



Appeal Decision

Site visit made on 21 December 2021

by R Walmsley BSc, MSc, MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 February 2022

Appeal Ref: APP/D3125/D/21/3280580

Foxwold, Old Forge Road, Great Rollright OX7 5RR

- 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 Welstead against the decision of West Oxfordshire District Council.
 - The application Ref 21/01825/HDD, dated 17 May 2021, was refused by notice dated 13 July 2021.
 - The development proposed is remodelling of dwelling to provide first floor extension; erection of a detached garage.
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Decision

1. The appeal is dismissed insofar as it relates to the erection of a detached garage. The appeal is allowed insofar as it relates to the remodelling of dwelling to provide first floor extension at Foxwold, Old Forge Road, Great Rollright OX7 5RR in accordance with the terms of the application ref 21/01825/HDD dated 17 May 2021 and the plans submitted with it, so far as relevant to that part of the development hereby permitted, and subject to the following conditions:
 - i) The development hereby permitted shall not begin later than 3 years from the date of this decision.
 - ii) The development hereby permitted shall be carried out in accordance with the following approved plans: Ground Floor Plan ref 180425-200; First Floor Plan ref 180425-201; North and South Elevations ref 180425-203 and North and West Elevation ref 180425-202.
 - iii) The materials used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issues

2. These are:
 - i) the effect of the development on the character and appearance of the host property and on the Great Rollright Conservation Area (CA); and,
 - ii) the effect on the living conditions of the occupiers of neighbouring properties with regard to outlook and light.

Reasons

Character and appearance

3. The appeal site is within an Area of Outstanding Natural Beauty (AONB). The Council concluded that the development would conserve the AONB and there is nothing within the evidence to suggest that I should take a different view. Nonetheless, in considering the effect of the proposal, I have paid special regard to the statutory duty in section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 and placed great weight on the conservation of the heritage asset of the CA.
4. The CA derives its significance from, but not exclusive to, its loose-knit form, variety of open spaces and dwellings that vary greatly in design, form and scale. The appeal property, being residential and modern in appearance contributes positively to this variety and so the character and appearance of the CA overall.
5. The development would increase the prominence of the existing property, however, as the property is set well back from the street, it would not appear unduly dominant. The appeal property would continue to bridge the height of the houses either side and therefore would sit comfortably within the scale of surrounding development. The roof form and fenestration, which have been designed to respond, in part, to previous concerns, would be in-keeping with the form and style of properties within the CA.
6. The development would materially alter the form and scale of the host property in such a way that its original character would be lost. However, I am not aware that the character of the host property is something that warrants protection in and of itself. Furthermore, the new roof form and additional gable elements would, whilst changing the character of the host property, respect its original form and scale. The development would not, therefore, be harmful to the host property.
7. The Inspector deciding appeal ref APP/D3125/D/20/3257369) reached a different conclusion on form and mass. However, the development proposed at that time was materially different in form and scale to the current proposal. The current proposal has a roof profile that is more in-keeping with the form and style of properties within the CA and the bulk and mass of the development is noticeably less than that proposed in the previous appeal.
8. The garage proposed would appear oddly minimalist compared with the busier form and appearance of the house and the more rural forms of development in the area. The garage, therefore, would appear incongruous. Being in a prominent position on the appeal site, this would have a harmful effect on the character and appearance of the CA. This harm would be less than substantial. Paragraph 202 of the National Planning Policy Framework (2021) states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. There are no public benefits before me for consideration and so in giving importance and weight to the less than substantial harm and in having special regard for the desirability of preserving and enhancing the CA, there are no benefits to outweigh the harm identified.

9. And so, the remodelling of the dwelling would not have an unacceptable effect on the character and appearance of the host dwelling and it would preserve and enhance the character and appearance of the CA. This aspect of the appeal, therefore, would not be contrary to Policies OS2, OS4 and H6 of the Local Plan (2018) which, amongst other things, seek high quality development that respects the intrinsic character of the area, and Policies EH9 and EH10 which seek development that conserves or enhances the historic environment. The garage, however, would not preserve or enhance the character or appearance of the CA and therefore would be contrary to the policies stated.

Living conditions

10. Neighbouring occupiers in Davenport Close would overlook a larger dwelling. However, much of the added bulk and mass proposed would be a reasonable distance from the neighbouring houses so that their outlook would not appear unduly cramped or overbearing.
11. The shadow diagrams before me show that the neighbouring houses would not be overshadowed by the development. And so I find that the development proposed would not be harmful to the living conditions of neighbouring occupiers with regard to outlook and light and therefore would not be contrary to Policy H6 of the Local Plan (2018) which, amongst other things, seeks development that does not unacceptably impact the environment of people living in an area.

Other matters

12. The possible loss of property value and the potential loss of private views are private matters beyond the general considerations of planning.
13. Third parties have raised concerns regarding privacy but there are no first floor windows proposed that would overlook the neighbouring houses. Views from a window at ground floor would be obscured behind a boundary fence.

Conditions

14. In addition to the timescale for the implementation of the development proposed, I have imposed a condition concerning the proposed plans for the part of the development hereby permitted. This is for the purposes of certainty. I have also imposed a condition by way of matching materials to the existing house to protect the character and appearance of the CA.

Conclusion

15. The re-modelling of the existing house would not be contrary to the development plan and therefore the appeal is allowed insofar as it relates to these works. The detached garage proposed would be contrary to the development plan and therefore this aspect of the appeal is dismissed.

R Walmsley

INSPECTOR