



Appeal Decisions

Site visit made on 1 August 2023

by Alison Scott (BA Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2023

Appeal A Ref: APP/C3105/W/23/3314213

Chapel Cottage, Wroxton Lane, Horley, Oxfordshire, Banbury OX15 6BD

- 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 Miss Jenny Smith against the decision of Cherwell District Council.
 - The application Ref 22/02637/F, dated 26 August 2022, was refused by notice dated 4 November 2022.
 - The development proposed is single-storey rear extension, removal of an existing door to create opening and removal of the window, and cut down of wall to FFL.
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Appeal B Ref: APP/C3105/Y/23/3314212

Chapel Cottage, Wroxton Lane, Horley, Oxfordshire, Banbury OX15 6BD

- 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 Miss Jenny Smith against the decision of Cherwell District Council.
 - The application Ref 22/02638/LB, dated 26 August 2022, was refused by notice dated 4 November 2022.
 - The works proposed are single-storey rear extension, removal of an existing door to create opening and removal of the window, and cut down of wall to FFL.
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Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. The appeals concern works and development to Chapel House, a Grade II listed building (List Entry Number:1287584) listed on 8 December 1955. The appeal building is now known as Chapel Cottage. In the interest of consistency and continuity, I refer to the listed building as Chapel Cottage throughout my decision. The adjoining property is also Grade II listed, the Methodist Chapel (List Entry No 1216559), listed 18 December 1986, and is now known as Old Chapel.
4. In addition, the site is situated within Horley Conservation Area (CA). I am therefore mindful of my statutory duties in respect of 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act (the Act).
5. These decisions address both planning and listed building consent appeals for the same site and same scheme. Although the remit of both regimes is different, in order to reduce repetition and for the avoidance of doubt, I have dealt with both appeals together within a single decision.

6. The National Planning Policy Framework (the Framework) has been updated on 5 September 2023, and after the submission of the appeals. The historic environment policies have remained unchanged within the updated version of the Framework which is a material consideration.

Main Issues – Both appeals

7. The main issues are whether the proposed works and development would preserve the special interest of the Grade II listed buildings or any features of special architectural or historic interest that they possess and whether the character or appearance of Horley Conservation Area would be preserved or enhanced.

Reasons – Both appeals

8. The official list entry states that Chapel Cottage is late 17th Century with 20th Century alterations. It is two storey, constructed from squared coursed local ironstone of simple detailing and is two-unit plan of modest proportions. The front elevation has symmetry to its window pattern with two ground floor stone mullioned windows with hood moulds and label stops, and positioned above, smaller timber leaded windows. The rear elevation has less ordered openings with a random arrangement of small timber fenestration of a plainer appearance with timber lintels. Also, to the rear elevation, the original circular wood fired bread oven can be seen as it protrudes from the kitchen space and is a historical reminder of the traditional artisan trades characteristic of Horley in the 17th Century.
9. Despite the later alterations and additions, including a new cedar shingle roof covering and two new rear roof lights, its ironstone construction, fenestration pattern and plan form appear to be relatively unaltered. Internally the ground floor retains the simple, traditional two-bay form, even though the first floor has been altered by way of a bathroom carved out of one room. Overall it retains its simple compact form and linear layout and the historic two bay range of the listed building is still legible. Thus it remains an attractive rural dwelling typical of the local vernacular building styles and construction techniques. Whilst the official list entry focuses on the building's front elevation, in my experience, entries are primarily for identification purposes and do not provide an exhaustive or complete description of the special interest of the listed building.
10. The Old Chapel was constructed in around 1800 and was originally used as the Wesleyan Chapel. It has been converted to a dwelling, but due to its arched 2-light Gothic windows with Y-tracery and diamond leaded lattices, its past use can be appreciated. Therefore, I consider that the special interest and significance of the Old Chapel is mainly derived from its age, materials, fenestration, and historical use.
11. It appears that the appeal building may have been within the same ownership as the land on which the adjoining Old Chapel is located on. The Council considers that the appeal building may have been used as a religious meeting house as it pre-dates the Old Chapel. Nevertheless, I consider that the special interest and significance of the appeal building is mainly derived from its age, plan form, historic fabric, and architectural detailing.

12. The significance of the Old Chapel is mainly experienced from within its curtilage and from Wroxton Lane. There is a stone boundary wall that traverses the frontage of the appeal building and the Old Chapel, and their rear elevations and eaves line are contiguous. Even though there is a boundary treatment at the rear between the two listed buildings, it is apparent that the buildings are physically attached and may have been functionally linked historically. As such, the grounds around the Old Chapel and the group value with the appeal building make a positive contribution to its special interest and significance.
13. Horley Conservation Area is defined by an irregular boundary around the village. The village has evolved organically from its farming origins with clusters of farm complexes forming a constituent part of the village settlement, surrounded by a gentle rolling landscape. The village core is originally centred around the 12th Century St Etheldreda's Church and former village green with a linear principal street running through the settlement with development flanking both sides. The majority of historic buildings within the CA utilise ironstone as their main walling material, with steeply pitched roofs and a high proportion of solid walls to openings. The cohesion provided by the materials and architectural detailing of the traditional properties within the CA, including the appeal building, contributes positively to the character and appearance of the CA as a whole and thereby to its significance as a designated heritage asset. Today, it remains a nucleated ironstone village settlement with its substantially unspoilt architectural detailing seen throughout.
14. The proposed works and development would create a lean-to extension accessed from the rear kitchen of Chapel Cottage. It would encompass part ironstone finish with large black framed panels of vertical glazing sheets set in rows in a wrap-around arrangement and a mono-pitch cedar shingle roof above. In addition, a new ground floor w/c would be provided by incorporating an element of the kitchen space extending from the cupboard under the stairs.
15. The proposed extension would project out from the rear elevation to a not insignificant degree, relative to the depth of the appeal building and well beyond the bread oven. As such, it would divert attention from the dwelling's historic linear plan form and diminish the visual contribution that the bread oven makes to the rear elevation. Its shallow pitched roof would be in stark contrast to the appeal building's steep pitched roof. The black framed glazed panels due to their size and position would also contrast with the solid to void ratio of openings to walling and the irregular arrangement of small windows on its rear elevation. Whilst the extent of glazing would allow views into the internal space, a large proportion of the external wall and the openings within, would appear as a discordant addition to the relatively unaltered vernacular of the listed building. Moreover, although the first floor has seen some internal remodelling intervention, by dividing up part of the ground floor to facilitate the insertion of the proposed w/c, the legibility of its historic plan form would be further eroded, although to a small degree in this respect.
16. The proposal would preserve key elements of the CA's character and appearance such as the relationship of buildings to the spaces around them. However, if the special interest of a listed building that contributes to the character, appearance and significance of a conservation area would be harmed, it follows that in those respects, the conservation area as a whole can also be similarly incrementally harmed. In this case the proposal would be

hidden from views from Wroxton Lane and as such the attractive streetscape that forms this part of the CA would not be materially affected. Nevertheless, part of the character and significance of the CA is the architectural quality and cohesion of the vernacular of the buildings it contains. Given my findings above, in relation to the special interest and significance of the listed building, I consider that the scheme would harm the character and appearance of the CA. Consequentially, whilst the magnitude of the harm of the proposal may be concluded to only be minor adverse in the interest of the CA as a whole, it would nevertheless fail to preserve it.

17. Change to a heritage asset does not automatically result in harm to its significance. It can be positive or neutral and it only becomes harmful if the identified special interest is eroded. Also, conservation is an active process of managing change to heritage assets in ways that sustain, reveal or reinforce their heritage interest. In this instance the proposal would have a harmful erosive effect on the special interest and significance of Chapel Cottage.
18. Paragraph 199 of the Framework advises 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 the alteration or destruction of those assets and that any such harm should have a clear and convincing justification. Where a proposal will lead to less than substantial harm to the significance of a designated asset Paragraph 202 of the National Planning Policy Framework requires the less than substantial harm be weighed against the public benefits of the proposal, including where appropriate, securing the optimum viable use.
19. Bearing in mind the scale and nature of the proposals, I judge that the degree of the harm to the significance of the listed buildings and CA as designated heritage assets would, in each case, be less than substantial.
20. There would be some economic and social environmental benefits resulting from the construction works, the general investment into the property and improvements to the local housing stock. However, any investments or upgrades the appellant has previously made to the property do not qualify as public benefits that would stem from the proposals before me. In addition, I note that the appellant states that the w/c is required to accommodate her aged parents who have difficulty climbing stairs. Whilst this matter may have some impact on the use of the building, I have been given no indication that its viable use as a single dwelling is seriously threatened. A ground floor w/c would increase the adaptability of the property to be used by a person with a protected characteristic such as age or disability. However, there is little to indicate that the appeal scheme is the only way of addressing that matter. Therefore, I am satisfied that my findings would not have an unacceptably disproportionate effect on people with a protected characteristic, including those relating to age and disability.
21. As such the nature and scale of public benefits at large would be minimal. Rather, the proposal would principally be of private benefits to any occupier of the property in providing additional space and facilities. As such, the associated public benefits carry very limited weight in favour of the appeals. Nor am I persuaded that similar public benefits could not be achieved by a scheme which would be less harmful to the significance of the designated heritage assets. In

these respects, clear and convincing justification has not been provided for the identified harm.

22. Overall, the weight that I ascribe to the public benefits that would result from the proposal would not be sufficient to outweigh the great weight that I attached to the harm I have identified. As such the proposal would not comply with paragraph 202 of the Framework and the design and local distinctiveness objectives of Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1, and the design aims of saved Policy C28 of the Cherwell Local Plan 1996.

Other Matters

23. My statutory duty also extends to any listed buildings brought to my attention by the parties. Therefore, when taking account of the effect of the works and development on the setting of other heritage assets, I am aware of the neighbouring Grade II Listed Hillside Farm and Cottage. However, given their location in relation to the proposed extension, taken together with the boundary treatment and lack of clear intervisibility between sites, I consider the development and works would have a neutral effect upon their setting.
24. The appellant points to extensions to other residential dwellings within the CA and to listed buildings. The Council comment that they do not consider the same circumstances to apply. Bearing in mind the limited information before me as the appellant has not furnished me with precise information on these developments, I cannot be certain the schemes referred to by the appellant share a direct comparison. Therefore, I apportion limited weight to this as a material consideration.
25. An absence of objections received from Historic England or Horley Parish Council is neutral in the overall consideration of the proposals and weighs neither for or against it.
26. I acknowledge the appellant is frustrated with the Council's decision-making process. However, these issues are not within my remit to comment on and can be explored through other means of recourse.

Conclusion

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

Alison Scott (BA Hons) Dip TP MRTPI

INSPECTOR