

## Appeal Decision

Site visit made on 20 December 2016

**by J E Tempest BA(Hons) MA PGDip PGCertHE MRTPI IHBC**

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

**Decision date: 5 January 2017**

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**Appeal Ref: APP/D3125/W/16/3155326**

**Deanery Farmhouse, Broad Street, Bampton OX18 2LY**

- 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 Mrs Tessa Milne-Day against the decision of West Oxfordshire District Council.
  - The application Ref 16/01473/FUL, dated 21 April 2016, was refused by notice dated 29 June 2016.
  - The development proposed is described as "Detached set back dwelling and access with associated environmental site enhancements. Site taking access onto Church Close".
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### Decision

1. The appeal is dismissed.

### Main Issues

2. These are the effect of the proposed development on the character and appearance of the area having particular regard to the site's location in relation to listed buildings and within the Bampton Conservation Area.

### Preliminary Matters

3. The description of development given above is taken from the original application form. The road immediately adjacent to the appeal site is referred to in some of the evidence and identified on the 1:1250 Ordnance Survey plan supplied as Church View. However, the road is referred to by the Council, appellant and neighbouring residents as Church Close and I have therefore used this road name in my decision.

### Reasons

4. The appeal site forms the western end of the rear garden of Deanery Farmhouse. Whilst Deanery Farmhouse fronts Broad Street, the appeal site is bounded by Church Close although the site has no vehicular or pedestrian access onto this road, being separated from it by a stone boundary wall. Due to differences in ground levels between the appeal site and Church Close, the height of the wall in relation to Church Close is greater than the height of the wall from within the appeal site.
  5. On the opposite side of Church Close to the appeal site is the Church of St Mary, a Grade I listed building. Immediately to the southwest of the appeal site, fronting Church Close, is a pair of Grade II listed cottages Mayville and Felix Cottage. The walled garden of Kilmore House abuts the southern side of
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the appeal site; these walls are listed Grade II in their own right. Kilmore House is also listed, Grade II.

6. Broad Street and Church Street in the vicinity of the appeal site are characterised by a relatively compact pattern of development with dwellings close to the highway and often in terraced form. Church Close is markedly different in character; boundary walls span gaps between buildings maintaining a strong relationship with the street pattern but spaces and views across them are an integral part of this distinctive environment. A stone boundary wall leads northwards from the corner of Mayville along the front of the appeal site and continues unbroken along the frontage of the Vicarage and leads around the corner towards Broad Street. On the south side of Mayville and Felix Cottage, linked by a stone boundary wall of varying heights including solid pedestrian gates, is Kilmore House. The vehicular access serving Kilmore House lies between walls which are parallel with the road and without splays.
7. I am not provided with any formal appraisal of the character of the conservation area. The undeveloped nature of the site, notwithstanding the height of the boundary wall with Church Close, allows views through to the rear of Deanery Farmhouse and other buildings on Broad Street. Whilst the appeal site is not part of the formal setting of the church, the site makes a positive contribution to the wider setting of the church and to the character of the area.
8. The appellant makes clear that the form and siting of the proposed development have been influenced by an appeal decision relating to a previous scheme for the site<sup>1</sup> ("the 2006 appeal decision"). I do not have full details of the scheme which the Inspector considered at that time. However, it is clear from the decision letter that it related to a dwelling positioned broadly in line with Mayville and designed to complement Mayville and Felix Cottage. The Inspector refers to the scheme being perceived as a continuation of Mayville and Felix in terraced form, which would give rise to a more built up quality to this side of Church Close.
9. The Inspector's 2006 decision describes the appeal site wall bounding Church Close as an integral element in the pattern of buildings and spaces which distinguish the conservation area here and contributes to the setting of listed buildings including the church. The Inspector also refers to the underlying character of the environs of the church where the intermittency of the bordering dwellings offset by walled spaces and greenery results in a distinct and almost rural quality, lacking strong enclosure and formality thus giving this part of the conservation area its particular charm. I find no reason to disagree with the Inspector's assessment of the character and appearance of the area.
10. The proposal before me differs markedly from the scheme considered in the 2006 appeal. The dwelling would be set back some 16 m from the road and on-site parking would be provided. The current proposal also addresses specific adverse effects which the 2006 scheme would have had on occupiers of Mayville in terms of outlook and light.
11. The appeal proposal would entail the removal of a significant length of the stone boundary wall to create the splayed access into the appeal site. This, together with the scale and mass of the proposed dwelling, would result in the building being conspicuous in views from the road outside the site, and from

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<sup>1</sup> APP/D3125/A/06/2009675

the churchyard. The design of the proposed dwelling would incorporate some vernacular elements including steeply pitched roofs, natural stone as a facing material and roofing tiles laid in diminishing courses. However, the evidence presented is not sufficient to demonstrate that other elements of the design including the siting of the dwelling, the depth of the floor plan and the incorporation of large gables would be well related to the local character.

12. The proposal would open up the appeal site creating new views through the proposed access. However, although the dwelling would be set back and existing ground levels could be lowered, additional tree planting would not be sufficient to maintain a sense of openness. Rather, on the basis of the evidence before me, the appeal site would be largely dominated by the proposed dwelling which would fill much of the width of the site with parking in front of the dwelling. Consequently, views through to the rear of Broad Street would be restricted and the character of area would be harmed by the addition of the proposed dwelling and the loss of part of the boundary wall. In any event, reliance upon new tree planting to shield views into the site would not be sufficient to create an acceptable proposal on this site and within an area where the relationship of buildings to the street pattern is an important feature.
13. The Grounds of Appeal confirm the intention to reduce the ground level of the site of the proposed building to take into account the changes in level between the appeal site and Church Close and so reduce the visual impact of the proposal. Whilst the design and access statement with the original submission makes reference to a possible lowering of the existing ground level, there is nothing within the submission drawings which addresses this or shows the proposed relationship between the development and surrounding buildings and other built forms. Whilst in some circumstances, ground and floor levels may be addressed by condition, this would not be appropriate in this case where the effects on the conservation area and the setting of listed buildings are key considerations. In the absence of specific proposals and detailed evidence on this point, I am not persuaded that reducing ground and floor levels would be sufficient to make the proposals acceptable.
14. The Vicarage is a relatively new dwelling and forms part of a development which takes access from Broad Street. Whilst the Vicarage is set back from the road frontage, the stone boundary wall runs along the western and northern boundaries of the plot and links with the northern elevations of buildings which back onto the street. This continuous boundary feature assists considerably in assimilating the development into its context. I consider that in this respect, notwithstanding the overall height of the Vicarage building, this development differs from the appeal proposal and does not form a precedent.
15. On the basis of the evidence, it has not been demonstrated that the proposal would respect the special character of this part of the conservation area and the relationship of the site to its immediate surroundings including the setting of Grade I and II listed buildings. I find that the appeal proposals would diminish the significance of Grade I listed church through harm to its setting. There would also be harm to the setting of the listed buildings of Mayville and Felix Cottage. The proposed development would harm the character and appearance of the immediate area and thus would fail to preserve the character or appearance of the Conservation Area.

16. I have given weight to the Council's inability to demonstrate a five year supply of housing land and to the fact that the Council's policies for the supply of housing are therefore out of date. The site lies within the existing settlement of Bampton and the proposal would provide one additional house. These points weigh in favour of the proposal. I have noted the appellant's intention to live in the proposed dwelling releasing Deanery Farmhouse onto the open market.
17. The National Planning Policy Framework ("Framework") is clear that great weight is to be given to the conservation of designated heritage assets. Whilst the development would lead to less than substantial harm to the significance of designated heritage assets, the public benefits from the provision of one dwelling are insufficient to outweigh the harm the proposal would cause to designated heritage assets. The limited social and economic benefits from the proposed dwelling would be significantly and demonstrably outweighed by the environmental harm the proposal would cause. I have noted the measures proposed to increase biodiversity but these do not alter my findings on the main issues. Consequently the proposal would not be sustainable development as set out in the Framework.
18. The proposal would fail to comply with Policy BE2 of the West Oxfordshire Local Plan 2011 adopted in 2006 as it would fail to respect the character of its surroundings. It would result in the erosion of an important area of open space which adds to the distinctiveness of this part of Bampton and to the character of the locality and would therefore fail to comply with elements of Policy BE4. For similar reasons the proposal would conflict with Policy BE5 which reflects legislative provisions regarding conservation areas and requires every effort be made to ensure character or appearance is not eroded by unsympathetic development. The proposal would conflict with Policy BE8 which requires development should not detract from the setting of a listed building. Whilst the Local Plan was adopted some years before the Framework, the relevant policies are broadly consistent with the emphasis which the Framework places upon good design and upon conserving heritage assets.
19. The Council's reasons for refusing the proposal and the appellant's evidence refer to the emerging Local Plan<sup>2</sup>. However, this plan has yet to be found sound and I therefore accord its policies limited weight.

## **Conclusions**

20. For the reasons given above and having taken into account all matters raised, I conclude that the appeal should be dismissed.

*J E Tempest*

INSPECTOR

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<sup>2</sup> Draft West Oxfordshire Local Plan 2031