
Appeal Decision

Site visit made on 23 November 2020

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th December 2020

Appeal Ref: APP/V3120/W/20/3257228

Westbrook House, The Green, East Hanney, Wantage OX12 0HQ

- 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 T Lancaster against the decision of Vale of White Horse District Council.
 - The application Ref P19/V3036/FUL, dated 14 November 2019, was refused by notice dated 28 April 2020.
 - The development proposed is the erection of a single dwelling and associated works.
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Decision

1. The appeal is dismissed.

Procedural matters

2. Amended plans were submitted during the application process. These made minor changes to the parking arrangement. I have taken these into account in my consideration of this appeal without prejudice to any party.

Main Issue

3. The main issue is whether the proposed dwelling would preserve or enhance the character or appearance of the East Hanney Conservation Area (EHCA).

Reasons

4. The site forms the rearmost part of the extensive garden of 'Westbrook House'. It is also to the rear boundary of the neighbouring dwelling of 'King's Farmhouse'. The side and rear boundaries of the site consist of a combination of trees and hedging. There is a fenced boundary adjacent to the rear and side of 'King's Farmhouse'. The rear of the site forms the boundary to the open countryside beyond. The site has a direct and functional link to the dwelling and its rear boundary aligns with neighbouring boundary limits. As such the site is within the settlement boundary of the village. Being open in character and devoid of built form, the site contributes to the spacious character of the surrounding wide and deep adjacent rear gardens. As a result, the site makes a positive contribution to the setting of the surrounding buildings and spaces.
5. The appeal site is within the north part of the Conservation Area. My statutory duty¹, requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Furthermore, paragraph 193 of the National Planning Policy Framework (the Framework)

¹ section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990

requires great weight to be given to an asset's conservation when considering the impact of the proposal on its significance. The Conservation Area is not subject to a character appraisal. Nevertheless, the significance of the EHCA largely derives from its layout consisting of traditional dwellings in a rural setting. It includes various styles of housing many of which are within spacious plots within a largely linear pattern of development.

6. The Green has the characteristic of a country lane without kerbstones and with generous grass verges. These verges also include mature tree planting. Roadside planting is supplemented by trees and planting within the frontages of adjacent residential plots. This combined with dwellings, that are largely set back on the eastern side of the highway, create a verdant and spacious setting of built form. Whereas, the western side of The Green creates a slightly harder building line. Here many dwellings are either adjacent to, or close to, the highway. This results a harder edge of built form to the public realm. However, rear gardens of these dwellings visually connect to each other and the highway. These spaces create a sense of openness evident through gaps in the frontage.
7. Design principle DG79 of the Council's Design Guide² considers matters of scale and massing in rural areas. This seeks proposals that have a simple design that follows existing forms with rectangular floor plans and pitched roofs. It requires new development to follow established patterns unless a strong architectural approach can be demonstrated. The proposed dwelling would be single-storey with a flat roof. It would have a simple, low profile and diminutive design that would be set behind existing and proposed landscaping limiting its visual impact from the public realm. The pavilion design would include large glass panels that would maximise solar gain. Nevertheless, its design would possess neither traditional nor strong architectural features. This would not therefore represent an innovative design response within the context of this open part of the conservation area.
8. The proposed dwelling would be set back to an extent that it would have a moderate visual impact on the streetscene. The space between 'Westbrook House' and 'King's Farmhouse' would reveal the proposal and remove some views of the current verdant and open character between these buildings. Furthermore, it would result in development that would sever the plot and create development that would be at odds with its surroundings in form and location.
9. The proposal would subdivide the existing plot and disaggregate the intervisibly of rear gardens to the west of The Green. The proposal would consist of the dwelling, its garage, associated hardstanding and the extensive access drive. These elements combined would result in a loss of spaciousness of the plot. Consequently, the proposal would introduce built form to an undeveloped site in an unsympathetic manner. This would not complement the established pattern of local development. Therefore, whilst the dwelling would be set away from neighbouring boundaries it would result in an erosion of spaciousness in this setting. Accordingly, the proposal would have a harmful effect on the conservation area. This would therefore neither preserve or enhance the character or appearance of the conservation area.

² Vale of the White Horse District Council – Design Guide 2015

10. Accordingly, the proposal would not accord with policy CP37 and CP39 of the Vale of the White Horse Plan 2031 part 1 which seek, amongst other things, for development to respond positively to the site and surroundings and to conserve and enhance designated heritage assets. Furthermore, the proposed dwelling would fail to satisfy policies DP36 and DP37 of the Vale of the White Horse Plan 2031 part 2. This includes the requirement for development to conserve and enhance the special interest or significance of a heritage asset and respect the local character of the area. It would also not accord with the Council's Design Guide (2015) that seeks to respond to the landscape and settlement character. These policies are generally consistent with the Framework.
11. In terms of the advice in paragraph 196 of the Framework, the harm to the conservation area would be 'less than substantial' affecting only its immediate surroundings. The Framework sets out the need to address 'less than substantial harm' in a balanced manner against the public benefits associated with such schemes. The appellant has stated the proposal would provide for a sustainable design of dwelling that would assist the local housing supply, deliver ecological benefits, provide economic benefits by its future occupiers by supporting local services and would create employment during construction. In so far as these benefits constitute public benefits, these would be delivered by any similar sized development elsewhere and would be insufficient to outweigh the identified harm to the character of the EHCA.

Other matters

12. There are some examples of recent development within the conservation area. Dwellings have been constructed to the rear of 'Varlins' and 'Kings Farm Cottages'. These dwellings are of a substantial size and have a clear and direct relationship to the highway. They are well integrated into the existing pattern of development and maintain a sense of openness to the frontages by being set back. They therefore make a positive contribution to the conservation area by including design elements and a mass that are commensurate with local development. These examples therefore do not establish a precedent for the form of development proposed by the appeal scheme.
13. An appeal decision relating to a case for a dwelling in Milton Conservation Area is within the evidence. This proposed development to the rear of a linear street pattern that the Inspector considered would preserve the conservation area. Consistency in decision making is important, but each case must be considered on its own merits. The case is different to this proposal due to a number of differing characteristics and context. This includes that it involved the demolition of existing buildings and made use of an existing access drive. It is therefore not apparent that the site made a strong contribution to an existing sense of spaciousness. Accordingly, this is of only limited bearing in my consideration of the matters in this case.
14. The scheme would comply with matters in connection with highway safety, ecology, tree impact, flooding and drainage. However, an absence of harm in these respects can only be considered as neutral factors in the planning balance.
15. My statutory duty requires³ me to have special regard to the desirability to preserve the setting of a listed building. 'King's Farmhouse' is a grade II listed

³ Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990

building. The building is a two-storey cottage which dates from C17 and includes later additions. It includes traditional rural features such as a low roof and short first-floor windows. Its significance derives from its origins and simple form. The proposal would be set away from the listed building and beyond boundary and plant screening. Due to the separation distance and intervening boundaries the proposal would have a negligible impact on it and would therefore preserve its setting.

Conclusion

16. For the above reasons the appeal is dismissed.

Ben Plenty

INSPECTOR