



Appeal Decision

Site visit made on 23 March 2021

by Elaine Benson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 June 2021

Appeal Ref: APP/C3105/W/20/3262153

Highway House, Hook Norton, Banbury OX15 5L

- 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 and Mrs Rupert and Michelle Holdsworth against the decision of Cherwell District Council.
 - The application Ref 20/00805/F, dated 17 March 2020, was refused by notice dated 21 May 2020.
 - The development proposed is demolition of existing dwelling, demolition of existing outbuildings/structures, erection of replacement dwelling and new outbuilding containing a garage, residential annexe and associated landscaping.
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Decision

1. The appeal is dismissed.

Main Issue

2. These are the effect of the appeal proposal on the character, appearance and landscape of the surrounding area, including whether the development would preserve or enhance the character or appearance of the Hook Norton Conservation Area (the conservation area).

Reasons

3. The appeal proposal is an amendment of a scheme which was granted planning permission in 2019. The proposed replacement dwelling is identical in both proposals and there are no objections to this element. There is therefore no need to consider the principle of this aspect of the proposal further in this decision. Consent is now sought for a larger annexe. Compared with the approved scheme, the height and depth of the building would increase. The annexe would comprise a ground floor double garage and study with 2 bedrooms in the roof space.
4. The Council states that the appeal site is outside the built-up limits of the village. There is no village boundary or envelope or any other designation to support this view. It therefore appears that a determination of whether the site falls within the village is a matter of planning judgement.
5. Highway House stands within a spacious plot close to the edge of the village and in the conservation area. There is a large garden mainly to the front and side of the property. To the rear of the house is an area of associated land benefitting from a lawful residential use. A group of outbuildings are adjacent to the rear of the nearest property, Rose Cottage. To the east and south east of the appeal site are fields which are crossed by public rights of way. The

- existing house is accessed by a track from the village which also leads to other properties, including Glenthorne to the south.
6. To my mind, the appeal site is in a transitional location between the more densely built up area of the village and the open fields beyond it. Based on the nearness of Highway House to its neighbours, its position between the properties to the north and south and the shared access along the lane, in my judgement the appeal property is within the village boundary, albeit at its edge. The Council's evidence that the appeal site should be considered to be outside the built-up limits of the village is not convincing.
 7. As I have concluded that the site is within the village, there is no need to assess the proposal against saved policies H17 and H18 of the Cherwell Local Plan 1996 which, in summary, relate to replacement and new dwellings in the countryside. I consider that the more relevant policy in this appeal is Policy Villages 1 of the Cherwell Local Plan 2011-2031 Part 1 (CLP) which allows for minor residential development within Category A settlements such as Hook Norton, subject to a number of criteria. As the principle of a new dwelling has already been accepted here, of most relevance to this appeal is the criterion relating to the preservation of local character. These aims are similar to those of CLP Policy ESD13 which addresses local landscape protection and enhancement, including the transition from built-up areas to the open countryside.
 8. I have also given special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. The Hook Norton Conservation Area Appraisal (the Appraisal) designates the appeal site as within the Enclosed Lanes Character Zone. The Green Fields Character Zone wraps around the site to its north, east and south and includes meadows and grasslands. Based on the evidence before me, I consider that the significance of the conservation area includes its enclosed, narrow residential roads and lanes as well as the open fields crossed by a number of footpaths. The area is scenic, with beautiful views across Hook Norton, mainly away from the village towards the open spaces. The topography in the area opens and closes off views across the village and limits some public views.
 9. The sense of enclosure referred to in the Appraisal runs along Park Hill and up towards Highway House where a low stone wall marks the southern boundary of its curtilage before opening out onto the Green Fields Character Zone. The appeal site is clearly visible from the adjacent public areas, including from the rights of way that run to the south east and north of the dwelling across the meadows.
 10. The existing dwelling dates from around the 1960's and makes little contribution to the character and appearance of the conservation area. However, it is of a small scale and does not detract from the more characterful buildings to the west. The outbuildings and flat roof elements are in a state of disrepair and harm the visual appearance of their surroundings. Overall, the existing buildings on the site do not make a positive contribution to the significance of the conservation area.
 11. In determining whether the size of the annexe would be appropriate, it is helpful to compare it with the nearest dwelling, Rose Cottage, and also the footprints of other existing homes in the near locality. The annexe would be deeper and wider than Rose Cottage and the new dwelling and annexe when

viewed together would be significantly larger than most other properties in the locality. The additional section of the annexe would extend behind the front elevation of the approved dwelling. When viewed from the southeast in particular, the 2 buildings would be seen together. Their combined scale and mass would give the appearance of a significantly sized building which would be emphasised by the loss of visual space between the buildings.

12. Due to the openness of the plot, the buildings would be highly visible in public views from the direction of the village from the south west across the site frontage and from the public footpaths within the landscape to the east and south. The size of the annexe, its relationship with the approved house and their combined prominence would appear incongruous and out of character.
13. Having regard to the previous planning permission and the similar locations of the buildings within the appeal site, the relationship of the proposed scheme with the wider landscape would be little changed. I conclude that the revised proposal would have no further impact on the wider landscape. In this regard, there would be no conflict with CLP Policies ESD13, ESD15 (in part), saved LP Policy C28 and Policy CC1 of the Hook Norton Neighbourhood Plan (2015) (NP). Despite the absence of landscape harm, I conclude that the overall size and location of the annexe together with the approved dwelling would not conform to the pattern of development in the locality, would not reinforce local distinctiveness, nor respect the overall character of the conservation area. This would lead to less than substantial harm to its significance.
14. The previously approved scheme was an 'on-balance' decision which took into account the visual enhancement resulting from the replacement of the existing property. The demolition of the existing outbuildings was not previously proposed. This would to a degree offset the impact of the additional volume of the enlarged annexe and would remove unsightly development. However, they are seen as impermanent garden structures and are not as prominent from public areas as the outbuilding would be. The annexe would be a significantly more substantial structure in an open area of the site that would be clearly visible from the public domain and the open land beyond the dwelling.
15. I am not convinced that the current proposal would preserve visual amenities or the character or appearance of the conservation area. There are no other public benefits which would outweigh the harm to the significance of the heritage asset. I therefore conclude that the proposal would conflict in part with CLP Policy ESD15 which, among other things, requires high quality development which respects its context, including the need to conserve, sustain and enhance designated heritage assets, including by respecting traditional patterns of development. The similar requirements set out in NP Policy CC2 would not be satisfied.

Other Matters

16. The Council considers that the proposed outbuilding would be capable of being occupied as an independent dwelling. Moreover, it is concerned that it would be unable to resist future applications for the conversion of the outbuilding to a separate unit. I am required to determine the appeal on the basis of the scheme as applied for, which is for an ancillary building. Furthermore, independent occupation of the annexe would have been prevented by a condition suggested by the Council, had the appeal been successful. Any future

planning applications would be determined on the basis of the policy and other planning considerations pertinent at that time.

17. There are no objections to the proposal from Hook Norton Parish Council or neighbouring occupiers. However, this does not affect my conclusions. The appeal decisions referred to by the appellant do not relate to schemes which are similar to the appeal proposal and they are on different, unique sites. They therefore have very little bearing on this appeal.

Conclusion

18. I conclude that the proposal would fail to preserve or enhance the character or appearance of the conservation area and conflicts with the development plan when considered as a whole. The proposal would not comply with the National Planning Policy Framework in respect of its requirements for good design which respects its surroundings. For the reasons set out and having regard to all other matters raised, the appeal should be dismissed.

Elaine Benson

INSPECTOR