
Appeal Decision

Site visit made on 8 November 2016

by Jonathan Tudor BA (Hons), Solicitor (non-practising)

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

Decision date: 14 December 2016

Appeal Ref: APP/D3125/W/16/3156529

6 Thames Street, Eynsham, Witney OX29 4HF

- 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 Andy Swarbrick against the decision of West Oxfordshire District Council.
 - The application Ref 16/01394/HHD, dated 26 April 2016, was refused by notice dated 17 June 2016.
 - The development proposed is infilling of valley roof to extend 2nd floor to duplex flat. New layout to 2nd floor & minor alterations to layout of 1st floor.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character or appearance of the Eynsham Conservation Area and on the settings of nearby listed buildings.

Reasons

3. The appeal site is located in the centre of the village of Eynsham within the Conservation Area (CA). According to the Council, the existing two storey building dates from at least the 19th century. It is to the north of Market Square, with elevations facing High Street, Thames Street and The Tuer. It can be seen from those roads, Acre End Street and other public vantage points.
4. Its hipped-style parallel roofs divided by a valley to the southern elevation are distinct. Combined with a white render façade and black quoins and window surrounds, set off by an arched doorway, it presents an attractive frontage onto High Street. The building also forms a prominent but complementary backdrop when looking from Market Square, framed between the Grade II listed Bartholomew Room and 8 High Street, also listed.
5. The Eynsham Village Plan, supplied by the Council, describes domestic-scale buildings of mainly Cotswold stone centred on the historic Square and refers to the volume of listed buildings in the area. They include the Grade II* Church of St Leonard as well as 6 and 8 High Street, opposite the appeal site.
6. The proposed extension would radically re-shape the existing parallel roof scape by infilling the roof valley to create a single unified roof slope which would run the length of the building and increase its visual mass. Whilst the

appellant submits that it would appear similar to other roof lines in the area, I agree with the Council that its existing design provides variation and, juxtaposed with contrasting roofs, makes an interesting and significant contribution to the character and appearance of the CA. The change would also diminish the original design and integrity of the building.

7. At the rear, the infill element between the two gables with its vertical roof slates, slightly higher than the ridge of the adjoining recessed gable, would create an incongruous visual bridge across the structure. Though the flat roof would not be immediately visible it would still be atypical of the area. The design would also accentuate the visual bulk of the building by closing the gap between the gables. Whilst I do not consider the views along Thames Street to be as sensitive as High Street because of the relative quality of the street scene, it is still within the CA, and the design would have a negative impact on the overall character and appearance of the building and the area.
8. Though the relevant statutory framework is not intended to prevent all change in CAs or in the vicinity of listed buildings, it does place a duty on decision makers to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas and to have special regard to the desirability of preserving listed buildings and their settings.¹ That approach to CAs is also reflected in the Policy BE5 of the West Oxfordshire Local Plan 2011 (LP).²
9. The above factors lead me to conclude that the proposal would harm the character or appearance of the CA and the settings of nearby listed buildings. Therefore, it would fail to preserve or enhance the character or appearance of the CA and fail to preserve the settings of the listed buildings. It also follows that it would conflict with the objectives of policies BE2, H2 and BE5 of the LP, which, amongst other things, require that development relates satisfactorily to its site and surroundings and does not erode the character and appearance of the area, particularly if it is a CA.
10. The Council's reason for refusal also refers to policies OS4, H6 and EH7 of the emerging West Oxfordshire Local Plan 2031. As that emerging plan is still undergoing examination, I give it more limited weight though the policies do reflect similar aims to the existing LP policies and the National Planning Policy Framework (the Framework).
11. Given the relative size and scale of the proposal which relates to an extension to one property, I consider that it would cause less than substantial harm to the CA and nearby listed buildings. In accord with paragraph 134 of the Framework, I must weigh that harm against the public benefits of the proposal. The main public benefit suggested in the evidence put to me relates to prolonging the life of the building through repairs to the roof and remedying other structural issues. Whilst that is a public benefit, it could equally be achieved by means other than the proposal. In any event, I do not consider that it outweighs the harm that I have identified.

Other Matters

12. I appreciate that the proposal would provide additional living space and improve aspects of the internal layout for the occupants, but I can only give

¹ ss. 72(1) and 66(1) Planning (Listed Buildings and Conservation Areas) Act 1990

² Adopted June 2006

such personal circumstances limited weight and I do not consider that they outweigh the harm identified.

13. The appellant refers to various pre-application discussions with the Council but such discussions do not fetter the Council in terms of reaching a final planning decision. The lack of objections from neighbours is not a consideration that outweighs the harm identified. Therefore, those factors do not lead me to alter my decision.

Conclusion

14. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathan Tudor

INSPECTOR