
Appeal Decisions

Site visit made on 10 July 2017

by Jonathan Hockley BA(Hons) DipTP MRTPI

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

Decision date: 17 July 2017

Appeal A: APP/Q3115/W/17/3170597

The Old Forge, High Street, Tetsworth, Oxon OX9 7AB

- 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 Hines of Oxford against the decision of South Oxfordshire District Council.
 - The application Ref P16/S1904/FUL, dated 24 May 2016, was refused by notice dated 30 November 2016.
 - The development proposed is change of use and conversion into a two bedroom dwelling.
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Appeal B: APP/Q3115/Y/17/3170598

The Old Forge, High Street, Tetsworth, Oxon OX9 7AB

- 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 Hines of Oxford against the decision of South Oxfordshire District Council.
 - The application Ref P16/S1835/LB, dated 24 May 2016, was refused by notice dated 30 November 2016.
 - The works proposed are change of use and conversion into a two bedroom dwelling.
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Decisions

1. The appeals are dismissed.

Application for costs

2. An application for costs was made by Hines of Oxford against South Oxfordshire District Council. This application is the subject of a separate Decision.

Main Issues

3. The main issue for appeal A is whether the proposal would provide suitable living conditions for the future occupiers of the proposal, in terms of privacy, noise and disturbance, and the provision of private amenity and parking space. For appeal B the main issue is whether there is sufficient information to allow the impact of any proposed works to the listed building in terms of soundproofing to be assessed.

Reasons

4. The Old Forge occupies a prominent location in the heart of Tetsworth, opposite the large village green, and adjacent to the settlement's modern memorial hall.

The building is Grade II listed, constructed according to the listing probably around early in the 19th century. The white painted brick single storey building has a plain tile roof. The property has a simple rectangular plan form, with three shuttered windows, plank double doors and a later door opening on the western elevation facing Back Street. The northern gable end fronting the High Street has a panelled door and wider shuttered window. Internally, the building has exposed beams and noticeable deep window sills showing the depth of the walls.

5. The eastern elevation of the building directly borders a garden area belonging to the Memorial Hall. This elevation contains two shuttered windows, and the proposal seeks to insert a further window into the side of the building. The three windows would then serve the two bedrooms of the property, as well as providing a secondary window for the proposed living room. The southern gable end of the building which incorporates a single shuttered window directly faces onto a small parking area for the Hall.
6. At present the building is seemingly purely used for storage purposes, but it appears superficially to be in good condition. There is a large main room, with narrow partitioned areas at either end housing a reception/store area and kitchenette/wc respectively. The proposal would convert the reception area into a kitchen, introducing new partitions internally to create a living room, the two bedrooms, hall and bathroom.
7. The Memorial Hall effectively has two areas of garden; a rear roughly triangular shaped piece of land, and the area of land to the side and front of the Hall which partly borders the Old Forge. As well as the Old Forge, the Hall also shares boundaries with Elderflower Cottage to the south west, and the fairly modern 2 storey 58a High Street to the south. A representation from the Memorial Hall details how a recent planning permission to extend the Hall resulted in the requirement to move doors away from No 58a and block up existing doors to the triangular shaped back garden. This has resulted in the primary doors to the Hall facing roughly towards the Old Forge and the primary used garden being that which partially borders the appeal site.
8. Details are also submitted which state that the Hall has a capacity for 150 people, with a further meeting room holding 25 people. It is stated that the Hall has licensing for music, dancing, films and plays from 0900-2400 Sunday to Thursday and 0900-0100 on Fridays and Saturdays, with a license for the sale of alcohol until 2230 on Thursday and Sunday and 0100 on Fridays and Saturdays. It is also stated that the Hall has been hired 499 times over the year, and that noise complaints have been received from the residents of both No 58a and Elderflower Cottage. Many such events would take place during the evening and weekends. Photographs are submitted showing one such event with gazebos and stalls set up on the front and side garden.
9. As detailed above, as part of the proposal three windows would directly border and look into the front/side garden of the Hall. The walls of the Old Forge are thick and thermal insulation to building regulations standard would improve acoustic insulation further, but as acknowledged by the appellant the windows would be a 'weak point' in terms of noise attenuation. Two of these windows would serve the two bedrooms in the property, and the licence for the Hall allows for entertainment and the sale of alcohol until 01:00 on both Fridays and Saturdays. It is reasonable to assume that such uses will produce a good deal

of localised noise and disturbance. While privacy could be maintained through the continued use of the shutters or internal blinds, given that both of the property's proposed bedrooms would have their sole window facing towards the garden, there would be no respite for the future occupiers of the proposal to move to another bedroom should they be disturbed, and I consider that this would lead to unacceptable living conditions in this regard. Such disturbance would be far more likely to occur during the evenings and weekends which would not usually cause conflict with the use of the Old Forge in commercial use but would do so with a residential use. I note in this respect the view that an active commercial use of the Forge would have impacts on the Hall. However, such a use would continue the historic use of the Forge and would likely mainly operate in daytime hours.

10. I note that the Council's Environmental Health Officer has no objections to the proposal and that a noise mitigation condition was recommended in the Planning Officer's committee report. However, it is not evident what may result from the mooted condition. Given the fact that both bedroom windows would directly border the Hall's well used garden it is not clear to me if a condition would suffice with regards to adequately mitigating noise and disturbance. The possibility of secondary glazing is proposed to aid in this regard. However, whilst secondary glazing may assist in some degree of mitigation, it is doubtful it would remove all noise when considering the proximity of the Old Forge to the Hall and its gardens. Furthermore, without specific details or proposals it is not possible to assess the effect of such glazing upon the deep window sills of the property, and consequently it is not possible to accurately consider the impact of the proposal on the significance of the listed building.
11. Above I have noted that No 58a and Elderflower Cottage both border the Memorial Hall. However, both of these properties do not have windows which directly border the Hall; No 58a has windows in its side elevation facing towards the Hall rear garden, but there remains space between these windows and the boundary fence whilst the same applies for the Cottage. Furthermore, the evidence states that this rear garden is used less now and that complaints have been received from both properties. I also note conflict between the use of the Hall and these nearby residential properties has led to the changes detailed above in the use of the Hall and its doors.
12. Any future purchasers of the proposal would be aware of the proximity of the Hall, and could potentially find out about the licenses the Hall holds and the frequency of events. However, I do not consider that this mitigates the likely effect of the Hall upon the future residents of the proposal. There is a difference between having the knowledge of possible noise to the reality of experiencing it, and this would not prevent the living conditions of future residents being adversely affected.
13. The proposed property would have little or no amenity space available to it, with a small green area to the front, although there are disagreements over whether this constitutes highway verge. Nevertheless, the building lies directly opposite the large village green and I do not consider that this lack of amenity space would result in unacceptable living conditions. In a similar vein, there is an area of hardstanding to the side of the building which provides an off road parking area but there are disagreements over whether this is highway land. However, even if the area were unavailable to be used by future residents,

then I consider that the car parking demands of such a size property would be generally adequately catered for by on street parking on Back Lane, which is largely unrestricted.

14. For appeal A I therefore conclude that while suitable living conditions for the future occupiers of the property in terms of privacy, private amenity and parking space would be adequate given the location of the property, the scheme would not provide suitable living conditions for the future occupiers of the proposal, in terms of noise and disturbance. The proposal would be contrary to policies H4 and EP2 of the Local Plan¹ which together state that housing in built up areas of villages will be permitted provided that there are no overriding amenity objections and that noise sensitive development will not be permitted close to existing sources of significant noise. In this context a dwelling would constitute a noise sensitive development. The proposal would also be contrary to a core planning principle of the National Planning Policy Framework (the Framework), which states that planning should always seek a good standard of amenity for all future occupants of buildings. I note comments relating to planning policy trends to permit conversion of other uses to residential, but consider that in this case such considerations do not outweigh the proposal's conflict with the development plan.
15. I also conclude that there is not sufficient information to allow the impact of the proposed works to the listed building in terms of soundproofing to be assessed. In such a way appeal B would be contrary to policy CSEN3 of the Core Strategy² and policy CON3 of the Local Plan, which when read together state that the District's heritage assets will be conserved and enhanced for their historic significance, and that any alteration to a listed building must respect its established character and not diminish the special qualities which make it worthy of listing. While the proposal would generate limited public benefits in terms of one dwelling and I note that the scheme would continue the maintenance of the heritage asset already carried out by the appellant, it is not possible to accurately consider the harm that may be caused to the listed building by the proposal.
16. I note the appellants comments regarding the application process and also that the Council's planning officer recommended approval of the scheme, taking on board the lack of objection from various professional consultees. I have dealt with the appeal based on the evidence provided and on its own merits.
17. For the reasons given above, and having regard to all other matters raised, the appeals are dismissed.

Jon Hockley

INSPECTOR

¹ South Oxfordshire Local Plan 2011, 2006

² South Oxfordshire Core Strategy December 2012.