
Appeal Decision

Site visit made on 15 May 2017

by Gareth W Thomas BSc(Hons) MSc(Dist) PGDip MRTPI

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

Decision date: 23rd May 2017

Appeal Ref: APP/D3125/D/17/3173457

2 Bulls Close, Filkins Lechlade GL7 3HY

- 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 Hambidge against the decision of West Oxfordshire District Council.
 - The application Ref 16/03649/HHD, dated 28 October 2016, was refused by notice dated 12 January 2017.
 - The development proposed is for new vehicular access and hard standing.
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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 Filkins Conservation Area and on the Grade II listed Old Bull Inn and Horseshoe House.

Reasons

3. Saved Policy BE5 of the West Oxfordshire Local Plan 2006 (LP) and Deposit Draft Policy EH7 of the West Oxfordshire Local Plan (WOLP) 2031(which does not yet carry full weight as it is subject to further examination) aim to ensure that development within conservation areas preserves or enhances their character or appearance. The National Planning Policy Framework ('the Framework') points out that the significance of a heritage asset can be harmed or lost through development within its setting; Saved LP Policy BE8 and Draft WOLP Policy EH7 seek to protect the setting of listed buildings. In addition, Saved LP Policies BE2 and H2 and Deposit Draft Policy OS1 of the WOLP attach significant weight to well-designed developments and seek to ensure that development relates positively to the character of its surroundings and achieves a high level of design.
 4. I have been supplied with various documents, including the Filkins Conservation Area Appraisal which establishes that Filkins is essentially linear in nature with early buildings of stone forming loose-knit clumps, including farmhouses, farm buildings and cottages arranged informally along the main routes. The settlement has a semi-rural character with continuous stone walls interspersed by buildings located on the highway edge a particularly noteworthy feature. The significance of the Conservation Area is derived from its rural vernacular character with materials largely of dressed and random
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- stone, including stone tiles. From what I saw at my site visit, the boundary walling, both upright stones and drystone rubble walls contribute significantly to the special interest and thereby the significance of the Conservation Area.
5. The proposal would see the construction of an access to the front of the host property, a two storey mid-terraced stone house. The access would be formed by removing part of the existing front garden wall, the excavation of the front garden to form a gravelled parking area measuring some 5m x 6m together with a new retaining wall and steps and the replacement of the front grassed highway verge with "grasscrete" blocks that would permit grass to grow between the concrete block sections.
 6. The West Oxfordshire Design Guide (2016) highlights that boundary treatments, both man-made and natural are a critically important element of historical settlements that are worthy of retention and restoration. During my site visit, I was able to note this characteristic feature and the contribution that the front boundary walling at the appeal site makes to the significance of the Conservation Area. There is a unity in the architectural composition of this terrace with the front boundary stone walls contributing significantly to this character. The loss of the stone wall at this location would fail to preserve or enhance the appearance of the Conservation Area and significantly harm the area's character. As a result, the proposed development would be contrary to the above policies designed to preserve or enhance the character or appearance of the Conservation Area.
 7. In addition, the appeal property lies slightly further up the street on the opposite side of the road from the Grade II listed Old Bull Inn and Horseshoe House. I am required to consider the effects of the proposed development on the setting of this heritage asset. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that special regard be given to the desirability of preserving the setting of listed buildings. Paragraph 132 of the Framework establishes that the significance of a heritage asset can be harmed or lost through development within its setting. The Framework defines the setting of a heritage asset in terms of the surroundings in which it is experienced.
 8. The significance of this particular listed building is derived from its traditional materials palette and construction techniques, its restrained vernacular detailing and prominent siting close to the village street. There is no evidence to suggest that the proposal would harm the significance of the Old Bull Inn and Horseshoe House. The loss of a small section of walling on a property that is not directly opposite the listed building would not be particularly noticeable from or therefore be harmful to this listed property. In giving great weight to the asset's conservation, I consider that the proposal would not erode the setting of the listed building to a harmful degree or cause harm to its significance.
 9. Thus for the above reasons, and mindful of my duty arising from Section 66 of the Act, I consider that the proposed development would preserve the setting of the listed building.

Conclusion

10. Whilst I have found that harm would not be caused to the setting of the listed building, this is not the case in relation to the character and appearance of the

Conservation Area. The scheme would fail to preserve, but would harm character of the Conservation Area. The scheme would also be contrary to those policies listed above and to the Framework, which requires weight to be given to the conservation of designated heritage assets.

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

Gareth W Thomas

INSPECTOR