
Appeal Decision

Site visit made on 16 February 2021

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 February 2021

Appeal Ref: APP/Q3115/W/20/3262024

37 High Street, Nettlebed, Henley-On-Thames RG9 5DA

- 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 Ms J Grimond against the decision of South Oxfordshire District Council.
 - The application Ref P20/S1572/FUL, dated 4 May 2020, was refused by notice dated 14 July 2020.
 - The development proposed is a new two-bedroom cottage on land rear of 37 High Street, Nettlebed, RG9 5DA.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council's decision notice showed two reasons for refusal. The latter referred to the lack of adequate information being provided regarding the management of surface water. The Council have subsequently confirmed in their statement of submissions that this matter has been addressed by the provision of a Flood Risk Assessment and Drainage Strategy¹ as part of the appeal submission, and I see no reason to disagree. Consequently, the second reason for refusal falls away.
3. The South Oxfordshire Local Plan 2035 (LP) was adopted on 10 December 2020 and now forms the development plan. It replaces the policies from the South Oxfordshire Core Strategy 2012 and saved policies from the South Oxfordshire Local Plan 2011 which are referred to on the Council's decision notice. In relation to the first reason for refusal, policies ENV6 (Historic Environment), ENV7 (Listed Buildings) and ENV8 (Conservation Areas) supersede the corresponding policies relating to the historic environment in the former plans. I consider that these are the most relevant policies in the recently adopted development plan and they have broadly similar objectives to those replaced. As such, the changes to local policy are not fundamental insofar as is relevant to the circumstances of this appeal decision. Both parties have had the opportunity to refer to the LP as part of the appeal submissions and I am satisfied that no injustice will result by my reference to the LP in my determination.

¹ Prepared by AKS Ward dated September 2020

Main Issue

4. The main issue is the effect of the proposal on the significance of designated heritage assets, namely whether it would (i) preserve or enhance the character or appearance of the Nettlebed Conservation Area (CA) and (ii) preserve the setting of the Church of St Bartholomew, a grade II listed building.

Reasons

5. The CA predominantly covers development around the east/west axis of the High Street of Nettlebed, which broadly aligns with the older parts of the settlement. Its significance lies in the way the mix of buildings and spaces reflect the evolution of the settlement over time. The eastern end has a core of closely packed vernacular buildings presenting directly onto the street. Further westwards towards the church, development is more widely spaced. This allows for greater setbacks, planting and front boundary walls which give a spacious verdant character and appearance to this part of the CA. Interest is derived from distinctive buildings dating from the early twentieth century in an Arts and Crafts style.
6. There are several Grade II listed buildings near to the appeal site including the Church of St Bartholomew, the Rectory and Nettlebed House. The Rectory and Nettlebed House are located on the opposite side of the High Street behind front boundaries that have established planting. The extent of the separation and screening means that the appeal site, to the rear of 37 High Street does not form part of their setting.
7. However, it lies adjacent to the church. The list entry describes the Church of St Bartholomew by Henry Hakewill as displaying Early English style dating from 1845-6 but with probably a late 18th century tower. Its significance comprises several elements including its architecture, cultural and social importance to the settlement but an important component is its verdant spacious churchyard and wider setting.
8. I have statutory duties² to give special attention to the desirability of protecting the setting of listed buildings and of preserving or enhancing the character or appearance of the CA.
9. 37 High Street forms one end of three Arts and Crafts style terraced estate worker dwellings. At the time of my visit construction work was underway at both the appeal site and the corresponding end of terrace at No.33, providing side extensions to both properties. No.37 forms part of a broadly symmetrical balanced terraced group set back from the road in generous verdant grounds. The appeal site lies to the rear of No.37 comprising part of its garden. The presence of planting and general absence of built form contributes positively towards the distinctive terraced group as well as the verdant spacious character and appearance of the CA. Moreover, as the site lies adjacent to the churchyard it forms part of the wider spacious setting within which the listed church is experienced.
10. The proposal would introduce a detached dwelling into part of the grounds where, aside from modest domestic outbuildings, built form is largely absent. Notwithstanding opportunities for additional planting, the indicative elevation³

² Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

³ Drawing 2 of 2, Indicative Elevation prepared by the Heritage Advisory

and view⁴ provided illustrate that its presence would be apparent in views from the adjacent churchyard. My observations from the churchyard were that the sections of historic low boundary wall and hedgerow adjacent to the garden area of No.37 permitted views to a backdrop of mature trees. This made an important contribution to the sense of greenery and openness around the church. The proposed building together with its associated activity and lighting, would be in the foreground and would disrupt the verdant view. Consequently, it would adversely reduce the sense of spaciousness to this part of the CA and the setting of the church.

11. Additionally, the position of the proposal would subdivide the plot associated with No.37. This would undermine the deliberate distinctive balanced arrangement of the group of three estate dwellings within generous plots. This group forms part of a broadly road facing linear pattern of development along the southern part of the High Street that contribute notably to the CA. I acknowledge that the location of the nearby school and creamery building dilute the strength of this linear pattern. Even so, my observations were that a general pattern is nevertheless discernible. As such, setting a single dwelling deeper into the site would neither respect the configuration envisaged as part of the estate workers dwellings nor follow an otherwise established pattern of development that contributes to the significance of the CA.
12. Furthermore, the proposal would alter the appearance of the front garden of No.37 including the provision of four parking spaces on reinforced grass, widening of the entrance and a wide gravel driveway⁵. At my site visit the front garden area was being used to store building materials and equipment. However, the existing site plan and photographs in the Heritage Statement provided show that these measures would remove grass and planting beds that provided a pleasant open front aspect to No.37. This would increase and emphasise the presence of vehicles to a greater degree. The visual prominence of this area adjacent to the High Street and close to the lychgate entrance to the church would exacerbate the harm. The proposed planting shown on the potential landscape strategy plan would not fully address this harm and therefore, I cannot agree that it would enhance the overall appearance of the front garden.
13. Taking these factors together the proposal would result in harm to the significance of the CA as well as the setting of the listed church. However, given the modest scale of the proposal this would be less than substantial harm to the significance of the CA as a whole. Similarly, the harm to the setting of the Church of St Bartholomew would be less than substantial. Paragraph 196 of the National Planning Policy Framework (the Framework) indicates that in such circumstances the harm should be weighed against the public benefits of the proposal.
14. The main benefit would be the provision of an additional house to the overall supply making more efficient use of land in a reasonably accessible location. In addition, there would be economic benefits associated with both the construction of the development, and the future activity and spending of the occupants. Nevertheless, the extent of public benefits arising from the provision of an additional house would be modest and therefore, they attract limited weight.

⁴ Before & after view from churchyard, Drawing 699 P18 Rev B

⁵ Proposed Site Plan, Drawing reference 699 P3 Rev C

15. Reference is also made to the absence of harm in relation to highway considerations, impact on the living conditions of other residents, biodiversity and the efficient use of water and energy. However, based on the evidence presented it seems likely that these would be required to make the development compliant with other policies of the development plan. As such, they would not amount to public benefits of the proposal but are rather neutral factors.
16. Paragraph 193 of the Framework stipulates that great weight should be given to conserving the significance of designated heritage assets. Therefore, the limited weight attributed to the public benefits would not outweigh the harm identified to the significance of the designated heritage assets.
17. The appellant highlights that the modest scale of the proposed dwelling would be subservient to No.37 and the traditional design and materials would be respectful to the Arts and Craft style of the terrace. Moreover, additional landscaping would soften the impact of the development. Be that as it may, this would not fully address my concerns nor outweigh the harm I have identified. It follows that I am not persuaded that the proposal would have a neutral impact on the character and appearance of the CA as is asserted.
18. The presence of the roof of the school in views from the churchyard is also pointed out. Whilst the low profile of the roof may be seen in some views, it is located further away from the listed church than the appeal site and outside of the CA. My observations were that it does not significantly compromise the spacious qualities of the heritage assets. For the reasons already outlined, by comparison the development would have a more immediate impact on the setting of the church and the spacious qualities of the CA. Consequently, the existence of the school building would not lead me to a different view.
19. Accordingly, I find that the proposal would be harmful to the significance of designated heritage assets as it would fail to preserve or enhance the character or appearance of the CA and would fail to preserve the setting of the Church of St Bartholomew. Whilst it would cause less than substantial harm to their significance as designated heritage assets, in the absence of public benefits that outweigh this harm, it would be contrary to policies ENV6, ENV7 and ENV8 of the LP. These policies primarily seek to ensure the conservation or enhancement of the historic environment.

Conclusion

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

Helen O'Connor

Inspector