



Appeal Decision

Site visit made on 20 June 2023

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th August 2023

Appeal Ref: APP/C3105/Y/22/3307696

Rectory Farmhouse, Back Lane Epwell, Oxfordshire OX15 6LG

- 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 Mr Andrew Mackersie against the decision of Cherwell District Council.
- The application Ref 22/01696/LB, dated 8 June 2022, was refused by notice dated 18 August 2022.
- The works proposed are Insertion of a dormer window to roof of existing lean-to extension to rear of listed farmhouse.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal property, Rectory Farmhouse, is a Grade II listed building¹ referred to on the Statutory List as: 'Rectory Farmhouse and cottage abutting on left'.
3. The appeal is against the refusal of listed building consent for works to a listed building. I have therefore had special regard to section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. There is no accompanying appeal in relation to any application for planning permission. As such, my considerations relate to the works that are subject of the application for listed building consent, notwithstanding any requirement for planning permission.
5. The appeal application was submitted following a grant of listed building consent² for 'Demolition of existing single storey conservatory attached to eastern gable end of the farmhouse; construction of part two-storey, part single storey extension; provision of single storey extension to the north elevation; change to consented infill extension between existing cottage, brewhouse and farmhouse; replacement of existing porch detail on south elevation'. An accompanying planning application³ also including a workshop and car port was approved alongside the listed building consent. I have been provided with copies of the plans relating to these approvals and I saw that the works to carry out these consents are being carried out on site.

¹ List Entry Number: 1046865.

² Ref: 21/01190/LB.

³ Ref: 21/01189/F.

6. I have also been provided with copies of the drawings relating to a previous grant of listed building consent⁴ for variation of an earlier listed building consent⁵.

Main Issue

7. The main issue is whether the proposal would preserve the Grade II listed building of Rectory Farmhouse and cottage abutting on left, or any features of special architectural or historic interest which it possesses.

Reasons

Special Interest and Significance

8. The appeal property is a late eighteenth century farmhouse located in a rural setting. The building is constructed of coursed ironstone with a slate roof. The front (south elevation) has a high degree of symmetry and is prominent on the approach along the access road. The rear of the building comprises of two outshots, described in the appellant's heritage statement as contemporary with the main front range. These comprise a rear two-storey gabled wing and a rear service wing with a catslide roof. A later 'cottage' adjoins the west side of the rear wing of the main house.
9. Further to the west is the separately Grade II listed Rectory Farm Barn⁶, a former barn which has been converted to a separate residential property. Set forward of the farmhouse is a stone coal shed or brewhouse⁷. This is also a Grade II listed building.
10. Despite its alterations internally, referred to in the heritage statement, the appeal building nonetheless maintains its integrity and authenticity as a Georgian farmhouse. From the evidence before me, the building's special interest and significance are largely derived from its illustration of late eighteenth century architecture and the legibility of its development over time. Important contributors in these regards which are pertinent to the appeal, are its surviving historic fabric; use of traditional materials and construction techniques that are typical of the local vernacular; and intrinsic modest form and appearance. Its special interest and significance is also derived from its value as a group of Grade II listed buildings comprising Rectory Farm Barn and the brewhouse/coalshed.

Appeal Proposal and Effects

11. Paragraph 199 of the National Planning Policy Framework (the Framework) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 200 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting, and that this should have clear and convincing justification.

⁴ Ref: 21/00534/LB.

⁵ Ref: 20/01511/LB.

⁶ List Entry Name: Rectory Farm, barn and shelter shed attached to left of farmhouse. List Entry Number: 1200025.

⁷ List Entry Name: Rectory Farm, brewhouse/coalshed approximately 3 metres south west of farmhouse. List Entry Number: 1046866.

12. The existing first-floor bathroom lies beneath the rear catslide and consequently has a ceiling that is predominantly sloping. A purlin spans much of the length of the room, whilst a rafter runs parallel with the doorway. Both sit proud of the plaster and are readily visible evidence of the traditional construction referred to above.
13. The proposal is to insert a new dormer window in the lower part of the rear catslide roof. The dormer window would have lead front and sides with a slate roof and would incorporate a casement window. It would be offset from the ground floor window below it.
14. The proposal would represent a sizeable and prominent intervention into the roofslope, eroding its simple and unbroken appearance. Furthermore, it would introduce a wholly new architectural feature that is not present on the existing building, diminishing its architectural integrity. The prevalence of lead in the exterior of the structure, a material not abundant on the existing dwelling, would add to its prominence. Moreover, its position, low down in the roof slope, sitting below the level of the existing first floor windows, whilst also being offset from the ground floor window would unbalance and complicate the appearance of this elevation. This, overall, would lead to an incongruous appearance that would compromise the listed building's special interest.
15. The proposed dormer window would be constructed close to the existing rafter present in the bathroom ceiling. It would necessitate the removal of the historic purlin that currently spans much of the room and would require the insertion of a new oak rafter to support the roof in its place. This would erode the legibility of the building, whilst the loss of the historic fabric and the embedded craftsmanship would diminish the architectural and historic interest of the building, in a modest but meaningful way.
16. The appellant argues that the author of the heritage statement is of the opinion that only the frontage of the appeal building is of significance and the other elevations and the interior have little value which merit listing. Whilst I note that the heritage statement sets out that the front elevation is most significant, it nonetheless concludes that the rear outshot and lean-to are contemporary with the late eighteenth century frontage. Irrespective of this, it is important to note that the whole of the appeal building is listed and as such is recognised for its special architectural or historic interest and considered to be of national importance and therefore should be conserved in a manner appropriate to its significance.
17. Given that it is the building itself, with its own individual character that is recognised for its special interest, the presence of dormer windows on different unrelated listed buildings nearby with likely different histories to the appeal property, is not justification for a dormer window here. Whilst the appellant suggests that the Council concluded that these other dormer windows did not cause harm, it is not clear if this was as part of a recent planning approval or whether these are long-standing features of these buildings. Given the limited evidence, it is not possible to draw any meaningful comparisons with the proposal before me. Nevertheless, I would note that evidence of existing harm, if that is what is suggested, is rarely justification for additional harm.
18. The appellant argues that the Council has already granted listed building consent for a dormer window as part of the earlier approval, 21/00534/LB that has since been superseded by the scheme now being implemented. This

proposed dormer window was located on a newly proposed extension and hence did not disrupt the existing unbroken catslide roof. It would have also not have directly resulted in the loss of historic fabric. Consequently, this previous approval does not represent a parallel with the appeal scheme and does not justify the harm set out above.

19. I have had regard to the Historic England guidance referred to by the appellant. Nonetheless I am mindful that this is guidance, whilst I am required to assess the proposal against the Act, having regard to the Framework and the relevant development plan policies.
20. For the above reasons, I therefore conclude that the proposal would fail to preserve the Grade II listed building of Rectory Farmhouse and cottage abutting on left, or any features of special architectural or historic interest which it possesses. This would be contrary to the requirements of section 16(2) of the Act. As such the proposal would cause harm to the significance of this designated heritage asset.

Public Benefits and Balance

21. With reference to Paragraphs 201 and 202 of the Framework, in finding harm to the significance of a designated heritage asset, the magnitude of that harm should be assessed. Given the extent and nature of the proposal, I find that the harm in this instance would be 'less than substantial' but, nevertheless, of considerable importance and weight. Under such circumstances, Paragraph 202 advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing the asset's optimum viable use.
22. Whilst the appellant argues that less historic fabric would be lost than through the insertion of two rooflights that have been approved as part of 21/01190/LB, this has not been evidenced. Moreover, it has not been put to me that these would have necessitated removal of any purlins or any other key components of the historic roof structure. Indeed, on the basis of the evidence before me, it would appear that such removal of purlins would not be necessary to install the approved rooflights. Furthermore, a rooflight would tend to sit reasonably flush with the roofslope and would not generally add bulk to the existing structure. As such, I am not convinced that the appeal proposal would be less harmful than the approved rooflights. This would therefore not represent a benefit of the appeal proposal.
23. The heritage asset appeared to be in a sound condition and in use as a dwelling. Despite the appellant's argument in this regard, the proposed works would therefore not hold any benefits in securing the building's optimum viable use. Even accounting for modest economic benefits associated with the construction phase, cumulatively the sum of public benefits would not outweigh the considerable importance and weight that even less than substantial harm to a designated heritage asset carries.
24. The proposal would not preserve the Grade II listed building of Rectory Farmhouse and cottage abutting on left or any features of special architectural or historic interest which it possesses. This would be contrary to the requirements of sections 16(2) of the Act and the provisions within the Framework which seek to conserve and enhance the historic environment. The harmful impact would also be contrary to Policy ESD15 of the Cherwell Local

Plan Part 1 (2015) and Saved Policy C28 of the Cherwell Local Plan (1996) which together seek to provide a high standard of design that conserves and enhances heritage assets and safeguards the historic environment and local distinctiveness.

Other Matters

25. The appellant has suggested that he would be open to considering omitting the installation of additional rooflights or windows approved through 21/01190/LB or centring the dormer above the window below. However, my role is to consider the appeal before me and it would not be appropriate for me to pre-determine any future proposal.
26. I have had regard to the lack of objection from the Parish Council, however, I would note that a lack of objection does not necessarily equate to a lack of harm.

Conclusion

27. For the above reasons and having regard to all matters raised I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR