

Appeal Decisions

Site visits made on 21 February and 16 March 2017

by J J Evans BA (Hons) MA MRTPI

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

Decision date: 03 April 2017

Appeal A Ref: APP/D3125/D/16/3161058

Royal Oak Cottage, Church Street, Charlbury OX7 3PP

- 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 T Lloyd against the decision of West Oxfordshire District Council.
 - The application Ref 16/01802/HHD, dated 31 May 2016, was refused by notice dated 18 August 2016.
 - The development proposed is internal and external alterations to form an enlarged bedroom by raising the roof of an existing side extension.
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Appeal B Ref: APP/D3125/Y/16/3161052

Royal Oak Cottage, Church Street, Charlbury OX7 3PP

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr & Mrs T Lloyd against the decision of West Oxfordshire District Council.
 - The application Ref 16/01803/LBC, dated 31 May 2016, was refused by notice dated 18 August 2016.
 - The works proposed are internal and external alterations to form an enlarged bedroom by raising the roof of an existing side extension.
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Decision

1. Appeal A: the appeal is dismissed.
2. Appeal B: the appeal is dismissed.

Procedural Matters

3. Royal Oak Cottage and The Cottage are grade II listed buildings within the Charlbury Conservation Area. As required by Sections 16(2), 66(1), and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) I have paid special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses, and of preserving or enhancing the character or appearance of a conservation area.
 4. As set out above, there are two appeals on the same site, one for planning permission and the other for listed building consent. They seek internal and external alterations to form an enlarged bedroom by raising the roof of an existing side extension. I have considered each proposal on its individual merits, although to avoid duplication I have dealt with the two schemes together except where otherwise indicated.
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5. During my visit to the Royal Oak Cottage the appellant pointed out that the site area did not include the lower garden of the property. The applications do not propose works within this garden. I have noted the comments of the appellants with regard to their land ownership but am satisfied that the proposal can be determined on the basis of the site area as considered by the Council.

Main Issues

6. The Council did not consider the proposed works would impact upon the character and appearance of the Charlbury Conservation Area, taking the view that as the proposed development would not be visible from the street scene it would not have a detrimental impact upon the conservation area. However, in the Council's appeals statement it is stated that the proposal would harm the conservation area.
7. The appellants consider the proposal would preserve and enhance the conservation area, and did not submit any final comments following the Council's appeals statement. As the requirements of Section 72(1) of the Act apply in all cases and not just where schemes would be visible from the public realm, I have considered the proposal in light of this statutory duty.
8. Consequently the main issues are firstly, whether internal and external alterations to form an enlarged bedroom by raising the roof of an existing side extension would preserve a grade II listed building, or its setting or that of a nearby listed building, or any features of special architectural or historic interest it possesses, and linked to that whether the works would preserve or enhance the character or appearance of the Charlbury Conservation Area; and secondly, the effect of the proposal on the living conditions of the occupiers of The Cottage, with particular regard to outlook and light.

Reasons

Heritage Matters

9. Royal Oak Cottage is one of several houses positioned within a row to the southern side of Church Street. This eighteenth century two storey house with attic is constructed of coursed squared rubble stone under a stone slate roof. The use of traditional local materials, the form and style of the house, including its development over time, and its historic use as a temperance inn, are all part of the special interest of this listed building.
10. The adjoining house, The Cottage, is also grade II listed, and is constructed of similar materials to Royal Oak Cottage. These properties and the other houses to either side of Church Street are positioned close to the footway, and the long rows of historic houses constructed from local materials gives an attractive and harmonious character and appearance to the area. The front elevations of the houses have a more formal appearance indicative of the social and historic importance of public presence, and this is distinctly different to the variety and mix of ages, styles and forms of the rear extensions to these houses.
11. Royal Oak Cottage has been extended to the rear with both ground and two storey extensions. From the evidence before me, the works approved in 2011 created amongst other things, an additional bedroom. In view of these recent works the proposed alterations would appear to result in little loss of historic fabric.

12. The rear extensions of the appeal property and those of the surrounding houses show a variety of forms and positions. In most cases the incremental appearance of the extensions and outbuildings maintains the legible dominance of the main building both in terms of their subservient positioning and form. By raising the roof as proposed, the formation of a very deep continuous and unbroken ridge would become a dominant addition to the building, at harmful odds with the organic vernacular appearance of the rear of the cottage and that of the surrounding properties.
13. I appreciate the house has been extended and altered over time, and that the extension would not increase the footprint of the building. However, the stepped ridge of the existing extension contributes to the eclectic appearance of the rear extensions of the buildings that is a distinctive feature of the area. Whilst the proposed alterations would be relatively small in scale, the impact of the works would be in addition to the extensions already present on the building. The resultant depth and height of the extended wing would have an undue prominence upon the building and upon the setting of The Cottage, as well as harming the character and appearance of the conservation area.
14. The National Planning Policy Framework (the Framework) requires that when considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. For the reasons given the proposed extension would neither preserve a listed building or its setting or the setting of The Cottage, nor would it preserve or enhance the character or appearance of the Charlbury Conservation Area. This would be contrary to Policies H2, BE2, BE5, and BE7 of the West Oxfordshire Local Plan (2006) (LP), and the guidance in the West Oxfordshire Design Guide (2016) (DG). These seek, amongst other things design that respects a building and its surroundings, and that which preserves or enhances the historic environment, reflecting objectives of the Framework.
15. The Framework also requires that where a development proposal would be less than substantial harm to the significance of a designated heritage asset, that this harm should be weighed against the public benefits of the proposal. Raising the roof would result in less than substantial harm due to the relatively small size of it compared to that of the house and area as a whole.
16. The appellants require the extension to provide additional head-height in the room thereby allowing more flexible use of the space. However, such a benefit would be a personal rather than a public benefit, and the use of the room would not be dependent upon the works. The Council have referred to a limited public benefit from the construction of the extension having a local economic benefit, and that the proposal would be a more efficient use of land. Although the scheme would provide a personal benefit to the appellants, the public benefits identified would be modest, and would not therefore outweigh the harm I have found.

Living Conditions

17. To the rear of The Cottage is an extension that comprises several additions, both two storey and single storey. At ground floor level it provides a dining room, kitchen and bathroom and also a room that is currently used as store / utility area. Apart from the store room, these rooms have a single aspect, with views out over the courtyard to the existing extension of the Royal Oak Cottage.

18. I accept that extending the ridge to be the same height along its length would obscure some of the sky when viewed from particularly the kitchen and dining room of The Cottage. However, raising the roof would not significantly alter the outlook from these rooms as users of the dining room already look out onto the higher section of the extension, whilst from the kitchen there are only limited views of the sky above the existing ridge. The Cottage and its paved garden area are at a lower level than Royal Oak Cottage, and this and the existing extensions of both houses have created an enclosed courtyard, along with consequential restricted outlooks from the rear windows of The Cottage. The increased ridge height when combined with the pitch of the roof would not significantly reduce either the outlook of the occupiers of The Cottage nor enclose the garden over and above the existing situation.
19. The rear elevation of the house faces south and would benefit from natural light due to this aspect. However, the depth and height of the existing extensions to both houses would already create overshadowing to the windows of The Cottage. I noted the size of the windows of the property, but the raised ridge would not significantly further reduce light from the windows of The Cottage.
20. Thus the proposal would not significantly harm the living conditions of the occupiers of The Cottage. The proposed works would accord with the requirements of LP Policies H2 and BE2 and the guidance in the DG. These seek, amongst other things design that retains a satisfactory environment and acceptable living conditions for residents, reflecting objectives of the Framework.

Other Matters

21. The Council have referred to policies within an emerging development plan, the West Oxfordshire Local Plan 2031. I have considered the policies provided but as they have not yet been adopted, this has limited the weight that can be attached to them.
22. Royal Oak Cottage is within the Cotswolds Area of Outstanding Natural Beauty (AONB), and there is a statutory duty to protect the landscape and scenic beauty of this area. The house is one of a number of historic properties within the settlement. As the extension would be seen as part of the built up area as a whole, it would not unacceptably harm the landscape and scenic beauty of the AONB.

Conclusion

23. For the reasons given above the proposal would not unacceptably harm the living conditions of the occupiers of The Cottage. However, the proposal would significantly harm a listed building, its setting and that of an adjoining listed building. Nor would it preserve or enhance the character or appearance of a conservation area. These harms would not be outweighed by any public benefit, and thus having considered all other matters raised, the appeals are dismissed.

J J Evans

INSPECTOR