



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: 11 January 2024

Appeal Ref: APP/D3125/D/23/3320035

The Grove, Road Through Over Worton, Over Worton, Chipping Norton, OX7 7ER

- 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 Wilma Keswick against the decision of West Oxfordshire District Council.
 - The application Ref 22/02880/HHD, dated 14 October 2022, was refused by notice dated 13 January 2023.
 - The development proposed is described as proposed extensions and alterations with associated access and landscaping works.
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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 Since the submission of the appeal, the 2021 version of the Framework has been superseded by the 2023 version.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 listings known as 'Worton House' (Grade II); 'Pair of Cottages Approximately 30 Metres South East of The Grove' (Grade II); and 'Pair of Cottages Approximately 20 Metres East of The Grove' (Grade II); and additionally the effect of the proposal upon the character and appearance of the existing building and the greater locality.

Reasons

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.
5. In relation to local planning policy, the West Oxfordshire Local Plan (2011-2031) (LP) Policy H6 seeks to give regard to existing housing and changes to housing stock, for example via subdivision or loss to other non residential uses,

where the policy seeks that any changes to existing dwellings have alterations or extensions that respect the character of the surrounding area. LP Policy OS4 is a design related policy which seeks to ensure development is of high quality and respects the historic, architectural and landscape character of the locality, contribute to local distinctiveness and, where possible, enhance the character and quality of the surroundings, amongst others. Additionally, the design policy is supported by the West Oxfordshire Design Guide (2011-2031) (WODG).

6. I note that the Decision Notice lists LP Policy OS2 as a reason for refusal. This policy appears to relate to the location of new housing development in accordance to settlement hierarchy. As the policy does not involve the assessment of extensions and alterations, I have not considered this policy relevant to this particular decision.
7. The appeal property is part of a small hamlet of cottage and agricultural buildings which make up a the settlement of Over Worton. The dwellings of the hamlet are situated around a small round-a-bout, date from the early nineteenth century, and are vernacular construction with materials commonly found in the area such as ironstone, thatch and stone roof forms. Dwellings are modest in their form and relatively functional in their design and construction. Whilst the dwellings around the round-a-bout are vernacular agricultural type buildings, further on from the round-a-bout leads to the large country house of Worton House, which also dates from the early nineteenth century and has a much higher status in its design, layout and footprint as a formal small country house estate with associated buildings.
8. Whilst the buildings that make up the village are no longer predominantly used in association with agriculture and rural uses, these historic origins are still evident in there being an inherent relationship and connection of the layout and design of the buildings to their historic agricultural origins. Along with the form, design and layout of buildings, the experience of the hamlet is one that is inherently rural with no street lighting or kerbs, with boundary hedging, and well vegetated gardens with gaps in and around dwellings creating a pleasant and picturesque rural feeling. These, amongst others are some of the elements that make up the local character, appearance and the local distinctiveness of the locality.
9. The appeal site along with the two pairs of listed cottages opposite are the main buildings surrounding the small round-a-bout of the hamlet and are inherently experienced together as part of the origins and development of the hamlet. Whilst there may be other important heritage values which make the two groups of listed buildings opposite significant in their own right, the relevant components related to this appeal derive from the use of vernacular materials, their historic form and relationship to their former function, evolution of works and historic relationship with the land and open countryside and rural context surrounding. Given the prominent location around the small round-a-bout of the hamlet, there is an intrinsic relationship between the appeal site and how the setting of the two groups of listed cottages opposite are experienced as part of the hamlet. The setting of cottages adjacent which relates to how they are positioned and experienced with well landscaped gardens and within the context of the surrounding buildings such as the appeal site is also significant. These are some of the important elements that make up the setting of these listed buildings and this setting is integral to the building's significance.

10. Adjacent to the appeal site's garden is Worton House, which has a narrow road leading from the round-a-bout with gate piers which symbolise a more formal and higher status of the hamlet. The feeling changes to a more formal experience with the status of the house and associated buildings associated with the historic operation of the house, and a church further along the road. Worton House itself has significance in its own right, however its setting and the more formal layout and higher status of the estate also contributes to how the hamlet is experienced which too has historic associations with the hamlet and its agricultural origins with a clear delineation between the Wooton House and the modest vernacular buildings of the hamlet. 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.
11. The appeal building is currently referred to as two buildings, Grove End which fronts the small round-a-bout and Grove House, which is attached to the rear of Grove End. Grove End appears to date from the early nineteenth century and is constructed of coursed ironstone with a stone tiled roof. The building is a of simple vernacular construction, however has some ornate detailing such as stone lancet arched mullioned windows with trefoils to the first floor and stone mullioned windows with hood moulds to the ground floor with central pedestrian entrance. Whilst the appeal documents do not elaborate on the evolution of the building, it appears that Grove End was extended to the rear with some larger extensions which have over time formed two dwellings, with Grove House having its entrance through the side of the dwelling. Over time, there have been a number of extensions to the rear of the building, some appearing more historic than others (such as the dual pitched gabled extensions to the rear), and some being more successful than others (such as some of the extensions which appear to have occurred in the mid-late twentieth century). Despite the amount of extensions that the building has had, it still maintains a form that is somewhat modest and vernacular which assists in preserving the character, appearance and historic origins of the locality.
12. It is not disputed by the Appellant that the proposed extensions to the rear of the building would be large, with references to the LP stating that large country houses are a common feature of the landscape. However, this is not a large country house, and the extensions proposed would exacerbate what is already quite a large and group of clumsy extensions which the building has experienced over its lifetime. I appreciate information on the design methodology and intentions, such as to remove some of the more 'clumsy' past extensions which would be desirable. However, the proposal is to then add a greater bulk and massing of extensions, which instead of improving the appearance, adds complication and status to a building which is clearly not designed to be a quasi-country house.
13. The proposal would create a house of status which with its footprint and built form has more similarities to Wooton House, than of the simple and more vernacular cottages of the hamlet as described previously. The extensions would increase the hierarchy and status of the buildings above those listed cottages opposite and Wooton House and would interfere with the positive qualities that are inherent to their historic formation and appreciation within the hamlet and which are significant to the setting of these listed buildings.

14. 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 experience and relationship of the surrounding listed buildings which is an important component to their 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.
15. In conclusion of this matter, the extent of built development and its relationship with the context, character and layout of the hamlet are important considerations and as such the proposal would fail to be made in accordance with LP Policy OS4 and H6 which is accompanied by the WODG.
16. Whilst I appreciate that the Council and the Appellant have not found harm to the significance of the listings through development within their 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 intervisibility between dwellings, with no real discussion in the Officer's Report as to the extent or significance of the setting. 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 listings, it is clear to me that there is 'less than substantial' harm caused to the significance of 'Wooton House,' 'Pair of Cottages Approximately 30 Metres South East of The Grove;' and 'Pair of Cottages Approximately 20 Metres East of The Grove;' as a result of development within their setting.
17. The proposal has been found to fail to preserve the setting of the three listings as required by S66 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.
18. Although serious, the harm to the significance of each of the listings 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.
19. 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 such as thermal insulation, Vehicular charging point, greywater system and use of local materials which will 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.

Conclusion

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

J Somers

INSPECTOR