
Appeal Decisions

Site visit made on 26 October 2021

by Jonathan Hockley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th November 2021

Appeal A: APP/D3125/W/21/3269520

Lyndhurst, Church End, Swerford, Chipping Norton OX7 4AX

- 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 N Davies against the decision of West Oxfordshire District Council.
 - The application Ref 20/02156/HHD, dated 18 August 2020, was refused by notice dated 11 December 2020.
 - The development proposed is an extension, garden/log store and associated external & internal alterations.
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Appeal B: APP/D3125/Y/21/3269675

Lyndhurst, Church End, Swerford, Chipping Norton OX7 4AX

- 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 N Davies against the decision of West Oxfordshire District Council.
 - The application Ref 20/02157/LBC, dated 18 August 2020, was refused by notice dated 11 December 2020.
 - The works proposed are an extension, garden/log store and associated external & internal alterations.
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Decisions

1. Appeal A is allowed and planning permission is granted for an extension, garden/log store and associated external & internal alterations at Lyndhurst, Church End, Swerford, Chipping Norton OX7 4AX in accordance with the terms of the application, Ref 20/02156/HHD, dated 18 August 2020 subject to the conditions set out at the end of my decision.
2. Appeal B is allowed and listed building consent is granted for an extension, garden/log store and associated external & internal alterations at Lyndhurst, Church End, Swerford, Chipping Norton OX7 4AX in accordance with the terms of the application Ref 20/02157/LBC dated 18 August 2020 subject to the conditions set out at the end of my decision.

Main Issue

3. The main issue in both appeals is whether the proposal would preserve the special architectural and historical interest of the Grade II listed Lyndhurst and the effect of the proposed development on the character and appearance of the Swerford Conservation Area.

Reasons

4. Lyndhurst is set at the western end of Swerford, a small linear settlement which has two main cores; Church End where Lyndhurst is sited is based around the Grade II* listed Church of St Mary, and East End which is based around several large farmsteads. The two elements of the village are separated by agricultural land.
5. The Church of St Mary is set on a rise and dominates the small hamlet of Church End, overlooking a triangular road junction and small village green. Various listed buildings are located on the south side of the primary road through the village, and Lyndhurst is set to the west, the northerly end terrace of three properties which also includes Woodlea and Corner Cottage. All three houses are Grade II listed. The Scheduled Monument of Swerford Castle is located to the northern side of the Church. The Grade II* listed Old Rectory is set back to the south behind a pair of listed gate posts and the Grade II listed War Memorial is set on the south side of the green.
6. Lyndhurst dates from the 18th century. The property is constructed in marlstone and limestone rubble with wooden lintels and has a slate roof. The listing notes that the property originally would have had a single unit plan but has been extended to two units with a central 4 panel door on its easterly façade. A later extension to the north houses a double garage whose large door faces to the north. The listing notes that the property is included for group value. Woodlea and Corner Cottage share a listing. These properties are also constructed in marlstone and limestone with wooden lintels and slate roofs. Corner Cottage has a distinctive return with dormer windows following the route of a lane to the south.
7. 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.
8. 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, 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).
9. Section 14.2 of the West Oxfordshire Design Guide 2016 (the Design Guide) notes that no property can accommodate endless enlargement without fundamentally compromising aspects of its original character and design and that extensions should remain clearly secondary and subservient to the original property. Section 14.6 of the same guide states that any proposed extensions likely to obscure the original form of a Listed Building or which fails to respond sympathetically or meaningfully to the Listed Building is unlikely to be supported. The Swerford Conservation Area Proposals for Preservation & Enhancement (SCAPPE) document states that accumulation of extensions can easily obscure the simple form of traditional buildings and should be avoided, and that important groups of buildings often have a special value and character which can be harmed by new development.

10. The special interest and significance of Lyndhurst arises primarily from the historical interest of the façade and core older parts of the property, the evolution of the property from the front and its group value with Woodlea and Corner Cottage. The setting of the property opposite the Church and village green also contributes to its special interest. Value is increased by the harmony between the three listed properties which constitute a coherent whole facing the centre of Church End.
11. The property and its neighbouring cottages contribute to the character and appearance of the Swerford Conservation Area (SCA), with the use of Marlstone dominating the built environment of the settlement providing visual and aesthetic harmony to the village. The area of semi-parkland separating the two parts of the settlement – Church End with its focus on the church, and East End with its more workman like air based on large farmsteads and attractive large farmhouses - also contributes to the character and appearance of the SCA.
12. A shaded plan contained with the appellants evidence (and also referred to by the Council in their statement of case) provides details of the age of the respective parts of the cottage. The left-hand side of the property (when viewed from the road) is identified as the oldest part of the house, with the two-unit plan dating from the early 18th century. To the right of this is an extension dating from the later parts of the 18th century (with some 19th century modifications) with late 20th century extensions to side (garage) and rear (kitchen and living room extension). The proposal seeks to convert the garage and build on top of this structure, extending to the rear to make a northern wing, filling in the area to the south with a single storey extension. Internally alterations would be made to the late 20th century extensions of the property, with the exception of a new opening upstairs to the northern wing through the late 18th century wall of what is currently a toilet. A separate garden/log store is also proposed, to which the Council have no objections. I share this view.
13. From the front of the property the proposal would appear subservient to the oldest parts of the cottage, with the roof ridge set down below and the front building line continuing to be set back. Fenestration at both floors would provide relief into the two-storey façade that the current side garage wall is lacking. While the size of the windows proposed may be smaller than that in the older parts of the cottage, this would emphasise their subservience.
14. In views from the north from St Mary's Lane the side elevation of the extended property would be fairly extensive; particularly the length of the northern wing. However, the height of the roof ridge at a lower level than the main building (and that subsequently of Woodlea behind) would ensure subservience. The fenestration and detailing on this elevation would be a significant visual improvement on the existing large plastic double garage door and I do not consider that the roof junctions would appear awkward or confusing or that the proposed side door would appear as if another cottage had been created. Furthermore, the design of the wing, in providing a return to the north of the cottage would to a certain degree mirror the form of the return of Corner Cottage at the southern end of the group of listed cottages.
15. From the rear the gabled design would fit in with the overall cottage design and the single storey lean to extension would maintain subservience. The extent of

the original historic cottage, such that can be seen at present, would still be clear from views from the rear, whether from the rear garden, or the footpath which runs along the back of the property's garden, with the various extensions appearing as later additions in a subservient manner, maintaining the primacy of the historical form of the heritage asset.

16. My attention is drawn to the size of the proposed extensions, both individually and cumulatively with previous extensions and their effect on the scale of the original cottage in footprint terms. However, while I can appreciate such concerns of the Council, the extensions proposed are primarily sited to the rear and side and build upon previous extensions allowed during the late 20th century. In some respects, as detailed above, these improve the design of such later extensions and the overall scale of them can be accommodated in my view by the original and slightly later additions to the cottage without overwhelming the historic integrity of the footprint or the form of the cottage, which would still clearly be able to read when inside and outside the property.
17. I note that upstairs the proposal would require the removal of some historic fabric, in creating an access through from the landing area to the new upper floor level. This would inevitably cause some harm to the listed building, as this would be in an area of later 18th century extensions. However, such extent of removal would be reduced by the fact that there is already a window in this location. I consider that this harm would be outweighed by the positive aspects of the proposal, through the removal of the garage door and the fenestration in the front of the property, such that as a result in total the proposal would not cause harm to the heritage asset.
18. For the same reasons, the proposal would not cause harm to the Swerford Conservation Area, and in improving the façade and northern elevation of the property would enhance the character of the SCA, if only to a limited degree. Consequently, no harm would also be caused to the setting of the Church or to any other local listed buildings such as Woodlea, Corner Cottage, the Old Rectory or the War Memorial to the south of the site whose setting encompasses the centre of the village. Important views emanating from the Green would be enhanced and any effects on views of the Church spire from the public right of way to the site would be transitory and negligible.
19. I therefore conclude that the proposal would preserve the special architectural and historical interest of the Grade II listed Lyndhurst and would enhance the character and appearance of the Swerford Conservation Area. The proposals would comply with policies OS2, OS4, EH9, EH10, EH11, and EH12 of the West Oxfordshire Local Plan 2031 (September 2018), which when read together, state that development in rural areas will be limited to that which respects the intrinsic character of the area and demonstrates high quality design which gives great weight to conserving or enhancing areas and buildings of historic and architectural significance, including listed buildings and conservation areas. The location, form, scale, massing and height of proposals should not cause harm to Conservation Areas and retain the special interest that justifies designation of Listed Buildings and extensions should not obscure the form or character of the original building.
20. Further, by not causing harm to the heritage assets by remaining clearly secondary and subservient to the original property and not obscuring the form of the original building, the proposals would also comply with the Framework,

the Design Guide, the SCAPPE, and Historic England advice on the significance and setting of heritage assets.

Conditions and Conclusion – Appeals A and B

21. Conditions are imposed on both consents for time and plans to provide certainty. The proposed plans altered through the life of the planning application – plans referred to in the conditions are the final version, revision C. Conditions are also imposed on both consents to ensure that details of materials and rooflights are submitted and approved by the Council, and that window and door frames are recessed, with all works and works or making good carried out in materials to match existing except where shown on approved plans. Window materials are detailed within the application form. All such conditions are required to ensure the special interest of the listed building is maintained. For the same reason a separate condition is imposed on Appeal B to ensure no internal alterations are carried out other than where shown on plans. This condition has been amended slightly from the wording suggested by the Council in the interests of clarity.
22. To summarise I consider that the proposals would preserve the special architectural and historical interest of the Grade II listed building and would not harm the character and appearance of the SCA. Therefore, for the reasons given above I conclude that the appeals should be allowed.

Jon Hockley

INSPECTOR

SCHEDULE OF SIX CONDITIONS FOR APPEAL A

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1857-2020-LP-BP, 1857-2020-04 revision C.
- 3) No work on the development hereby approved shall take place until details of the materials to be used in the external walls and roof slopes of the extensions hereby permitted have been submitted to and approved in writing by the LPA. Thereafter the works shall be carried out in accord with the approved details.
- 4) Notwithstanding details contained in the application, detailed specifications and drawings of all rooflights to include elevations of each complete assembly at a minimum 1:20 scale and sections of each component at a minimum 1:5 scale and including details of all materials, finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before that architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details.

- 5) The window and door frames shall be recessed a minimum distance of 75mm from the face of the building unless otherwise agreed in writing by the LPA.
- 6) All new works and works of making good shall be carried out in materials, and detailed, to match the adjoining original fabric except where shown otherwise on the approved drawings.

SCHEDULE OF SEVEN CONDITIONS FOR APPEAL B

- 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.
- 2) The works hereby permitted shall be carried out in accordance with the following approved plans: 1857-2020-LP-BP, 1857-2020-04 revision C.
- 3) No works shall take place until details of the materials to be used in the external walls and roof slopes of the extensions hereby permitted have been submitted to and approved in writing by the LPA. Thereafter the works shall be carried out in accord with the approved details.
- 4) Notwithstanding details contained in the application, detailed specifications and drawings of all rooflights to include elevations of each complete assembly at a minimum 1:20 scale and sections of each component at a minimum 1:5 scale and including details of all materials, finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before that architectural feature is commissioned/erected on site. The works shall be carried out in accordance with the approved details.
- 5) The window and door frames shall be recessed a minimum distance of 75mm from the face of the building unless otherwise agreed in writing by the LPA.
- 6) All new works and works of making good shall be carried out in materials, and detailed, to match the adjoining original fabric except where shown otherwise on the approved drawings.
- 7) No demolitions, stripping out, removal of structural elements, replacement of original joinery or fittings and finishes shall be carried out except where shown and noted on the approved drawings.