



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/Q3115/D/22/3311084

5 Sheldons Piece, Watlington, Oxfordshire OX49 5JJ

- 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 Mrs Ballantyne against the decision of South Oxfordshire District Council.
 - The application Ref P22/S2871/HH, dated 3 August 2022, was refused by notice dated 28 October 2022.
 - The development proposed is described as the formation of habitable room in roofspace with side dormer and velux rooflights.
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Decision

1. The appeal is allowed and planning permission is granted for the Formation of habitable room in roofspace with side dormer and velux rooflights; at 5 Sheldons Piece, Watlington, Oxfordshire OX49 5JJ; in accordance with the terms of the application Ref: P22/S2871/HH, dated 3 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:
 - 'Proposed Elevations and Floor Plan,' R1, Dated July 2022.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matter

2. The description of the development as noted on the Application Form and the Decision Notice states "Formation of habitable room in roofspace" which does not require planning consent. For the avoidance of doubt this decision is only based on the rooflights and dormer window and I shall make my decision on this basis.

Main Issue

3. The main issues are the effect of the proposal upon the character and appearance of the dwelling and the locality, with special attention given to the Watlington Conservation Area (CA).

Reasons

4. 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, South Oxfordshire Local Plan 2035 (LP) Policies DES1 and DES2 are design-led policies which seek that development meet a number of design principles that seek to ensure high quality development and enhances local character by responding to context, site, character and its surroundings, amongst others. LP Policy H20 is directly related to extensions to dwellings and seeks that the increased dwelling has adequate parking and sufficient amenity area. Additionally, LP Policies ENV6 and ENV8 are related to the historic environment and specifically CAs and seeks that development respect and the historic environment, where there is an emphasis on understanding significance and avoiding harm towards heritage assets such as CAs. The South Oxfordshire and Vale of White Horse Joint Design Guide 2022 (DG) provides guidance to these planning policies and gives further interpretation and advice regarding design, placement and size of dormer roof additions.
5. The CA's significance is highlighted in the Watlington Character Study, where The CA covers much of the historic core of the town which is centered upon the seventeenth century Town Hall, and the area near St. Leonard Church. The main streets of the town are along the High Street, Shirburn Street and Couching Street which are more densely constructed than surrounding later development along Brook Street, Gorwell and Church Street. The town has agricultural origins and many of the historic buildings in the town are connected to these uses. Many of the historic buildings front the streets with no setback and give an urban market town feel and experience. The further away from the core of the town, the development becomes less dense, with more twentieth century development with visual gaps in between properties and areas of infill. These elements, amongst others make up the local character and distinctiveness of this locality. There is also evidence of modern cul-de-sacs and later infill development also being constructed which are of neutral significance to the CA.
6. The appeal site is a relatively new construction part of a modern cul-de-sac which leads off Cuxham Road to a small development of 5 dwellings situated around the top of the cul-de-sac. The Appeal site is half of a semi detached dwelling which faces side-on to the hammerhead of the cul-de-sac. The dwelling is two storeys, of red brick and pitched and gable roof with the main gable as part of the main façade. The appeal dwelling is seen in the grouping of the remaining 5 dwellings which have red brick, concrete tiles and elements such as dormer windows in the main façade. The appeal building along with the group of relatively new dwellings whilst illustrating the evolution and further development of the town, would have a neutral contribution to the significance of the CA.
7. The DG which supports the policies of the Local Plan when discussing dormer windows, seeks that alterations are subservient in scale and massing, which preserves the principal dwelling and maintains its massing. The placement of a dormer window is not untypical for these types of dwellings, with other dwellings around the cul-de-sac having front dormer windows which have a much bulkier massing and proportion than the cat-slide dormer that is

proposed. Given the size and angle of the roof of the proposed dormer, this would allow the design and pitch of the existing roof to be experienced and would maintain the character of the host building, hence in my opinion I disagree that the proposed dormer has in this circumstance, altered the roof profile. Given the positioning of the dwelling at the side of the cul-de-sac, the proposed dormer would not present as a domineering element and despite not being in the centre of the roof, this is not as noticeable given the positioning of the roof pitch and its visibility within the street scene.

8. Taken as a whole, and in conclusion of this matter, on the basis of evidence provided by both parties, the proposed dormer window is a suitable architectural response that is 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 DES1, DES2, ENV6 and ENV8, and Policy P1 of the NP.
9. I note that the Council's Decision Notice refers to LP Policy H20 which relates to the increased size of a dwelling having impacts towards the need for parking or further amenity space. In my assessment of this policy, I do not consider the alterations merit changes to parking or open space provision and therefore this proposed scheme would be compliant with this policy.

Other Matters

10. The planning appeal also includes the provision of roof lights to the pitch of the roof which are proposed to be 'conservation type' which finish flush with the plane of the existing roof. I note that the Council has assessed these rooflights and have found them to be compliant with the policies of the LP. I have no reason to dispute these observations, and as such the roof lights are considered to be in compliance with the policies of the LP.
11. I also note comments within the planning application from interested parties that raise concerns with regards to the dormer windows and roof lights overlooking neighbouring properties, particularly gardens and a bathroom. The approved plans detail that the rooflights would be positioned with the bottom of the light at 1.7 metres above finished floor level, and the proposed window of the dormer window (which is a stairwell and non-habitable) would be obscurely glazed and non-openable. These mitigatory measures would enable the scheme not to cause detriment to living conditions, and which was also the opinion of the Council.

Conclusion and conditions

12. I conclude that the proposals are 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.
13. 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.

14. 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 Conditions 3 and 4 seek that the rooflights are mounted at a minimum of 1.7 metres above finished floor level and that the dormer window is fixed shut and obscurely glazed. Both of these suggested conditions repeat condition 2 which states such measures on the approved plans which forms part of this approval. As such these suggested condition are unnecessary and does not meet the tests and is deleted. Condition 3 seeks that the materials match the existing dwelling which is necessary to enable the scheme to be appropriate to the character and appearance of the dwelling and the surrounding locality, including the CA.

J Somers

INSPECTOR