
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: 15 December 2016

Appeal Ref: APP/C3105/W/16/3156307

Corner Cottage, Bignell View, Chesterton, Oxfordshire OX26 1UQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Roger Allmond against the decision of Cherwell District Council.
 - The application Ref 16/00422/OUT, dated 2 March 2016, was refused by notice dated 28 April 2016.
 - The development proposed is erection of a single detached dwellinghouse.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application is for outline planning permission including approval of access, appearance, layout and scale with only landscaping reserved. I have considered the appeal on that basis.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the Chesterton Conservation Area.

Reasons

4. The appeal site is located in the garden area of Corner Cottage, a two and a half storey stone dwelling fronting onto Bignell View. It is in a prominent position on the corner of the A4095 as it enters the rural village of Chesterton. Development in Bignell View is mainly one house deep with most dwellings on relatively generous plots with spacious gardens. The more modern houses opposite the appeal site are set back from the road. There is, therefore, a sense of spaciousness in a relatively low density built environment. Open countryside lies beyond to the north west. Significantly, the site is also within the Chesterton Conservation Area (CA).
5. Siting the proposed dwelling, albeit with its limited height, on the plot would occupy the visual space that exists between Aillean, a modern bungalow, and Corner Cottage. It would, therefore, adversely affect views towards the traditional stone historic buildings of Bignell View and the CA from the roads to Kirtlington and Little Chesterton. Whilst those views may not be identified amongst the two key views in the Northern Character Area of the Chesterton

Conservation Area Character Appraisal, they are the first views of the CA at that entry point to the village and still have value.

6. The appellant submits that because of the positioning of the dwelling within the plot views of the CA would be unaffected but I am more persuaded by the Council's evidence that a three-section building of 6.5 metres at its highest point would impinge on views towards Bignell View. The proposal would also create a visual bridge between the modern property at Ailleen and Corner Cottage and the other traditional properties on the west side of Bignell View compromising views towards of the CA.
7. Statute places a particular duty on decision makers to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.¹ That approach is also reflected in Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1(LP)² which stresses the importance of CAs and states that new development proposals should conserve, sustain and enhance them.
8. Whilst an existing lean-to side extension would be removed, the proposal consists of three elements being the main part with gable, pitched roof and large dormer joined by a flat roofed section to a single storey building, with another pitched roof but differently oriented. Notwithstanding attempts to limit its height and the use of materials to match Corner Cottage, the new structure would be more noticeable from the road sited on what is a prominent corner location, as accepted in the appellant's Design Statement.
9. Its design is intended, according to the appellant, to give the appearance of a set of rural outbuildings associated with Corner Cottage but I find that the scale, height, gable façade, dormer and windows give a clear impression of a more substantial residential dwelling. It is also suggested that the existing garden area is left open and free from built form and that consequently a sense of spaciousness is retained. I disagree with that view as the submitted plans indicate that the single storey element, terrace and two parking spaces would occupy a significant portion of the existing garden, though a grassed area would remain to the east.
10. The design, footprint and height would be likely to draw the eye to the detriment of the CA and would also appear incongruous in the street scene in its prominent location. The increased mass and density of its built form would compromise the spacious character of this part of the village at the start of the CA.
11. Ailleen is quite separate from Corner Cottage and Bignell View and does not form part of a continued linear frontage. As the plot is part of the garden of Corner Cottage it does not appear as a gap in a street frontage that is typical of infilling. Therefore, I do not share the appellant's view that the proposal would represent a clear form of infill development. Neither do I agree that comments in the Officer's Report about the principle of development in some way contradict the view that the proposal does not constitute 'infill' within the normally accepted meaning of that term.
12. A close boarded fence, vegetation and trees on the boundary do provide some screening but that inevitably reduces during the winter period, as I observed

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

² Adopted 20 July 2015

on my site visit. I agree that future occupants would be likely to wish to retain some form of fence between the garden and the road and that a condition could be imposed. I also note that landscaping is a reserved matter. However, the height, scale and design of the proposal and its prominent corner location would still make it visible from public vantage points. Consequently, I share the Council's view that the negative effect on the area and the CA would not be sufficiently mitigated.

13. The appellant refers to what may be possible under permitted development rights but, according to the Council the height of the main part of the proposed dwelling would be 6.5 metres, a figure that has not been disputed. I do not agree that the ability to construct a 4 metre high single storey outbuilding in a different position would be similar or equivalent.
14. Taking the above factors into account, I conclude that the proposal would harm the character and appearance of the CA. It would, therefore, also fail to preserve or enhance it. It follows that it would be contrary to Policies Villages 1 and ESD15 of the LP which, amongst other things, seek to ensure that development is in keeping with the character and appearance of an area and conserves, sustains and enhances CAs. It would also conflict with the objectives of saved Policies C28, C30 and C33 of the Cherwell Local Plan 1996 insofar as they seek to ensure good compatible sympathetic design and recognise that some land may need to remain undeveloped to preserve views of historical value.
15. Paragraph 132 of the National Planning Policy Framework (the Framework) requires me to give great weight to the conservation of a designated heritage asset such as a CA. Though I have concluded that the development would harm the character and appearance of the CA, given that it is only one house and would affect some views rather than the key views of the CA, I consider that the harm would be less than substantial. In accord with paragraph 134 of the Framework, I must weigh that harm against the public benefits of the proposal.
16. Whilst no particular public benefits have been put to me, there would be some economic and social benefits during construction and from future occupiers of the property. One dwelling would make a limited contribution to the supply of housing though the Council advises that it can already demonstrate a five year supply of deliverable housing sites. Therefore, whilst there would be some limited public benefits, I do not consider that they would outweigh the harm that I have identified.

Other Matters

17. The nature of the assessment carried out by the Council in relation to the significance of the CA, in accord with paragraph 129 of the Framework, is questioned by the appellant who refers to a lack of comment from the Conservation Officer. The Council advise that an assessment of the value of the CA from the relevant officer in relation to a previous application for the same site was taken into account. Whilst I note the appellant's further comments on the issue I am satisfied that a sufficient assessment was undertaken by the Council. In any event, I have considered all the relevant evidence presented regarding the CA in my deliberations on this appeal.

Conclusion

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

Jonathan Tudor

INSPECTOR