



Appeal Decision

Site visit made on 1 September 2022

by Mr Cullum Parker BA(Hons) PGCert MA MRTPI MCMI IHBC

an Inspector appointed by the Secretary of State

Decision date: 5th September 2022

Appeal Ref: APP/G3110/Y/22/3296066

164 Kingston Road, Oxford, Oxon, OX2 6RP

- 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 Ms Sylvia Frank against the decision of Oxford City Council.
 - The application Ref 21/03146/LBC, dated 10 November 2021, was refused by notice dated 10 February 2022.
 - The works are described as '*replace one Velux rooflight with two sun-pipes of smaller area – retrospective*'.
 - The decision notice refers to the works as '*Replacement of 1no. rooflight with 2no. sun pipes to south elevation (Retrospective)*'.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. In December 2020, Listed Building Consent (LBC) was approved for works to the property that included the insertion of 2no. rooflights to the south elevation. The LBC was granted with condition 8 indicating that the roof lights should be conservation style, with metal frames and mounted flush with the roof cladding, and not made of UPVC.
3. The local planning officer's report indicates that whilst the works have since been undertaken, the rooflights have not been inserted as per the consent. This is due to only one was installed, and that this is not of recommended conservation style, and two aluminium sun pipes have been inserted above in place of the second consented rooflight. This LBC seeks to regularise the latter works.
4. The main issue is the effect of the works on the special interest of the Grade II listed building.

Reasons

5. The appeal building is an end of terrace two storey building which is listed Grade II (as part of the listing 159-164, Kingston Road). It dates from around the 1870s. The significance of 164 Kingston Road derives from its architectural and historic special interest. This includes the features it shares with and value it shares with Nos.159-163, and as an example of a building designed by the Oxford born Architect Clapton Rolfe.

6. Number 164 Kingston Road also contributes positively to the significance of the character of the North Oxford Victorian Suburb Conservation Area (NOVSCA) as a building that reflects its development as a speculatively built area designed and constructed for a growing artisan and clerical clientele. Overall, the appeal building contributes positively to the character and appearance of both Kingston Road and Leckford Road, with its comparatively large size and corner plot making it a distinctive part of the streetscape.
7. The works undertaken have inserted two ahistorical sun pipes into the roof slope approximately facing Leckford Road. By reason of their odd shape and quantity, they are viewed as incongruous additions to what was previously a plain roof slope devoid of features such as rooflights. I note that the previous approved works involved consent for the insertion of two rooflights over a larger area of the roof. Nonetheless, the sun pipe openings are asymmetrical with a shape and positioning that is at odds with the installed rooflight. As a result, this erodes the architectural significance of the listed building and the appearance of the conservation area.
8. Accordingly, I find that the sun pipes and their external fittings fail to preserve the special interest of the listed building. Whilst this results in less than substantial harm, considerable importance and weight should be given to the desirability of preserving listed buildings. Paragraph 202 of the *National Planning Policy Framework* (the Framework) sets out that less than substantial harm needs to be weighed against the public benefits of the proposal. No specific public benefits have been cited.
9. In the absence of any defined public benefits, I conclude that the works fail to preserve the special historic interest of the Grade II listed building as required by s16(2) of the PLBCA 1990, as amended, and fail to preserve or enhance the character or appearance of the NOVSCA as required by s72(1) of the same Act.
10. It would also fail to satisfy the requirements of Paragraphs 199 to 202 of the Framework, which seek to give great weight to the conservation of designated heritage assets – which include listed buildings and conservation areas. For similar reasons there would be conflict with Policies DH1 and DH2 of the *Oxford Local Plan 2036*.
11. For the reasons given above, I conclude that the appeal should fail and listed building consent is refused.

C Parker

INSPECTOR