No 22/03386/FUL.

With respect to any buildings or other land in a conservation area the Council has a statutory requirement under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area. Taking account of the above and in this instance the proposed alteration would preserve this part of the Bath Conservation Area and as such this proposal meets this requirement

The Council has a statutory requirement under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant listed building consent for any works 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. Here taking account of the above this has been taken into consideration.

LOW CARBON & SUSTAINABILITY CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. This application involves a listed building and has been assessed against the relevant policies and guidance as identified, and these have been fully considered in the recommendation made.

Recommendation:

CONSENT

1 Time Limit - Listed Building Consent (Compliance)

The works hereby approved shall be begun before the expiration of three years from the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

2 Plans List (Compliance)

The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

Reason: To define the terms and extent of the permission.

PLANS LIST:

This Decision relates to the following Drawings and Photos:

Date: 11/01/2023 Drwg 3624/11D Proposed Elevation
Date: 11/01/2023 Drwg 3624/09B - Proposed Roof Plan
Date: 16/05/2022 Drwg - Block Plan
Date: 16/05/2022 Drwg - Location Plan
Date: 16/05/2022 Drwg 3624/12 - Enlarged Parapet Sections
Date: 16/05/2022 Drwg 3624/10 - Elevations as Existing
Date: 25/04/2022 Drwg B122/162260 Tapered insulation Scheme

Condition Categories

The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

Compliance - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Where approval of further information is required you will need to submit an application to Discharge Conditions and pay the relevant fee via the Planning Portal at www.planningportal.co.uk or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

Permit/Consent Decision Making Statement

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework.

Community Infrastructure Levy - General Note for all Development

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. CIL may apply to new developments granted by way of planning permission as well as by general consent (permitted development) and may apply to change of use permissions and certain extensions. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council **before any development commences**.

Do not commence development until you have been notified in writing by the Council that you have complied with CIL; failure to comply with the regulations can result in surcharges, interest and additional payments being added and will result in the forfeiture of any instalment payment periods and other reliefs which may have been granted.

Community Infrastructure Levy - Exemptions and Reliefs Claims

The CIL regulations are non-discretionary in respect of exemption claims. If you are intending to claim a relief or exemption from CIL (such as a "self-build relief") it is important that you understand and follow the correct procedure **before** commencing **any** development on site. You must apply for any relief and have it approved in writing by the Council then notify the Council of the intended start date **before** you start work on site. Once development has commenced you will be unable to claim any reliefs retrospectively and CIL will become payable in full along with any surcharges and mandatory interest charges. If you commence development after making an exemption or relief claim but before the claim is approved, the claim will be forfeited and cannot be reinstated.

Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil. If you have any queries about CIL please email cil@BATHNES.GOV.UK

Responding to Climate Change (Informative):

The council is committed to responding to climate change. You are advised to consider sustainable construction when undertaking the approved development and consider using measures aimed at minimising carbon emissions and impacts on climate change.

Case Officer:

Maureen Pearce

Authorising Officer:

Paula Freeland