



Appeal Decisions

Site visit made on 20 July 2022

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th July 2022

Appeal A Ref: APP/Q3115/W/21/3281749

40 Greys Hill, Henley-on-Thames RG9 1SJ

- 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 David Walker against the decision of South Oxfordshire District Council.
 - The application Ref P21/S1226/HH, dated 8 March 2021, was refused by notice dated 10 June 2021.
 - The development proposed is erection of part single storey part two storey rear extension.
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Appeal B Ref: APP/Q3115/Y/21/3281747

40 Greys Hill, Henley-on-Thames RG9 1SJ

- 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 David Walker against the decision of South Oxfordshire District Council.
 - The application Ref P21/S1227/LB, dated 8 March 2021, was refused by notice dated 10 June 2021.
 - The works proposed are erection of part single storey part two storey rear extension.
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Decision

1. Appeals A and B are dismissed.

Procedural Matters

2. The two appeals concern the same scheme under different, complementary legislation, I have therefore dealt with both appeals together in my reasoning.
3. The National Planning Policy Framework (the Framework) was revised on 20 July 2021. The main parties have had opportunity to comment upon the relevance of any of its revised content and I have had regard to any comments in my decision.

Background and Main Issues

4. The Council granted planning permission and listed building consent¹ for the single storey part of the scheme shown on the application drawings on 11 June 2021. My reading of the Decision Notice and Officer Report is that the Council's concerns lie with the first-floor element and internal works associated with the appeal scheme. I have therefore determined the appeal on this basis.

¹ Planning References: P21/S1310/HH and P21/S1311/LB.

5. Moreover, the main issues are whether the proposal would preserve a Grade II listed building, 36-40 Greys Hill², and any of the features of special architectural or historic interest that it possesses; and the extent to which it would preserve or enhance the character or appearance of the Henley Conservation Area.

Reasons

Significance and Special Interest

6. The appeal concerns the left-hand cottage in a terrace of three such properties, which are Grade II listed for their group value. The map regression in the appellant's Heritage Building Impact Assessment (HBIA) demonstrates that they were almost certainly built sometime between 1824 and 1844. The form and appearance of the cottages is simple and they are consistent in terms of their materials of construction, and the overall proportions and configuration of the front façades. However, there are subtle variations in their appearance, which largely emanate from later alterations.
7. The HBIA also refers to 'Trinity Cottages' painted on the front façade and the historical association between the cottages and the landholdings of Trinity College in the parish of the church of Rotherfield Greys. It suggests the plausible notion that the cottages may once have been almshouses, which is not disputed by the Council.
8. Although the list description primarily focuses on the front of the property, it is for identification purposes only and does not form an exhaustive list of the features of the listed building that are of special architectural or historic interest. Moreover, coursed brickwork is in Flemish bond, but the bricks at the rear of the terrace are red in contrast to white brick found at the front. There is also an original horizontal sliding window at first floor with a segmental arch over. This is formed of bricks laid on edge vertically in one row and above it a contrasting blue brick laid on end horizontally. The approach to the architecture of the listed building therefore contributes to the understanding of the listed building and, thereby, its special interest.
9. I cannot speak as to the reasons that the existing ground and first floor rear extensions were permitted at No 40, but it is clear from the HBIA that they would have been in situ at its rear prior to the terrace being listed. However, its form and appearance, particularly its materials of construction, do not assimilate well with the cottage and are harmful to its significance.
10. There have also been alterations to the floor plan of No 40, particularly at ground floor where the original front and rear rooms have been opened up between. An earlier rear window has been replaced with double doors into a conservatory. At first floor, there is no wall enclosing the stairs or landing, which opened out into the original rear room.
11. Despite alterations to the floor plan of No 40 and the addition of several extensions at the rear of the listed building, insofar as it relates to these appeals, I find its special interest is primarily associated with its architectural and historic interest as an early to mid-19th Century terrace of cottages. Moreover, there are different approaches to the materials and detailing found in the construction of the front and rear of the listed building.

² Formerly Trinity Cottages.

12. The listed building is also situated to the western side of the Henley Conservation Area (CA). The significance of the CA is derived from the rich legacy and consistent quality of its historic structures, which contribute to the character of the town. In particular, Greys Hill makes an important contribution to the character and appearance of the CA due to the concentration of listed buildings in the street, including the subject terrace of cottages.

The Proposal

13. The existing two-storey rear flat-roofed extension would be demolished and replaced with a flat-roofed extension with a stepped rear façade, part of which would project beyond the rear extension of No 38. This would house a new bedroom. A new cupboard and bathroom would be formed in the original rear room and enclosed by a partition parallel to the stairs. The existing exposed brickwork and window in the rear façade would be retained internally between the bathroom and bedroom and a conservation roof light inserted into the rear roof slope to provide light and ventilation to the bathroom. Materials and brickwork would match those existing.

Effect of the Proposal

14. Like the existing, the proposed first floor extension would also sit below the eaves of the cottage, so its rear roof slope would remain evident above it. As I explained above, the contrasting approach to the construction of the front and rear façades is also a key contributor to the significance of the listed building. This is clearly evidenced by what remains of the original first-floor rear façade. The extension would obscure this, including the window and the brick detailing in the arch above it. I note that these would be retained as internal features within the building, but the likelihood of them being exposed externally in the future is more limited, as the extension has a greater degree of permanence. Similarly, while the stepped in section of the extension would be red brick in Flemish bond, it would clearly be associated with the extension, so could not replicate the important contribution made in the existing rear wall.
15. The appellant accepts that the existing extension already dominates the cottage and the additional massing of the proposed first floor extension would add to this effect. The extension would therefore appear as the dominant form in views of the rear of No 40. Moreover, the stepped out rear façade would add to the proposal's massing and project awkwardly beyond the rear of the extension at No 38. This would add an additional unnecessary layer of complexity to the rear façade, which would further muddle its appearance.
16. The appellant accepts that the existing extension is unsympathetic and involves a mix of materials of varying quality, colour, and texture. While the proposed hanging tiles would match those existing at Nos 38 and 40, it would replicate a harmful part of the form and appearance of the existing extensions. This would compound the harm this already causes to the cottage.
17. The new partitions at first floor would reduce the size of the original rear room. To a certain extent this would disrupt the first-floor plan layout, but I am mindful, that this would reinstate privacy to the room where it currently does not exist. Such alterations would also be likely to be reversible. Nevertheless, the potential harm that would result from loss of historic fabric associated with works to relocate water and drainage pipes is likely to be more permanent.

18. The form of the proposed rooflight would be acceptable, but there is no evidence before me as to whether it could be accommodated between rafters and other roof timbers, so the extent of any loss of historic fabric is unknown. However, given its intended purpose and my findings regarding the proposed extension, it would not appear to be necessary.
19. The houses in the locality are arranged in a close-knit manner, so there are no public views of the rear of the listed building. However, I am mindful that listed buildings are protected for their inherent architectural and historic interest, irrespective of whether or not public views of the building can be gained. In terms of private views, the proposal is likely to be evident from some of the surrounding houses and their gardens, particularly those close by.
20. 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. Given the location of the proposal at the rear of the property, it would not be visible from within the street scene or other public areas, so it would preserve the character and appearance of the CA.
21. Notwithstanding my above finding regarding the CA, the proposed first-floor extension would be a poorly designed and articulated addition to the listed building that would appear as the dominant form at its rear and hide evidence of the contrast between the front and rear of the building. The internal works for plumbing and the installation of the rooflight are also likely to result in the loss of historic fabric.

Public Benefits and Conclusions on the Main Issues

22. The statutory duty in Sections 16(2) and 66(1) of the Planning (Listed Building and Conservation Areas) (England) Act 1990 (the Act) is a matter 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. Paragraph 199 also advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Furthermore, paragraph 200 suggests that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
23. The proposal would be harmful to the special historic interest of the listed building, which would have a negative effect on its significance as a designated heritage asset. In my view the harm that I have identified would equate to less than substantial harm to this significance, including the potential loss of historic fabric, which the appellant accepts. In such circumstances, paragraph 202 of the Framework identifies that this harm should be weighed against the public benefits of proposals.
24. The proposal would lead to improvement of the appellant's living environment and standards, including to thermal efficiency and the housing stock in the town. However, there is no substantive evidence before me to suggest that it would be required to make the building habitable or sustain the heritage asset. The continued viable residential use of the listed building would therefore not

be dependent on it, as the building has an ongoing residential use that would be unlikely to cease in its absence. As such, these would only amount to public benefits of limited weight, including in relation to the reduction in consumption of natural resources.

25. In the appellant's final comments, it is suggested that he intends to expose more of the original rear wall of the dwelling internally as part of the proposals. However, this would only add to the extent of wall that would be visible internally, it would not be presented externally. This would therefore only amount to a public benefit of very limited weight.
26. Taking the above together, the public benefits I have outlined would not justify allowing a proposal that would fail to preserve the special interest of the listed building. Therefore, in accordance with paragraphs 199 and 202 of the Framework, considered together, I conclude that the public benefits do not outweigh the great weight to be given to the less than substantial harm that I have identified.
27. In light of all of the above, despite my findings in relation to the effect of the proposal on the character and appearance of the CA, I conclude that the proposal would fail to preserve the special historic interest of the listed building. Hence, it would fail to satisfy the requirements of the Act, paragraphs 197, 199 and 200 of the Framework and would conflict with the design and heritage aims of Policies DES1, ENV6 and ENV7 of the South Oxfordshire Local Plan 2011-2035 (LP).
28. I have not found in relation to Policy H20 of the LP, as it relates to the effect of extensions to dwellings with regard to their effect on the Green Belt, parking and living conditions and the Council did not identify harm in respect of any of these matters. Policies DES2 and ENV8 also relate to the effects to local character, particularly the CA and I have not identified harm in this respect.

Other Matters

29. The appellant has questioned how the Council's officers interpreted the advice provided by its Conservation Officer at pre-application stage. This is primarily not a matter for me to consider as part of the appeals and, under my statutory duties, I have considered the individual merits of the appeal scheme afresh in relation to the evidence before me.
30. The proposal also includes a ground floor extension to the cottage, which would replace and add to an existing extension. Given earlier alterations to the ground floor at the rear of the listed building, and the scale form and detailing of this extension, I find that it would not harm the special interest of the listed building. Nevertheless, given that it would be joined to the first-floor extension, it would not be physically severable from it and a split decision would not be a logical outcome.

Conclusion

31. For the reasons given above, I conclude that the appeals should be dismissed.

Paul Thompson

INSPECTOR