
Appeal Decision

Site visit made on 5 October 2020

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th October 2020

Appeal Ref: APP/D3125/D/20/3253788

Shuttles Cottage, Chapel Road, South Leigh, Oxfordshire OX29 6UP

- 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 Baish against the decision of West Oxfordshire District Council.
 - The application Ref 20/00937/HHD, dated 31 March 2020, was refused by notice dated 2 June 2020.
 - The development proposed is the demolition of existing garages and erection of 2 ancillary outbuildings to the west of the existing property to accommodate additional bedrooms and a games room.
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Decision

1. The appeal is dismissed.

Main Issue

2. There is no dispute between the parties that the proposal would preserve the setting of the grade II listed Wayside Cottage and Upper Wayside Cottage which are located to the north east and on the other side of the main road. The appeal site relates to the garden area of Shuttles Cottage which is some distance away from the aforementioned listed buildings and separated from its garden setting by boundary planting and a main road. I do not disagree with the main parties that the proposed development would preserve the setting of these listed buildings.
3. In the context of the above, the main issue is therefore the effect of the proposal on the character and appearance of the area and the significance of Shuttles Cottage as a non-designated heritage asset.

Reasons

4. The appeal site includes a dwelling which is essentially linear in scale and is positioned slightly back from Chapel Road. The dwelling sits within a spacious and mainly undeveloped triangular shaped plot. This part of Chapel Road is characterised by sporadic and dispersed buildings set within relatively large grounds. The predominant characteristic of the area is one that it is mainly open and rural in character and this is reflected in the commentary in the South Leigh Parish Neighbourhood Plan 2017-2031 (NP).
5. The appeal dwelling is classified as a non-designated heritage asset and is partly visible from the driveway access from the main road. The garden area is, however, screened from Chapel Road as a result of the mature boundary

vegetation including long Leylandii hedging. The dwelling's external heritage significance resides exclusively in its historic central core (dating back to about the 16th century) which includes coursed stone rubble walls and a thatched roof.

6. There are much later additions to the property, including a double attached garage which is set at right angles to the main house. This is more modern in terms of its use of materials. The latter is closer to Chapel Road than the main house and I agree with the Council that in the context that this development exists, the replacement garage which would be lower in height and built using improved materials would, in relative terms, represent a visual and design improvement to this non-designated heritage asset.
7. Internally, the significance of the designated heritage asset relates to the elements of architectural interest in the lounge/snug. These comprise the chamfered beams and joists with curved step run out stop detailing and the stone rubble, inglenook fireplace with its bread oven. The chamfered timbers on the landing, bathroom and fourth bedroom No 4, on the first floor, also contribute to the architectural interest of the property.
8. It is clear, based on the OS maps and planning history as detailed in the appellant's Heritage Impact Assessment, that the site/dwelling has evolved over the years. Indeed, the dwelling has got larger. Whilst it is clear that there are some small structures/buildings in the garden, including an outdoor swimming pool, overall the land surrounding the dwelling is open, spacious and devoid of any large buildings. The significance of Shuttles Cottage therefore also derives from its garden setting which has an essentially open and spacious feel: this significance is not diminished just because elements of the outside space cannot be readily seen from public vantage points including Chapel Road.
9. Whilst I accept that the existing outdoor pool and some small garden sheds would be removed as part of the appeal development, my principal concern relates to the position, scale and height of the proposed bedroom accommodation and games room buildings on the site. These would be interconnected by means of a glazed link and would comprise of a long mass of additional very high development in very close proximity to the boundary with Chapel Road.
10. The above development could not on any reasonable or objective basis be considered to be ancillary or subordinate in scale to the host dwelling. In fact, it would detract materially from the significance afforded to the setting of the non-designated heritage asset which is essentially a spacious and predominantly undeveloped garden area. I find that this part of the proposal would visually compete with and dominate Shuttles Cottage and, in this regard, would cause unacceptable harm to the overall significance of the non-designated heritage asset.
11. I do accept that the boundary vegetation along Chapel Road, including the tall leylandii hedge, would largely screen the bedroom and games room development from public view. Nonetheless, the character and appearance of this area is one where there is sporadic built form and with an emphasis on a more rural and undeveloped landscape. At least initially, the leylandii hedge would seek to screen the aforementioned development from passers-by and to that extent there would be negligible harm caused to the character and appearance of this rural area and landscape.

12. However, the leylandii hedge would not endure forever and should it die or become diseased, and hence be removed, it would take a significant amount of time for any new planting to reach the same level of maturity. In this context and given the very close proximity of the linked buildings to the road, the development would be prominent and dominant when viewed by passers-by and would therefore significantly erode the otherwise more open and rural landscape afforded to this area. Whilst the appellant has suggested the possibility of further planting along the boundary with Chapel Road, again any such additional planting would likely take some time to reach maturity.
13. It has been suggested that a planning condition could suitably deal with my concerns above. However, I have not been provided with a condition which would deal with my concerns relating to the loss of the leylandii hedge and the time taken for any new/replacement planting to reach maturity. In any event, even if it were possible to include a suitably worded condition that would overcome my concern relating to the harm caused to the character and appearance of the area, neither this, nor the relative design improvements from the replacement garage building, would overcome or outweigh the harm that would be caused to the significance of the setting of the non-designated heritage asset.

Planning Balance and Conclusion

14. The replacement garage building would have some moderate benefits in terms of the resultant design and appearance of the non-designated heritage asset. This is a matter which weighs in favour of the proposal.
15. However, owing to the position, scale and height of the proposed bedroom accommodation and games room development, this would cause material harm to the significance of the setting of Shuttles Cottage. Furthermore, and in the context that the boundary vegetation along Chapel Road would not endure forever, the evidence before me is such that proposal would, at some point in time, cause moderate harm to the character and appearance of the area. These are matters of overriding concern when considered in the planning balance.
16. I therefore find that when proposal is considered as a whole, it would not accord with the design, conservation, landscape character and countryside protection requirements of paragraph 170b and Chapter 16 of the National Planning Policy Framework; policies OS2, OS4, EH2, EH9, EH12, EH13 and EH16 of the adopted 2018 West Oxfordshire Local Plan 2031 (LP); the West Oxfordshire Design Guide 2016 and policies SLE1, SLE6 and SLD2 of the NP. The Council has referred to policy EH11 of the LP in its refusal notice, but this is not directly relevant to the main issue as it concerns listed buildings.
17. For the reasons outlined above, and taking all other matters into account, I conclude that the appeal should be dismissed.

D Hartley

INSPECTOR