
Appeal Decisions

Site visit made on 2 November 2021

by Jonathan Hockley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 November 2021

Appeal A: APP/C3105/W/21/3271916 **18 Boxhedge Road, Banbury OX16 0BP**

- 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 Mrs Rebecca Lowe against the decision of Cherwell District Council.
 - The application Ref 20/03419/F, dated 28 November 2020, was refused by notice dated 18 March 2021.
 - The development is described as "retrospective planning permission for an existing upvc conservatory on the rear of the property. the conservatory has been in place since purchasing the property in 2005 and was erected by the previous home owner. the property is grade 2 listed and there is no record of previous consent."
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Appeal B: APP/C3105/Y/21/3271940 **18 Boxhedge Road, Banbury OX16 0BP**

- 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 Mrs Rebecca Lowe against the decision of Cherwell District Council.
 - The application Ref 20/03420/LB, dated 28 November 2020, was refused by notice dated 18 March 2021.
 - The works are described as "retrospective planning permission for an existing upvc conservatory on the rear of the property. the conservatory has been in place since purchasing the property in 2005 and was erected by the previous home owner. the property is grade 2 listed and there is no record of previous consent."
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Decision

1. Appeal A is refused.
2. Appeal B is refused.

Preliminary Matters

3. After the appeals above were submitted, the property was sold. Confirmation was received from the new owner, Ms Tamsin Graham, that they wished for the appeal to proceed on behalf of the original appellant.
4. The conservatory that the appeals refer to has been in place for a considerable period of time, and the appeals are therefore retrospective.

Main Issue

5. The main issue in both appeals is whether the conservatory preserves the special architectural and historical interest of the Grade II listed Number 18

Boxhedge Road, and whether the conservatory preserves or enhances the character or appearance of the Banbury Conservation Area.

Reasons

6. No 18 Boxhedge Road is set to the west of Banbury town centre and is an attractive two storey ironstone cottage with slate roof dating from the 17th century. The listing notes that the house was remodelled in the 18th and 20th century. A prominent stone porch is sited on the front of the cottage and it is noticeable that the roof level of the property has been raised at some point with red brick to extend the upper courses of the walls.
7. The property lies within the Banbury Conservation Area (BCA). The BCA Appraisal (September 2018) notes that Boxhedge Road lies within Neithrop, a suburb of Banbury which was once an independent hamlet within the parish of Banbury. The Appraisal notes that the stone built cottages on the south side of Boxhedge Road (of which No 18 is one) are a reminder of Neithrop's historic and agrarian past, describing them as good quality, two storied buildings in the regional vernacular style of the 17th century. The BCA as a whole covers a large area and the Appraisal notes various areas of unified character. In the vicinity of the appeal site the character of the BCA is provided by the retention of the 17th century properties on the south side of Boxhedge Road and the dense pattern of development of a formerly rural parish which has been fully subsumed into the fabric of the town.
8. The Planning (Listed Building and Conservation Areas) Act 1990 (the Act) requires special interest to be given to the desirability of preserving a listed building and any features or architectural interest it possesses. Section 72(1) of the same Act states that special attention must be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
9. Paragraph 199 of the National Planning Policy Framework (the Framework) says when considering the impact of a proposed development on the significance of a designated heritage asset (including conservation areas), great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of a heritage asset, or by development within its setting (paragraph 200).
10. The special interest and significance of No 18 Boxhedge Road arises from its historical interest as a largely original simple 17th century agricultural stone cottage and its location and setting within the town, reflecting the history of Banbury and its former rural environs.
11. The conservatory is constructed with white uPVC plastic with a plastic roof and is located on the right-hand side of the cottage (when viewed from the rear garden). There is flashing on the join between the roof of the conservatory and the rear ironstone wall of the cottage. Overall, the conservatory has a fairly utilitarian aesthetic.
12. The design and materials of the structure have little in common with the original building and conflict with the simple design, plan form, and traditional materials of the listed building. When viewed from the rear garden the design and appearance of the conservatory appears out of place and detracts from the architectural and historical interest of the building, causing harm to the heritage asset.

13. As the structure does not physically alter the historic fabric of the building (other than the fixing to the wall) and affects only the rear of the property I consider that such harm is less than substantial. I conclude nevertheless that the conservatory fails to preserve the special interest of the building, and that in doing so also fails to preserve the historic character and appearance of the BCA. While the structure is not readily visible from public areas, access rights and views can change over time. Paragraph 202 of the Framework states that where less than substantial harm is caused, this should be weighed against the public benefits of the scheme. The conservatory clearly provides a useful and much valued space for the occupiers of the house, but such benefits are private. As such, public benefits do not outweigh the clear harm that I have identified.

Other Matters

14. I note that the conservatory has been in place for a number of years, with consent originally granted for a structure in 1982. However, it is clear that the structure that is now on site is not the same as what was consented. I also note that the Council failed to raise the conservatory as an issue on previous site visits. However, I can only consider the appeals on their own merits. I also note the lack of public objections to the structure. However, while I have a great deal of sympathy for the current householders and the situation that has arose, I have found that the conservatory causes harm to the listed building.
15. My attention is drawn to other developments in the vicinity, including a porch at No 2 Boxhedge Terrace and various fixings to the adjacent Methodist Chapel. However, it is not clear whether either of these buildings are listed. Furthermore, examples of what may or may not be inappropriate development on other buildings do not justify other harmful development.

Conclusion

16. I conclude that the conservatory does not preserve the special architectural and historical interest of the Grade II listed No 18 Boxhedge Road; nor does the conservatory preserve or enhance the character or appearance of the BCA.
17. Although I have concluded that the conservatory causes less than substantial harm to the heritage assets, I do not consider that public benefits of the development outweigh the clear harm caused. As such the scheme conflicts with the Framework.
18. The conservatory also conflicts with policies ESD15 of the Cherwell Local Plan 2011-2031 Part 1 (July 2015) and saved policy C28 of the Cherwell Local Plan (November 1996), which, when taken together, state that where development is in the vicinity of historic assets, high quality design that complements the asset will be essential.
19. For the reasons given above, and having regard to all other matters raised, I conclude that the appeals should be dismissed.

Jon Hockley

INSPECTOR