



Appeal Decisions

Site visit made on 11 January 2022

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd February 2022

Appeal A Ref: APP/V3120/W/21/3276237

Pollards, Townsend, Harwell, Didcot OX11 0DX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr B Jakobsen against Vale of White Horse District Council.
 - The application Ref P21/V0608/HH, is dated 25 February 2021.
 - The development proposed is Addition of bespoke garden room and new doorset.
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Appeal B Ref: APP/V3120/Y/21/3276239

Pollards, Townsend, Harwell, Didcot OX11 0DX

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
 - The appeal is made by Mr B Jakobsen against Vale of White Horse District Council.
 - The application Ref P21/V0609/LB is dated 25 February 2021.
 - The works proposed are Addition of bespoke garden room and new doorset.
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Decision

Appeal A

1. That part of the appeal that relates to addition of bespoke garden room is dismissed and planning permission is refused for addition of bespoke garden room. That part of the appeal that relates to new doorset is allowed and planning permission is granted for new doorset at Pollards, Townsend, Harwell, Didcot OX11 0DX in accordance with the terms of the application, Ref P21/V0608/HH, dated 25 February 2021, subject to the attached schedule of conditions.

Appeal B

2. That part of the appeal that relates to addition of bespoke garden room is dismissed and listed building consent is refused for addition of bespoke garden room. That part of the appeal that relates to new doorset is allowed and listed building consent is granted for new doorset at Pollards, Townsend, Harwell, Didcot OX11 0DX in accordance with the terms of the application, Ref P21/V0609/LB, dated 25 February 2021, and the plans submitted with it, subject to the attached schedule of conditions.

Procedural Matters

3. The appeals are against the Council's failure to determine applications for planning permission and listed building consent. The Council's Statement of Case outlines the reasons that it considers the proposal would be unacceptable,

but these are not formal determinations of the Council as the jurisdiction to determine the application transferred from the Council upon valid receipt of the appeals. Nevertheless, the Council has set out that it would have refused the applications in respect of the proposed bespoke garden room had it been empowered to do so. I have therefore taken its reasons into account in determining the main issues.

4. The two appeals concern the same scheme under different, complementary legislation. I have dealt with both appeals together in my reasoning.
5. I have also had regard to the content of Historic England's Good Practice Advice in Planning Notes 2 and 3¹, as far as they are relevant to the appeals.

Main Issues

6. The main issues are whether the proposed addition of a bespoke garden room would preserve a Grade II listed building, known as 'Pollards', and any features of special historic interest that it possesses, and the extent to which it preserves or enhances the character or appearance of the Harwell Conservation Area.

Reasons

Significance

7. The appeal concerns Pollards, a Grade II listed building, situated within the Harwell Conservation Area (HCA) in a prominent and elevated position above the T-junction of Drewitts Corner, Townsend and Burr Street.
8. It is a detached house, which likely originates from the 16th Century but its height was raised in the 17th Century. The main range is of two-storeys, at least partially with a timber frame, and arranged on a lobby-entry plan. To the left is a tall gabled cross-wing with attic rooms. The exterior is rendered, above a brick plinth, and incorporates wooden casement windows and a tall plain tile roof. The cross-wings at the rear are later additions, with that to the south added in the 17th Century. The two-storey northern cross-wing, with attic room, was added in 1985. A small flat-roofed addition to the south cross-wing was removed in 2011 and French doors added to its inside elevation. At the same time, bifold doors were added to the rear of the north cross-wing.
9. Despite its alteration over time, its plan form is well-preserved and remains legible. In particular, the size of the rooms added within the later cross-wing extensions are complementary to those within the main range. Therefore, as far as it is relevant to the appeal before me, the significance of the listed building today lies in its plan form and as a good example of a well-preserved 16th and 17th Century rural house, with later additions, constructed on a timber frame in vernacular materials.
10. There is very little information before me as to what the main parties consider to be the defining components of the character and appearance of the HCA. From what I observed at the time of my site visit, the buildings within the HCA generally appear to be residential in character and its significance is principally derived from the contribution made by their architectural and townscape qualities and their relationship with the streets therein. In particular, buildings

¹ Managing Significance in Decision Taking in the Historic Environment (2015); and The Setting of Heritage Assets (second Edition, 2017).

to the north of the HCA are elevated around the gradual cutting from Drewitts Corner into Burr Street. Pollards lies at the corner of these streets and makes a particularly important contribution to the character and appearance of this part of the HCA and, thereby, its understanding and significance.

The proposal

11. The proposed garden room would be of a bespoke design incorporating painted timber framing and double-glazing above a rendered brickwork base. The roof would be flat behind a timber cornice, with two glazed lanterns.
12. The main parties have referred to an alternative modern flat-roofed extension. It is not the purpose of the appeal process to consider substitutions to the scheme which would have been determined by the Council, so I have restricted myself to considering the proposal as described above and in Other Matters.

Effect of the proposal

13. The proposed garden room would evidently create a different type of internal space to existing rooms within the house and it would not alter existing walls, windows, or door openings. The original plan form of the house and its later alterations would also remain evident. Nevertheless, it would be a room of significantly larger proportions than any other at ground floor and around a third of the size of the existing ground floor. This would undermine the hierarchy and, thereby, the understanding and significance of the existing plan form of the house.
14. The proposal would be situated between the existing cross-wings, the form of which would remain evident, so it would be clearly discernible as a newer phase in the house's development. It would also be constructed to a high standard, using materials that would match the house, and fenestration with multiple glazing bars, like the existing. A flat roof would also be practical given the large gap between the cross-wings and the extent of its projection from the main range of the house. Despite these factors, the appearance of the proposal would be ostentatious, particularly in the extent of ornate detailing, such as columns. This would be in stark contrast to the simple and modest form and proportions of the existing casement windows and overall vernacular style of the house.
15. The proposed garden room would be set down from the ridge of the southern cross-wing. Together with the elevated position of the house and its garden above Burr Street, and the enclosures to the garden, the southern cross-wing would reduce visibility of the proposal from Burr Street. Even so, the property is listed for its intrinsic architectural and historic interest and the visibility of the proposed garden room is not a determining factor in considering whether it would preserve the special architectural or historic interest of the building.
16. Unlike listed buildings, the significance of a conservation area is more widely experienced. Under such circumstances, proposals must be judged according to their effect on a conservation area as a whole and must therefore have a moderate degree of prominence. In contrast to my findings in relation to the listed building, the proposal would not be so prominent that it would be detrimental to the character and appearance of the HCA and its significance would be preserved.

17. The proposal would stand out as a discordant addition that would jar with the form, scale, appearance, and floor plan of the historic range of the listed building and later additions to it. It would therefore distract from the historic character and architectural significance of the listed building.

Public benefits

18. The statutory duty in Sections 16(2), 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) (England) Act 1990 (the Act) are matters of considerable importance and weight. Paragraph 197 of the Framework states that the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation should be taken into account in determining applications. Meanwhile, paragraph 199 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 200 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets and that this should have a clear and convincing justification.
19. The proposal would be harmful to the historic character and architectural significance of Grade II listed house, including its floor plan layout, which would have a harmful effect on its significance as a designated heritage asset. The harm that I have identified would equate to less than substantial harm to its significance. In such circumstances, paragraph 202 of the Framework identifies that this harm should be weighed against the public benefits of proposals.
20. The proposed garden room would be well-insulated and predominantly naturally lit, which would improve the internal living environment of the house and provide a sitting and dining room from which the appellant and his family could enjoy their garden. These would be largely private benefits restricted to the appellant, although there would be a small environmental benefit to the public in terms of the minimisation of energy consumption.
21. I outline in Other Matters that the replacement of the existing bi-fold doors would be a heritage benefit in their own right but, given the extent of the alterations required, I only afford this benefit limited weight.
22. The aforementioned public benefits are balanced by the harm to the historic character and architectural significance of the listed building, including to its floor plan layout.
23. Taking the above together, the public benefits I have outlined above would not justify allowing a proposal that would fail to preserve the special interest of the listed building. Therefore, in accordance with paragraphs 197 and 199 of the Framework, considered together, I am not persuaded that there would be wider public benefits of sufficient magnitude to outweigh the great weight to be given to the less than substantial harm that I have identified to the significance of the heritage asset.
24. Despite my findings in relation to the character or appearance of the Harwell Conservation Area, I conclude that the proposed bespoke garden room would have a harmful effect on the historic character and architectural significance of Pollards. Hence, the appeal proposal would fail to satisfy the requirements of the Act, paragraphs 199 and 200 of the Framework and would conflict with the

design and heritage aims of Policies CP37 and CP39 and DP36 and DP38, respectively of Parts 1 and 2 of the Council's Local Plan².

Other Matters

25. The proposal also includes alteration of the existing clear glazed bi-folding doors, within the rear façade of the 1985 extension, to a French doorset. The proposed framing would be more reflective of the fenestration within the remainder of the rear of the house, so it would represent a sensitive change to the external appearance of the building. This element of the appeal scheme would therefore not be harmful to the significance of the listed building or the character and appearance of the HCA, and consider it would amount to a heritage benefit. As it would be both physically and functionally severable from the garden room, I consider a split decision would be a logical outcome.
26. The Council did not raise concerns with regard to the living conditions of neighbouring occupiers or access and parking; and accepted that planning conditions could be utilised to protect bats and trees during development. Although there is nothing before me which would lead me to a different conclusion, the absence of harm in respect of such matters would neither weigh in favour nor against the appeal scheme.
27. I acknowledge the appellant's concerns with the Council's handling of the applications, but in reaching my decisions I have been concerned only with the individual merits of the appeal scheme in relation to the relevant policies and evidence before me.

Conditions

28. In respect of the proposed new doorset, in addition to the standard time limits for both appeals, in the interests of clarity I have specified the approved plans in Appeal A. This is unnecessary in the listed building consent appeal, as the decision incorporates the plans. In the interests of preserving the special interest of the listed building, conditions for the specifications and samples of materials for the proposed doorset are necessary, including for its fenestration and French doors.

Conclusion

29. For the reasons given above I conclude that the appeal should be allowed insofar as it relates to the new doorset, but dismissed insofar as it relates to the addition of the bespoke garden room.

Paul Thompson

INSPECTOR

Schedules of Conditions

Appeal A Ref: APP/W3120/W/21/3276237

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.

² Vale of White Horse District Council Local Plan 2031 (Part 1 Adopted December 2016, Part 2 October 2017).

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 12727-4a P2, 12727-4a P4, 12727-4a P5 and 12727-4a P6.
- 3) Specifications and samples of the materials to be used in the construction of the external surfaces of the development hereby granted, including 1:20 scaled drawings of the fenestration and French doors, shall be submitted to and approved in writing by the local planning authority prior to their use on site. The works shall thereafter be carried out in accordance with the approved specifications/samples.

Appeal B Ref: APP/W3120/Y/21/3276239

- 1) The works authorised by this consent shall begin not later than three years from the date of this consent.
- 2) Specifications and samples of the materials to be used in the construction of the external surfaces of the works hereby granted, including 1:20 scaled drawings of the fenestration and French doors, shall be submitted to and approved in writing by the local planning authority prior to their use on site. The works shall thereafter be carried out in accordance with the approved specifications/samples.

END OF SCHEDULES