



Appeal Decision

Site visit made on 18 October 2019

by E Brownless BA (Hons) Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 2 December 2019

Appeal Ref: APP/C3105/D/19/3237527

2 Penny Meadow, The Ridgeway, Bloxham, Banbury, Oxon OX15 4NF

- 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 Jason Stead against the decision of Cherwell District Council.
 - The application Ref: 19/01043/F, dated 4 June 2019, was refused by notice dated 8 August 2019.
 - The development proposed is loft conversion with rooflights and dormer.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:-
 - i) whether the proposal would preserve or enhance the character or appearance of the Bloxham Conservation Area (CA); and
 - ii) the effect of the proposal on the living conditions of neighbouring occupants at The Shippon with particular regard to privacy.

Reasons

Character and appearance

3. The appeal site is a mid terrace two storey dwelling situated within a converted former barn that has been subdivided to provide a number of terraced dwellings. The site falls within the Hill Lanes Character Area of the CA with The Ridgeway being noted as a prominent terrace of houses that appears to form an entrance to the coach house, which is defined as an important part of the character area. The former barn formed part of the nearby Grade II listed Manor Farmhouse and it sits within the vicinity of the locally listed Whettons Yard and Old Wells Chapel.
4. Dwellings within the host terrace are typically stone fronted, have a slate roof and consist of a rendered rear elevation. A number of alterations have taken place within the host terrace, including a number of new window openings, which I accept have partially diminished the agricultural character and appearance of the host terrace. However, its roof slope remains largely unaltered and as a consequence, it retains a pleasant uniform appearance and the appeal dwelling makes a positive contribution to the host terrace and the significance of the heritage asset.

5. Despite the use of matching materials to the existing roof slope, the proposed development would be at significant variance with the original and mainly unbroken pitched roof design. In addition, by reason of its scale and bulk the proposal would appear as a strident and discordant addition to the roof slope which would take on a significantly more domestic appearance rather than as a traditional barn building, such as a threshing barn or other agricultural type barn, as the appellant invites me to find. Whilst the proposed dormer would be positioned to the rear of the host terrace and would not be readily visible from public vantage points, the appeal dwelling forms one of the mid dwellings within the host terrace and as such it would be read as an unduly dominant and incongruous feature from neighbouring dwellings, their gardens and the access driveway to a number of garages positioned to the rear of the host terrace.
6. My attention has been drawn to examples of alterations to the rear elevation of the host terrace which I observed at the time of my site visit. In particular, the addition of a flat roof rear dormer clad in white colour timber together with a single storey pitched roof extension at the end terrace dwelling. However, there is little information before me regarding the circumstances of these developments and what led to them being accepted. As such, I cannot be sure if they represent a direct parallel to the appeal proposal. Moreover, rather than providing justification for the proposed development, their presence points to the need for such proposals to be carefully controlled if the character and appearance of the area is to be safeguarded.
7. Taking everything into consideration, I find that the proposed development would fail to complement the form and style of the host terrace and would have an erosive and harmful effect on the appeal dwelling, the host terrace and the character of the CA. The harm would be less than substantial and, in such circumstances, the Framework advises that such harm should be weighed against the public benefits of the proposal. However, whilst there would be a private benefit to the appellant in terms of additional accommodation space, there would be no public benefits to weigh against the less than substantial harm to the CA.
8. Accordingly, the proposed development would be contrary to Policies BL10 and BL11 of the Bloxham Neighbourhood Plan (2016)(NP), Policy ESD15 of the Cherwell Local Plan (2015)(LP) and saved Policy C28 of the Cherwell Local Plan(1996)(1996 LP) insofar as these policies require development to preserve or enhance the character or appearance of the area, through sensitive siting, layout and high quality design. In addition, the proposal would fail to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA as required by the provisions of the National Planning Policy Framework (Framework).

Living conditions

9. The proposed dormer would face towards the rear garden and, at an oblique angle, towards the side and rear elevation of the neighbouring dwelling, The Shippon, a two storey detached dwelling. Albeit the neighbouring back garden is presently overlooked, in part, from the first floor windows of the appeal dwelling and other dwellings within the host terrace, the proposed development would introduce a dormer with a substantial sized window and a number of velux windows at second storey height. By reason of the increased height of

- these windows and their undue proximity to the neighbouring dwelling, this would lead to a significantly larger area of the neighbouring rear garden being visible from the appeal dwelling. Furthermore, there would be additional overlooking towards the windows within the neighbouring dwelling. Thus, notwithstanding that there is some screening provided by the existing garden wall and mature vegetation within the garden curtilage of The Shippon, there would be an unacceptable perception of being overlooked. This would increase at times when vegetation is less dense, for instance, during winter months.
10. There is no evidence before me in respect of the proposed finished floor level and the cill height and therefore I am unable to conclude that there would be no opportunity for overlooking from the proposed windows. Whilst those serving the ensuite could include obscured glazing, the large window of the dormer would be the main source of light and outlook for the proposed bedroom and to obscure glaze it would unacceptably diminish the quality of the accommodation for a future occupier.
11. The appellant has drawn my attention to the neighbouring garden being located well away from public view, however, this does not justify the harm I have identified. Furthermore, the photographs and illustrative sketch referred to by the appellant have not been provided to me and therefore I have not been able to have regard to these in reaching my decision.
12. For the reasons given above, I conclude that the living conditions of the neighbouring occupants of The Shippon would be unduly harmed as a consequence of the proposed development. Therefore, the proposal would be contrary to NP Policy BL9, LP Policy ESD15 and LP 1996 Policy C30. Among other things, these policies seek to ensure that the living conditions of neighbouring residents are not materially harmed. In addition, the proposal would conflict with the provisions of the Framework which seeks to achieve well designed places.

Conclusion

13. For the reasons given above, and taking account of all material planning considerations, I conclude that the appeal should be dismissed.

E Brownless

INSPECTOR