
Appeal Decision

Site visit made on 30 March 2017

by H Butcher BSc (Hons) MSc MRTPI

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

Decision date: 8 May 2017

Appeal Ref: APP/G3110/W/17/3166679

Oxford Castle, New Road, Oxford, Oxfordshire, OX1 1AY

- 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 Trevor Osborne against the decision of Oxford City Council.
 - The application Ref 15/03134/FUL, dated 26 October 2015, was refused by notice dated 7 July 2016.
 - The development proposed is the relocation of bicycle racks further towards New Road entrance. Construction of timber pergola adjacent to 1855 Oxford.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on the settings of the Grade II* listed County Hall and the Grade II listed Malmaison Hotel, and whether it would preserve or enhance the character or appearance of the Central (University and City) Conservation Area.

Reasons

3. The appeal site is located within the forecourt of the Grade II* listed County Hall and the associated Grade II listed (former) prison. This area has been redeveloped in recent years to create a 'cultural quarter' which includes bars and restaurants, and the prison has been converted into a hotel (Malmaison). This has been sympathetically done. The forecourt and the facades of the historic buildings are largely unobstructed. Consequently the original form and uses of these buildings is still easily recognisable and can be clearly appreciated. These buildings make a valuable contribution to the historic character of the area which includes the Central (City and University) Conservation Area (CA) in which they are located.
 4. The proposal concerns a café (1855) which occupies a new building adjoining County Hall. It has a small external seating area directly to the front of it. At present it is a modest, well-contained development which does not impose itself on, or detract from, the adjacent County Hall. It is proposed to create a further, larger external seating area to the side of it contained within a timber pergola. The area in which the pergola is to be sited is currently occupied by bicycle racks but these are to be relocated further along the side elevation of County Hall which addresses the forecourt.
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5. The pergola would sit in front of part of the County Hall building. Although glazed it would, nevertheless, partially obscure and divert attention from this element of the building. I accept that the part of County Hall affected is recessed and less prominent than other parts. Nevertheless, it retains many original features being constructed from coursed rubble stone, and having ashlar stone windows and decorative arrow slits. As such it positively contributes to the overall historic character and appearance of the forecourt of County Hall and the adjacent prison, and the CA generally. Any obstruction would therefore be harmful.
6. Furthermore, the pergola would introduce additional clutter to the forecourt resulting in the relocation of the cycle parking to a more prominent location along the side of County Hall. Even if the cycle parking were to be laid out in a long single line this matter adds to my concerns.
7. Taking the above points together, the proposal would harm the settings of the Grade II* listed County Hall and the Grade II listed prison. It would also neither preserve nor enhance the character or appearance of the CA. It follows, therefore, that it would neither preserve nor enhance the character or appearance of the CA as a whole. The appellant's comments that the pergola could be removed in the future leaving no trace do not overcome my concerns given that a permanent permission is sought.
8. Although harmful in its immediate setting, in terms of the advice in the National Planning Policy Framework paragraph 134, the harm to the CA would be 'less than substantial'. However, that would still represent a harmful impact, adversely affecting the CA's significance as a heritage asset. Less than substantial harm should be weighed against the public benefits of a proposal. There would be some public benefit in terms of an enhanced restaurant facility. The evidence before me also refers to architectural lighting and historic interpretation panels which it is suggested could be fixed to the pergola. Whilst these represent potential benefits, such installations could be provided without the need for the pergola. The harm to the CA would clearly outweigh these benefits.
9. Taking the above points together the proposal would conflict with policies CP1, CP8, HE3 and HE7 of the Oxford Local Plan 2001-2016 and Policy CS18 of the Oxford Core Strategy 2026. These policies, amongst other things, require new development to respond to local character, and its site and surroundings, which includes preserving or enhancing the special character and setting of listed buildings and conservation areas.

Conclusion

10. The proposal would harm the settings of the Grade II* listed County Hall and the Grade II listed Malmaison Hotel, and would neither preserve nor enhance the character or appearance of the Central (City and University) Conservation Area. For these reasons, and having had regard to all matters raised, including the fact that Historic England made no comment on the proposal, the appeal is dismissed.

Hayley Butcher

INSPECTOR