



Appeal Decision

Site visit made on 21 January 2020

by D. Szymanski, BSc (Hons) MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th February 2020

Appeal Ref: APP/G3110/W/19/3237903

Oxford International College Ltd., 1 - 5 London Place, Oxford, OX4 1BD

- 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 Other, Dr M Peters against the decision of Oxford City Council.
 - The application Ref: 19/00825/FUL dated 1 April 2019, was refused by notice dated 24 May 2019.
 - The development proposed is existing aluminium windows and doors in black and grey finish to be replaced with, aluminium and PVCu windows and doors, in white finish.
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Decision

1. The appeal is allowed and planning permission is granted for existing aluminium windows and doors in black and grey finish to be replaced with, aluminium and PVCu windows and doors, in white finish at Oxford International College Ltd., 1 – 5 London Place, Oxford, OX4 1BD in accordance with the terms of application Ref: 19/00825/FUL dated 1 April 2019, and the plans/drawings numbered 0009/PP/01, 0009/PP/02, 0009/PP/03, 0009/PP/04, 0009/PP/05, 0009/PP/06, 0009/PP/07, 0009/PP/08, 0009/PP/09, subject to the following condition:
 - 1) Within 6 months of the date of this decision, the coloured panes and strips shall be removed from the windows and replaced with clear panes of glass to match the other windows on the appeal site building.

Procedural Matters

2. The address in the original planning application form is '1 Oxford International College Ltd.'. However, the Royal Mail record is for 'Oxford International College Ltd.'. Therefore, I have used this in the banner heading above. The original planning application form stated the applicant's name as 'Other, Dr M Peters'. It is clarified in the appellant's appeal form that the appellant is Dr M Peters, and the appeal proceeds on this basis.
3. At the site visit I observed that the development has been carried out and is substantially complete. I am considering the appeal on this basis. I have been made aware and noted the provision of coloured strips on many of the ground floor and first floor windows. I have also been made aware of an application for an advertisement consent being considered by the Council (19/03275/ADV). This advertisement does not form part of the scheme before me, and I have considered the development based on the submitted plans only.

Main Issues

4. The main issues are:

- whether the proposed development would preserve or enhance the character or appearance of the St Clement's and Iffley Road Conservation Area; and,
- the effect of the proposed development upon the setting of listed buildings.

Reasons

5. The appeal site is a two and four storey building understood to have been constructed in the 1970s, located on the corner of Cave Street and St Clement's Street/London Place. It is opposite the junction of St Clement's Street and Morrell Avenue. Being on the corner and junction and set forward of and higher than properties to the east, the appeal site building is prominent within the street scene, and filtered views possible from parts of South Park.
6. East of the site are a row of grade II listed buildings on London Place, with No 6 adjoining the appeal site. The listing descriptions refer to single or small groups of properties (Nos. 6, 7 – 9, 10, 11 – 13, 14 – 16) forming a group comprising Nos. 6 – 16. Proximity and visibility are such that the development is within their collective setting. Special regard should be given to the desirability of preserving the setting of Listed Buildings as required by section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
7. The surrounding buildings on Cave Street, St Clement's Street, London Place, Morrell Avenue and Glebe Street, include a variety of ages and architectural styles. The appeal site and many of the surrounding buildings to the east and west are within the St Clement's and Iffley Road Conservation Area (the SCA). Within the SCA there is a statutory duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing its character or appearance.
8. Paragraphs 192 and 200 of the National Planning Policy Framework (2019) (the Framework) require account to be taken of the desirability of sustaining and enhancing the significance of heritage assets and new development making a positive contribution to local character and the significance of the asset. Paragraph 193 requires when considering the impact upon the significance of a heritage asset great weight should be given to the asset's conservation. Harm to the significance of a designated heritage asset can also derive from development within its setting (paragraph 190). Any harm to or the loss of significance to a heritage asset should require clear and convincing justification (paragraph 194). Where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal (paragraph 196).
9. The listed buildings on London Place comprise three storey terraced buildings (some with basements) built in the early C19th, with slate roofs, rendered walls and wooden sash windows. They form an attractive and well-preserved group on a historic thoroughfare east of the city. In particular, their significance derives from their age and construction in the development of Oxford, the preserved architectural features, and their collective value.

10. The SCA appraisal refers to the appeal site being within Character Area 2. The significance of the SCA in this location derives from the historic rows of terraced buildings. They appear as the dominant form of building in this area. However, the appraisal recognises each property has its own identity with the cumulative effect of the diversity blending together to create a distinctive Oxford suburb that has retained a sense of independence from the city.
11. The height, plain flat frontage and elevations, concrete render/cladding, massing, simplistic design, and being forward of buildings on London Place, results in the appeal site being a dominating presence. The large scale and mass of the front of the building is particularly noticeable next to the listed buildings at London Place. Those on London Place appear ornate, and of a grander stature than terraced buildings to the west. The SCA appraisal notes the concrete appeal site building appears too large such that it makes a negative contribution to the street scene. The appeal site building had a negative contribution to the significance of the listed buildings and the SCA.
12. There is considerable variation in window and door styles and materials nearby. Many original windows, doors and shop fronts appear to have been replaced with white PVC or aluminium substitutes, with varying pane sizes, designs and hinge positions. The dark frames and mostly single panes of the previous appeal site windows and doors appeared to accentuate the flat plain appearance of the appeal site building, and its difference to other buildings nearby within the SCA.
13. The new white frames, materials, split casements, and (on some) the incorporation of six over six panes, results in the windows appearing more in keeping with those on many surrounding buildings within the SCA. The thickness of the frames and bars, including the ground floor windows and doors, appear reduced on the appeal site building, due to its size and massing. The colour and thickness of the frames also helps to reduce the massing and bulk of the elevations of the appeal site building. Although the building integrates different window designs on the front, side and rear elevations, all appear reflective of other windows nearby.
14. The coloured strips or panes integrated into some of the ground and first floor windows, introduce some new and bright colours onto the building and into the area. The appellant has advised me they are a temporary feature. However, they are bright, distracting, not in keeping with the character and appearance of the area and result in harm to the character and appearance of the SCA and the setting of the listed buildings at London Place, and therefore their significance.
15. The new windows do not respect the original utility, functional design, style and intended commercial purpose of the building. However, they result in the building appearing to have a reduced mass that integrates windows that are more in keeping with the surrounding buildings within the SCA and the listed and other buildings on London Place. Overall, for the reasons I have outlined above, subject to the removal of the coloured strips or panes and their replacement with clear glass, the development makes the appeal site building appear less incongruous and reduces its presence in the street scene.
16. I note the points raised in the decision letter for appeal ref 3191946 in respect of the increased profile and differing appearance of opening windows impacting upon the significance of heritage assets. The full details and evidence that was

before that Inspector is not before me, therefore, it is difficult to make a direct comparison. However, that appeal related to a building considered to make a positive contribution to that Conservation Area and the proposals appeared to be to replace vertical sliding frames with outward opening windows set in a narrow street. Therefore, there are significant differences between that proposal, and the development before me. The dismissal of those proposals does not justify dismissing the appeal before me.

17. The previous windows opened by a central hinge and these appear to have been able to open almost fully outwards. Based upon the evidence before me, they did not appear discrete or in keeping with other nearby windows. The new windows have a split casement. This results in a similar proportion of window protruding from the building albeit from the top of the frame. Whilst the new frames might be thicker, they cannot be fully opened due to restrictors, and they do not protrude as far out from the building. Therefore, notwithstanding and having regard to the presence sash style windows nearby, the open windows would, overall, have no greater impact upon the heritage assets than the previous windows.
18. For the reasons I have set out above, overall, the development preserves and marginally enhances the setting of the grade II listed buildings on London Place and it does not harm their significance. The development also preserves the elements that make a positive contribution to the significance SCA. Overall, it preserves the character and appearance of the SCA. The proposed development would not conflict with paragraphs 190, 192, 193, 194, 196 and 200 of the Framework. It would also not conflict with sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
19. The development does not conflict with Policies CP1, HE3 and HE7 Oxford Local Plan 2001 – 2016 (Adopted 2005) (the Local Plan) and Policy CS18 of the Oxford Core Strategy 2026 (Adopted 2011) (the Core Strategy). In combination and amongst other things, these policies require development respects the character and appearance of the area and the historic environment, uses materials of a quality appropriate to the nature of the development, has due regard to and does not damage the setting of any listed building, and preserves or enhances the special character and appearance of conservation areas.
20. As I have found the development does not adversely affect the significance of heritage assets, there is not a balancing exercise required to be undertaken in accordance with paragraph 196 of the Framework, although the development is likely to result in some energy efficiency benefits. The Council suggests that such benefits could be achieved by other means, such as more appropriately designed modern windows, that it considers may not have been as harmful and respected the character of the building. However, this is not the development before me, and I have found the development acceptable.

Conditions

21. As the development has been carried out, it is not necessary to impose a commencement condition or a condition relating to the application plans. To ensure the development does not harm the significance of the heritage assets, I have imposed a condition to require the coloured strips and panes on the windows are removed within 6 months.

Conclusion

22. For the reasons set out above, and having regard to all the matters raised, I conclude that the appeal should be allowed, and planning permission be granted.

Dan Szymanski

INSPECTOR