



Appeal Decision

Site Visit made on 20 April 2021

by Mr S Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 June 2021

Appeal Ref: APP/D3125/W/20/3265145

Freelands Cottage, Westwell, Oxfordshire OX18 4JT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr George Bonas against West Oxfordshire District Council.
 - The application Ref 20/02052/FUL, is dated 10 September 2020.
 - The development proposed is the alteration to existing garden building and new extension to form ancillary accommodation.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs is made by Mr George Bonas against West Oxfordshire District Council. This costs application is set out with a separate decision.

Main Issues

3. The planning application was not determined by the Council before it was appealed. From the Council's Appeal Statement of Case and all the other evidence submitted I would regard the main issues as being the effect of the development on (1) the character and appearance of the area; and (2) the setting of adjacent listed buildings.

Reasons

4. The proposal is to extend a detached ancillary outbuilding, currently used as a study, to a larger building for accommodation of visiting relatives, for example. The extension would be of a size comparable to the existing outbuilding in terms of footprint, although there would be a flat roof behind a parapet. The extension would be built towards and close to the southern boundary of the site.
5. The existing outbuilding appears as a relatively modern building which reflects the materials and characteristics of this village location, where there are mainly older properties of traditional and distinct vernacular appearance. This includes Freelands Cottage itself. However, the proposed extension would be timber clad with a flat roof, which does not reflect the character of this settlement. The appellant has supplied examples of timber cladding and flat roof buildings in the area, but these examples are not typical of the settlement. The other examples may have better justification for the material choices or be in a discreet location. In this case, there is not sufficient justification for a design approach that uses both a flat roof and timber cladding to form a sizable

- extension that, whilst in some ways subservient, would appear incongruous in its setting, not in keeping with the main house or the outbuilding it would add to.
6. In terms of the height of the extension, the flat roof would be set down from the ridge height of the existing outbuilding, but the parapet would be taller than its eaves. This does result in an awkward junction between the existing building and the proposed extension. The proposed extension would not appear well integrated with the existing outbuilding, which would be exacerbated by the contrast in materials to be used.
 7. The proposed extension is also in a location near to the road through the village, although this is currently set behind a high hedgerow. This does provide some level of screening, but it would at least be partially visible from various vantage points throughout this area, where its incongruous design and materials would be apparent. Furthermore, hedgerows such as this could be removed in the future for various reasons which could open up the site to clearer views where the extension as proposed could be fully visible from the adjacent public road. As such, I do not regard the existing hedgerow as being sufficient to overcome the issues with the design approach.
 8. Whilst the existing outbuilding sufficiently reflects the prevailing character of the area and compliments the host dwelling, the same would not be true for the proposed extension which would appear as an inharmonious addition. It would detract from the positive contribution of the existing outbuilding within its setting.
 9. The site of the proposed extension is also a particularly sensitive area. There is the listed World War 1 Memorial and Dower House (both Grade II) in close proximity. Dower House derives its significance from its history and architecture as a former farmhouse with origins from the 17th Century, whereas the Memorial is listed for its historic interest, amongst other things. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) is relevant to this appeal as it requires special regard as to whether to grant planning permission for development which affects a listed building or its setting. In my view, the close proximity of the site to these listed buildings, together with the intervisibility, mean that the proposed extension is within the setting of these listed buildings/structures.
 10. The proposed extension would not be fully screened by the existing boundary hedge. Therefore, views of the proposed extension would detract from these listed buildings by the introduction of an inappropriately designed extension within their setting. Therefore, the proposed extension would be harmful to the setting of these listed buildings/structures.
 11. The National Planning Policy Framework (the Framework) also advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 193 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
 12. The proposed outbuilding extension would be harmful to the setting of the listed building/structure and the character and appearance of the area. Nevertheless, the harm would be less than substantial and in accordance with

paragraph 196 of the Framework that harm should be weighed against any public benefits of the proposal. I note that there have been no objections raised with regards living conditions, for example, but this would be a neutral factor and not a public benefit. The benefits would be primarily for the appellant, though these are not public benefits. As I have found some level of harm to the setting of the listed buildings, there is no benefit in terms of heritage conservation. As such, there are no substantive public benefits arising from the proposal to offset the identified harm, to which I must attach considerable importance and weight.

13. I note the comments that the Conservation Officer was not consulted with the planning application and that there was correspondence with the Case Officer who said there was no direct impact to the listed buildings. However, the heritage issues have been raised in the Council Statement of Case and I have undertaken a site visit and formed a decision on this matter.
14. For these reasons, the proposed extension would be both harmful to the character and appearance of the area and also the setting of the identified listed buildings. The proposal is therefore contrary to policies OS2, OS4, EH9 and EH11 of the West Oxfordshire Local Plan 2011-2031. These policies require development to conserve and enhance the built environment; respect the historic, architectural and landscape character of the locality, contribute to local distinctiveness and, where possible, enhance the character and quality of the surroundings; conserve and/or enhance the special character, appearance and distinctiveness of West Oxfordshire's historic environment, including the special architectural or historic interest of listed buildings when affecting their setting; amongst other things.

Conclusion

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

Mr S Rennie

INSPECTOR

