



Appeal Decision

Site visit made on 17 November 2020

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2020

Appeal Ref: APP/D3125/D/20/3257369

Foxwold, Great Rollright, Chipping Norton, OX7 5RR.

- 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 and Mrs Welstead against the decision of West Oxfordshire District Council.
 - The application Ref. 20/00855/HHD, dated 25 March 2020, was refused by notice dated 12 June 2020.
 - The development proposed is the raising of the roof of the property to form a first floor extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed extension on the character and appearance of the host property and on the surrounding area which forms part of the Great Rollright Conservation Area; and
 - The effect on the living conditions of the occupiers of neighbouring property.

Reasons

Background

3. The appeal site contains a 1970s bungalow with accommodation in the roof. It has a main roof ridge which runs parallel with the street, Old Forge Road, and the property is well set back from the frontage of this highway. To the east is a detached bungalow, Orchard End, while to the west of the appeal site lies a short residential cul-de-sac, Davenport Close, where six 2-storey semi-detached properties lie on the western side of this access road. The appeal site lies within the Great Rollright Conservation Area and the village is situated in the Cotswold Area of Outstanding Natural Beauty (AONB)
4. It is proposed to raise the roof of the existing bungalow by some 1.5-2 metres to form new first floor accommodation which would be lit by dormer windows in the north and south facing roof slopes together with a two storey gable at each end. In order to reduce the height of the new roof it would have a 'butterfly' form, with two ridges and a central valley, and the ends of the main roof

sections and the end gables would be half-hipped. There were minor changes to the design of the scheme as originally submitted to the Council.

Effect on character and appearance

5. In considering the effect of the proposal, I have paid special regard to the statutory duty in section 72(1) of the Act¹ and placed great weight on the conservation of the heritage asset of the Conservation Area as well as conserving and enhancing the landscape and scenic beauty of the AONB.
6. The present bungalow has a low pitched main roof and front gable with five rooflights in the roof slope facing the Old Forge Road and its overall form and appearance does not make a positive contribution to the character of the AONB, Conservation Area or the general street scene. Therefore, in principle, some remodelling of the property and its roof shape could improve its visual impact.
7. The Council has concerns over the siting of the enlarged building, but the footprint of the property would not change in the proposed scheme. However, the scale of additional first floor put forward would extend the property at a high level across much of the width of the site and this would add to its bulk and make the building more imposing in the street scene. Moreover, the design relies on the introduction of a butterfly roof with 'half hips' on each of the six gable ends but these half hips are not a traditional design feature of Cotswold buildings. The proposal would result in a house which would appear out of place in its surroundings and materially harm rather than mellow or improve its visual appearance.
8. Overall, I find that the changes proposed to the scale and design of the building would have a harmful visual effect on the street scene and not respect it. The work would not conserve the character or the appearance of the Conservation Area or the distinctiveness of the wider AONB. As such the proposal conflicts with the following policies of the Council's Local Plan: first and second bullet points of the General Principles set out under Policy OS2; OS4, EH9 (third bullet point); EH10 and H6.

Effect on living conditions

9. The Council's objection relates to the effect on property occupiers in Davenport Close but there are also objections from or on behalf of the occupier of Orchard End.
10. The properties in Davenport Close look towards the appeal site with the closest, No's 2 and 3, being about 8m away from the flank wall of Foxwold across a shared accessway. These properties have a window on the ground floor and two bedroom windows above which look towards the appeal site. I have taken account of the relative positions that the eaves of the proposed heightened roof would be below the eaves of the Davenport Close properties. Nevertheless, I find that the scale of additional building bulk in close proximity to these properties' windows would materially reduce the aspect from these windows and result in an overbearing effect which would harm the living conditions of the occupiers. This harm results in conflict with bullet point four of the General Principles set out in Policy OS2.

¹ Planning (Listed Buildings and Conservation Areas) Act 1990

11. The appellants' agent refers to the Council's decision in 2006 concerning the permission for Davenport Close as not giving rise to an unacceptable loss of residential amenity for the occupiers of Foxwold but this assessment does not mean that the reverse effect is acceptable now. The proposal has to be considered on the present circumstances of the site and applicable development plan policy.
12. In terms of the relationship with Orchard End, this adjacent property is laid out with the attached garage closest to the boundary with Foxwold. Moreover, given the gap to the party boundary of both properties and the vegetation in this area, I am satisfied that the proposed scheme would not have a materially harmful effect on the living conditions of the occupier of this property.

Other matters

13. Some of the representations submitted raise concern about the structural integrity of Foxwold for building above the existing bungalow but this concern is beyond the remit of the appeal.

Planning balance

14. On the main issues I have found that the proposal to raise the roof of the property to form a first floor would harm rather than enhance the appearance of the property in the street scene. The new work would not preserve or enhance the character or appearance of the Great Rollright Conservation Area when considered as a whole, or the general character of the Cotswold AONB. Significant weight has to be placed on these aspects. The increased building bulk would also harm the living conditions of the occupiers of adjacent properties in Davenport Close. Both of these main issues result in conflict with the relevant parts of the development plan as set out above.
15. These aspects constitute significant adverse effects, but they have to be balanced with the benefits of the development. The National Planning Policy Framework seeks to ensure that new development makes effective use of land and the proposal would be likely to result in better accommodation for the appellants and family. However, these benefits are limited and do not outweigh the local harm that the proposal would cause or the conflict with the development plan. This indicates that the appeal should not be allowed.

Conclusion

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

David Murray

INSPECTOR