



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: 5th September 2022

Appeal A Ref: APP/V3120/Y/21/3280133

39A & 39B Ock Street, Abingdon, Oxfordshire OX14 5AG

- 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 Ron Wyatt against the decision of Vale of White Horse District Council.
 - The application Ref P20/V2131/LB, dated 21 August 2020, was refused by notice dated 11 February 2021.
 - The works proposed are demolition of existing structures on site.
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Appeal B Ref: APP/V3120/W/21/3280134

39A & 39B Ock Street, Abingdon, Oxfordshire OX14 5AG

- 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 Ron Wyatt against the decision of Vale of White Horse District Council.
 - The application Ref P19/V3185/FUL, dated 27 November 2019, was refused by notice dated 11 February 2021.
 - The development proposed is demolition of existing buildings, erection of six flats.
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Decision

1. Appeals A and B are dismissed.

Procedural

2. Despite the description of development set out above for Appeal B, I consider the description found on the Decision Notice better reflects the scheme that is before me and which the Council considered. The development proposed is therefore for 'Redevelopment to Provide 1 x 2-Bedroom and 3 x 1 Bedroom Flats and 1 x 2- Bedroom Maisonette'.
3. The two appeals relate to the demolition of buildings within the same site, I have therefore dealt with both appeals together in my reasoning.
4. The National Planning Policy Framework was revised on 20 July 2021 (the Framework). The main parties have referred to Framework in their evidence, which I have had regard to in my decisions.

Main Issues

5. The main issues are:
 - whether the proposal would preserve a Grade II listed building, known as '39 and 41 Ock Street', and any features of special historic interest that it possesses, the effect of the proposed development on the setting

of the Grade II listed buildings known as '35 Ock Street', '37 Ock Street' and 'Baptist Chapel, Ock Street', and the extent to which it would preserve or enhance the character or appearance of the site and its surroundings, particularly the Abingdon Town Centre Conservation Area and the setting of the Albert Park Conservation Area;

- whether the proposed development provides adequate living conditions for future occupants, with regard to the provision of external space; and
- the effect of the proposed development on the living conditions of neighbouring occupiers, with regard to outlook and sunlight.

Reasons

Significance and Setting

6. The appeal site concerns a roughly L-shaped commercial yard with outbuildings to its east and west, at the rear of 39 and 41 Ock Street, a Grade II listed building. There are also Grade II listed buildings situated east at Nos 35 and 37 and the Baptist Chapel. The site borders the gardens of Nos 37 and 41b and is situated at the very western extent of the Abingdon Town Centre Conservation Area (ATCCA), the boundary of which bisects part of the site. The Albert Park Conservation Area (APCA) is also a short distance to the north.

39 and 41 Ock Street

7. The listed building at Nos 39 and 41 is of two storeys with tall eaves above the first floor and attic rooms served by gabled dormers to the front. This pair of buildings is symmetrical and handed either side of a central arched carriage entrance. The listing description suggests that the timber framed and brick core of the building likely originates from the 17th Century but the front façade is of the early 19th Century. There are cross wings either side of the carriage entrance at the rear, which are also likely to originate from the 19th Century.
8. The north side of Ock Street was historically occupied by burgage plots to the rear of the properties, with wings and lower outbuildings of varying width extending northwards. The historic rear wings of many of the properties remain, but the legibility of burgage plots and alignment of buildings therein has been diminished by the presence of modern developments in depth, particularly Fitchett Yard to the west.
9. As far as it is relevant to the appeal before me, the significance of Nos 39 and 41 today lies in its architectural and historic interest as a well-preserved 17th Century timber-framed building with 19th Century and later alterations. In particular, the architectural detailing found in its brickwork and joinery are of a vernacular style. However, the listed building also draws significance from its setting and curtilage structures.
10. The curtilage structures amount to those buildings situated within the historic boundaries of Nos 39 and 41. Moreover, Section 1(5)(b) of the Planning (Listed Building and Conservation Areas) Act 1990 (the Act) states that any object or structure within the curtilage of the listed building which, although not fixed to the building, forms part of the land and has done so since before 1 July 1948 shall be treated as part of the listed building.

11. In this instance, the appellant accepts that the south and central buildings to the east of the site and the eastern boundary wall, as well as the northern boundary wall and parts of the south and west boundary walls within the western building, are to be regarded as curtilage listed.
12. There is cartographic evidence of a building in situ at the east boundary of the site in the late 19th Century, but it is likely that this has been, at the very least, altered on numerous occasions. The buildings in situ and adjoining the east boundary wall are therefore of varied age and construction. Moreover, due to differences in their height and form, the appellant's evidence suggests that the central and southern buildings to the east are likely to originate from different points in the late 19th or early 20th Century. Despite their condition, they contribute to the significance of the listed building as good examples of vernacular industrial architecture within its burgage plots. In particular, the structural terracotta blocks, timber framing, large framed windows and other internal fittings used in the construction of the central building may provide an indication of its former function.
13. The eastern boundary wall is generally of brick construction, predominantly laid in Flemish garden wall bond, with a plinth and supporting piers placed at regular intervals and painted at points. There is a short section of earlier rubble masonry where the south and central buildings join. It has also been added to with additional coursing as the buildings have been altered.
14. Although the wall exhibits some authenticity in respect of the vernacular techniques used in its construction, its significance is primarily derived from its historic functional properties as a division between the burgage plots of the listed buildings at Nos 37 and 39, as part of the buildings along that boundary.
15. The boundary walls and buildings to the remainder of the site are of lesser significance and only serve to demonstrate historic use of the site, plot limits, and layout of buildings. Moreover, the northern boundary wall is of limited architectural value given the varied bricks and bonds used in its construction. Similarly, the northeast and west buildings and west boundary wall are largely formed of concrete blockwork, so have limited architectural properties.
16. Accordingly, despite the decay of some of the buildings within the site and the piecemeal erosion of burgage plots elsewhere in Ock Street, the configuration of the burgage plots and buildings within the site survive as examples of the historic grain of development in Ock Street. This contributes positively to the setting of the listed building and, thereby, its understanding and significance.
17. The listing description also suggests that the building has group value with Nos 35 and 37 to the east. The buildings and their curtilages also contribute to the setting of one another, as they enable each to be appreciated within their surroundings. This is especially so from the grounds of the Baptist Chapel, where the existing outbuildings to east of the appeal site are visible.

35 Ock Street

18. The listing description states the Grade II listed building at 35 Ock Street is also built on a 17th Century core, with a later front elevation, probably of the late-18th Century or early-19th Century. Part of the ground floor is of stone construction and the front is dressed in brick. It is a three-storey building with a narrower span and asymmetrical roof pitch to rear with cross wings. It is set

back behind Nos 37 to 41, and its frontage is enclosed by railings. The building has been extended at the rear and directly adjoins the Chapel forecourt.

19. Despite later alterations to the building, including its setting, its significance today lies in its architectural and historic interest as a 17th Century building with 18th or 19th Century and later alterations. In particular, the architectural detailing found in its brickwork and joinery are typically decorative and illustrative of vernacular style.

37 Ock Street

20. This is a former public house of 18th Century origin, with an altered front façade and later rear ranges. Its significance today is to be found in its architectural and historic interest as an 18th Century building with high quality detailing. Notable features include its 19th Century windows at ground floor, with stained glass, and the oriel windows at first floor. The building sits lower than those either side. Its rear garden is large, projects as far as the appeal site and adjoins the grounds of the Chapel, the boundary to which is a tall stone wall, with trees planted either side. The relationship of the building with its garden and the buildings and walls enclosing its earlier burgage plot and the relationship with the plots in the appeal site therefore contributes to its setting.

Baptist Chapel

21. The listing description dates the building at 1841. Although the Chapel is set back some way from the street, its handsome stucco frontage is highly prominent, particularly its tall pediment, columns, and pilasters. Other detailing includes a stone architrave, moulded cornice and banding, and a stone plinth. The sides are of simpler construction of brick, but it is an elegant building. The significance of the building today is therefore found in its architectural and historic interest as prominent mid-19th Century Chapel with striking detailing.

Abingdon Town Centre Conservation Area

22. The appellant's Heritage Impact Assessment suggests that the site is situated within Abingdon's historic core, the street pattern and plot arrangement of which has its origins in the early medieval period. Ock Street established as the main east to west route from the Market Place, with buildings situated at its frontage at various times during the Iron Age, Roman and Medieval periods, with burgage plots extending off it. The appellant's Heritage Statement explains these are typical of the area, so contribute to its significance.
23. There are many buildings that front Ock Street dating from the post-medieval period and thereafter, which are rich in variety in terms of their architecture, materials of construction and exhibit a mix of uses. Together with the surviving burgage plots and buildings within the site, the listed buildings in Ock Street therefore make important contributions to the character and appearance of the ATCCA, and its immediate setting as the boundary of the area bisects the site.

Albert Park Conservation Area

24. The APCA is dominated by Albert Park, and the areas of green space associated with Abingdon School and the built form surrounding it. The relationship between the landscaped spaces and buildings therefore defines the significance of the area. The appeal site is beyond the APCA and the appellant's Heritage Statement identifies that it forms part of the backcloth of built form in Ock

Street that is visible from the conservation area and contrasts significantly with the open and green spaces within it. The same can also be said of the other listed buildings situated to the east of the site.

The Proposal

25. The existing buildings within the site would be demolished and replaced by two buildings accommodating four flats and a separate maisonette property. These would be in built form along the eastern boundary and in the northwest corner.
26. The proposal would be car free, so cycle parking would be provided within the central courtyard between the buildings, which would also accommodate external space for occupants and a bin store. The maisonette would have its own private space.
27. The east boundary wall would also be dismantled and rebuilt. The external east elevation, facing No 37, would be constructed to the same bond, using the existing materials. No works are proposed to the principal listed building at 39 and 41 Ock Street.

Effect of the Proposal on its Site and Surroundings, Including Heritage Assets

39 and 41 Ock Street and Surroundings

28. The proposal is for five properties to be arranged at a density of around 145 dwellings per hectare. I appreciate that the appellant has reduced the number of dwellings within the site, but the numerical measure of density, alone, is a poor gauge of the compatibility of a proposal in its spatial context. What is more relevant are the other factors of character and appearance which are identified in the Council's development plan. In particular, Core Policy CP37 of the Vale of White Horse Local Plan Part 1 (Adopted December 2016) (Part 1 Plan) also requires that development is of a scale, height, grain, and massing that is appropriate for the site and surrounding area.
29. Despite the historical precedent for buildings of varying size at the rear of properties in Ock Street, the scale and massing of the proposed buildings to the east of the site would distract from the listed building and compete with it as the principal building within the burgage plots. Moreover, the built form would predominantly be considerably taller, with wider spans than the existing buildings in the site, and similar in height to the wings of the listed building.
30. The proposed buildings to the east would be adjacent to the boundary and constructed of materials in a manner reflecting local architectural vernacular. However, they would not align with the existing built form in the burgage plots, as they would project significantly further into the yard area. There would also be very little space remaining between the buildings opposite, which would crowd the burgage plots and lead to a cramped appearance. This would also erode the contribution its surviving characteristics make to the grain of development in the surrounding area and so be harmful to the significance and setting of the listed building and the character and appearance of the area, especially the ATCCA. In particular, it would be visible from nearby properties, including Fitchett Yard, and through the carriage entrance at Ock Street.
31. Development to the east of the site, being within the ATCCA and crossing its boundary would therefore have a direct effect on its character and appearance and its setting given that views into the area are available from the west. The

building to the west would be taller than the original but would be of similar dimensions. I therefore do not find this element of the scheme to be overtly out of context.

32. The appellant intends to dismantle and use the existing brick and stone to rebuild the east wall. This would be in the same location and incorporate identical bonds and coursing to the outer side facing into the garden of No 37. While the internal side of the wall would have a different appearance, as part of the proposed buildings, the authenticity of the external characteristics of the wall would remain and the wall would continue to function as part of buildings within the site. Therein it would renew this function and provide evidence of the historic interest associated with the phased development of outbuildings to the rear of the listed building and the demarcation of the burgage plot.
33. This aspect of the proposal would therefore not result in unacceptable loss of historic fabric, so the rebuilding of the east wall would not, of itself, harm the special interest or setting of the listed building. Similarly, due to the nature of construction of the west and north boundary walls, subject to agreement over their design and detailing, appropriate replacement walls would also be likely to preserve the special interest and setting of the listed building.
34. Notwithstanding the above, the replacement of the majority of the walling requires the demolition of adjoining outbuildings and their replacement with suitable built form, as a vacant site would be harmful to setting of the listed buildings and the character and appearance of the site and its surroundings, including the ATCCA. The existing buildings in the site have evolved over time and the proposal would constitute further change, which would potentially reflect a greater demand for urban living as opposed to smaller scale industry. There are also flatted schemes of greater scale locally. Nevertheless, despite the modern construction of the northeast and western buildings, for the above reasons, the scale, massing, and layout of the proposal would add to the harmful intrusion of existing development of burgage plots north of Ock Street. It would not therefore equate to a suitable scheme of replacement buildings, so the demolition of the existing buildings would constitute a harmful change.

Other Listed Buildings and the Albert Park Conservation Area

35. The proposal would be likely to be apparent from neighbouring properties and their gardens, including the listed buildings at Nos 35 and 37 and the Baptist Chapel. The scale of the proposed buildings would be considerably greater than the existing outbuildings, so the additional built form would be likely to appear imposing from within the setting of No 37, which be harmful to the listed building.
36. The proposed buildings would also be likely to partly obscure visibility from the west of the Baptist Chapel and, to a lesser degree, No 35, which would reduce the ability to appreciate these buildings in their context. However, the scale of the proposal would not be significant directly in the context of these listed buildings, as they would be separated by the garden of No 37. Furthermore, the principal views of the buildings from Ock Street and within the grounds of the Chapel would be unaffected by the proposal. There would therefore only be a very limited effect on their setting.
37. While the proposal may be visible from the APCA and vice versa, primarily in winter months when trees along the boundary of the playing field are not in

leaf, it would be likely to be experienced as part of the backcloth of development in Ock Street. As such, it would be unlikely to have a harmful effect on the setting of the APCA.

Public Benefits and Conclusions on the First Main Issue

38. The statutory duties in Sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) are matters of considerable importance and weight, as are the content of paragraphs 197, 199 and 200 of the Framework.
39. The proposal would be harmful to the significance, including the setting, of 39 and 41 Ock Street, the setting of the 35 and 37 Ock Street and the Baptist Chapel, all of which are Grade II listed buildings; and the character and appearance of the ATCCA and its setting. This would have a harmful effect on their significance as designated heritage assets.
40. In my view the harm that I have identified to the significance, including the setting of these designated heritage assets would equate to less than substantial harm to their significance. In the context of Nos 37, and 39 and 41, this would be a higher order of harm, as the proposal would fundamentally alter the burgage plots and built form within the curtilage of Nos 39 and 41 and introduce taller built form in close proximity of both listed buildings. However, given the limited extent of the site in the context of the wider ATCCA and the separation of the proposal from No 35 and the Baptist Chapel, the harm to their significance would be toward the lower end of less than substantial harm.
41. In such circumstances, paragraph 202 of the Framework identifies that this harm should be weighed against the public benefits of proposals.
42. The repair and retention of the east boundary wall of the development and reconstruction of modern boundary walls in a sympathetic style would amount to a heritage benefit, but would be achieved through demolition of the existing buildings within the site and their insensitive replacement. This would therefore only be afforded very limited weight.
43. The proposed development would also deliver five units of housing at a significantly greater density than the minimum envisaged by Plan 1 Plan Core Policy CP23, so would make a more effective use of land. The Framework is also clear that substantial weight should be given to the value of using suitable brownfield land within settlements for homes. The proposal relates to previously developed land, but would not safeguard and improve this particular environment, a key component of the Framework's objective of making effective use of land. Seeking to make a more optimal use of land should also not be at the expense of design quality or the creation of high-quality residential environments. For the same reasons, addressing the visual impacts of decline associated with the buildings within site, should not be at all costs, as this should come in the form of a development that is of high quality and responsive to its context.
44. The five units of accommodation would help to meet housing need in the District but, given the magnitude of the development, this would only amount to a social benefit of limited weight.

45. The facilities and services in Abingdon are very close to the site and the proposal would be car free, but I ascribe negligible additional benefit in respect of these matters, as I consider there to be an absence of harm.
46. Taking the above together, in accordance with paragraphs 199 and 202 of the Framework, considered together, I conclude that the public benefits I have outlined above do not outweigh the great weight to be given to the less than substantial harm I have identified.
47. In light of the above, I conclude that the proposal, which incorporates the demolition of existing structures on site, would fail to preserve the special historic interest of the Grade II listed 39 and 41 Ock Street, including its setting, the setting of the Grade II listed buildings at 35 and 37 Ock Street and the Baptist Church, and would have a harmful effect on the site and its surroundings, including the character and appearance of the Abingdon Town Centre Conservation Area and its setting. Hence, the appeal proposal would fail to satisfy the requirements of the Act (where relevant), paragraphs 197, 199 and 200 of the Framework and conflicts with the design and heritage aims of Part 1 Plan Core Policies 37 and 39 and Development Policies DP36, DP37 and DP38 of the Vale of White Horse Local Plan 2031 Part 2 (Adopted October 2019) (Part 2 Plan).

External Space

48. The land surrounding the proposed buildings would include a private area of external space for Unit 5 and communal space for Units 1-4. Given the layout of the buildings within the site, the communal external space would be irregular in shape and fragmented by paved routes to the entrances to the buildings. The edges would be planted, but the inclusion of refuse and cycle storage would constrict the turfed spaces in between. Given its resultant size, the space would be a cramped and more likely to be ornamental than usable, particularly as the turfed areas would be close to windows serving the ground floor living areas of Units 1 and 2. The spaces would therefore not be suitable for the future occupiers of the proposed properties. Conversely, while it would be small, the space proposed for Unit 1 would be reasonable in the context of its urban location.
49. I appreciate that the site is within an urban context and there are other properties, such as flats at 35, 39, 41, 47 and 49 Ock Street, that have no outdoor space. Many of these are on the upper storeys of commercial premises, but I am not convinced that the provision of inadequate external space or an absence of it would amount to high quality design. Moreover, while it may be commonplace for flatted developments in towns to make use of nearby green open spaces and there are such spaces near to the site, they are unlikely to provide a realistic alternative to spaces designed for occupiers to sit out in close proximity of their home. The accessibility of the site to the town centre would therefore not obviate the requirement to provide external spaces.
50. In light of the above, despite my findings in relation to the proposed maisonette, I conclude that the proposed development would not provide adequate living conditions for future occupants, with regard to the provision of external space. Hence, it would not equate to high quality design that would function well and be flexible to changing requirements of occupants and other circumstances, as required by Part 1 Plan Core Policy 37.

Living Conditions of Neighbouring Occupiers

51. The proposed building occupying Units 1-4 would be considerably taller, for the majority of its length, than the existing structures in place along the eastern boundary of the site with 37 Ock Street, including a greater eaves height. The sense of enclosure and overshadowing that would be likely to be experienced in the garden of No 37 by its occupiers would therefore be unacceptably harmful to their living conditions.
52. The proposed separate building (Unit 5) would also be visible from the garden of 41b Ock Street, immediately to the south of it. However, due to the orientation and proximity of the different elements of its roof, there would be unlikely to be harmful effects in relation to outlook from the garden or overshadowing of it. Moreover, the taller part of the roof would be separated from the boundary of the neighbouring property by a single-storey section with a lower roof pitch. Similarly, the building to the east, occupying Units 1-4, would also be sufficiently separated from this garden by the external space serving the units to protect against such harmful effects.
53. I note that the National Planning Practice Guidance¹ states “in areas of high-density historic buildings...lower...sunlight levels at some windows may be unavoidable if new developments are to be in keeping with the general form of their surroundings.” However, from the first main issue, it is evident that the proposal would not satisfy this criterion.
54. For these reasons, the proposed development would have a significantly adverse effect on the living conditions of the occupiers of 37 Ock Street, with regard to outlook and sunlight. Hence, it would conflict with the aims in respect of living conditions expressed in Part 2 Plan Development Policy DP23.

Other Matters

55. Natural England has recently updated the conservation status of the River Lambourn SAC. I am therefore conscious of the requirement to undertake an ‘Appropriate Assessment’ of the effects of the development on this designated site. However, Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 indicates that this is only necessary where the competent authority is minded to give consent for the proposed development. Given that I have found harm in relation to the main issues, it is not necessary for me to consider this matter further.

Planning Balance

56. I have already identified the benefits of the appeal scheme as part of the assessment of public benefits in undertaking the necessary balancing exercise in relation to the heritage assets. The main parties appear to agree that there is no conflict with relevant policies of at national or local level in respect of other matters regarding living conditions of neighbouring occupiers, including demolition and construction management, and highway safety. Furthermore, subject to planning conditions, no conflict is identified with such policies regarding, amongst other things, archaeology, contamination, and drainage. These matters would therefore neither weigh in favour or against the appeal scheme. In terms of harm, the proposed development would not comply with

¹ Paragraph: 007, Reference ID: 66-007-20190722, Revision date: 22 07 2019.

development plan policy in respect of its failure to create high quality design and the harm that would be caused by this to the character and appearance of the area, including the Abingdon Town Centre Conservation Area and its setting, and to the significance, including the setting, of several Grade II listed buildings, particularly 39 and 41 Ock Street. There would also be conflict in respect of living conditions for future occupiers and occupiers of 37 Ock Street.

57. This leads me to an overall conclusion that the appeal scheme would not accord with the development plan, when considered as a whole, and I find that the adverse impacts of the proposal are matters of great weight against the grant of planning permission and listed building consent that outweigh the stated benefits.

Conclusion

58. The proposal would be contrary to the development plan and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Accordingly, for the reasons given, I conclude that the appeals should be dismissed.

Paul Thompson

INSPECTOR