
Appeal Decision

Site visit made on 17 March 2020

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 March 2020

Appeal Ref: APP/J3720/D/19/3241089

Ratley House, Village Road, Ratley, Banbury OX15 6DS

- 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 Chris Todd against the decision of Stratford on Avon District Council.
 - The application Ref 19/02243/FUL, dated 12 August 2019, was refused by notice dated 16 October 2019.
 - The development proposed is the erection of a single storey carport and garage and alterations to garden walls bounding the existing parking area.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In my heading above I have used the description of development given on the decision notice as it is a reasonably accurate summary of the lengthier description given on the original planning application form. For completeness, I have also added the reference to Banbury given in the appeal form to the site address.
3. The comments of the main parties have been sought regarding the effect of the proposal on the setting of the Church of St Peter Ad Vincula, a Grade II* listed building. As such, I am satisfied that neither party will be prejudiced by my consideration of the matter.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area with particular reference to whether it would preserve or enhance the character or appearance of the Ratley Conservation Area and the setting of the Church of St Peter Ad Vincula a Grade II* listed building.

Reasons

Character and appearance

5. The Ratley Conservation Area (CA) covers most of the village of Ratley, a fairly contained village set on a steep slope surrounded by countryside. Its significance lies primarily in the way the buildings and their setting within the landscape reflect the evolution of the settlement since ancient times. The topography has resulted in an informal rural character to the grouping of

buildings and there is a degree of architectural variety in the form. However, the prevalent use of local Hornton stone in the buildings and boundary walls results in a distinctive visual coherence to the settlement. This is reflected by the Stratford on Avon District Council, Conservation Area Reviews, Ratley, February 1994 (CAR) which states 'Ratley is a delightful isolated village of strong character derived from its location in the landscape, the use of local stone and the range of building of all ages of this ancient settlement.'¹ Despite the age of the document, my observations of the village lead me to concur with that conclusion.

6. The site is opposite St Peter Ad Vincula's Church a Grade II* listed building. The significance of this designated asset lies, in part, from its aesthetic appearance, historic fabric, which in some cases has medieval origins, and the historic social importance of the church over time to the settlement.
7. I am mindful of my statutory duties² to give special regard to the desirability of preserving the setting of a listed building or any features of special architectural or historic interest which it possesses and to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA in my determination.
8. The appeal site comprises part of the grounds of an impressive stone detached house positioned within a cluster of vernacular buildings near St Peter Ad Vincula's Church at the core of the settlement. Ratley House is described in the CAR³ as a late 19th century former vicarage, with very steep slated roofs built in a vaguely gothic style. Although not listed, the building derives significance from its aesthetic appearance and its prominent position and association with the listed church opposite. Its traditional form, use of local materials and verdant spacious grounds make an attractive and positive contribution to the character and appearance of the CA. Furthermore, given its proximity and relationship to the church it forms part of the surroundings in which the listed heritage asset is experienced and would be visible in views from the churchyard.
9. The appeal proposal would introduce a detached garage and carport structure containing four bays attaining approximately 11m in length and 4.8m in height⁴. Accordingly, its scale and mass would not be inconsiderable, especially for an ancillary domestic structure. When this is combined with its proposed location in close proximity to the road entrance and forward of the position of Ratley House, the development would be unduly prominent in terms of its appearance in the street scene.
10. Whilst I acknowledge that the elevated land and trees to the west would partially screen views of the structure from that direction, it would nevertheless be clearly visible in views from the east at an important central location within the settlement. For example, it would feature in views from adjacent to the Rose and Crown and Green area looking eastwards, a point identified as comprising an important internal view within the CA on the Ratley analysis map in the CAR.

¹ Paragraph 4.5

² Sections 66 and 72 Planning (Listed Buildings and Conservation Areas) Act 1990

³ Page 6

⁴ Drawing reference Todd_713722 Revision A

11. Furthermore, although the general appearance and materials of the proposed building would be inoffensive in themselves, its simple design reflects its intended subordinate role and as such, it lacks the aesthetic distinction of Ratley House. This would be inconsistent with the prominence of its position within the plot and its functional relationship to Ratley House. It follows that, in this context, its appearance would be incongruous.
12. Additionally, the introduction of the proposed scale of built form into part of the grounds where buildings are generally absent would erode the sense of space within which Ratley House and its relationship with the church is experienced. I acknowledge that the area is currently utilised for parking vehicles. Nevertheless, the proposal would have a more significant, permanent presence that due to its mass and height would be more evident from the surrounding area. Moreover, it would necessitate the removal of the raised planted border at the southern end of the parking area and retained or new landscaping would be unlikely to achieve similar levels of softening.
13. Taking these factors together, the proposal would adversely affect the character and appearance of the CA and would be harmful to the setting of the church. It follows that it would be harmful to the significance of these designated heritage assets, although in light of the relatively modest scale of the proposal, this would be less than substantial harm.
14. Paragraph 196 of the National Planning Policy Framework (the Framework) states that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset this harm should be weighed against the public benefits of the development. Nevertheless, great weight⁵ should be given to the asset's conservation.
15. In this case the proposal would have the benefit of providing improved parking facilities for the occupants of Ratley House which may reduce competition for on-street parking spaces. It may also facilitate charging facilities for electric vehicles associated with the property which would contribute towards wider environmental benefits arising from improvements to air quality and less reliance on fossil fuel. Even so, such indirect public benefits accrued from the proposal would be limited in scale and neither is it shown that such benefits could not be similarly achieved without resulting in harm to the significance of heritage assets. Therefore, these matters attract limited weight which would not outweigh the great weight given to the less than substantial harm to the CA and listed building.
16. In support of the proposal the appellant highlights that the stone boundary walls to the property would be retained, which I acknowledge. Nevertheless, this would not overcome or outweigh the harm that I have identified.
17. Reference is made to other examples⁶ in the CA with prominent garages as evidence that such siting is reasonably common within Ratley. The closest example in relation to the appeal site is at Innisfree which is located closer to the road than the main house and would be seen in some views with the appeal site. Nevertheless, unlike the appeal proposal it is constructed of stone and is of a considerably smaller scale. Similarly, the newly built timber framed garage at The Steps is not as large as the appeal proposal, and neither is it in a

⁵ Paragraph 193 National Planning Policy Framework

⁶ Ratley Conservation Area Garages document

prominent location forward of the main house. Consequently, these examples are not directly comparable to the proposal before me and therefore, are of limited weight. In any case, I have determined the appeal proposal on its own merits.

18. Additionally, my attention is drawn to a recent planning permission⁷ for a garage at Islip Cottage which it is indicated would be closer to the church than the proposal. Whilst I have not been provided with full details of the decision, based on the limited illustrative information provided, the development would be likely to adversely affect the setting of the church. Therefore, it does not count in favour of allowing the appeal proposal which would represent a larger structure within the setting of the church.
19. The remaining examples referred to are some distance from the appeal site and none appear to be of a comparable scale to the appeal proposal. Moreover, they generally comprise modern, mostly flat roofed, garage structures that do little to preserve or enhance the character or appearance of the CA. Therefore, they carry little weight in support of the proposal.
20. My attention is drawn to the comments of Ratley and Upton Parish Council⁸ who did not consider the proposal to be visually intrusive. Whilst I have taken account of those views, I am required to make my own assessment based on the evidence before me, and my own observations. Therefore, for the reasons set out, they do not lead me to find otherwise.
21. The appellant raises a concern that change is always viewed negatively. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise⁹. Policy CS.20 of the Stratford-on-Avon District Core Strategy 2011-2031, July 2016 (CS) is generally permissive of modifications to existing dwellings, provided they are of an appropriate scale and subservient in relation to the existing building, taking into account the site location. The explanatory text¹⁰ recognises the benefits such changes may represent for residents but seeks to strike an appropriate balance with other factors, including protecting the character of the locality.
22. In coming to my findings, I have had regard to the advice in the Development Requirements Supplementary Planning Document, Final Composite Version, July 2019. Part O4 sets out guidance in relation to parking design which for on plot parking states it is better for parking to be placed to the side of the dwelling and where possible, behind its building line to minimize its dominance of the plot. Whilst this has some relevance to the scheme before me, it is tempered by the generality of the advice and that the proposed area of the appeal site is already used as a parking area. I have therefore given it limited weight.
23. Accordingly, I find the proposal would be harmful to the character and appearance of the area and would fail to preserve or enhance the character and appearance of the CA. In addition, it would be harmful to the setting of the Grade II* listed church. This would be contrary to section 16 of the Framework

⁷ Reference 19/03115/FUL

⁸ Dated 14.9.19

⁹ Section 38(6) Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

¹⁰ Paragraph 5.6.3

which seeks to conserve and enhance the historic environment. Therefore, the proposal conflicts with policies CS.8, CS.9, CS.20 and AS.10 of the CS. These policies, amongst other matters, when taken in combination, support high quality design that respects local distinctiveness and the significance of heritage assets.

24. Furthermore, the proposal would be contrary to policy CS.11 of the CS which seeks to conserve and enhance the special landscape qualities and scenic beauty of the Cotswolds Area of Outstanding Natural Beauty (AONB). This specifically requires small scale development to be appropriate and amongst other matters, avoid harm to the historic or built character of the AONB. Paragraphs 4.2.5 and 4.2.6 of the explanatory text for the policy explain that distinctive settlements, developed in the Cotswold vernacular, with high architectural quality and integrity, form a vital element of the character of the AONB. It follows that, as I have found the proposal would harm the significance of such a village, albeit limited in scale, it would therefore conflict with this policy.

Conclusion

25. For the reasons given above I conclude that the appeal should be dismissed.

Helen O'Connor

Inspector