
Appeal Decision

Site visit made on 26 September 2016

by Joanna Reid BA(Hons) BArch(Hons) RIBA

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

Decision date: 4 October 2016

Appeal Ref: APP/C3105/Y/16/3152638

127 Mill Street, Kidlington, Oxfordshire OX5 2EE

- 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 Sepehr Jamshidifard against the decision of Cherwell District Council.
 - The application Ref 15/01515/F, dated 11 August 2015, was refused by notice dated 19 November 2015.
 - The development is '... a plain glass double glazed window and change the sign ...'.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. For brevity, the description of the development in the box heading above has been taken from the much longer description on the application form.
3. The appeal building is not a statutorily listed building. The Council says that the reference to 'refusal of listed building consent' on its decision notice was due to an administrative error. As I do not consider that anyone's interests would be prejudiced, I shall deal with the appeal on the basis that the Council's decision notice should have referred to a refusal to grant planning permission.
4. The setting of the Grade II listed building at Burnt Oak, 119 Mill Street, was not a concern of the Council in its reason for refusal. From the representations made and from what I saw, I see no reason to disagree.
5. As the development has been carried out, I shall deal with the appeal as though it were for an application made under Section 73A of the *Town and Country Planning Act 1990* as amended, as inserted by paragraph 16 of Schedule 7 of the *Planning and Compensation Act 1991*, which states that planning permission may be granted for development carried out before the date of the application without planning permission. Permission may be granted from the date on which the development was carried out.

Main issue

6. The main issue is whether the development preserves or enhances the character or appearance of the Church Street Conservation Area.

Reasons

7. The historic street pattern and the range of types and styles of historic and listed buildings in the Conservation Area contribute positively to its character. The traditional building forms and use of local building materials in most of the historic buildings are important to its appearance, and to the significance of the Conservation Area as the historic core of the village of Kidlington.
8. The terrace at 127 to 135 (odd numbers) Mill Street (the terrace) is identified as a Significant Un-Listed Building in the *Cherwell District Council Kidlington Conservation Areas Appraisal*. It is prominently sited where Evans Lane meets Mill Street. Due to its simple pitched roofed form, traditional building materials, and the pattern of modest historic dwellings within it, the terrace makes a positive contribution to the character and the appearance of the Conservation Area. As the terrace has a degree of significance that merits consideration in planning decisions, it is a non-designated heritage asset.
9. The repeated pattern of chimney stacks and first floor window openings in the stone-built terrace contribute positively to the character and appearance of the Conservation Area, because they allow the main part of the building to be appreciated as a row of modest historic dwellings. The terrace now includes shops at ground floor level. From the Council's photographs, which were taken before the development was carried out, the pattern of multi-paned glazed doors and mainly multi-paned shop windows, and the awnings, maintained the scale and rhythm of the dwellings in the terrace. So, the shop fronts respected the character and appearance of the terrace.
10. The door and window in the shop front at the appeal building have been replaced by a large plastic-framed plain-glazed window, which broadly aligns with the former window sill. Below this the lower part of the doorway has been filled in, rendered and painted. The awning and its lead flashing have been removed and replaced by a flat fascia sign panel.
11. Due to the loss of the doorway and its replacement with a wider plastic-framed window, and the replacement of the awning with a fascia sign panel, the development harmfully disrupts the important rhythm in the terrace. Moreover, due to its modern materials, including the plastic frames and fascia, the character and appearance of the replacement shop front is unacceptably out of keeping with the character and appearance of the historic terrace. In turn, it damages the positive contribution made by the terrace to the character and the appearance of the Conservation Area. Due to its inharmonious proportions and its modern appearance, the development is detrimental to the significance of the Conservation Area as a whole.
12. The shop fronts at 120 and 122 Mill Street are on a more recent building that is outside the Conservation Area. The Council says that permission was not granted for the partly plain-glazed shop window at 129 Mill Street and, in any case, the shop front there includes a multi-paned doorway and awning, which sustain much of its character and appearance. So, these nearby developments do not support this harmful scheme.
13. The appellant's concerns, including flood risk, hygiene and ventilation, have been taken into account. However, the new side entrance to the premises is at a similar level to the removed doorway, so the adverse effects of flooding, including its impact on hygiene, would not be materially mitigated by its

repositioning. Other means, such as mechanical ventilation or opening lights in the window, could be used to achieve a sufficiently ventilated interior. Whilst the development was intended to maintain the building fabric, there is little to show that the development achieves any other public benefit.

14. The *National Planning Policy Framework* (Framework) explains that when considering the impact of a development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. In the terms of the Framework, the harm that the development causes to the Conservation Area is less than substantial. The optimum viable use is not relevant here, and the public benefits are not enough to outweigh the harm that the development causes to the Conservation Area. Also, there is insufficient clear and convincing justification to show why the development is necessary to preserve the heritage asset, which is the Conservation Area, in a manner appropriate to its significance as the historic core of the village.
15. Therefore, I consider that the development fails to preserve or enhance the character or the appearance of the Conservation Area. It is contrary to Policy ESD 15 of *The Cherwell Local Plan 2011-2031 Part 1* which aims to conserve heritage assets, saved Policy C28 of the *Cherwell Local Plan 1996* which seeks sympathetic design and respect for context, and the Framework, which aims to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.
16. For the reasons given above and having regard to all other matters raised, the appeal fails.

Joanna Reid

INSPECTOR