
Appeal Decision

Site visit made on 23 February 2023

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 March 2023

Appeal Ref: APP/D3125/D/22/3306343

Shillbrook Cottage, Shilton, Oxfordshire OX18 4AB

- 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 Angela Shamoon against the decision of West Oxfordshire District Council.
 - The application Ref 22/00927/HHD, dated 30 March 2022, was refused by notice dated 14 June 2022.
 - The development proposed is a natural stone boundary wall.
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Decision

1. The appeal is allowed and planning permission is granted for a natural stone boundary wall at Shillbrook Cottage, Shilton, Oxfordshire OX18 4AB, in accordance with the terms of the application Ref 22/00927/HHD, dated 30 March 2022, and subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
 - 2) The development hereby permitted shall be undertaken in accordance with the following approved plans and drawings: OS Plan B&W (Scale 1:1250) and Proposed boundary wall – Project No GL/2013 – Rev A.
 - 3) Prior to any above ground works commencing, a sample panel to show the materials and finish of the approved wall shall be erected on site and agreed in writing with the local planning authority. Thereafter, the approved wall shall be built in accordance with the agreed sample panel.

Application for Costs

2. An application for costs has been made by Angela Shamoon against West Oxfordshire District Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - i) Whether or not the proposal would affect the setting of a designated heritage asset and preserve or enhance the character and appearance of the Shilton Conservation Area ('CA').
 - ii) Whether the proposal would affect the living conditions of the occupiers of April House.

Reasons

Character and appearance

4. The appeal property (Shillbrook Cottage) although not listed and significantly extended is shown on the 1875-1887 historic maps and therefore is of relevance as a non-designated heritage asset. This is located adjacent to April House. This formed part of Peartree Cottage and Bakery Cottage, a Grade II listed 18th century stone house, now subdivided. Based on its listing the significance of this building is derived from its design, form and materiality. Shillbrook Cottage and April House are both located within the Shilton CA.
5. Most notably, there are a number of listed buildings within the village of Shilton and some of these are within the immediate vicinity of Shillbrook Cottage. The predominant vernacular style and materiality of the village is limestone, a stone pale in colour, with clay or stone tiled pitch roofs atop two storey historic residential dwellings. April House along with Shillbrook Cottage reflect this style and contribute to the Shilton CA, the significance of which is based on its special architectural and historic interest.
6. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority to pay special regard to the desirability of preserving listed buildings and their setting. Section 72(1) of the same act imposes a requirement that special attention should be paid to the desirability that the character or appearance of the conservation area should be preserved or enhanced. Paragraph 195 of the National Planning Policy Framework ('the Framework') also requires me to assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset).
7. Also, paragraph 203 of the Framework states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application.
8. The existing boundary treatment, along the rear boundary between Shillbrook Cottage and April House comprises fencing and some hedge planting. Based on my observations the height of this boundary treatment varies between 1.8m and above 2m.
9. The proposed natural dry stone boundary wall with half round capping in cement, would extend broadly from the location of an approved single storey extension to the bottom of rear garden of the appeal property. The single storey extension was granted planning permission in 2020 but has not yet been implemented. The proposed wall would be about 2m in height and would largely replace the existing boundary treatment in broadly the same position.
10. Based on my observations, overall, due to the fairly dense development adjacent to the appeal site and the topography along the river to the east, the proposed wall would not be prominent within the wider conservation area, or beyond the immediate site.
11. Also, within the wider conservation area the use of natural dry-stone walls is a common historical feature. Such walls in various heights also form part of the boundary treatments between neighbouring properties.

12. Because of its siting, the proposed wall would form part of the setting of April House. Nevertheless, the new proposed walling would not obscure the historical architecture of this listed building. Furthermore, the use of dry stone would complement the stonework associated with this heritage asset and Shillbrook Cottage.
13. Notwithstanding what type of boundary may have existed here historically and despite its span and height, as already stated the proposed wall would be replacing an existing boundary treatment of a similar scale.
14. In addition, the proposed wall would be viewed in the context of existing landscaping within the gardens of Shillbrook Cottage and April House and other paraphernalia associated with them. These elements would soften the appearance and mitigate the scale of the wall.
15. Nevertheless, because of the variance in dry-stone walls and proximity to heritage assets, it is important that the details of the materials and stonework for the proposed wall are agreed with the local planning authority in the interests of the surrounding heritage assets, should the appeal succeed.
16. For the above reasons, the proposal would not harm the setting of April House or the significance of the Shilton CA and Shillbrook Cottage. Accordingly, the proposal would be consistent with policies OS2, OS4, H6, EH11 and EH10 of the West Oxfordshire Local Plan 2031 ('LP'). When read together, these policies require that development demonstrates high quality design which gives great weight to conserving or enhancing areas and buildings of historic and architectural significance, including listed buildings and conservation areas. The location, form, scale, massing and height of proposals should not cause harm to Conservation Areas and retain the special interest that justifies designation of Listed Buildings and extensions should not obscure the form or character of the original building.

Living conditions

17. In part, the proposed wall would be in proximity of part of the flank elevation of April House, which incorporates a number of windows. However, the existing boundary fence is already in proximity of these windows. As a consequence of this arrangement, the outlook from these windows is dominated by the existing fence, which also limits the daylight they receive.
18. Whilst the proposed wall would be more robust than the existing fencing because this would be in broadly the same location and of a similar height to the existing fencing, it is unlikely to have any greater unacceptable effect on the living conditions of the occupiers of April House with regard to loss of daylight and outlook.
19. Moreover, the part of the building which incorporates the side windows also features a large roof light and glazed doors along the rear elevation. Therefore, this habitable area benefits from alternative sources of daylight and outlook.
20. Drawing on the above reasons, with or without the approved single storey extension, the proposed wall would not unacceptably affect the living conditions of the occupiers of April House with regard to loss of daylight or outlook. Accordingly, I find no conflict with Policy OS2 of the LP which requires that development be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants; and Policy OS4 of the LP which

requires that development does not harm the use or enjoyment of land and buildings nearby including living conditions in residential properties.

Other Matters

21. The Council has referred to previous withdrawn and refused planning applications at the appeal site. Regardless, I have limited information in respect of these and I have determined this appeal on the basis of the proposal before me, which I have found to be acceptable for the above reasons.

Conditions

22. I have proposed the standard timescale condition for the implementation of the permission and a condition specifying the relevant plans and drawings as this provides certainty. For the reasons already stated, I have specified a condition requiring a sample panel to show the materials and finish of the wall.

Conclusion

23. For the above reasons, I conclude that the appeal should be allowed.

M Aqbal

INSPECTOR