
Appeal Decision

Site visit made on 28 February 2017

by H Porter BA(Hons) PGDip IHBC

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

Decision date: 07 March 2017

Appeal Ref: APP/D3125/W/16/3164689

32 Flexneys Paddock, Stanton Harcourt OX29 5RS

- 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 & Mrs Clarke against the decision of West Oxfordshire District Council.
 - The application Ref 16/03076/FUL, dated 12 September 2016, was refused by notice dated 3 November 2016.
 - The development proposed is new cottage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area, including the Stanton Harcourt and Sutton Conservation Area.

Reasons

3. The appeal scheme proposes to develop the garden to the side of 32 Flexneys Paddock (No 32), introducing an additional one-bedroom cottage at the end of the existing terrace of four. The appeal follows the decision by a previous Inspector to dismiss a new cottage at the appeal site in 2010¹. The site remains materially the same as that considered by the previous Inspector, situated within the Stanton Harcourt and Sutton Conservation Area (the Conservation Area) and bounding the open countryside to the north of the site. While the National Planning Policy Framework (the Framework) has been adopted since this earlier decision was made, and the West Oxfordshire Local Plan 2011 – 31(the ELP) is now emerging, the boundaries of the Conservation Area remain the same, as does the West Oxfordshire Local Plan 2011, adopted 2006 (the Local Plan) policy background. In light of this, the previous appeal decision stands as a material consideration in the context of this current appeal and I shall therefore have regard to it when reaching my own conclusions.
4. In consideration of the previous appeal scheme, the Inspector had established that an additional cottage in the garden of No 32 would result in an 'incremental extension of the physical built envelope of the settlement into open countryside'; and that No 32 serves an important function of 'filtering or synthesising the transition between open countryside and the built form of the

¹ APP/D3125/A/10/2124935

settlement'. The appellant contends that the appeal site is located away from the historic core of the village, and that the garden to No 32 does not currently serve a useful function. However, these factors do not preclude the important role the site still plays in providing the setting for the village within the flat open countryside adjoining it, and therefore the positive contribution it continues to make to the character and appearance of the Conservation Area as a whole.

5. Of the 2010 scheme, the previous Inspector noted that the proposed fenestration and detailing would be different to the existing terraced dwellings, to the extent that the new cottage would not appear as a conscious extension. This would still be the case under the latest iteration, which in spite of extending the existing roof level and the use of matching materials, would exclude the roof dormer window detail on the rear elevation, have openings of a different size, location and glazing pattern and continue to omit the pilaster detailing on the front elevation. Moreover, the proposed through-passage serves to disrupt the symmetry within the existing terrace, which is balanced with two cottages on either side of a central passage. Therefore, rather than appearing as an integral part or complementary extension of the existing terrace, the appeal scheme would result in an awkward and uncharacteristic extension that would undermine the design integrity of the original group.
6. As the current proposal would still represent an encroachment of the settlement edge into the open countryside and still fails to reflect the fenestration and detailing of the existing terrace, I find that not all of the issues have been satisfactorily addressed. Consequently, I am unable to establish sufficient difference between the cumulative impacts of the two appeal schemes and must likewise conclude that the proposed development would fail to preserve the character and appearance of the area and the Conservation Area.

Planning balance

7. Given the size and location of the proposed development, when considered in the context of the Conservation Area as a whole, the degree of harm would be less than substantial. Having found some harm to the designated heritage asset would arise, I must give considerable importance and weight to that harm in balancing it against any public benefits. There would be an economic benefit through employment during construction and supply of materials. There would be social benefits through introducing an additional dwelling into the settlement, in an area where a five-year housing land supply cannot currently be demonstrated. I attach modest weight to these factors.
8. While I note the appellant refers to the proposal as meeting the criteria of affordable housing, there is no mechanism to secure the dwelling as an affordable home. The addition of one additional house, even if there was a particular demand for one-bedroom dwellings in the area or if it could be rented, would make a very small contribution to boosting the supply of housing. Owing to the detrimental impact on the area and the Conservation Area, the proposal would fail to satisfy the environmental dimension of sustainable development. Even in light of the fact that the Council cannot currently demonstrate a five-year supply of housing land, specific policies in the Framework indicate that development in this context should be restricted².

² Footnote 9, paragraph 14 National Planning Policy Framework (the Framework)

Therefore the modest degree of weight in favour of the scheme is significantly and demonstrably outweighed by the overall harm.

9. The proposed development would therefore not be in accordance with the requirements of S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. As such, there would be conflict with Policy BE5 which seeks to avoid harm to the character and or setting of a conservation area. The development would also fail to accord with Policies H2, H4 and BE2 of the West Oxfordshire Local Plan, 2011 (the Local Plan) insofar as they seek to ensure development be well designed and respect, amongst other things, the character of the surrounding area, avoiding loss or erosion of the distinctiveness of a settlement and preserving the visual amenity or character of the locality. Although Policy H2 and OS2 of the ELP currently carry less weight than the adopted Local Plan policies, the proposal also runs contrary to them in that they require development to respect the intrinsic character of the area, which the appeal scheme does not.
10. The development would also fail to satisfy the principles of the Framework, which seek to secure high quality design and development that takes account of the character of different areas. There would also be conflict with paragraphs 131, 132 and 134, which seek development that makes a positive contribution to local character and distinctiveness; expect great weight to be given to the conservation of a heritage asset; and require less than substantial harm to be weighed against the public benefits of a proposal.

Other matters

11. I note the appellant's reference to a recent planning permission granted at Black Ditch. While Black Ditch does lie towards the edge of the settlement, it is not in a Conservation Area and does not, in terms of site-specific circumstances, scale, location and affordable housing provision, represent a direct parallel to the appeal proposal. In any case, I have determined the appeal on its own merits.
12. The lack of objection from the Highway Authority or neighbours and an absence of harm in relation to living conditions, flood risk drainage or the fact that the proposal would be insulated to meet building regulations, include recycling and waste bin storage, and be accessible, are all neutral factors which do not outweigh the harm to the character and appearance of the area identified above.

Conclusion

13. For the reasons given above, I conclude that the appeal should be dismissed.

H Porter

INSPECTOR