



Appeal Decision

Site visit made on 21 December 2023

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

an Inspector appointed by the Secretary of State.

Decision date: 10 January 2024

Appeal Ref: APP/C3105/D/23/3327694

The Bungalow, 2 Queen Street, Bloxham, Banbury OX15 4QQ

- 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 John Tibbetts against the decision of Cherwell District Council.
 - The application Ref 22/03445/F, dated 14 November 2022, was refused by notice dated 22 June 2023.
 - The development proposed is described as a single storey, reduced level extension to existing bungalow with associated landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I note that both parties in their appeal documents reference the paragraphs of the National Planning Policy Framework 2021 (the Framework). Since the submission of the appeal, the 2021 version of the Framework has been superseded by the 2023 version. The wording of the paragraphs of the new Framework relevant to this appeal remain unchanged from the 2021 version (except for new paragraph numbers) and therefore did not require to be reassessed by either party in relation to this appeal. I have considered the appeal on this basis and refer only to the updated 2023 Framework within my decision.

Main Issue

3. The main issue is whether the proposal would preserve the setting of the listed buildings known as 'Orchard Cottage' (Grade II), and the effect of the proposal upon the character and appearance of the greater locality, with special attention given to the Bloxham Conservation Area (CA).

Reasons

Legislation and Policy

4. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCA) prescribes a duty upon a decision maker to give special regard to the desirability of preserving the significance of a listed building or its setting. Additionally, Section 72(1) of the 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.

5. In relation to local planning policy, the Cherwell Local Plan (LP) Policy ESD15 is specifically related to heritage assets and seeks that development is expected to complement and enhance the character of its context through sensitive siting, layout and high quality design, amongst others. Saved Policies C28 and C30 of the Cherwell Local Plan 1996 (CLP) are design related policies which seek to ensure development maintains an appreciation of local character and context, is sympathetic to the building and greater locality, and be of a high standard, particularly in Cas, amongst others. The appeal site is also within the catchment of the Bloxham Neighbourhood Plan (BNP) where Policy BL10 relates to development within the CA whereby development should preserve and enhance the character and appearance of the area and take account of the CA Appraisal; and also BNP Policy BL11 which seeks that development preserve and enhance the rural heritage, landscape and sense of place of the area, particularly in relation to scale, massing and layout to neighbouring properties, contributing to the 'rural feel' of Bloxham amongst other considerations. Additionally BNP Policy BL12 seeks consideration on the importance of space and key street scenes and views where consideration is given to key features of the views of the church, amenity green spaces, amongst others.

Site Description

6. The appeal site is a recently constructed single storey building of rectangular footprint and simple pitched and gable roof construction, with walls constructed in brick with a tiled roof. The building lies to the rear of two recently constructed dwellings, which as a result of their layout appears to be trying to emulate a type of farmhouse development to the road edge with the single storey barn like building to the rear (the appeal site). Whilst the presence of the appeal building does present as an anomaly to the predominant linear built form along the road edge, its single storey nature and functional design together with the open garden to the side assist in giving the building a subservient appearance in the locality.

Listed Building Considerations

7. Whilst Orchard Cottage individually will have its own elements of significance and heritage value, the main contention in this appeal is with regards to whether the appeal site contributes to the significance and setting of this listing and the resultant effect (if any) as a result of the proposed development.
8. Orchard Cottage is believed to date from the early eighteenth century, and contains alterations in the twentieth century in the form of a single storey side extension and garage. The building is a vernacular construction of the locality being two storeys, constructed with coursed ironstone rubble stone with a thatched pitched and gabled roof. Like many of the historic buildings along Kings Road, the buildings are relatively modest in size and functional in their design, and positioned in a linear fashion along the road edge with no setback from the footpath. Gaps in and around the dwellings with open rear gardens give a hierarchy in built form with main uses to the road edge, with smaller outbuildings and garden space to the rear. Rear gardens are predominantly undeveloped and well vegetated with the tops of trees experienced through gaps in between dwellings. The undeveloped land and functionally designed buildings which includes the appeal site contributes to an understanding of the former form and function of the historic village and its layout and how the

building is experienced, reinforcing its rural location, identity and setting. These are some of the important elements that make up the setting of this listed building and this setting is integral to the building's significance.

9. The appeal site is experienced as part of the greater collection of buildings and spaces within the locality and is deliberately of a functional and modest scale and design which seeks to blend in with the form of the locality. Whilst I appreciate explanation from the Appellant as to the different design options employed, the amendments and reasoning for the proposal; given the functional design, and vernacular of materials used in the existing building, the proposed development presents an awkward juxtaposition to the existing building. The proposed curved extension together with its excessive footprint which would be over double the size of the existing building and extend the building to the north are unlike anything in the surrounding area and overcomplicate the design of the existing building, departing from its deliberate linear, modest and functional appearance.
10. The proposed extension would create a distraction from the rural feeling and experience in this location. The proposal bears little relationship to the existing building, layout, authenticity, character and local distinctiveness of the area and would be a discordant form that would erode the open green and undeveloped aspect, the experience and relationship of the surrounding listed building which is an important component to its setting. The extension would be architecturally and historically inauthentic and be detrimental to the existing building as well as to the character and appearance of the locality. Whilst I appreciate attempts to set the building down and seek to minimise its appearance with a green roof, this does not overcome concerns around the extent of built development and its relationship with the context, character and layout of the village which are important considerations as highlighted in LP Policy ESD15; Saved CLP Policies C28 and C30 and BNP Policies BL10, BL11 and BL12.
11. Whilst I appreciate that the Council and the Appellant have not found harm to the significance of the listed building through development within its setting, I have found there to be shortcomings in the assessment of significance which has predominantly focussed on views and that harm has been discounted as a result of the proposal's visibility within the street scene. S66 of the PLBCA does not limit its duty to what is purely visual with there being a need to consider both tangible and intangible aspects which contribute to the significance of a listed building and its setting. After considering these additional elements of significance which contribute to the setting of the listing, it is clear to me that there is 'less than substantial' harm caused to the significance of Orchard Cottage as a result of development of its setting.
12. Taking the above into account, the proposal would fail to preserve the setting of the Grade II listed Orchard Cottage, and would be contrary to LP Policy ESD15; Saved CLP Policies C28 and C30 and BNP Policies BL10, BL11 and BL12 as described previously.

Conservation Area Considerations

13. The significance of the CA is detailed within the Conservation Area Appraisal 2007 and I also note mention within the Conservation Officer's response of a Draft CA Appraisal. This particular area of the CA consists of relatively modest dwellings and cottages where historic buildings are typically historic Yeomans

farmhouses and weavers cottages. The dwellings are located along small winding streets where cottages sit adjacent to and along the road with gardens and land to their rear between Queen street and Kings Road. Historically it is thought that these were farm cottages or weavers' cottages and therefore they may have had small outbuildings associated with them. The application property is a recent build and has been extended in a linear way but continues this traditional form of dwellings facing the road with outbuildings/protruding single storey additions to the rear. Mature gardens and spaces in and around dwellings reinforces the openness of the locality with key views to the St Mary's Church (Grade I) being a key dominant presence in the experience of the CA. The deflected views and rhythm created on both Queens Street and Kings Road are important characteristics of this area.

14. Whilst I appreciate that the open area of land which appears to have been a former orchard is not identified as an important 'designated' space in the CA appraisal, the open and undeveloped nature of the land assists in contributing to the rural feeling and experience which is part of the significance of the CA. The development of the land in the way proposed would create a very large, curved extension which is not subservient to the footprint of the existing building, and would not reinforce the modest and functional nature of the dwellings in the surrounding locality. I can appreciate comments from the Appellant that the scheme is deliberately modern, and this is an accepted and recognised form of being 'honest' in a historic setting which can sometimes be appropriate. However, in this particular case, the curved and oversized nature of the extension which is additionally set into the ground creates an awkward and dominant form of development that is overcomplicated in its design and would not present an appropriate architectural approach that would be considered sympathetic to the existing building or taking into the context of the surrounding buildings. Whilst I appreciate that there have been deliberate attempts to minimise visibility, visibility is not the only consideration to be had as part of assessing the character, appearance and local distinctiveness of the area.
15. Taking the above into account, the proposal would not be a sympathetic alteration to the existing dwelling and would be harmful to the architectural authenticity and integrity of the existing building as a result of its disproportionate bulk and massing. Consequently the proposal would not preserve or enhance the significance of the CA and would cause 'less than substantial harm' to the CA. The scheme would be contrary to LP Policy ESD15; Saved CLP Policies C28 and C30 and BNP Policies BL10, BL11 and BL12 as described previously.

Balancing Exercise

16. The proposal has been found to fail to preserve the setting of the listed building as required by S66 and fail to preserve or enhance the character and appearance of the CA as required by S72 in accordance with the expectations of the PLCBA and the Framework at Paragraph 205 where great weight should be given to the asset's conservation ... irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to their significance.
17. Although serious, the harm to the significance of the listing and the CA would both be 'less than substantial,' within the meaning of the term in paragraph

208 of the Framework. Paragraph 206 states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Paragraph 208 requires that, where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal.

18. The public benefits of the scheme are not outlined within the Appellant's SoC, however would result in short term employment opportunities in the construction of the extension, and improve the living space for the existing occupiers. Additionally, there is discussion in the appeal documents around environmental technologies being utilised and green roofs which deliver environmental benefits. These benefits would also be present in a scheme which was more in accordance with the development plan. Overall, and in conclusion of this matter, the public benefits arising from the proposed development would not outweigh the harm I have identified and to which I accord considerable importance and weight. The scheme therefore conflicts with the Framework, as per paragraph 206, as described previously. The proposal would not therefore be made in accordance with the development plan.

Other Matters

19. I note that there are submissions to the appeal from interested parties over concerns such as effect on hedgehogs, bats, wildlife and habitats; living conditions as a result of privacy, noise, outlook, sense of enclosure; access arrangements; kerb alignment and parking; light pollution; accuracy of plans; concerns regarding water main line, gas pipeline, electricity and BT lines; development of garden land; development impact to foundations of adjacent buildings and boundary walls; disturbance during construction from large and commercial vehicles; setting a precedent for large extensions; materials utilised; loss of historic orchard; excavation of a large amount of soil; and impact to rainwater/ waste water systems. As the proposal has been found to be contrary to policies surrounding design and the historic environment, I have not needed to delve into these additional matters

Conclusion

20. For the reasons given above, I conclude that the appeal be dismissed.

J Somers

INSPECTOR