

Appeal Decision

Site visit made on 23 May 2017

by David Spencer BA(Hons) DipTP MRTPI

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

Decision date: 14 June 2017

Appeal Ref: APP/C3105/D/17/3173519

The Old Smithy, Kings Head Lane, Islip OX5 2SA

- 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 Miranda Ellis against the decision of Cherwell District Council.
 - The application Ref 16/02181/F, dated 31 October 2016, was refused by notice dated 20 January 2017.
 - The development proposed is a two-storey side extension and first floor extension over existing single storey extension.
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Decision

1. The appeal is allowed and planning permission is granted for a two-storey side extension and first floor extension over existing single storey extension at The Old Smithy, Kings Head Lane, Islip OX5 2SA in accordance with the terms of the application, Ref 16/02181/F, subject to the conditions in the schedule attached to this decision.

Main Issues

2. The main issues in this appeal are as follows:
 - i. Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies.
 - ii. The effect of the proposal on the significance of heritage assets including: (i) the setting of The Old Rectory, a Grade II* listed building; and (ii) the character and appearance of the Islip Conservation Area.
 - iii. The effect of the proposed extension on the living conditions of the occupiers of Black Fire Cottage and Church Square Cottage, with regard to outlook and sunlight within their private amenity spaces.

Reasons

Would the proposed development be inappropriate?

3. The nucleated village of Islip is wholly within the Oxford Green Belt. The National Planning Policy Framework (NPPF) advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The NPPF sets out five purposes of Green Belt which collectively secure the aims of openness and permanence. Accordingly, new buildings are to be regarded as inappropriate in Green Belt unless they are one of the exceptions found at paragraph 89 of the NPPF. These include, amongst other things, the
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- extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
4. There is very little evidence before me on the history of the extension approved in 1999 and the single storey outshot it replaced. The appeal proposal, in combination with the existing extension, would clearly result in a notable proportional increase. However, the cumulative massing of the extensions, including the appeal proposal, would remain small-scale and subservient relative to the humble dimensions of the original building.
 5. The proposed extension would be situated within the core of the village, which is characterised by a reasonably tight pattern of built development. Due to the surrounding and intervening development there is a very limited sense at the appeal location of the wider openness of Green Belt. Development around the appeal site is generally at a larger scale than the host building and the proposed extension. In this context the appeal proposal would appropriately nestle within the built fabric of the village. Accordingly, the proposed extension would not have a harmful effect on the openness of Green Belt. In this context, and given the ambiguity about the original scale of the buildings at the site, the appeal proposal would not be a disproportionate addition.
 6. I therefore conclude that the appeal proposal would not be inappropriate development in the Green Belt. It would not contravene the fundamental aim of Green Belt policy or undermine any of the five purposes of Green Belt. The proposal would be consistent with Policy ESD14 of the Cherwell Local Plan 2011-2031 Part 1 Adopted July 2015 (the CLPP1) in terms of the objectives for the Oxford Green Belt and ensuring that Green Belt proposals in the District are consistent with the NPPF.

Heritage Assets

7. To the south of the appeal site is The Old Rectory which is an imposing Grade II* listed building comprising of two tall storeys and a steep pitched Stonesfield-slate roof with attic level accommodation denoted by dormers and stone gable end chimney stacks. This building is originally of late Seventeenth Century construction although much altered in the Nineteenth Century. Accordingly, it is the chronology of architectural detailing in its external appearance and its scale and status as one of the larger houses in the village, which are its heritage significance of concern for this appeal.
8. The building was conceived to face south towards the valley floor of the River Ray at the point where the former London to Worcester road bridges the river. The appeal site is to the north of the Old Rectory and as such does not affect the setting of The Old Rectory as a commanding building on the entrance to the village from the south.
9. The appeal site is divorced from the quieter rear elevation of the Old Rectory by the tall Tithe Barn and solid stone boundary walls. The grounds and buildings of Black Fire Cottage further separate the appeal site from the Old Rectory. As such the appeal proposal would not have a harmful effect on the immediate and subdued setting of the rear elevation of the Old Rectory.
10. From within Church Square and the High Street the appeal proposal would infill the existing small gap between the Old Smithy and Church Square Cottage through which the upper parts of the first floor and roof-scape of the rear of

the Old Rectory are visible. I recognise from this perspective a sense of the scale of the Old Rectory is discernible but it is over an appreciable distance where views of the plainer rear elevation are already filtered by the gables and roofs of various buildings. The appeal proposal would modestly add to the array of intervening development. The upper parts of the roof and chimneys would remain perceptible, retaining the sense of a taller, status building in the distance.

11. Taking all of the above into account, I consider the effect on the ability to appreciate the significance of the heritage asset would be neutral. Therefore, the setting and heritage significance of the Old Rectory would not be harmed.
12. The appeal site is situated within the Islip Conservation Area (the CA) which benefits from a Conservation Area Appraisal (CAA) produced in 2008. The site is within 'historic core' which is characterised by linear streets tightly enclosed by a close knit pattern of buildings. This includes short terraces such as that on Kings Head Lane containing the appeal site. As such I do not consider the small gap above the existing extension to the Old Smithy to be particularly distinctive in this part of the CA or notable to its heritage significance. The appeal proposal would result in a more intimate clustering of development but this would be characteristic of this part of the CA. I am also satisfied that due to the set-back position of the proposed extension Church Square Cottage would still be read as a stand-alone property. Accordingly, the appeal proposal would not appear as a harmfully cramped development.
13. From my observations around the CA I noted that the predominant roof style is pitched, including where buildings have been extended or altered. I saw few examples of catslide extensions comparable to what exists at the appeal site. In replacing the catslide roof with its squat glazed dormer, the appeal proposal would positively add to the informal mix of building styles, pitched rooflines and materials in the run of tightly arranged buildings. I appreciate the trapezoid type shape of the footprint and the proposed sloping ridge height would result in a tailored roof form specific to the constrained site. However, the very modest scale would mean it would not be incongruous with the predominant style of pitch roof and gables found elsewhere in the CA. I also consider the use of traditional roofing materials, as encouraged by the CAA, would integrate the roof form and this could be secured by condition.
14. I note Section 7.12 of the CAA analyses 'key views' and 'positive vistas' in the CA neither of which include the appeal site from within Church Square, High Street or The Walk. The appeal proposal would not be visible from Kings Head Lane. It would not be prominent from either Church Square or The Walk being set back from the highway and seen as part of the varying changes in roof levels and building forms in this tightly arranged group. Accordingly, I do not consider the roof form would be harmfully distracting or unsympathetic when viewed from within the CA.
15. It is submitted that the Old Smithy is a non-designated heritage asset. I have no evidence before me that it is on a published local list. Section 5.9 of the CAA identifies unlisted buildings which make a positive contribution to the character of the CA. The Old Smithy is not listed. There is little in the now domesticated character or appearance of the appeal site to overtly indicate its former use. The Planning Practice Guidance¹ advises that buildings with little

¹ Planning Practice Guidance: Reference ID: 18a-039-20140306

heritage significance are not necessarily a heritage asset. In light of this particular guidance there is not the level of evidenced heritage interest in the building in order for its significance to be a material consideration in the planning process.

16. I therefore conclude that the proposed development would conserve the setting of the listed Old Rectory and preserve the character and enhance the appearance of the Islip Conservation Area. As such the proposal would accord with Policy ESD15 of the CLPP1 and Policies C28 and C30 of the Cherwell Local Plan 1996 as they relate to design considerations and protection and enhancement of the historic environment. The proposal would also meet the objectives of the NPPF to conserve heritage assets and secure high quality design.

Living Conditions

17. The extension would be to the east of the small private amenity space at Church Square Cottage and largely to the north-east of the amenity space to Black Fire Cottage. I also noted the position of south facing openings on Church Square Cottage and size and position of the tall rear single storey pitch roofed outshot to this property flush to part of the boundary with the Old Smithy. The proposed extension would be no higher than any surrounding ridges and would be of a modest increased massing compared to the existing extension. The largely open aspect to the south and west of neighbouring properties would be retained. Taking this all into account I am satisfied that there would be no harmful loss of morning sunlight or general daylight levels for occupants of the outdoor areas or buildings at these adjoining residences.
18. The modest increase in the height of the eaves level and the constrained ridge height means that the proximity of the extension would not be harmfully overbearing in a historic part of the village where buildings are characteristically closely arranged. I noted a seating area at Church Square Cottage backs onto the boundary with the Old Smithy. I am satisfied that the modest scale of the appeal proposal would not be harmfully overbearing on this part of the courtyard garden area given the unaffected openness to the south and west. I am also satisfied that the appeal proposal would not adversely affect light levels to the openings on the east facing elevation of Church Square Cottage to the north of the proposed extension.
19. An opening would be positioned on the west elevation of the extension just above the ceiling height of the ground floor level with an aspect over the rear gardens of Church Square Cottage and Black Fire Cottage. This opening would provide a lightwell to a ground floor reception room. As such there would be no overlooking or loss of privacy to neighbouring gardens. It replaces a similarly positioned glazed dormer in the roof such that the appeal proposal would not result in any materially different perception of overlooking.
20. I therefore conclude that the appeal proposal would not result in harm to the living conditions of nearby residents. The proposed extension would comply with Policy C30 of the Cherwell Local Plan 1996 which seeks to secure acceptable standards of amenity. The proposal would also be consistent with the NPPF in terms of securing a good standard of amenity for all existing and future occupants of buildings.

Conclusion and Conditions

21. For the reasons set out above, and having considered all other matters before me, I conclude that the appeal should succeed.
22. Other than the standard time limit condition, I consider a condition that the development is carried out in accordance with the approved plans is necessary for the avoidance of doubt and in the interests of proper planning. I also consider various conditions controlling the external materials and finishes of the external walls, roof and openings to the extension, including the profile of the rooflights, are necessary in the interests of local character and appearance. The Local Planning Authority has also suggested an additional condition restricting further windows and openings being installed other than those on the approved plans. I consider such a condition is necessary in the interests of protecting the privacy of neighbouring properties.

David Spencer

Inspector.

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawings Nos: 01A – Existing Plans including Location Plan; 02 Existing Elevations; 10A Proposed Plans including Block Plan; 11A Proposed Elevations.
- 3) The natural stone to be used on the walls of the extensions shall be of the same type, texture, colour and appearance as the stone on the existing building and shall be laid, dressed, coursed and pointed to match that of the existing building.
- 4) The materials to be used for the roof of the extensions shall match in terms of colour, type and texture of the stone slates used on the existing building.
- 5) Prior to the commencement of the development, full details of the doors and windows hereby approved, at a scale of 1:20, including a cross-section and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the doors and windows shall be installed within the building in accordance with the approved details.
- 6) Notwithstanding the details submitted, the rooflights to be used in the development hereby permitted shall be of a design which, when installed, do not project forward of the general roof surface to which they are installed.
- 7) Notwithstanding the provisions of Classes A, B and C of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, no new window(s) or other openings, other than those shown on the approved plans, shall be inserted in the walls or roofs of the extensions without the prior express planning consent of the Local Planning Authority.

Schedule Ends.