



Appeal Decision

Site visit made on 30 May 2023

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State.

Decision date: 30 June 2023

Appeal Ref: APP/G3110/D/23/3315977

22 Charlbury Road, Oxford OX2 6UU

- 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 & Mrs Gunn against the decision of Oxford City Council.
 - The application Ref 22/02047/FUL, dated 16 August 2022, was refused by notice dated 15 November 2022.
 - The development proposed is described as a proposed new brick wall and Phase 4 type North Oxford railings to front of property to replace panel fence.
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Decision

1. The appeal is allowed and planning permission is granted for proposed new brick wall and Phase 4 type North Oxford railings to front of property to replace panel fence; at 22 Charlbury Road, Oxford OX2 6UU; in accordance with the terms of the application Ref: 22/02047/FUL, dated 16 August 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three [3] years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 'Walls and Railings As Proposed,' Drawing Number 1963-200, Dated July 2021.
 - 3) The gates proposed shall be hung so as to open inwards. Any wall, fence or hedge required between the gateposts and the highway boundary shall be splayed to an angle of 45 degrees with the latter.

Main Issue

2. The main issues are the effect of the proposal upon the character and appearance of the locality, with special attention given to the North Oxford Victorian Suburb Conservation Area (CA).

Reasons

3. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCA), in respect of development affecting conservation areas, states that special attention shall be paid to the desirability of preserving or enhancing the character and/or appearance of the area. Additionally, Oxford Local Plan 2036 (LP) Policy DH1 seeks that development meets key design objectives and principles for delivering high quality development. LP Policy DH3 is related to designated heritage assets and seeks that development respects and draws inspiration from Oxford's unique historic environment, where there

is an emphasis on understanding significance and avoiding harm towards heritage assets.

4. The CA's significance is highlighted in the North Oxford Victorian Suburb CA Appraisal, where relevant components of the significance in relation to the appeal site relate to the development of a Victorian estate of large residential villas which were developed for an aspiring social scale and status. The appeal site was part of a later phase of development along Charlbury Road where dwellings were constructed between 1905 to 1927, with the appeal site being constructed around 1910. The dwellings along Charlbury Road and the surrounding continue the higher status of the earlier estate with larger detached properties with large front and rear gardens, with setbacks between properties which emphasise the spaces in and around the dwellings. The CA Appraisal in relation to boundary walls places emphasis on their quality which contributes to the significance of the CA. In this respect the Council have developed the North Oxford Railings guidance document which lists a number of examples of boundary treatments which were common and acceptable within the different phases of development within this CA. Whilst specific boundary treatment for Charlbury Road is not mentioned in the railing guidance, there is commentary that it is believed that some of the dwellings had brick piers and low dwarf walls with featherboard infills, given that metal tended not used due to the war efforts.
5. The dwellings within the immediate vicinity being part of a later phase have many of the same design elements which can be attributed to Arts and Crafts styling, with many dwellings being of red brick, steep rooves with characteristic chimney stacks, the use of hanging tiles, decorative ridge tiles and stone dressings around fenestration. The use of traditional materials such as timber, brick and slate along with the linkage to Arts and Crafts design techniques and materials reinforce a uniformity and authenticity which creates a formal picturesque townscape along with vegetated front gardens with mature trees that give a spacious, leafy and distinctive character. Each of the dwellings along the road retains front boundary walls which have a variety in appearance, from brick pillars and walls infilled with hedging, brick pillars and infills and feather edged boarding between brick pillars, amongst others. Traffic along Charlbury Road is slow and infrequent, giving the area a tranquil feeling and experience. These elements, amongst others make up the local character and distinctiveness of this locality.
6. The appeal site displays a number of positive qualities of significance to the CA, being a building which is noted in the CA Appraisal as being a positive unlisted building and a positive element that contributes to the character and appearance of the area. The appeal building is two storeys tall with two forward projecting a-symmetrical protrusions, one surmounted with a gable roof with hanging tile infill, and the other with an overhanging bracketed hipped roof with corbelled eaves. The appeal building also displays decorative ridge tiles, stone window surrounds with large chimney stacks. The building has a status within the street scene which contributes positively alongside similarly constructed dwellings. The front boundary wall to the appeal site does not appear to be historic with brick piers to either end with stone copings to each corner, with a low brick dwarf wall with smaller timber piers and timber featherboard infills with a pedestrian gate to the centre and vehicular gate to the left hand side. According to the appeal documents, the current wall was

- installed in 2017 and attempted to mimic some of the design elements of walls that may have been in place during the early twentieth century in the locality.
7. Having read both parties statements, the appeal appears to hinge upon which conservation philosophy should be imposed upon the appeal site and whether this would cause harm. Both parties cannot provide any evidence as to what the original boundary treatment of the wall to the appeal site was, the proposed railing is an accepted railing style which was found elsewhere within the CA, and given World War 1 did not commence until four years after the dwelling was constructed, it is entirely conceivable that the original wall could have had metal railings. It is noted that railings were also part of Arts and Crafts style dwellings and were also present in construction of surrounding streets as part of Phase 4, the closest phase to the construction of the appeal site. Equally so, it is also conceivable that the front boundary treatment could have had timber infills which it is unclear whether this was a temporary or deliberate measure limited to those dwellings constructed during the War, or whether this type of installation had deliberate intention to link to the Arts and Crafts movement which was a common form at the time of construction.
 8. In situations such as this where there is no evidence to base a decision upon as to the original boundary treatment in order to seek reinstatement, the decision as to appropriateness and harm would normally lie in creating a boundary treatment that has an appropriate level of authenticity to the dwelling and the CA. Additionally the development should also be of high quality design, materials and appearance which ideally does not harm the significance of the CA and complies with relevant planning policy.
 9. The proposed wall and railings with dog-bone finials is acknowledged as a type of boundary treatment that is authentic to this locality, is of high quality construction suitable for this CA and would also match the neighbouring dwelling which also has a similar boundary treatment. I agree with the Council that such situations of matching neighbouring dwellings can be transformative and perhaps could lead to a type of 'fake heritage;' however there is nothing to suggest that this could also be much more related to the original form and construction of these dwellings. Whilst I understand the Council's position that they have strong reservations regarding the loss of featherboard infills, there is no evidence to suggest that this particular wall always had this type of timber infill, with there being no loss of original fabric, or authenticity in design or construction. The proposed wall is of high status and this status is common to the dwellings themselves which have high status, and is not unequal to the status of dwellings in Phase 4 of this CA that display similar railings.
 10. Taken as a whole, and in conclusion of this matter, on the basis of evidence provided by both parties, the proposed boundary treatment is of high quality, and acceptable for this dwelling and within the CA. As such, the proposal would cause neutral harm to the significance of the CA and would fulfil the duty under S72(1) of the PLBCA which seeks to preserve and enhance the character of the CA. Consequently the proposal is compliant with the policies of the National Planning Policy Framework and would be compliant with LP Policies DH1 and DH3, as described previously.

Conclusion and conditions

11. I conclude that the proposal is generally appropriate and would be compliant with the development plan on the basis of the reasons discussed and subject to the conditions listed at the beginning of this letter.
12. I have had regard to the context of the Framework and the National Planning Practice Guidance which advises that conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. The Council has forwarded a list of proposed conditions should the appeal be allowed.
13. Suggested Condition 1 is a standard time limit condition for the commencement of works and Suggested Condition 2 details the approved plans. Both conditions are standard conditions which are necessary and are required for the avoidance of doubt. Suggested Condition 3 seeks that materials used are in accordance with information submitted with the application and that written approval by letter from the Council is required for any changes to materials. This condition would repeat condition 2 which approved plans and the application form which also lists materials is part of this approval. The requirement for 'written approval by letter' is also ambiguous and non-specific, as the variation of the approval would require an applicant to make a formal amendment to the scheme or submit a new application, there is no provision in the planning Act that this could be undertaken simply by letter. As such this suggested condition does not meet the tests and is deleted. Suggested condition 4 (which becomes Condition 3 on the permission) relates to the vehicular gates swinging inwards which would prevent highway safety issues to pedestrians and vehicles. As such this is appropriate and necessary to include.

J Somers

INSPECTOR