



Appeal Decision

Site visit made on 3 September 2020

by Beverley Wilders BA (Hons) PgDurp MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th October 2020

Appeal Ref: APP/G3110/Y/20/3253115

**The Manor House, Sandford Road, Littlemore, Oxford, Oxfordshire
OX4 4PX**

- 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 & Mrs McNamara against the decision of Oxford City Council.
 - The application Ref 19/02500/LBC, dated 16 September 2019, was refused by notice dated 19 December 2019.
 - The works proposed are installation of gas boiler balanced flues & vents.
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Decision

1. The appeal is dismissed insofar as it relates to the installation of a gas boiler and flue and allowed insofar as it relates to the installation of vents and listed building consent is granted for the installation of vents at The Manor House, Sandford Road, Littlemore, Oxford, Oxfordshire OX4 4PX in accordance with the terms of the application Ref 19/02500/LBC, dated 16 September 2019 and the plans submitted with it, so far as relevant to the part of the works hereby permitted and subject to the following conditions:
 - 1) The works hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) Large scale details of the wall vent in the front façade; at a minimum scale of 1:5 including the specification of materials including mortar materials and a methodology for the removal of the stone in the facade; shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of these works and the works shall be carried out in accordance with the approved details.

Procedural Matters

2. In determining the application, the Council raised no objections to the replacement boiler and flue as it considered that this element of the proposal does not require listed building consent. Although the replacement boiler and flue formed part of the proposal applied for and was shown on the submitted plans, the appellants appear to accept that consent is not required for this element of the proposal. Based on the evidence before me, I see no reason to disagree with the Council's findings on this issue and have determined the appeal accordingly and without having regard to the replacement boiler and flue as described within the application and as shown on the submitted plans.

3. The Council's first reason for refusal refers to the effect of the proposal on Christi Corpus Farmhouse, a Grade II Listed Building located adjacent to The Manor House. However, having regard to the requirements of s16(2) of the Act¹, in considering whether to grant listed building consent there is a need to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interests which it possesses. There is no requirement under the Act to consider the effect of a proposal on the setting of any Listed Building other than the building the subject of the application. Consequently, in determining the appeal, I have not had regard to the effect of the proposal on the setting of Christi Corpus Farmhouse.

Main Issues

4. The main issues are whether the proposal would preserve:
 - The Manor House, a Grade II Listed Building, and any features of special architectural or historic interest it possesses; and
 - the character or appearance of Littlemore Conservation Area.

Reasons

Special Interest and Significance

5. Located in a prominent roadside position on Sandford Road in Littlemore Conservation Area, The Manor House is included on the Statutory List at Grade II. The building is described in the List Description as now being two houses, possibly 15th Century, remodelled late 17th/early 18th Century.
6. The building is primarily two storey with a one storey wing to the right. The front elevation of the building is mainly constructed from limestone rubble under a clay tiled roof with a rendered two-storey projecting bay to the left hand side of the main entrance door. The single storey wing has a simple, uncluttered appearance containing few openings within the walls and roof with the exception of a small gable projection on the left hand side and vertically boarded timber double doors on the right hand side. By contrast, the rear elevation of the building is more varied in appearance and incorporates a wide variety of architectural features, fenestration and materials including a two storey, double gabled and rendered rear projection; a rear porch incorporating timber panelling and modern patio doors within the single storey wing.
7. Insofar as is relevant to the appeal proposal, the significance and special interest of the building derives from its historic origins; from the extensive use of historic materials including limestone rubble and from the architectural composition and hierarchical relationship between the two storey and single storey elements, particularly as viewed from the front. The historic form and prominent roadside position of the building means that it makes a positive contribution to the character and appearance of the Conservation Area, the significance of which derives from the retention of a village atmosphere within the modern settlement and its traditional buildings surviving in much of the original street pattern with representative types of structures from several centuries.

¹ Planning (Listed Buildings and Conservation Areas) Act 1990

The proposal

8. A new gas boiler is proposed within the single storey wing with an associated external flue proposed on the front (south-east) elevation. Additionally, a low level air vent is proposed adjacent to the timber double doors in the front elevation and a roof tile air vent is proposed in the rear (north-west) elevation of the single storey wing.

The effect of the proposal – boiler and flue

9. The gas boiler flue would be inserted on the front elevation of the Listed Building, just below eaves level within the single storey wing. It would be inserted within a section of uninterrupted limestone rubble walling with no other external features or openings. Although small in size and capable of being coloured to match the fabric of the building, the insertion of the flue would nevertheless result in some limited loss of historic fabric and involve the addition of an inappropriate and incongruous feature in a prominent position on the front elevation of the building. Moreover, the emission of vapour from the flue when in use would make it more prominent and would thus exacerbate the incongruity of its appearance. The insertion of the flue would be harmful to the appearance of this section of limestone rubble walling within the front elevation which positively contributes to the significance of the Listed Building.
10. Accordingly, taking these matters together, and mindful of the statutory duties imposed by the Act I conclude that the proposed flue would fail to preserve The Manor House and its special interest, and the character and appearance of the Conservation Area.

The effect of the proposal - vents

11. The low- level air vent in the front elevation and roof tile air vent in the rear elevation within the single storey wing are stated to be required in order to provide cross ventilation in this part of the building. The vents are modest in scale and appearance and are designed so as to minimise their visual impact and effect on the building, requiring only a minimal loss of historic fabric. Although I note the Council's concerns about the lack of evidence regarding damp in this part of the building, having regard to their scale, position and appearance, I consider that the proposed vents would not harm the significance of the Listed Building.
12. Consequently, mindful of the duties imposed by the Act, I conclude that the proposed vents would preserve The Manor House, its special interest and the character and appearance of the Conservation Area.

Other Matters

13. The appellants state that the new gas boiler and associated flue within the single storey wing is required to provide heating to the eastern part of the building. It is stated that the existing boiler is incapable of adequately heating the building and that due to its length, the most efficient way to heat it is to provide a boiler at either end as is proposed. The appellants further state that it is not possible to site the boiler on the rear façade of the building as it is almost all glazed. As stated, the vents are required to provide cross-ventilation within the single storey wing on the advice of a structural engineer in order to mitigate the effects of any damp in the exposed stone wall at the eastern end of the building. Ground levels at the adjacent site are higher than the floor

levels inside the building which may, it is stated, result in potential problems of damp.

14. The proposal would result in improved heating and ventilation of the Listed Building. Such improvements would deliver both private and public benefits. I consider that the public benefit of improved heating of the building would be moderate whilst the benefit of increased ventilation of the eastern part of the building would be limited, having regard to the lack of substantive evidence regarding any issues of damp within this part of the building. In reaching my decision I note the appellants reference to Oxford City Council's HEET: Historic Building Health Check Template and its reference to risks to traditional buildings including insufficient ventilation and heating. However, as stated, there is limited evidence regarding damp in this case.
15. It has not been demonstrated that the appeal scheme would be necessary to secure a continued use of the building consistent with its conservation. It has not therefore been established that the appeal scheme would be necessary to secure the optimum viable use of the building.
16. I note that no objections have been raised to the proposal by the Parish Council subject to the colour of the flue. However, this is not a benefit of the appeal scheme, but rather a neutral factor that weights neither for nor against the proposal in the overall balance.

Planning Balance

17. The National Planning Policy Framework (the Framework) anticipates that once a finding of harm to the significance of a heritage asset, such as a listed building or conservation area, has been reached, then the magnitude of that harm should be assessed. In this case, I conclude that the external flue associated with the proposed new boiler would cause less than substantial harm to the significance of the Grade II Listed Building known as The Manor House and the Conservation Area. Nevertheless, at paragraph 193 the Framework sets out that great weight should be given to a heritage asset's conservation irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Moreover, at paragraph 196 the Framework states that the harm should be weighed against the public benefits of a proposal. Such benefits could include circumstances where a proposal would secure the optimal viable use of a building.
18. For the reasons given above, the proposed works would not result in the optimum viable use of the building. Moreover, the public benefits of the appeal scheme would be moderate and would not be of a sufficient weight to tip the overall planning balance in its favour when set against the great weight and importance I attach to the harm which would be caused by the proposed gas boiler and associated flue to the significance of the heritage assets. Having said that, as set out above, the proposed vents would avoid harm to the character and appearance of the Conservation Area and would preserve The Manor House and its special interest, accruing limited public benefit in these latter regards. However, this element of the proposed works is clearly severable and separate from the harmful interventions proposed. For these reasons, it would not be necessary to implement the proposed boiler and flue in order to install the proposed vents. Consequently, the positive aspects of the proposed vents do not weigh in favour of the proposed gas boiler and flue.

19. For these reasons, the works to install the proposed gas boiler and associated flue conflict with the Framework insofar as, amongst other matters, it requires heritage assets to be conserved in a manner appropriate to their significance. For the same reasons these proposed works would conflict with policies CP1 and CP8 of the Oxford Local Plan 2001-2016 adopted 11 November 2005 (LP) and Policy CS18 of the Oxford Core Strategy 2026 adopted 14 March 2011. These policies seek, amongst other things, to ensure that development proposals preserve listed buildings and conservation areas. Although the Council also referred to LP policies HE3 and HE7 in its decision notice, these policies explicitly refer to planning permission and are not therefore directly relevant to the appeal which relates to an application for listed building consent.
20. However, for the reasons stated above, the proposed works to install the vents would preserve the Listed Building and its special interest and would also preserve the character and appearance of the Conservation Area. They would not therefore harm the significance of the heritage assets and would not conflict with the Framework or with the relevant development plan policies outlined above. Accordingly, as this aspect of the appeal scheme is clearly severable from the gas boiler and flue proposals, I consider that a split decision is justified in this case.

Conditions

21. In allowing the appeal insofar as it relates to the proposed vents, I have had regard to the conditions suggested by the Council. I have not imposed the suggested condition restricting the works to those approved only as it is unnecessary having regard to the fact that any works carried out and not covered by the consent may or may not require listed building consent in their own right. Furthermore, as reference to the approved plans is included in my formal decision above, I have not attached a separate condition that specifies those plans. I have, however, imposed the suggested condition regarding additional details of the wall vent as I consider that this is necessary having regard to the limited level of detail shown on the submitted plans and in order to ensure that the special interest of the building would be preserved. Such details are required to be submitted prior to the approved works being carried out and this is justified in this case given the listed status of the host building and the need to preserve its special interest.

Conclusion

22. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed insofar as it relates to the proposed gas boiler and flue and allowed insofar as it relates to the proposed vents.

Beverley Wilders

INSPECTOR