
Appeal Decisions

Site visit made on 27 January 2020

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 17 February 2020

Appeal A: APP/Q3115/W/19/3238681

Eastgate House, 1 - 2 High Street, Wallingford, Oxfordshire OX10 0BJ

- 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 G Cattermole against the decision of South Oxfordshire District Council.
 - The application Ref P19/S1277/HH, dated 15 April 2019, was refused by notice dated 17 July 2019.
 - The development proposed is: the opening of a doorway on the ground floor in the (eastern) flank wall to the garden; creation of French windows and balcony on first floor of (eastern) flank wall; opening of windows on ground and first floors in (southern) rear wall; opening of windows on first floor in (southern) rear wall to St Peter's graveyard; lowering of internal courtyard southern wall.
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Appeal B: APP/Q3115/Y/19/3238682

Eastgate House, 1 - 2 High Street, Wallingford, Oxfordshire OX10 0BJ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr G Cattermole against the decision of South Oxfordshire District Council.
 - The application Ref P19/S0872/LB, dated 15 March 2019, was refused by notice dated 17 July 2019.
 - The works proposed are: the opening of a doorway on the ground floor in the (eastern) flank wall to the garden; creation of French windows and balcony on first floor of (eastern) flank wall; opening of windows on ground and first floors in (southern) rear wall; opening of windows on first floor in (southern) rear wall to St Peter's graveyard; lowering of internal courtyard southern wall.
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. Listed Building Consent is not required and I shall take no further action in this respect.

Preliminary Matter

3. The development has already commenced and I observed the new opening for the doorway in the ground floor of the eastern elevation at my site visit.

Main Issues

4. The appellant disputes the need for Listed Building Consent (LBC) in relation to the proposal and has made the application and appeal without prejudice to this view. The Council maintains the view that much of the proposal requires LBC. Both sides support their respective cases with submissions and evidence.
5. With the above and other matters in mind, I consider that the main issues in these appeals are;
 - Whether the proposals involve works to a listed building and so whether Appeal B is necessary
 - The effects of the proposals on the significance of listed buildings and the conservation area.

Reasons

Does the proposal involve works to a listed building?

6. The appeal property is now a dwelling and has previously been used for commercial purposes, at least on its ground floor. It would appear that it originally formed 2 properties, within this short terrace of 4 former dwellings. The property sits on the south side of High Street, adjacent to the bridge and the River Thames. The property and the surroundings are within the Wallingford Conservation Area and covered by an Article 4 Direction which controls alterations to the buildings.
7. Immediately to the south is St Peter's Church and its graveyard which is listed grade II*. The adjacent bridge is also listed grade II* and is a Scheduled Ancient Monument. Lodge Cottage sits on the other side of St Peter's Church and is listed grade II and Bridge House sits further to the site and is grade II listed. The grounds of Bridge House abut the appeal site and part of the appeal site, namely its existing garden, formed part of the ownership of Bridge House until very recently. The appeal property is not listed.
8. The Council considers that at least the eastern end wall of the property and part of its southern wall formed part of the boundary wall of Bridge House and, as the walls are clearly pre-1948, they are listed by virtue of being within the curtilage of Bridge House. The Council therefore considers that at least some of the works of the appeal scheme involve works to a listed building and so require LBC.
9. Evidence submitted by the appellant indicates that the walls of the appeal building were built between 1701 and 1715; reference is made to the brick-types, bond and pointing. The Council has not sought to contradict this or provide any evidence which casts doubt on this. Bridge House was constructed around 1845 and its style and materials depart from the local vernacular and provides a grand style of house with an aspect over the adjacent river. The walls are some distance from Bridge House itself and are not attached to any other structure which appears associated with it. I agree with the appellant that these factors indicate that there is little doubt that the walls in question were not associated with the existing Bridge House.
10. Therefore, it is necessary to consider whether the walls formed part of the ownership and boundary of any former structure occupying the site of Bridge

House that were then included within its curtilage when it was constructed around 1845. The appellant's submissions include a visual assessment of the wall forming part of the appeal property's southern elevation and its right-angled junction with the wall forming the boundary with the graveyard. The assessment strongly indicates that the 2 sections of wall are of different ages and arise from various stages of construction, although it would appear that part of the graveyard wall was built at the same point as part of the southern elevation wall of the appeal property. It also indicates that the upper parts of the graveyard wall was built later than the wall of the house. In my judgement this casts considerable doubt on the suggestion by the Council that these walls formed a feature within the curtilage of Bridge House (or its predecessor).

11. There is no reference to the walls in the listing description of Bridge House. For the reasons set out, it appears to me that they have not been constructed to form part of a consistent boundary feature of the grounds. There is no evidence that the walls in question formed part of the ownership of Bridge House either at 1948 or at the time of its listing. These factors, along with the professional opinion submitted by the appellant lead me to conclude that it is highly unlikely that the walls in question were constructed by and to provide a boundary feature for Bridge House (or its predecessor) and that in terms of ownership, there is little evidence to indicate that it has been owned in association with Bridge House, certainly since 1948.
12. The Council also make some reference to the southern boundary wall of the appeal property where it abuts St Peter's Church. The opinion of the Council is not entirely clear as different suggestions relating to its status (listed or not) are included within the officer's report. Upon inspection and in relation to the submitted evidence, my view is that the section of wall proposed to be lowered is relatively recent as betrayed by the bricks and mortar and appear to clearly form part of the ownership of the appeal property.
13. In these circumstances, I conclude that the proposal does not involve works to a listed building. Therefore, listed building consent is not necessary and I shall take no further action in relation to Appeal B.

The effects on Listed Buildings and the Conservation Area

14. The proposal includes the construction of 2 windows in the elevation facing onto St Peter's Church graveyard. The proposed windows would be around 1.8m high and 0.85m in width. Their design would include stonework surrounds with arched heads and mullions. The appellant indicates that they are designed to reflect the windows in the church's apse.
15. I noted that other properties within the terrace have windows in the rear elevation and can be seen from the graveyard. Some of these are set off the boundary with the graveyard, although some are close to it. In addition, I note the evidence submitted by the appellant that indicates that the appeal property did previously have windows in this elevation. What is apparent is that the existing (and former) windows which face the graveyard are modest in size and reflect the modest domestic scale and character of these buildings. The proposed windows would be in stark contrast to this character. They would be large, ornate and grandiose when compared to character of the existing terrace. When seen from the graveyard, I consider that the proposed windows would have a negative effect which would not preserve the setting of the

church. In addition, the character and appearance of the conservation area would be neither preserved or enhanced by this part of the proposal.

16. The windows in the remainder of the southern elevation in the first and ground floor would be 1.45m tall and 1.2m wide. The proposed first floor double French windows and associated balcony would be constructed facing east, above the already constructed door opening. These features would face over what is now the garden area of the appeal site. Parts of them would be visible from the garden associated with Lodge Cottage but I accept that other views would be obstructed by trees and other plants within or next to the appeal site. Notwithstanding the conclusions that I have reached in relation to the non-listed status of the walls, in relation to their contribution to the conservation area, I consider that their form, appearance and continuity makes a positive contribution to the character and appearance of the area. The construction of the large openings and the balcony would significantly erode the character that I have identified and the windows/doors would appear large and out of place. Whilst I fully appreciate that views of these features would be limited, they would, nevertheless have a negative effect on the character and appearance of the area when they are seen and this adds to my concerns for the proposal.
17. I have taken account of the appellant's motivation for the proposals in relation to providing better light and access to the garden area. However, I consider that, when taken as a whole, the combined effects of the proposal would be to fail to preserve or enhance the character and appearance of the conservation area, and fail to preserve the setting of St Peter's Church.
18. In terms of the benefits of the proposal, I have noted the comments from the Churches Conservation Trust in relation to vantage points over the graveyard. However, there is nothing before me that indicates that new windows would need to be in the form proposed and so I attach only limited weight in this respect. The appellant also indicates that access to the garden is not convenient and difficult/impossible for a family member. I have taken careful account of this matter but the proposed door which would facilitate this forms just a small part of a larger proposal, the totality of which I have found to be unacceptable. When judged against the effects of all of the proposed elements of the scheme, I consider that the harm is not outweighed by these matters.

Conclusions

19. For the reasons set out, I consider that the proposals are contrary to Policy CSEN3 of the Core Strategy and Policies CON5, CON7 and G2 of the South Oxfordshire Local Plan 2011.

ST Wood

INSPECTOR