
Appeal Decision

Site visit made on 28 September 2022

by L Page BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 October 2022

Appeal Ref: APP/G3110/D/22/3302828
20 Chalfont Road, Oxford OX2 6TH

- 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 M Loftus against the decision of Oxford City Council.
 - The application Ref 22/00418/FUL, dated 22 February 2022, was refused by notice dated 10 May 2022.
 - The development proposed is demolition of a modern front wall to allow vehicle access to the site for parking and charging electric car.
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Decision

1. The appeal is dismissed

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area, including the North Oxford Victorian Suburb Conservation Area.

Reasons

3. The site is located at 20 Chalfont Road and includes the front boundary wall. It is within the North Oxford Victorian Suburb Conservation Area where, as identified by statutory and internal consultees, the North Oxford Conservation Area Appraisal emphasises the importance of front walls to the character of the area.
4. Indeed, the Council provides an extract in relation to existing vulnerabilities within the conservation area, which includes front boundary walls and boundary features, regarded as being vulnerable to removal or adaptation to facilitate off-street parking. In this context, it is clear that the presence of front boundary walls made an appreciable contribution to the heritage significance of the area.
5. The appellant has directed me to a number of examples of other properties in the area that have removed a portion of their front boundary wall. However, I am not persuaded that this provides a justification for the proposal in this case, due to the vulnerability of the heritage significance of the conservation area to such development. Indeed, it is important to protect these vulnerable features to avoid further deterioration to the heritage significance of the area.

6. The proposal would remove a substantial portion of the front boundary wall to facilitate off-street parking, to the extent that the front garden area would not be enclosed to the same degree. Consequently, as only a limited portion of the front boundary wall would be retained, the proposal would be fundamentally harmful and at odds with guidance set out within the North Oxford Conservation Area Appraisal.
7. Whilst I acknowledge that the front boundary wall is not constructed of the original fabric, its formation and role within the street scene, and its contribution to the heritage significance of the conservation area remains readily perceptible. It is not clear that the presence of a dropped kerb would change this assessment as it is merely a feature of the highway.
8. It is not clear that a soldier course of brick paving to delineate the front boundary would be a comparable replacement or mitigate the vertical formation of the front boundary wall itself.
9. The Council does not appear to have concerns about the integrity of the protected tree, the status of which has not been determinative in my assessment. Similarly, rebuilding a portion of the wall to infill the existing pedestrian entrance, or other potential alternatives are not part of the proposal or are not in dispute. Consequently, these matters have not been determinative in my assessment either.
10. Overall, the proposal would harm the character and appearance of the area, including the North Oxford Victorian Suburb Conservation Area. It would therefore conflict with Policies DH1 and DH3 of the Oxford Local Plan 2020.
11. Among other things, these policies reflect the statutory duties set out within Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which require decision makers to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas, something I have given considerable importance and weight in my decision.

Planning Balance

12. The extent of harm identified under the main issue would be limited to a small proportion of the conservation area. Consequently, in conjunction with the limited scale of the proposal, the heritage significance of the conservation area would not be eroded to any great extent, and it would result in less than substantial harm.
13. Paragraph 199 of the National Planning Policy Framework (the Framework) is clear that great weight should be given to a designated heritage asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
14. Paragraph 202 of the Framework sets out that where a proposal would 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.

15. There is no evidence that the proposal would generate public benefits to weigh in its favour against the identified harm. Indeed, the proposal would facilitate off-street parking for private benefit.
16. Even if I were to accept that the proposal generates public benefits in relation to parking and electric charging, the scale of the benefits would be very limited and would not be of the magnitude required to outweigh the great weight derived from Paragraph 199 of the Framework.
17. Accordingly, the test under Paragraph 202 of the Framework is not passed, and there are no material considerations indicating that a decision should be taken otherwise than in accordance with the development plan, where conflict as a whole was identified under the main issue.

Conclusion

18. For the reasons given, the appeal is dismissed.

Liam Page

INSPECTOR