



Appeal Decision

Site Visit made on 9 February 2021

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 24 February 2021

Appeal Ref: APP/D3125/W/20/3261610

(land to rear) 24 Park Street, WOODSTOCK, Oxfordshire OX20 1SP

- 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 C Beaumont against the decision of West Oxfordshire District Council.
 - The application Ref 20/01246/FUL, dated 30 April 2020, was refused by notice dated 29 September 2020.
 - The development proposed is new dwelling on land to rear of 24 Park Street.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - a) the effect of the proposal on the significance of the grade II listed building, comprising No. 24 Park Street and No. 2 Chaucer's Lane, and whether the proposal would preserve or enhance the character and appearance of the Woodstock Conservation Area, and,
 - b) the effect of the proposal on the living conditions of neighbouring occupiers with particular regard to daylight, outlook and privacy, and
 - c) whether the proposed parking is adequate.

Reasons

Listed building and conservation area

3. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Additionally, Section 72 of the LBCA requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
4. The appeal site is the northern part of the rear garden of the listed building. The listed building includes two dwellings; No. 24 Park Street (No. 24), which comprises a formal early 18th century dwelling, and a later rear wing facing the lane to the side, called No. 2 Chaucer's Lane (No. 2).

5. No. 24 has a broad formal principal elevation facing onto Park Street, comprising a range of sash windows set under flat stone arches and a bay window to one side. The front door is emphasised by a simple flat hood on iron brackets. No. 2 is to the rear, fronting onto Chaucer's Lane. It is much more modest in appearance, with a less formal arrangement of openings, and a roof sat down partly over the upper floor.
6. To the rear, a boundary wall retains a garden that is almost level from the rear of No. 24, alongside a lane that gently falls to the north. As a result, the outer face of the wall, which is constructed in the local stone, is high, particularly at its northern end. It forms a significant component in the streetscene of Chaucer's Lane, and Harrison's Lane where it turns the corner. The inner leaf of the wall is faced in brick in a ratrapp bond, which creates a pleasant finish facing into the garden. The wall is topped with a traditional stone slate and clay ridge coping, falling to either side. It is higher at its southern end, and its change in height is marked by way of an elegant sweep.
7. The two dwellings and the walled garden to the rear form a burgage plot. Evidence suggests that this is part of the 12th century layout of the town. As a single space the historic burgage plot is highly legible, allowing a clear visual connection between the rear of the listed building and the enclosing masonry wall at the opposite end. The survival of the plot is unusual, taking into account the lateral division that has occurred at many adjacent plots.
8. The formal appearance of No. 24 with its prominent principal elevation facing over one of the Town's main streets, its surviving historic materials and details are significant contributors to the architectural interest of the building. As is the contrastingly modest appearance of the rear wing, the appearance and materials of the boundary wall and surviving spatial arrangement of the burgage plot. This spatial arrangement is particularly significant, by providing a legible historic setting to the building.
9. The appeal site is located within the Woodcock Conservation Area (WCA). The WCA covers the sizable historic core of Woodcock, a well-preserved historic market town with principal commercial streets lined with historic buildings, with a largely Georgian appearance. Streets to the side and rear of these principal routes are much more modest and lined with simpler vernacular buildings. This is illustrated in the context of the appeal site where No. 24 faces onto a principal street and No. 2 faces onto a side lane. The town is dominated by the adjacent Blenheim Palace Estate, the significance of which is recognised by its status as a World Heritage Site (WHS).
10. The rich planned formality of the wide principal streets with handsome building facades, the more modest character and appearance of the secondary streets and their buildings, and the relationship with the WHS gives the WCA its significance.
11. Although a small gap would be retained along the western edge of the plot, the extent of the footprint of the proposed building would fill and dominate a substantial part of the existing garden, and would entirely alter the existing historic spatial arrangement. The pleasant and well weathered internal brickwork face of the wall would be largely obscured, and the linear plot foreshortened by the placement of a long building. An area would be introduced roughly midway along the garden's length to serve as parking and provide various storage functions. This would dissect the plot, and in

combination with the placement of the proposed dwelling, the historic form of the burgage plot and the spatial relationship that it holds with the listed building would be seriously undermined, harming the significance of the listed building.

12. As a further consequence of the proposal the garden area serving No. 24 would be substantially reduced. The small area that would serve as the rear garden is significantly constrained between No. 2 and Leathercraft House, the dwelling immediately to the east. Although surrounding buildings and the new dwelling would not necessarily overlook this area, they would limit outlook and create shadow. As the remaining area of garden, it would not be commensurate with the scale and stature of the building as suggested by its broad principal elevation. I accept that some nearby properties have small gardens, and the adjacent WHS offers easy and extensive opportunities for local residents to enjoy open space. However, the existing garden is a clear asset to the listed building, both in terms of historic legibility and its function as a family home. The appellant refers to it as unused and lacking in purpose. However, this did not appear to be the result of any inherent inadequacies of what I found to be a well enclosed and pleasant urban garden.
13. The proposal includes the removal of a length of the boundary wall to increase the width of the access. Details of this on the proposed drawings are limited, although it is suggested that a 1.3 metre length would be removed. Removing this area of the wall would appear to involve the loss of historic fabric. Furthermore, the removal of this section of wall would open up views into the parking area from the lane, and, in combination with the lateral division of the plot caused by the parking area and storage functions, would have the effect of further disconnecting the lower end of the plot from the historic buildings of No. 2 and No. 24. This would erode the simple linear form of the plot, which reads as a single entity from Chaucer's Lane, and aids our understanding of it as a single burgage plot. As well as harming the significance of the listed building, this segregation of the plot would also fail to preserve the character or appearance of the conservation area, and in particular the contribution that the existing plot makes to our understanding of the town's 12th century layout.
14. I do accept that the proposed design has been carefully considered and seeks to respond in an individual way to the constraints of the site. The proposal attempts to occupy the site area without dominating the walls or the adjacent lanes by setting the first-floor massing in from the site boundaries and breaking it up into two distinct elements. Although the building would be easily seen from the lane, the tight width of the lane would restrict views, and the boundary wall would remain the principal feature enclosing the edge of the lanes. However, these matters do not outweigh the harm I have identified regarding the principle of developing the site and dividing it in the manner proposed.
15. At my visit I saw other examples of development in similar backland positions, including the recently erected dwelling at 9 Harrison's Lane. This dwelling is one plot away from the appeal site to the east, and, owing to its height, is prominent to view from the appeal site and the lanes. The submitted details refer to a previous garage court at the site, suggesting that it was already developed more significantly than the largely undeveloped appeal site. Owing to the previously developed nature of this nearby site it is unlikely that the burgage plot at this site retained the same degree of legibility. This site, and

- others referred to in the submissions, do not appear to directly relate to the proposal before me, and have thus not caused me to come to a different view on this main issue.
16. In terms of the National Planning Policy Framework (the Framework) the harm would be less than substantial. Paragraph 196 of the Framework establishes that any harm should be weighed against the public benefits of the proposal.
 17. The proposal would deliver a new dwelling in an accessible location with good access to a range of local services. This is a public benefit that carries weight. There would also be some economic benefit arising from the construction of the dwelling, although this would be temporary, and some benefit to the local area arising from new residents, however this would be limited as the proposal is for a fairly small single dwelling.
 18. The report from OMK Design Consultancy establishes that following the construction of the new dwelling the existing boundary wall would be strengthened. However, it is clear that constructing the dwelling so close to the wall presents a significant challenge. Furthermore, repairs to the wall are not dependent on the proposal. I therefore give this matter little weight.
 19. It is suggested that the removal of the existing garage would be an improvement to the character of the area. Whilst I accept that the existing garage is of no merit it is a modest structure that is tucked in beside the existing wall and only presents itself to the lane with a pair of side hung timber doors between two high stone walls. I therefore give little weight to the benefit of its removal.
 20. As set out above, I have found that the proposal would cause considerable harm to the CA and the listed building. Paragraph 184 of the Framework states that heritage assets are an irreplaceable resource. The proposal would result in a harmful and most likely permanent alteration to the site and the area. Paragraph 193 of the Framework establishes that great weight should be given to the conservation of a heritage asset. In this context I find that the public benefits of the proposal would not be sufficient to outweigh the degree of harm identified.
 21. In summary, I find that the proposal would fail to meet the requirements of the LBCA as it would fail to preserve the interest of the listed building and the character and appearance of the CA. It would be contrary to Policies OS2, OS4, EH9, EH10, EH11 and EH13 of the West Oxfordshire Local Plan 2031 (LP), which together seek to ensure that development proposals conserve and enhance historic character.

Living conditions

22. In terms of daylight and outlook currently enjoyed by neighbouring dwellings, those to the west are sufficiently distant that any effect would not be severe. The effect on the dwelling immediately north of the site, No. 10 Harrison's Lane, would be limited by the narrow form of the first-floor element of the proposal at the northern end. Outlook would be retained to either side and the proposal would have little effect on daylight and sunlight other than during the middle part of the day.
23. To the east of the appeal site stands Leathercraft House. This is a long dwelling that faces out towards the garden of No. 24, with small areas of garden to its

west and north. Occupiers of this dwelling enjoy an outlook over the appeal site at first floor level. Whilst a gap would be maintained between the ends of the proposed dwelling and 2 Chaucer's Lane, the second floor element of the southern part of the proposed dwelling would be close to the neighbour and would restrict outlook from the neighbouring dwelling.

24. I accept that the submitted Daylight & Sunlight Assessment demonstrates that the majority of the garden area between the site boundary and the side of Leathercraft House would not be affected. However, the external area to the south of the neighbour's garage and adjacent to the conservatory would be dominated by the proposed building, owing to its height and proximity. Light levels to this area would be significantly affected by the proposal during the latter part of the day. Although the appellants assessment finds this impact to be acceptable, I consider it appropriate to take into account the layout and use of this part of the neighbour's garden. It would appear to be a useful external space to the neighbour as it is the widest part of the narrow space alongside the dwelling, and is open to the west and south. It is therefore likely to be the area of garden most readily enjoyed by the dwelling's occupants. On this basis I find that the proposal would cause unacceptable harm to the living conditions of the occupiers of this neighbouring dwelling.
25. It is clear that the outlook from the proposed dwelling has been carefully considered to minimise overlooking towards neighbouring dwellings. Most windows would face into the courtyard area. Other first floor windows have been designed to limit outward views by setting them back into the property or controlling a view by setting a window at an angle. The two gable end windows would serve bathrooms, so could be obscurely glazed to prevent a view out towards a neighbour. On this basis I am satisfied that the proposal would not result in the loss of privacy of any of the neighbouring occupiers.
26. In summary, I find that the proposal would have a harmful effect on the living conditions of the occupiers of Leathercraft House with regard to outlook and daylight. This would be contrary to Policies OS2 and OS4 of the LP, which seek to ensure that development proposals do not harm the living conditions of neighbouring residents.

Parking

27. No. 24 is currently served by a single parking space accessed from Chaucer's Lane. The existing garage is small and at an angle that would make it difficult to use for a modern car and therefore, in accordance with the Oxfordshire County Council's Parking Standards document, I do not consider it reasonable to take this into account as an existing usable space. The proposal would see two spaces created; one for No. 24 to replace the existing space, which would be no worse than the existing arrangement, and one for the proposed dwelling.
28. A single space for the proposed two bedroom dwelling would be acceptable, particularly when the proximity of the site to various services and facilities in the town is taken into account, limiting the dependency of future occupants on a private car to meet day to day needs.
29. In summary, the proposal would accord with Policy T4 of the LP, which seeks to ensure that development proposals secure sufficient levels of parking.

Conclusion

30. Although I have found no harm in relation to the proposed parking provision, this is a neutral matter that does not outweigh my findings on the other main issues. Accordingly, the appeal should be dismissed.

A Tucker

INSPECTOR