

---

## Appeal Decisions

Site visit made on 27 June 2017

**by S J Papworth DipArch(Glos) RIBA**

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

**Decision date: 4<sup>th</sup> July 2017**

---

### **Appeal A: APP/D3125/W/17/3170988**

#### **The Old Bakehouse, Old Minster Lovell, Oxfordshire OX29 0RN**

- 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 Michael Brodtman against the decision of West Oxfordshire District Council.
  - The application Ref 16/04128/HHD, dated 29 November 2016, was refused by notice dated 2 February 2017.
  - The development proposed is new main entrance door and open porch.
- 

### **Appeal B: APP/D3125/Y/17/3171000**

#### **The Old Bakehouse, Old Minster Lovell, Oxfordshire OX29 0RN**

- 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 Michael Brodtman against the decision of West Oxfordshire District Council.
  - The application Ref 16/04131/LBC, dated 29 November 2016, was refused by notice dated 2 February 2017.
  - The works proposed are new main entrance door and open porch.
- 

## **Decisions**

1. I dismiss both appeals.

## **Main Issue**

2. This is the effect of the proposal on the significance of the listed building and its setting, and the character and appearance of the conservation area.

## **Reasons**

3. The building is listed Grade II and lies within the Minster Lovell Conservation Area. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) of the same Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area. Paragraph 132 of the National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. The courts have determined that considerable importance and weight should be given to harm found to the significance of listed buildings.

4. These requirements are reflected in the West Oxfordshire Local Plan 2011; with Policy BE5 on conservation areas and Policy BE7 on listed buildings. General design requirements are set out in Policies BE2 and H2, and the Council refer also to Chapter 6 of the approved West Oxfordshire Design Guide on conservation areas.
5. The significance of the listed building lies to a great extent in its simple form and the limited openings to the street and end elevations. The entry straight onto the road is a feature of the building, albeit one that would remain even if not used. The view approaching from both the west and east is of a simple village building in an intimate relationship with the road, which is quite narrow and visually confined in this location. Whilst the view of the west gable end is more restricted by the presence on the same building line of the 'Playroom', the largely blank gable wall is a significant feature of the street-scene which contributes positively to the historic significance of the conservation area, the small upper window being a pleasing feature giving limited light inside. To the rear is the more recent 'Annexe' and its linking range, set in from the line of the gable and not detracting at all from the original form.
6. The proposed porch would be open-fronted with steps to reconcile the change in level and a pitched roof. It is acknowledged that materials could be controlled by condition. It is further acknowledged that the area of internal wall to be opened-up does not appear to be historically or architecturally significant, with only a radiator and pipes to be relocated.
7. However, the shallow depth, emphasised by the small side windows, would appear an over-elaborate and fussy addition which would disrupt the solid lines of the historic building and this gable end in particular. The addition of the porch would harm the architectural presentation of this simple village building and would erode the historic interest with a loss of some fabric. In that way the proposal would cause harm to the character and appearance of the conservation area in this location so readily seen by passing residents and visitors to the Hall further along the street.
8. The level of harm is 'less than substantial', a differentiation required between paragraphs 133 and 134 of the Framework. In this case the latter applies and this states that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
9. There does not appear to be any risk of the building falling out of its use as a dwelling, or falling into disrepair by reason of not having a porch and alternative entry door. The shortcomings of the original door directly onto the narrow street is clear from use at the site visit, even though some measures have been taken to avoid vehicles being too close to the building. The appellant states that the usual entry is through the rear door into the same hallway but this is a long way round and not suitable for all users. Nevertheless, the proposed entry would still require the use of steps.
10. The conservation of heat can be a public benefit, although this must be by methods that recognise the significance of the building, and in this case the proposal is for an additional source of heat loss with no further enclosure to the porch. Making buildings more comfortable for the owner can be a public benefit as it encourages upkeep, but there is nothing in the information presented here that indicates that the building and its layout is seriously sub-

standard. It is not clear why the more recent 'Annexe' and linking range did not provide the sought-after entry, or cannot now.

11. The proposed porch would cause harm to designated heritage assets that is not outweighed by public benefits and hence would be contrary to the aims of the Planning (Listed Buildings and Conservation Areas) Act 1990 and chapter 12 of the Framework on conserving the historic environment, and would not accord with the stated policies of the Development Plan and the guidance cited by the Council. For the reasons given above it is concluded that both appeals should be dismissed.

*S J Papworth*

INSPECTOR