



Appeal Decision

Site Visit made on 23 March 2021

by Elaine Benson

an Inspector appointed by the Secretary of State

Decision date: 24 May 2021

Appeal Ref: APP/G3110/D/20/3264197

233 Cowley Road, OXFORD, OX4 1XG

- 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 A Kandola against the decision of Oxford City Council.
 - The application Ref 20/01981/FUL, dated 27 July 2020, was refused by notice dated 4 November 2020.
 - The development proposed is erection of two-storey and single-storey side extensions to dwelling and the provision of bicycle storage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - i) the effect of the proposed development on the character and appearance of the host dwelling and the surrounding area;
 - ii) whether the proposed development would preserve the settings of the nearby listed buildings which are designated heritage assets; and
 - iii) whether there would be adequate provision for cycle storage.

Reasons

3. The appeal property (No 233) is a 10 bedroom House in Multiple Occupation (HMO) on the prominent corner of Cowley Rd and Bartlemas Rd. It is part of a terrace of three late 19th century/ early 20th century houses which are typical of this part of Oxford. The surrounding area contains a mixture of 2 and 3 storey properties which are residential or commercial on the ground floor with residential above. The Grade II listed Church of St Mary and St John (the Church) stands on the opposite side of Cowley Rd, adjacent to the associated Grade II listed Church Hall.
4. The entrance to No 233 is on the ornate, stone detailed elevation facing Bartlemas Rd which in my view is the principal façade. The building has a 2-storey wing of narrow plan form which appears to have undergone alterations in the past and is of a somewhat unsympathetic design, particularly in respect of its fenestration and the design of the junction of the roof with the main building. The extension would be at the side of the dwelling which is open to Bartlemas Rd and would therefore be highly visible from that road and the surrounding area, even with boundary treatments.
5. The proposal takes little reference from the traditional architecture of the terrace. The design of the glazing panels would better reflect the windows on

the main part of the dwelling than those that are existing. However, the combination of the window proportions and alignment and the arrangement of the openings within the elevation would result in an overall design which would not be sufficiently subservient to the more elaborate design of the principal elevation and would appear discordant.

6. Furthermore, the extension includes widening the rear projection, without increasing its overall height. This would result in a much bulkier and somewhat squat form of development which, together with its projection further towards Bartlemas Rd, would further erode the subservience of the rear wing. The small setback in the façade and lower ridge and eaves heights than those of the main part of the building would make little difference to this.
7. My assessment includes consideration of the traditional, narrow and architecturally subservient existing wing and those of the other buildings in the terrace which are clearly visible from Bartlemas Rd. Whilst there are some differences in form between them, the proposed extension would not reflect the overall mass and bulk of the rear wings and would have a discordant effect on the terrace when viewed from the road.
8. Notwithstanding that the appeal property is unlisted and not within a conservation area, I conclude that the size, mass, siting, design and detailing of the proposal would result in an unduly prominent extension which would have an awkward and uncharacteristic relationship with the host property. This would harm the appearance of the existing house, the terrace and the wider street scene.
9. For the reasons set out above the appeal proposal would conflict with the aims of Policy DH1 of the Oxford Local Plan (LP) which seeks to ensure that development is of a high quality design that creates or enhances local distinctiveness. It would also run counter to the aims of the revised National Planning Policy Framework (the Framework) which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Setting of listed buildings

10. On the basis of the evidence before me, I consider that the significance of the listed Church and the Church Hall is derived from a number of factors. The architectural significance of the Church includes its gothic revival style designed by Alfred Mowbray who was articulated to Charles Buckeridge, one of the foremost church architects of his day. The Church and Church Hall are notable examples of church building and philanthropy.
11. Settings of listed buildings can include land which has a visual, functional and/or historic relationship with the building. In this case, the Church is a large and impressive building located at a distinctive point in the Cowley Rd townscape. The street composition includes the houses and ground floor shops in the adjoining roads which reflect the social and cultural importance of the Church to the local community as it served the religious, social and educational needs of the local working-class population. It follows that the area around the Church and Church Hall contribute greatly to their setting. Great weight should be given to the conservation of the heritage assets and their settings where they contribute to significance or its appreciation.

12. The glossary to the Framework states that the setting of a heritage asset comprises the surroundings in which it is experienced and that different elements of that setting may either make a positive, negative or neutral contribution to its significance. I have had special regard to the desirability of preserving the settings of the listed buildings and attach considerable importance and weight to the desirability of avoiding harmful effects on the significance of these designated heritage assets.
13. The proposed extension would not be visible from the Church buildings as it would be largely screened by the bulk of the main, taller part of No 233. Nonetheless, the extension would be visible in views of the Church, particularly from Bartlemas Rd looking towards Cowley Rd. In my judgement the additional bulk of the extension, its projection further towards the pavement as described above and its discordant elevation to the road would increase the visibility of the wing in the important vistas of the Church and the Church Hall and would amount to visual intrusion which would harm the setting of the heritage assets.
14. The harm to the significance of these designated heritage assets would be less than substantial as the impact of the proposal would be relatively localised in relation to the whole of the setting of the listed buildings. The Framework states that where a proposal would lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal. No public benefits have been put forward to outweigh this harm, although I have weighed in the balance that the proposed extension is part of a comprehensive refurbishment of the HMO that is intended to improve the living conditions of the occupiers. I conclude that this benefit does not outweigh the harm.
15. For the reasons I have set out the proposed development would conflict with LP Policy DH3 which requires new development to respond positively to the significance, character and distinctiveness of heritage assets and which reflects the statutory duties towards listed buildings. There would also be conflict with the guidance in the Framework.
16. In reaching this conclusion I have had regard to the development of apartments on the opposite side of Bartlemas Rd. Whilst I note that they are of contemporary design and are within similar views of the Church and Church Hall, the development is a new build apartment scheme, not an extension to an existing building. The Council's evidence indicates that the public benefits of the new housing provided were considered to outweigh their impact on the setting of the listed buildings. As such the scheme is materially different from one before me which has been determined on its own merits. Furthermore, the presence of unsympathetic development does not justify allowing further harm.

Cycle parking

17. In the appeal evidence the appellant states that there would be no change to the existing 10 cycle storage provision. It is unclear therefore why cycle parking provision was included as part of the description of development. Nonetheless, as no additional bedrooms would be created as part of the proposal, no change to the number of cycle spaces is required. Had this appeal proposal been otherwise acceptable, a condition could have been imposed requiring details of how the cycle stores would be covered or otherwise enclosed. As the appeal application was refused for other reasons, thereby

removing the opportunity to otherwise agree amendments to the proposal, the Council's approach was reasonable in this regard.

Conclusion

18. For the reasons set out above, and having regard to all matters raised, the appeal is dismissed.

Elaine Benson

INSPECTOR