
Appeal Decisions

Site visit made on 28 October 2020

by Helen B Hockenhull BA (Hons) B. PI MRTPI

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

Decision date: 7 December 2020

Appeal A: APP/C3105/W/20/3248164

Bowler House, New Street, Deddington, Banbury OX15 0SS

- 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 Mrs S Liebrecht against the decision of Cherwell District Council.
 - The application Ref 19/00969/F, dated 23 May 2019, was refused by notice dated 23 July 2019.
 - The development proposed is a single storey rear extension forming new Sun Room.
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Appeal B: APP/C3105/Y/20/3239873

Bowler House, New Street, Deddington, Banbury OX15 0SS

- 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 Mrs S Liebrecht against the decision of Cherwell District Council.
 - The application Ref 19/00970/LBC, dated 23 May 2019, was refused by notice dated 23 July 2019.
 - The works proposed are a single storey rear extension forming new Sun Room.
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Decision – Appeal A

1. The appeal is dismissed

Decision – Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. As the proposal is in a conservation area and relates to a listed building, I have had special regard to sections 16 (2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. The appeal property, Bowler House, was formerly known as Eastleigh. As this is how the property is referred to on the listing, I refer to it in my decision.

Main Issues

5. The main issues are whether the proposed development would preserve the Grade II listed building, Eastleigh (Ref:1046331) and any of the features of special architectural or historic interest that it possesses, whether it would preserve the setting of the nearby Grade II listed Grove Lodge (Ref:1365843) and the extent to which it would preserve or enhance the character or appearance of the Deddington Conservation Area.

Reasons

6. The appeal property forms a late 18th century three storey residential property facing the High Street in the village of Deddington. The proposal comprises a single storey rear extension constructed in stone with a flat roof incorporating a roof lantern and 3 panel bi fold doors to the rear elevation providing access to the garden.
7. The Deddington Conservation Area (CA) covers the historic core of Deddington village. The settlement has medieval origins and retains a street pattern typical of that period. Continuous building lines throughout the conservation area lead to a strong sense of enclosure. There is a general homogenous character throughout, but several character areas can be identified, which are outlined in the Conservation Area Character Appraisal.
8. New Street where the appeal property is located forms the main route through the village and has a unified character. The buildings age from the 17th and 18th centuries, forming a mix of vernacular cottages, former Inns, farmhouses and more substantial sized properties, which illustrate a variety of building styles and architectural details. Given the above, I consider the significance of the conservation area, insofar as it relates to these appeals, to be the diversity of its vernacular architecture and the consistent use of traditional materials.
9. The adjoining property to the north, Grove Lodge, forms an early 18th century two storey building with attic space built in coarse squared marlstone and a steep pitch Stonesfield slate roof. The property has an 'L' shaped footprint with a two-storey rear wing returning from the right. The rear garden of the appeal building consists of an open courtyard enclosed by the house and the rear wing, with steps leading up to a slightly elevated lawned area. There is a stone wall of approximately 2 metres in height on the boundary between the two properties. These features contribute to the setting of Grove Lodge.
10. The appeal property is constructed in coursed squared marlstone with some ashlar dressings, a Stonesfield slate roof with brick end stacks and a regular three window frontage. The central door is flanked by stone bay windows with sashes and moulded cornices. A two-storey rear wing returns from the left giving the property an 'L' shaped footprint. Small single storey rendered extensions have been added to the rear elevation of the main house and to the rear wing in the 1970's. The property retains much of the character and layout of a building of its age, with a series of modest interconnected rooms, particularly evident in the rear wing. Smaller cottages lie to the south, accentuating the scale and grandeur of the property. Given the above, the special interest of the building, in so far as it relates to these appeals, lies in its internal compartmentalised layout, its dominant frontage with subservient rear wing and its grander scale when compared to neighbouring cottages.
11. The proposed sun room would infill the existing rear courtyard area enclosed by the house and the rear wing. This would erode the 'L' shaped plan form of the building, significantly diminishing the legibility of the historic layout of the building. Access to the sun room would be taken from the rear wing. This would require the removal of a section of wall and two windows in order to create an opening of around 3 metres in width. This would result in the loss of historic openings, the associated pattern of fenestration and a significant area of historic fabric. Currently the rear wing comprises modest interconnected

spaces. The proposed works would alter its internal character by creating a much larger open plan area. For these reasons, the proposal would cause harm to the special interest of the listed building.

12. Turning to the effect on the setting of the adjoining listed building Grove Lodge, the proposed sun room would be obscured for the most part by the existing stone boundary wall between the two properties. Both listed buildings have rear wings which are seen as mirroring each other, though they are not of the same length. The proposed extension would diminish this relationship causing harm to how Grove Lodge is experienced and consequently its setting.
13. Whilst not forming part of the Council's reason for refusal, I have a statutory duty to assess whether the proposal would preserve or enhance the character or appearance of the Deddington Conservation Area. I concur with the appellant that the front elevation of appeal property is the most significant in terms of its contribution in this regard. The proposed extension, being located to the rear of the property would not be visible from the public domain and would only have limited prominence in the private domain. Unlike listed buildings, the significance of a CA is dependent upon how it is experienced. Under such circumstances case law¹ has established that proposals must be judged according to their effect on a CA as a whole and must therefore have a moderate degree of prominence. Given the above, I consider that the proposal would not be detrimental to the CA and would thus preserve its character and appearance.
14. In summary, I find that the proposed works would fail to preserve the special interest of the listed building and the setting of the nearby listed building at Grove Lodge. In this instance, I conclude the harm to be less than substantial but nevertheless of considerable importance and weight.
15. Paragraph 193 of the National Planning Policy Framework 2019 (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 194 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification.
16. As I have found less than substantial harm to the significance of the heritage assets, paragraph 196 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes the securing of optimal viable use of listed buildings. No specific public benefits have been put forward by the appellant. Whilst I acknowledge that the appeal scheme would provide additional living space this would be a private benefit only, which would be insufficient to outweigh the harm I have identified.
17. Given the above and in the absence of any defined public benefit, I conclude that the proposal would fail to preserve the special historic interest of the Grade II listed building Eastleigh, or the setting of the Grade II listed Grove Lodge. This would fail to satisfy the requirements of the Act, paragraph 192 of the Framework and conflict with Policy ESD 15 of the Cherwell Local Plan 2011-

¹ South Oxfordshire DC v SSE & J Donaldson [1991] CO/1440/89

2031 and saved Policies C28 and C30 of the Cherwell Local Plan 1996. These policies amongst other things seek to protect the character of the built and historic environment and promote high design standards. As a result, the proposal would not be in accordance with the development plan.

Conclusion

18. For the reasons given above, and having had regard to all other matters raised, the appeals are dismissed.

Helen Hockenhull

INSPECTOR