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# Appeal Decision

Site visit made on 16 March 2011

**by Jennifer Armstrong JP BA FRTPI**

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

**Decision date: 1 April 2011**

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**Appeal Ref: APP/F0114/E/10/2139717**  
**Stall 36 Guildhall Market, Bath, BA2 4AW**

- 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 Robert Morgan against the decision of Bath & North East Somerset Council.
  - The application ref. 10/00564/LBA, dated 12 February 2010, was refused by notice dated 30 April 2010.
  - The works proposed are to modify stall.
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## Decision

1. I dismiss the appeal.

## Main Issue

2. The main issue is the effect of the proposal on the special architectural and historic interest of the listed building and on the character and appearance of the Conservation Area.

## Reasons

3. The application relates to one of the stalls in the Guildhall indoor market, a building which in its present form dates largely from the late nineteenth century. It is situated in the city centre, adjoining a number of other important buildings and within the Conservation Area. The market was originally listed in 1950 as part of a group of buildings. I understand that the more detailed description of its listing was published in 2010 although this revised wording is in fact used in the 2007 Historical Building Report on the market, a document referred to in the appellant's grounds of appeal. While the description of the interior concentrates on the dome, columns, wrought iron trusses etc, this does not diminish the significance of other internal features and indeed reference is made to Council efforts to "restore uniformity to the design of stalls".
4. Much of the character and vibrancy of the market as it is today derives from the variety of goods on sale and the way they are displayed. Most stalls have items laid out on counters under a canopy with timber supports. Two outlets which do not conform to this pattern are the barbers and the sweet shop: these are enclosed structures, giving more the appearance of standard retail units where customers enter rather than being served across a counter. These do not appear to be recent works and as far as I am aware have not been the subject of applications to the Council. The appellant has also drawn my attention to the layout of the pet and hardware units. Here, partitions have

- been erected which allow customers to view goods attached to either side, creating structures which are mid-way between a stall and a more conventional shop. Others have been modified to achieve some enclosure while retaining the appearance of essentially simple stalls.
5. Unauthorised works have taken place at the appeal site to create an enclosed shop although the plans before me indicate different elevations with, for example, a narrower door and fewer windows on the east elevation. The appellant has stated that, as happens now, the lower parts of the sashes would be left open so that goods could be displayed outside as well as inside the shop. The Design and Access Statement proposes a metal roller shutter for use when the business is closed but this is not shown on the plans.
  6. Although there is considerable variation in the details of the open style stalls, they are the dominant type of units and stand out as significant and distinctive features of the market as it is today. Planning Policy Statement 5 (Planning for the Historic Environment), cited in the Council's decision notice, aims to conserve listed buildings in a manner appropriate to their significance by ensuring that, among other things, the positive contribution they make to local character and sense of place is recognised and valued. The proposed structure would not meet this objective, appearing too solid and formal for the site and its setting, and more appropriate to an arcade than a market of this nature. The introduction of a metal roller shutter would underline this change of emphasis. In my view, therefore, the works would be at odds with the overall character of the market, and would not make a positive contribution to the listed building. I do not find the existence of other enclosed units to be a sound reason for allowing works which would, in the context of current policy objectives, detract from the special architectural and historic interest of the listed building. And since the market is an important feature of the Conservation Area the proposal would similarly fail to conserve its character and appearance.
  7. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*J. Armstrong*

INSPECTOR