
Appeal Decisions

Site visit made on 6 September 2021

by Tim Wood BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 September 2021

Appeal Ref: APP/Q3115/W/20/3250350

34 Main Road, East Hagbourne, Didcot OX11 9LN

- 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 Brian Blumire against the decision of South Oxfordshire District Council.
 - The application Ref P19/S4558/HH, was refused by notice dated 19 March 2020.
 - The development proposed is to remove existing wooden gate, hedge, wall and railings (part retrospective) and erect new wrought iron pedestrian gate, twin side gates and railings (clarified by drawing 34 Main Road Gates rev 1 and supporting documentation received on 22 January 2020) and amended by drawing Nos 34 Main Rod Gate amendment 3 and 34 Main Road Gate and railings amendment 3 to simplify design and reduce height, received on 19 February 2020 and further amended by drawing no. 34 Main Rod Gate amendment 4 to revise design received on 26 February 2020).
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Appeal Ref: APP/Q3115/Y/20/3250833

34 Main Road, East Hagbourne, Didcot OX11 9LN

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Brian Blumire against the decision of South Oxfordshire District Council.
 - The application Ref P20/S0171/LB, dated 14 December 2019, was refused by notice dated 19 March 2020.
 - The works proposed are to remove existing wooden gate, hedge, wall and railings (part retrospective) and erect new wrought iron pedestrian gate, twin side gates and railings (clarified by drawing 34 Main Road Gates rev 1 and supporting documentation received on 22 January 2020) and amended by drawing Nos 34 Main Road Gate amendment 3 and 34 Main Road Gate and railings amendment 3 to simplify design and reduce height, received on 19 February 2020 and further amended by drawing no. 34 Main Rod Gate amendment 4 to revise design received on 26 February 2020).
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Decisions

1. The appeals are both dismissed.

Preliminary Matters

2. It is evident that the proposal has been amended between its initial submission to the Council and the time at which it was determined by them. As a consequence and for clarity I have used the Council's detailed description of the proposal in the heading above so that it is clear what the Council considered, then refused and so what the proposal before me is. For clarity,

this includes a low section of brick wall, notwithstanding the fact that the appellant states within the appeal submissions that he does not wish to build it.

Main Issue

3. The Council have indicated that they were prepared to approve the 2 applications subject to a number of conditions. Some of the conditions that the Council favoured were pre-commencement conditions relating to the submission of details of the brickwork and gate/railings. The appellant's refusal to agree to these pre-commencement conditions prior to determination led to the Council's refusal of the applications. Having carefully considered the proposals and the submissions, I shall concentrate on the issue surrounding these conditions rather than the principle of the proposal, as the Council clearly considered that it could approve the proposal, if the appellant had agreed to these conditions.

Reasons

4. The appeal relates to this attractive Grade II listed building which is set within the East Hagbourne Conservation Area. The building and its attached neighbour sit in a slightly elevated position above the road and behind a rising grass verge. It forms one of a number of buildings here in this attractive and historic town-scape.
5. I can see from the submissions that a wooden gate and a hedge were placed between the side on No 34 and its neighbour at No 32, these have been removed. The proposal would be in a visible position between 2 buildings on this main route through the conservation area.
6. The National Planning Policy Framework states that conditions that are required to be discharged before development commences should be avoided unless there is clear justification. The Planning Practice Guidance also explains that pre-commencement conditions should only be used where there is a clear justification, which is likely to be mean that the requirements of the condition (including the timing of compliance) are so fundamental to the development permitted that it would otherwise be necessary to refuse the whole permission.
7. Taking account of the heritage status of the building and its surroundings, I consider that it is important to ensure that the design and appearance of the proposal would preserve the significance of the listed building and would preserve or enhance the character and appearance of the conservation area. Having considered the submitted drawings, I consider that additional details of the proposal would be necessary in order to ensure that it would have an acceptable appearance and effect on the listed building and conservation area. I note that the appellant has submitted a sheet with some written details of gates and railings and I assume that this has been submitted to assist in my consideration of the appeal. However, not only is it not in any way consistent with the drawn details which are submitted for approval, from the written description it is not possible to be certain of the appearance of the features that are being described and so could not be relied upon to arrive at an accurate impression of the appearance of the proposal, in my judgement. In addition, the proposed bricks and the bond and mortar type would all have an effect on the surroundings, which could only be adequately determined for this appeal by the imposition of the condition requested by the Council.

8. I consider that the possible effects on the surrounding historic features means that there is clear justification for imposing pre-commencement conditions requiring the stated details of the brickwork and railings/gate, which I see as fundamental to the proposal.

Conclusion

9. For the reasons set out above, the appeals are dismissed.

ST Wood

INSPECTOR