
Appeal Decision

Site visit made on 20 November 2017

by Jonathan Hockley BA(Hons) DipTP MRTPI

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

Decision date: 07 December 2017

Appeal Ref: APP/D3125/W/17/3180608

Land adjacent to 1 Beaumont Green, Sutton OX29 5AA

- 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 Grange Mill Developments Limited against the decision of West Oxfordshire District Council.
 - The application Ref 16/04205/FUL, dated 20 December 2016, was refused by notice dated 16 February 2017.
 - The development proposed is the erection of 2 dwellings.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposed development on the character and appearance of the Conservation Area and on the setting of Tudor Cottage, a Grade II listed building.

Reasons

3. The appeal site lies within the Stanton Harcourt and Sutton Conservation Area (SHSCA). The SHSCA covers most of the two villages, which lie on the flat floodplain landscape of the rivers Thames and Windrush. The two villages have a slightly different character, with Sutton having a linear form, with development mainly not more than one property deep. The flat nature of the surrounding landscape lends itself to many views, and the village is criss-crossed by a number of interconnecting footpaths. The character and appearance of the area is added to by simple vernacular houses and by various pockets of trees and vegetation.
4. Beaumont Green is a modern street slightly out of character with the rest of the linear Sutton, in that it consists of a U- shaped cul-de-sac set off the Eynsham Road. 10 houses are set on the street, which is grouped around an open green space. At the northern end of the road, and accessed close to the junction of Eynsham Road and Sutton Lane lies the Grade II listed Tudor Cottage.
5. Tudor Cottage is a 17th century timber framed property set on a limestone rubble plinth. The house is sited gable on to the access drive, with the right rear gable of the property constructed of colourwashed limestone rubble, sited closest to the new housing and the appeal site. A heritage statement

submitted by the appellant states that the Cottage appears to be one of the few earlier buildings that have not been demolished within Sutton.

6. Section 72(1) of the Planning (Listed Building and Conservation Areas Act) 1990 states that special attention must be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Section 66 (1) of the same act states that, when considering whether to grant planning permission for development which affects the setting of a listed building, special regard should be had to the desirability of preserving this setting.
7. Paragraph 132 of the National Planning Policy Framework (the Framework) says when considering the impact of a proposed development on the significance of a designated heritage asset (including conservation areas), great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of a heritage asset, or by development within its setting. The Framework defines setting as the surroundings in which the asset is experienced. Elements of setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance, or may be neutral.
8. Policies BE2, BE4, BE5, and H2 of the Local Plan¹ together state that development of new dwellings should respect and where possible improve the character of its surroundings, should not result in the loss of an open area which makes an important contribution, and that the character or appearance of Conservation Areas will be preserved or enhanced.
9. The site at present has the character of a slightly overgrown orchard area and provides a largely open buffer between the edge of the new housing and the rear gable of Tudor Cottage. The setting of Tudor Cottage is reasonably extensive, particularly to the east and west; it extends over the northern area of Beaumont Green to the Eynsham Road to the west and to the east towards Sutton Lane over the open fields that separate the physical curtilages of Beaumont Green and this road. This area includes 2 footpaths which run through and along the rear of the modern houses.
10. The proposed semi-detached dwellings would be 2 storey and would be constructed in red brick with slate roofs. The building line would be set back slightly to match the new houses to the south. However, while this would match the modern housing, it would be significantly forward of the western elevation of Tudor Cottage. At present, although well set back from the road edge, part of this western elevation and the southern gable is visible from both Beaumont Green and Eynsham Road. The construction of a substantial structure set forward of the listed building would draw the eye away from the heritage asset, having a negative impact on the ability to appreciate the significance of Tudor Cottage visually.
11. It is not entirely clear from the plans I have what the height of the proposed building would be when compared to Tudor Cottage. However, it appears that the houses would be of a similar height to the new houses to the south. This would be considerably higher visually than the height of the 1½ storey Tudor Cottage, and the height and mass of the proposal would dominate the setting of the Cottage when viewed from the west. A similar effect, although slightly less severe due to the positioning of Tudor Cottage further to the east, would

¹ West Oxfordshire Local Plan, 2006

occur to views from the rear along the public footpath and from further afield along the edges of Sutton Lane. The proposal would thus harm the significance of Tudor Cottage by development within its setting.

12. While I note the findings of an Inspector on a recent appeal concerning the effect of the new Beaumont Green houses on the street scene of Sutton Lane, these houses are set further away from Tudor Cottage and retain the open land on which it is now proposed to build. The size, mass and positioning of the proposed houses in this instance would harm the setting of Tudor Cottage, and in doing so the proposal would neither preserve nor enhance the character and appearance of the SHSCA, to which Tudor Cottage and its setting makes an important contribution. Furthermore, I do not consider that such impacts could be mitigated by landscaping measures. The shown proposed landscaping consists of reasonable dense planting in an area of the site's boundary which juts out to the north. Such planting in this area would have the potential to further obscure the visibility of Tudor Cottage from the Eynsham Road.
13. I consider that the scheme would not reach the high hurdle of substantial harm to the significance of the heritage assets. However, though less than substantial, there would, nevertheless, be real and serious harm which requires clear and convincing justification. Paragraph 134 of the Framework indicates that such harm is to be weighed against the public benefits of the proposal, including securing its optimum viable use.
14. The public benefits of the scheme comprise the economic and social benefits arising from the construction and residence of 2 houses in an area with an acknowledged lack of housing land supply, and I place material weight on such benefits. Given my views above over the setting of Tudor Cottage, I am not convinced that the scheme would constitute a logical development at the end of Beaumont Green, and consider that any benefits of the planting of the site would be fairly minor.
15. The Framework notes that as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. I am not convinced that the identified public benefits would outweigh the less than substantial harm that the proposed development would cause to the significance of the SHSCA and the setting of the Grade II listed building.

Conclusion

16. I conclude that the proposal would fail to preserve the setting of Tudor Cottage and would neither preserve nor enhance the character or appearance of the SHSCA. Although I have concluded that the proposed development would cause less than substantial harm to these heritage assets, I do not consider that the identified public benefits would outweigh the clear harm caused. The proposal would conflict with the Framework and the Local Plan Policies BE2, BE4, BE5, and H2.
17. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jon Hockley

INSPECTOR