
Appeal Decision

Site visit made on 7 November 2017

by I Radcliffe BSc(Hons) MRTPI MCIEH DMS

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

Decision date: 24 November 2017

Appeal Ref: APP/D3125/W/17/3181717

16b Market Place, Woodstock, Oxfordshire OX20 1TA

- 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 Mrs R Hamel-Cooke against the decision of West Oxfordshire District Council.
 - The application Ref 17/00675/FUL, dated 21 March 2017, was refused by notice dated 18 May 2017.
 - The development proposed is two new dormer windows for consented residential scheme ref 15/04221/FUL.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues in this appeal are;
 - the effect of the proposed development on the character and appearance of the Woodstock Conservation Area; and,
 - the effect of the proposed development on the living conditions of the house under construction opposite the appeal property with regard to overlooking.

Reasons

Character and appearance

3. The National Planning Policy Framework ('the Framework') is an important material consideration. Paragraph 132 of the Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset, such as a Conservation Area, great weight should be given to the asset's conservation.
4. The appeal site is located within the Woodstock Conservation Area. In the exercising of planning functions the statutory test in relation to Conservation Areas is that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Policies BE5 and H2 of the West Oxfordshire Local Plan 2011 ('Local Plan') and policy OS4 of the emerging West Oxfordshire Local Plan 2031('emerging Local Plan') are consistent with this test.
5. In terms of assessing the significance of the Conservation Area and the contribution that the appeal property makes to it, I have taken into account the comments of the main parties and my observations during the site visit. The Conservation Area covers the historic core of Woodstock and is characterised

by a townscape of late eighteenth and nineteenth century buildings built from local stone with thick slated roofs. Buildings from the same era with rendered elevations also feature. The good architectural quality of the buildings reflects the period in which they were built and has created an attractive built environment. The significance of the Conservation Area is therefore architectural and historical.

6. The appeal property is located to the rear of buildings on Market Place and is linked to it by an alleyway. It is a simple low brick built building constructed as a workshop and converted under a recent planning permission to a residential use. It has a crudely rectangular floor plan, is shallow in depth and is particularly wide. As part of the permission for residential conversion the building's mono-pitch roof has been replaced with a dual pitched gable ended roof in keeping with its original design.
7. The functional appearance of the converted building is in keeping with the historic character of development to the rear of the more formal and architecturally detailed buildings on Market Place. As a result, it makes a positive contribution to understanding and appreciating the heritage significance of the Conservation Area and the evolution of the town.
8. At present, other than for a front facing single dormer at the end of the building closest to Market Place and some roof lights, the roof is free of adornments. The inclusion of two further front facing dormers, one in the middle of the building and one towards the other end, would significantly change the character and appearance of the building from one that clearly has workshop origins to more of a terraced cottage. This would harm the understanding and appreciation of the heritage significance of the Conservation Area.
9. The harm that would be caused by the proposal to the significance of the Conservation Area as a whole would be less than substantial. In such circumstances paragraph 134 of the Framework advises that the harm that would be caused should be weighed against the public benefits of the proposal.
10. In accordance with the statutory duties described, I attach considerable importance and weight to the harm that would be caused to the Conservation Area. On the other side of the balance, the proposed dormer windows would result in a dwelling with improved outlook from the bedrooms. For the reasons though given in relation to the other main issue in this appeal this would be at the expense of material harm to the privacy of future occupiers of the dwelling under construction opposite. The proposed dormers would also provide a fire escape to the house. However, no evidence has been submitted to demonstrate that dormer windows are the only means by which a safe route out of the building in the event of fire could be provided. I therefore attach limited weight to these benefits socially. Economically, the construction and installation of the dormers would create some employment, albeit this would be short lived.
11. Taking all these matters into account, my overall conclusion is that the public benefits of the proposal do not outweigh the demonstrable harm that would be caused to the character and appearance of the building and the Woodstock Conservation Area as a whole. The proposal would therefore be contrary to the Framework, as well as failing the statutory test. As such it would be contrary to policies BE5 and H2 of the Local Plan and policy OS4 of the emerging Local

Plan. It would therefore also be contrary to policy BE2 of the Local Plan and policy H6 of the emerging Local Plan which seek high standards of design.

Listed buildings

12. The appeal property forms part of the setting of the rear of nearby Grade II listed buildings on Market Place (Nos 12, 14 and 16). The statutory test in relation to a listed building is that special regard shall be had to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses. It forms no part of the Council's case that the setting of these listed buildings would be harmed by the proposed development. As the external architectural interest of these buildings is primarily contained with their front elevations that address Market Place, and the appeal building is located to the rear, I find that the proposed dormers would not adversely affect their setting. As a result, the statutory test in relation to listed buildings would be complied with.

Living conditions

13. The proposed dormers would face the house that is currently under construction opposite the appeal site between 5m and 8m away. On the basis of the small distance separating these two buildings and the detail provided in the approved plans for the new house under construction, it is clear that material overlooking of habitable rooms from the proposed dormers would occur.
14. The proposed development would therefore be contrary to policies BE2 and H2 of the Local Plan and policies OS4 and H2 of the emerging Local Plan which seek to protect living conditions. It would also be contrary to a core planning principle of the Framework which requires that a good standard of amenity should be provided for future occupants of buildings.

Conclusion

15. For the reasons given above, I therefore conclude that the appeal should be dismissed. In reaching this decision the views of Woodstock Town Council have been taken into account.

Ian Radcliffe

Inspector