



Appeal Decisions

Site visit made on 14 June 2023

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 July 2023

Appeal A: APP/D3125/W/22/3299266

Manor Farm, Chapel Hill, Wootton, Woodstock OX20 1DX

- 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 Jack Gibbs against the decision of West Oxfordshire District Council.
 - The application Ref 21/04046/HHD, dated 16 December 2021, was refused by notice dated 13 April 2022.
 - The development proposed is described as 'Alterations to existing first floor window to form wider window opening corresponding with existing ground floor window immediately below; provision of new window joinery re-using existing vertical-sliding. Re-form stonework to arched head to existing ground floor window to right of main entrance. Repairs to existing pointing of masonry to front elevation. Repairs/overhaul of rainwater disposal system to front elevation; replace existing plastic goods with cast-iron or aluminium plain halfround gutters and circular downpipes with blacksmith-made gutter brackets; increase capacity of rainwater goods. Access to/from and within the building will be maintained as existing.'
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Appeal B: APP/D3125/Y/22/3299165

Manor Farm, Chapel Hill, Wootton, Woodstock OX20 1DX

- 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 Jack Gibbs against the decision of West Oxfordshire District Council.
 - The application Ref 21/04047/LBC, dated 16 December 2021, was refused by notice dated 13 April 2022.
 - The works proposed are described as 'Alterations to existing first floor window to form wider window opening corresponding with existing ground floor window immediately below; provision of new window joinery re-using existing vertical-sliding. Re-form stonework to arched head to existing ground floor window to right of main entrance. Repairs to existing pointing of masonry to front elevation. Repairs/overhaul of rainwater disposal system to front elevation; replace existing plastic goods with cast-iron or aluminium plain halfround gutters and circular downpipes with blacksmith-made gutter brackets; increase capacity of rainwater goods. Access to/from and within the building will be maintained as existing.'
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Decision

Appeal A

1. The appeal is dismissed insofar as it related to alterations to existing first floor window to form wider window opening corresponding with existing ground floor window immediately below; provision of new window joinery re-using existing vertical-sliding sashes. The appeal is allowed insofar as it related to re-form stonework to arched head to existing ground floor window to right of main entrance. Repairs to existing pointing of masonry to front elevation.

Repairs/overhaul of rainwater disposal system to front elevation; replace existing plastic goods with cast-iron or aluminium plain halfround gutters and circular downpipes with blacksmith-made gutter brackets; increase capacity of rainwater goods, and planning permission is granted for re-form stonework to arched head to existing ground floor window to right of main entrance. Repairs to existing pointing of masonry to front elevation. Repairs/overhaul of rainwater disposal system to front elevation; replace existing plastic goods with cast-iron or aluminium plain halfround gutters and circular downpipes with blacksmith-made gutter brackets; increase capacity of rainwater goods, at Manor Farm, Chapel Hill, Wootton, Woodstock, OX20 1DX in accordance with the terms of the application, Ref 21/04046/HHD, dated 16 December 2021, and subject to the following conditions:

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1276:PL02, 1276:S01 and 1276:S02.

Appeal B

2. The appeal is dismissed insofar as it related to alterations to existing first floor window to form wider window opening corresponding with existing ground floor window immediately below; provision of new window joinery re-using existing vertical-sliding sashes. The appeal is allowed insofar as it related to re-form stonework to arched head to existing ground floor window to right of main entrance. Repairs to existing pointing of masonry to front elevation. Repairs/overhaul of rainwater disposal system to front elevation; replace existing plastic goods with cast-iron or aluminium plain halfround gutters and circular downpipes with blacksmith-made gutter brackets; increase capacity of rainwater goods, and listed building consent is granted for re-form stonework to arched head to existing ground floor window to right of main entrance. Repairs to existing pointing of masonry to front elevation. Repairs/overhaul of rainwater disposal system to front elevation; replace existing plastic goods with cast-iron or aluminium plain halfround gutters and circular downpipes with blacksmith-made gutter brackets; increase capacity of rainwater goods, at Manor Farm, Chapel Hill, Wootton, Woodstock, OX20 1DX in accordance with the terms of the application, Ref 21/04047/LBC, dated 16 December 2021, and the plans submitted with it, subject to the following conditions:

- 1) The works authorised by this consent shall begin not later than three years from the date of this consent.
- 2) Specifications and samples of the materials to be used in connection with the proposed works, shall be submitted to and approved in writing by the local planning authority prior to their use on site. The works shall thereafter be carried out in accordance with the approved specifications/samples.

Procedural Matters

3. I have taken the descriptions of development and works from the Appeal Forms as this more accurately describes the proposal. The proposed descriptions are therefore 'Alterations to existing first floor window to form wider window opening corresponding with existing ground floor window immediately below;

provision of new window joinery re-using existing vertical-sliding sashes. Re-form stonework to arched head to existing ground floor window to right of main entrance. Repairs to existing pointing of masonry to front elevation. Repairs/overhaul of rainwater disposal system to front elevation; replace existing plastic goods with cast-iron or aluminium plain halfround gutters and circular downpipes with blacksmith-made gutter brackets; increase capacity of rainwater goods.'

4. The two appeals concern the same scheme under different, complementary legislation. I have dealt with both appeals together in my reasoning.

Background and Main Issue

5. The Officer Reports and Decision Notices for the applications relevant to the appeals only state concerns regarding the proposed alterations to the first-floor window, and none of the other elements listed above. The main issue is therefore whether the proposed alterations to the first-floor window would preserve a Grade II listed building, Manor Farmhouse, and any of the features of special architectural or historic interest that it possesses.

Reasons

Special Interest

6. The appeal concerns Manor Farmhouse, a Grade II listed building, likely of early-18th Century origin, with 19th and 20th Century alterations. It is arranged over two-storeys, with additional attic rooms, and constructed to a high standard using coursed limestone rubble, beneath a stone slate roof, which are typical of buildings in the district.
7. Architectural detailing of its front façade is important to its special interest, particularly the size and vertical symmetrical arrangement of four sets of six pane vertical sliding sash windows at ground and first floor, left of its front door, and the cambered stone arches over them. There were also originally two windows of identical proportions aligned vertically to the right of the door, but alteration of the ground floor window was approved in 1996¹ to a tripartite layout with the sash window central to fixed windows either side. This has unbalanced the front façade of the building and contrasts with the disciplined layout of windows in the remainder of this elevation, in a manner harmful to the special interest of the listed building. The appellant indicates the other 19th Century window joinery to the front was also replaced at this time.
8. The Farmhouse is set back behind a formal garden area and wall adjacent to Lamb's Close. Despite a tall yew hedge separating the garden from Chapel Hill, the rising land in the village means most of the building is visible from nearby streets, except for the tripartite window.
9. Despite alteration of the righthand ground floor window, together with its size, position in the village, and its wider landholding, the formal arrangement of remaining windows in the front façade of the Farmhouse still provides evidence of its wealth and historic importance to the village. For the purposes of the appeals, its special interest is therefore found in its the architectural and historic interest as an early-18th Century farmhouse, with later alterations. In particular, the original size and composition of windows within its front

¹ Planning Reference: W96/1014.

façade is relatively intact and makes an important contribution to the overall character and appearance of the building.

The Proposal

10. The subject window serves a square room at first floor and is positioned slightly off-centre to it. It would be replaced by a tripartite window alike that below it, with the sliding sash window retained at its centre and narrower fixed lights to either side. The approach to the surrounding fabric was amended during the applications, with the existing keystone, voussoirs, and springing stones set to be used in the window arch and supplemented by new limestone voussoirs. Handmade Gault clay roofing tiles would be laid on edge to extend the cill and would be used as creasing or packing to the rebuilt left-hand jamb.

Effect of the Proposal

11. The special interest of a listed building is derived from the sum total of its heritage values, and the size and configuration of window openings and form of windows therein both make important contributions. The proposed window would be understood as a further alteration to the Farmhouse, but it would exacerbate the harm caused by the imbalance created through alteration of the window beneath it. I am not of the view that previous negative changes such as those associated with the window below should be used to justify further harm to the Farmhouse. Moreover, the size and form of the windows to the righthand side of the façade of the property would conflict with the rhythm of original openings and form of windows elsewhere in the façade.
12. Historic masonry would also be lost to the left of the existing opening through its enlargement and, while the extent of historic fabric lost would not be significant, it would still be harmful to the understanding and legibility of the listed building, and thereby its special interest. Re-use of any fabric around the opening would be good practice in avoiding further harm associated with making good the opening. Furthermore, the enlarged opening would not harmfully affect the configuration or proportions of the room, or how it would be experienced inside.
13. I note the appellant accepts there would be loss of an existing component of the historic configuration of fenestration and masonry around it. While he is content for building recording to be undertaken, this would not mitigate against the harms resulting from the proposal.

Public Benefits and Conclusions on the Main Issue

14. The statutory duties in Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) are matters of considerable importance and weight, as are paragraphs 197, 199 and 200 of the National Planning Policy Framework (the Framework).
15. The proposed alterations to the first-floor window would fail to preserve the listed building and the features of special architectural or historic interest that it possesses. In my view the harm that I have identified equates to less than substantial harm to the significance of this designated heritage asset. I note the main parties arrived at a similar conclusion. In such circumstances, Framework paragraph 202 and Policy EH9 of the West Oxfordshire Local Plan 2031 (Adopted September 2018) (LP) identifies this harm should be weighed against public benefits of proposals.

16. The larger window opening created by the proposal would increase the amount of natural light within the appellant's bedroom, and views therefrom, which would better meet his needs. These benefits would be largely private, but I am mindful benefits do not always have to be visible or accessible to the public to be genuine public benefits, they can therefore include works to a private dwelling which can assist in securing its future as a designated heritage asset.
17. The extent of the existing window in relation to the room is less than what would be expected under the Building Regulations for a room of comparable proportions. However, the existing window is tall and does not excessively constrain outlook from the room or light into it. There is also no substantive evidence before me to demonstrate the proposed window would be required to make the listed building habitable or sustain it. The continued viable use of the Farmhouse, as a dwellinghouse, is therefore not dependent on the proposal and the building has a residential use that is unlikely to cease in its absence.
18. The proposal is unlikely to set a precedent for other windows in the same façade of the Farmhouse as remaining rooms are each served by two windows. However, this would only amount to an absence of further harm which would neither weigh for nor against the proposal.
19. Despite my finding in 'Other Matters' that other works within the proposal would be beneficial to the listed building, they are unrelated to works to alter the first-floor window, so could be undertaken without it. The works to the arch of the ground floor window are also to undo previous mistakes associated with it. I therefore afford the other works limited weight as heritage benefits.
20. The appellants have carried out works to repair and renovate the property, including reinstating natural stone slates to the roof and repairing windows where necessary. I acknowledge these have been completed to a high standard and the proposed works would be carried out by experienced conservation contractors administered by specialist consultants. Nevertheless, this is part and parcel of owning a listed building, so I afford this limited weight as a benefit in favour of the proposal.
21. The public benefits I have outlined would not justify allowing elements of the proposal that would fail to preserve the special interest of the listed building. Hence, in accordance with policies of the LP and Framework, considered together, I am not persuaded there would be wider public benefits of sufficient magnitude to outweigh the great weight to be given to the less than substantial harm I have identified to this heritage asset.
22. I therefore conclude that the proposed alterations to the first-floor window would fail to preserve the special historic interest of the Grade II listed building. Accordingly, this aspect of the proposal would fail to satisfy the requirements of the Act and would conflict with the design and heritage aims of LP Policies EH9, EH11, H6 and OS4; the West Oxfordshire Design Guide 2016; and paragraphs 126, 130, 134, 197, 199 and 200 of the Framework.
23. I have not found against LP Policy OS2, as it relates to the location of new development and the proposal affects an existing building.

Other Matters

24. The proposal also includes works to reconstruct the existing arch above the ground floor tripartite window, by replacing the cement pointing and machine

cut voussoirs with hand-dressed voussoirs in a wider radius. Repairs to pointing of the front façade would use lime-putty based mortar, with a flush finish. Plastic rainwater goods would be replaced by larger cast iron or aluminium gutters and downpipes, with handmade gutter brackets. These would have greater longevity and increase capacity, thereby reducing overflow and leaks.

25. These parts of the proposal do not require planning permission but formed part of the description of development. I have assessed them accordingly and they constitute modest interventions that would improve the appearance of the Farmhouse. I note the Council arrived at a similar conclusion.
26. The Wootton Conservation Area (CA) covers the whole of the village and some surrounding countryside considered important to its setting. The architecture and materials of construction of the Farmhouse are typical of the historic stone buildings found in the CA and it is prominent therein. It therefore makes an important contribution to its significance.
27. Unlike the Farmhouse, the significance of the CA is more widely experienced. Accordingly, the proposal must be judged according to its effect on the CA as a whole, so must have a moderate degree of prominence. Windows in the CA are composed of a mix of styles, sizes, and materials. The proposed window and its relationship within the front façade of the listed building would be visible from Chapel Hill, but it would have limited prominence within the CA.
28. Taken together, all aspects of the proposal would not be detrimental to the character or appearance of the CA, which would be preserved, as required by the Act. I note that the Council also raised no objection in this respect.
29. The appeal property is also opposite The Kings Head Public House, a Grade II listed building. I have therefore had regard to the statutory duties referred to in the Act to preserve its setting. However, given the physical extent of the proposals and their proximity with the designated asset, its setting would be preserved, and they would not detract from it.

Conditions

30. The other parts of the proposal not covered in the main issue are physically and functionally severable from the proposed first-floor window, split decisions would therefore be a logical, with conditions necessary to secure details on Appeal B for those works. This is not required for Appeal A, as I have already set out that they do not require planning permission. Moreover, in the interests of preserving the Farmhouse's special interest, a condition is necessary on Appeal B for specification and samples of materials relevant to all works to remove ambiguity as to what details need to be agreed.
31. In addition to the standard time limits for both appeals, in the interests of clarity I have specified the approved plans in Appeal A. This is not necessary for Appeal B, as the decision incorporates reference to approved documents.
32. The Council also requested a condition to ensure original stonework remains visible, but this is not necessary given that only repointing works and some small-scale replacement of modern stonework would be undertaken around the ground floor tripartite window. Similarly, a condition relating to demolitions, stripping out, removal of structural elements, replacement of original joinery or fittings and finishes, is also unnecessary as no such works are included in the

appeal scheme. All proposed works are clearly shown on approved drawings and other works would require separate consent or consideration as such.

Conclusion

33. For the reasons given above, I conclude that the appeals should be allowed insofar as they relate to 'Re-form stonework to arched head to existing ground floor window to right of main entrance. Repairs to existing pointing of masonry to front elevation. Repairs/overhaul of rainwater disposal system to front elevation; replace existing plastic goods with cast-iron or aluminium plain halfround gutters and circular downpipes with blacksmith-made gutter brackets; increase capacity of rainwater goods'. However, the appeals should be dismissed insofar as they relate to 'Alterations to existing first floor window to form wider window opening corresponding with existing ground floor window immediately below; provision of new window joinery re-using existing vertical-sliding sashes'.

Paul Thompson

INSPECTOR