
Appeal Decision

Site visit made on 22 February 2021

by James Taylor BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 March 2021

Appeal Ref: APP/C3105/W/20/3260583

Manor Farm Cottage, Church Lane, Charlton on Otmoor OX5 2UA

- 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 Messers Calcutt against the decision of Cherwell District Council.
 - The application Ref 20/01517/F, dated 11 June 2020, was refused by notice dated 6 August 2020.
 - The development proposed is described as the 'Erection of a 1-bedroom studio dwelling and conversion of existing outbuilding. Associated works. (Resubmission)'
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are
 - i) the effect of the proposal on the character and appearance of the area with particular regard to the Charlton on Otmoor Conservation Area (the Conservation Area); and
 - ii) the effect of the proposal on the living conditions of the occupiers of 6 Manor Farm Barns and Manor Farm Cottage having particular regard to outlook within their rear gardens.

Reasons

Character and appearance

3. Policy ESD15 of the Cherwell Local Plan 2011-2031, Part 1, Adopted 20 July 2015 (2015 LP) and 'saved' Policies C28 and C30 of the Cherwell Local Plan, November 1996 (1996 LP) overall seek high quality design that complements historic assets. These are consistent with the National Planning Policy Framework (the Framework), including the requirement set out at paragraph 193 to afford great weight to the conservation of designated heritage assets such as the Conservation Area. The policies reflect the requirement for special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
4. Manor Farm Cottage is typical of the built form at this point within the village and the Conservation Area which includes a number of listed buildings. Along this part of Church Lane, the built form is characterised by cottages and

converted buildings exhibiting traditional local materials. Furthermore, when compared to the greater levels of enclosure experienced around the centre of the village, there remains a sense of spaciousness at this point provided by the pockets of open space and gaps between the built form.

5. The appeal site is highly visible from the public realm immediately outside of the site, and on approaches from the south along Church Lane. Furthermore, I have observed that the site is clearly visible from the elevated churchyard and glimpsed from the north between the rear of Manor Farm Cottage and the converted buildings at Manor Farm Barns.
6. Currently, the site is only occupied by a modest traditional outbuilding. Despite the dilapidated nature of the building, it, along with the open context the site affords to Manor Farm Cottage, positively contributes to the character and appearance of the Conservation Area. Whilst I noted that an area of land, including the appeal site, has been severed from Manor Farm Cottage by the erection of a fence, the land still provides a context for this attractive traditional dwellinghouse. Outbuildings are a part of this context and the appellants assert that the dwelling would be seen as such. However, even if that were the case, I have little historic evidence to support an outbuilding at this point or a density of development akin to that proposed.
7. In comparison to the limited available space, the proposal would occupy a large proportion of the area between Manor Farm Cottage and the surrounding buildings. It would extend the full width of the appeal site and be located tight to the back edge of the site. Given this and its height it would have a mass and scale that would not be wholly mitigated by being set back behind the existing frontage outbuilding and the front elevations of the neighbouring Granary Cottages. Even taken cumulatively with the use of traditional local materials and the backdrop of Manor Farm Barns, the impact would not be sufficiently offset. Whilst the proposal would make a more efficient use of land, it would not be appropriate to its context. The proposal would appear cramped and significantly erode the spaciousness at this point. This would be harmful to the character and appearance of the Conservation Area.
8. The appellants have provided details of an approved Certificate of Lawfulness¹ that provides a potential fallback development. However, I note that this differs from the proposal before me in a number of ways including its siting, height and use. As such, I afford this limited weight.
9. Paragraph 196 of the Framework states that where a development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. There are a number of potential public benefits from the proposal including the conservation of the existing frontage building and the provision of a new dwelling. However, I have little evidence that the conservation of the existing building could not be achieved without the proposal. Furthermore, I find the construction of a dwelling would make little difference to the government's aim to boost significantly the supply of housing and I have little evidence that the proposal would address a housing need. Overall, I find that any benefits are more than outweighed by the identified harm to the irreplaceable resource that is the Conservation Area.

¹ LPA ref: 19/01979/CLUP

10. Therefore, in conclusion on the first main issue I find that the proposal would be harmful to the character and appearance of the area with particular regard to the Conservation Area. As such, the proposal would be contrary to Policy ESD15 of the 2015 LP, 'saved' Policies C28 and C30 of the 1996 LP, and the design and heritage aims of the Framework.

Living conditions

11. To the rear of the appeal site is the private and enclosed back garden of 6 Manor Farm Barns. The proposal would be sited on the rear boundary of the site which is currently denoted by a timber fence. Whilst the greatest increase in height at the boundary would be at the apex of the gable, the proposal would notably raise the height along the length of the boundary with no 6.
12. I have observed on my site visit that the rear of no 6 has been extended and, across its whole width, would project within close proximity of the proposed dwelling's footprint. Furthermore, no 6's garden is relatively modest. Whilst the occupiers of no 6 would currently experience a degree of enclosure within their rear garden the proposal would significantly add to that, resulting in an overbearing effect, harmful to the outlook of any occupier. I note the proposed glazed gable and consider that this may appear more 'lightweight', but this is not sufficient to mitigate the harm I have found.
13. As noted above, the garden of Manor Farm Cottage has been severed by the erection of a fence and so it is currently smaller than as represented within the appellants' plans. Whilst the proposal may increase the garden space and remove the existing fencing, I have no means before me to secure this. In any event, the proposal would result in a large building and high stone boundary wall being erected in close proximity to the proposed garden of Manor Farm Cottage. Consequently, a large proportion of what would remain a very modest garden relative to the dwelling, would be dominated by the built form. This would be harmful to the outlook of any occupier.
14. As previously set out the appellants have provided details of a potential fallback development that differs to the proposal. Significant on this main issue, that development would be a building ancillary to Manor Farm Cottage, located within its own garden. Additionally, I note that other parts of the Manor Farm Cottage's garden would not be impacted. However, even if taken cumulatively I do not consider that these considerations outweigh my concerns.
15. Therefore, in conclusion on this main issue I find that the proposal would be harmful to the living conditions of the occupiers of 6 Manor Farm Barns and Manor Farm Cottage having particular regard to outlook within their rear gardens. As such, the proposal would be contrary to Policy ESD15 of the 2015 LP, 'saved' Policy C30 of the 1996 LP and paragraph 127 f) of the Framework. Amongst their aims these seek to ensure a high standard of living conditions for existing and future users.

Conclusion

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

James Taylor

INSPECTOR