The Planning Inspectorate

Appeal Decision

Site visit made on 15 October 2019 by G Sibley MPLAN MRTPI

Decision by Chris Preston BA (Hons) BPl MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 October 2019

Appeal Ref: APP/C3105/D/19/3234779
30 Causeway, Banbury OX16 4SL

- 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 and Mrs Spencer and Lauren Hancock against the decision of Cherwell District Council.
- The application Ref: 19/00637/F, dated 10 December 2018, was refused by notice dated 12 July 2019.
- The development proposed is dormer on rear roof slope.

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The effect of the proposed development on the character and appearance of the host dwelling and the street scene and, linked to that, whether the proposal would preserve or enhance the character or appearance of the Grimsbury Conservation Area (CA).

Reasons for the Recommendation

4. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area. In this respect, national policy on heritage assets, which includes CA, is set out in The National Planning Policy Framework (The Framework). At paragraph 193 of The Framework it 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...This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance*."

5. The site is located on Causeway which is within the Grimsbury Conservation Area. The property is a two storey Victorian terrace with a gabled dormer window on the front elevation. The proposal would add a box dormer window onto the rear slope of the roof.

6. The dwellings within the CA were originally built around the 19th Century and were developed by the Banbury Freehold Land Society to provide freehold estate for the working classes. This has resulted in groups of terrace dwellings within the CA sharing an individual style, rather than long runs of identical terraces. Whilst dormer windows have been constructed on dwellings within the CA, they are not a feature that is common within the CA nor are such features prevalent within the street scene immediately surrounding the appeal site.

7. The rear elevation of the properties along Causeway can be viewed from Merton Street which is also within the CA. On the rear roof slope of the dwellings along Causeway, within the CA, there are very few dormer windows and where they have been built, they are typically small gable dormer windows. Consequently, enough houses remain little altered to give the impression of the homogeneity of appearance that at one time existed in the street scene and the CA.

8. The proposed dormer window would extend to almost the full height of the roof and would extend almost the full width of the dwelling. The dormer window would dominate the rear roof slope and would significantly alter the appearance of the roof. The dormer would completely alter the roof form at the rear of the property; when viewed from surrounding vantage points little of the original pitched roof would remain visible and the proportions of the structure would appear box-like and bulky, in contrast to the simple form of the pitched roof which is characteristic of the historic pattern of development within the CA. Thus, the scale and design would harm the appearance of the host dwelling.

9. The proposed dormer window would stand out within the rear roofline and would be the only dormer window within the immediate roofscape. This would add an uncommon feature to the rear roofscape within the street scene. Because the proposal would be located to on the rear roof slope it would not be visible from Causeway and as such its effect on the immediate street scene would be limited. Nevertheless, the proposal would be visible from a number of other roads within the CA. The proposal would therefore, fail to preserve the character and appearance of the Conservation Area.

10. The proposed development would consequently cause harm to the designated heritage asset, being the CA. However, it should be noted that this harm is lessened due to the small scale nature of the development and its location on the rear roof slope. As such, this would equate to less than substantial harm having regard to The Framework. Nonetheless, any harm to a designated heritage asset must still be given considerable importance and weight. In accordance with paragraph 196 of the Framework it is necessary to weigh the harm to the CA against any public benefits arising from the proposal. From the information provided, no public benefits to the scheme have been advanced and consequently the identified harm to the CA would not be outweighed, particularly when considering the weight to be given to the conservation of the asset.

11. As a result, I find that due to the size, scale and design of the dormer window, the proposed development would dominate the rear roof slope which would harm the appearance of the host dwelling and would cause limited harm to the appearance of the street scene. The proposal would therefore fail to preserve the character or appearance of the Conservation Area. Accordingly, the

proposal would fail to comply with policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 2015 and saved policy C28 of the Cherwell Local Plan 1996.

Other Matters

12. The appellant has identified dormer windows that have been constructed within the CA. Whilst the Council may have granted permission for the dormers in another part of the CA, the CA covers a wide area and the character and appearance varies throughout. In addition, little information is before me relating to the circumstances under which those other dormers were permitted. From the photographs provided, a number of the other examples are clearly of some vintage and I cannot be certain that the local and national planning policy context was the same when those developments took place. The current proposal must be assessed on its own merits when set against current planning policies and the presence of other dormer windows elsewhere within the CA does not justify this proposal which would cause harm for the reasons set out above.

13. The appellants' comments relating to the way in which the Council handled the planning application are also noted. The Council has not been able to respond to those comments given the expedited nature of the householder appeal service and I cannot comment on the procedural issues raised. In any event, such matters would not affect my assessment of the appeal proposal which must be based on the planning merits of the proposal and not procedural matters.

Conclusion and Recommendation

14. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree that the appeal should be dismissed.

Chris Preston

INSPECTOR