
Appeal Decision

Site visit made on 14 June 2017

by G P Jones BSc(Hons) MA MRTPI

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

Decision date: 3 July 2017

Appeal Ref: APP/C3105/D/17/3175001

4 Church Lane, Mollington, Banbury OX17 1AZ

- 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 Fisher against the decision of Cherwell District Council.
 - The application Ref 16/02548/F, dated 16 December 2016, was refused by notice dated 30 March 2017.
 - The development is described as Proposed single storey rear extension with log burning flue. Dormer window to North elevation. Pitched roof on existing flat roof porch. Gravel finish to driveway.
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Decision

1. The appeal is dismissed insofar as it relates to the dormer window to the North elevation and pitched roof on existing flat roof porch. The appeal is allowed insofar as it relates to the single storey rear extension with log burning flue and planning permission is granted for a single storey rear extension with log burning flue at 4 Church Lane, Mollington, Banbury OX17 1 AZ in accordance with the terms of the application, Ref 16/0258/F, dated 16 December 2016, and the plans submitted with it, so far as relevant to that part of the development hereby permitted and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) Prior to the commencement of any construction works, details of all the facing materials and roofing materials to be used for the external construction of the single storey rear extension hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Thereafter only the approved materials shall be used.

Procedural Matters

2. The name of the appellant differs between the appeal and application forms, and therefore in the banner heading I have used that as provided on the application form. The application also refers to a gravel finish to the driveway but I have not considered this element of the overall scheme as it does not require planning permission.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area, having particular regard to its location within the Mollington Conservation Area.
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Reasons

4. The appeal property is the right hand of a pair of semi-detached properties that lie within the Mollington Conservation Area (MCA). Although the MCA contains a number of traditional Cotswold stone buildings, Church Lane differs in that most of the dwellings are constructed of brick with only a few natural stone properties, and there are a variety of architectural styles. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. This means that considerable weight and importance must be given to any harm caused to heritage assets in the planning balance.
5. The front elevation of the appeal property is readily visible from Church Lane and has an expansive front roof with dropped eaves that in part extend down to the top of the ground floor level. The attached property has a mirrored frontage, including the flat roof front porch, and this roof design forms an important feature of this pair of properties. In addition, although different in appearance, the adjacent pairs of semi-detached dwellings on either side have roofs that have hanging tiles on their front first floor elevations that give the appearance of an expansive front roof, unbroken by dormer windows and without porches on their frontages.
6. The proposed dormer window on the front (north) elevation would not be excessive in scale, it would be set wholly within the body of the roof, it would serve to break up the existing expansive front roof and the windows would be of an appropriate style. In this regard the proposal would comply with the guidance contained in the Council's Design Guide for Householder Planning Applications.
7. However, the addition of both the dormer window and the pitched roof over the front porch would give rise to a front elevation that would appear markedly different from that of the adjoining property. Consequently, the addition of these features would serve to visually unbalance the front elevations of these properties when viewed as a pair, thereby giving rise to an incongruous appearance in the street scene. Also the proposed alterations to the front elevation of the appeal property would not relate well to the appearance of the front elevations of the adjacent semi-detached properties on either side, albeit to a lesser degree.
8. For this reason I consider that the proposed roof dormer and pitched roof over the front porch would have an unacceptable effect on the character and appearance of the area such that it would give rise to less than substantial harm to the significance of the MCA, to which I attach considerable weight.
9. Some other properties in Church Lane have front dormer windows within the roof. However, a number of these are detached rather than semi-detached properties, and they have roofs that are of a more traditional appearance than that of the appeal property. As such these other roof dormers differ from that proposed on the appeal property.
10. Consequently I conclude that this element of the proposal would cause material harm to the character and appearance of the MCA, to which I attach considerable weight. This would be contrary to Policy ESD15 of The Cherwell Local Plan 2011-2031 Part 1 (CLP), adopted July 2015, and saved Policies C28

and C30 of the Cherwell Local Plan (LP), adopted November 1996. Taken together these policies, among other matters, require new development to reinforce local distinctiveness and be of a high standard, conserve and enhance designated heritage assets and ensure extensions are compatible with the character of the existing street scene. In addition, the proposal would not accord with the guidance contained in paragraphs 132 and 134 of the National Planning Policy Framework (the Framework), that seek to protect the historic environment and to weigh any less than substantial harm to significance of designated heritage assets against the public benefits of the proposal. As the proposal is for an extension and alterations to a dwellinghouse I consider that there would be no public benefits that would outweigh this harm that I have identified.

11. The proposed single storey rear extension with a log burning flue would not be readily visible from the street. Therefore the proposal would be neutral in terms of its impact on the MCA. In terms of any effect on the living conditions of the occupiers of nearby properties, the adjoining property of no. 3 currently has a smaller rear extension in the form of a glazed lean-to building. The proposed rear extension would be of a greater depth and would be set within a long rear garden. However, due to the separation distance between the side elevation of the extension and that of the adjoining property and the orientation between the two properties I do not consider that there would a detrimental impact on living conditions in terms of overlooking, overshadowing or that it would appear overbearing
12. No. 5 Church Lane lies adjacent to the other, western, side and is set in front of the appeal property. There would be a reasonable separation distance between the proposed extension and the side and rear elevations of this property. The log burning flue would be sited some distance away from the neighbouring properties and thus would be unlikely to cause unacceptable levels of smoke for the occupiers of these properties.
13. The Council considers that the rear extension would be acceptable, and I concur with this. Consequently, I consider that this element of the proposal would accord with the guidance in the Framework, CLP Policy ESD15 and LP saved Policies C28 and C30 in terms of ensuring extensions are sympathetic to the character of the area and protect the living conditions of existing and future occupiers.

Conditions

14. In addition to the standard condition which limits the lifespan of the planning permission, a condition concerning materials is required. However, due to the design of the rear extension a condition requiring the submission for approval of details of the external materials, rather than just matching the existing materials, is necessary to ensure that the appearance of the new rear extension would be satisfactory.

Conclusion

15. In accordance with paragraph 14 of the Framework I have considered this proposal in the context of the presumption in favour of sustainable development. However, for the new front dormer and the pitched porch roof it is my view that the benefits in terms of improving the living accommodation

would not clearly outweigh the harm that I have identified to the character and appearance of the MCA.

16. For the reasons given above I conclude that the appeal should be allowed insofar as it relates to the proposed single storey rear extension with log burning flue, but dismissed insofar as it relates to the dormer window to the north elevation and pitched roof on the existing flat porch roof.

GP Jones

INSPECTOR