



Appeal Decision

Site visit made on 6 February 2024 by Max Webb BA(Hons) MSc MRTPI

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th March 2024

Appeal Ref: APP/C3105/D/23/3332923

Fairways, Church Lane, Mollington, Oxfordshire OX17 1AZ

- 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 and Mrs Lamport against the decision of Cherwell District Council.
 - The application Ref 23/00716/F, dated 14 March 2023, was refused by notice dated 21 August 2023.
 - The development proposed is first floor side and rear extension, roof dormers, replacement windows, entrance canopy, flue to side elevation.
-

Decision

1. The appeal is allowed and planning permission is granted for first floor side and rear extension, roof dormers, replacement windows, entrance canopy, flue to side elevation at Fairways, Church Lane, Mollington, Oxfordshire OX17 1AZ in accordance with the terms of the application, Ref 23/00716/F, dated 14 March 2023, 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, including the materials specified thereon: WG1290-001, WG1290-006 D and WG1290-005 D.
 - 3) No cladding shall be installed on the exterior of the dormers hereby approved unless details of the type, colour and finish have first been submitted to and agreed in writing by the local planning authority. The cladding shall thereafter be installed in accordance with the approved details.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The description used above has been taken from the Council's decision notice as it provides a fuller description of all of the proposed works.
4. The Government published a revised version of the National Planning Policy Framework (Framework) on 19 December 2023. Whilst I have had regard to the revised national policy as a material consideration, planning decisions must still be made in accordance with the development plan unless material

considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

Main Issue

5. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Mollington Conservation Area (CA).

Reasons for the Recommendation

6. The CA derives considerable significance from its history as a part of the Holbech estate and the related historic buildings. In the 1960's, the estate was sold off and a large number of bungalows were constructed, and this historical evolution forms part of the significance of the CA. The appeal site is one of these bungalows, consisting of similar materials and styling to the surrounding bungalows, although also featuring a loft conversion with box dormer to the rear, which is unusual for the area.
7. This group of bungalows contribute positively to the CA as they reflect the history of the village, and because of their smaller scale which gives this area north of Church Lane a distinctly different character to other parts of the CA.
8. The Home Extensions and Alterations Design Guide (March 2007) provides guidelines for dormers, including that they should be set below the ridge line of the roof. The proposed rear dormer would be set well down from the ridge and set in from both sides of the roof and up from the eaves. There is already a reasonably large box dormer at the rear, and while the proposed dormer would be significantly larger, it would still be suitably scaled for the proposed enlarged roof. Consequently, the proposed dormer would not overwhelm the roof slope or appear top heavy.
9. Although box dormers are not commonly seen on surrounding properties or in the wider CA, the existing bungalow at the appeal site does feature a large box dormer that is visible from the road to the rear of the property. Therefore, the proposed rear dormer would not appear incongruous. Its scale would make it more visible than the existing, however with appropriately coloured cladding it would not appear visually intrusive. As I have not been made aware of, or observed, any other existing rear box dormers in the area, the enlargement of this one would not set a harmful precedent for the CA.
10. The proposed side extension, front dormers, entrance canopy and flue would be of an appropriate design, appearance and scale for the host dwelling and surrounding properties.
11. Consequently, the proposal would not harmfully alter the scale and character of the host dwelling or its relationship to the group of bungalows. It would not therefore diminish the contribution that this group makes to the significance of the CA.
12. Overall, therefore, the proposal would preserve the character and appearance of the CA. It would therefore comply with Policy ESD 15 of the Cherwell Local Plan Part 1 2011-2031 (adopted 2015), which expects new development to complement the character of its context. It would also conform with Saved

Policies C28 and C30 of the Cherwell Local Plan November 1996, which together require design of new development to be sympathetic to context, particularly in conservation areas, and that it is compatible with the scale of the existing dwelling. The proposal would likewise accord with the Design Guide, which explains that extensions should be designed to reflect the character of the original building. There would also be no conflict with the design or heritage policies of the Framework.

Conditions

13. The standard time condition and compliance with the approved plans are necessary for reasons of certainty. Use of matching brick and tile is necessary to safeguard the character and appearance of the dwelling, surrounding area and CA. Most other materials are listed on the plans, so would be covered by the plans condition. There are however limited details of the type, colour and finish proposed for the cladding of the dormers. As this could have a significant effect on the appearance of the house and the area, it is necessary for these details to be agreed before installation.
14. The Council has mentioned requiring obscure glazing the windows of the proposed rear dormer. As with the existing rear dormer windows, the proposed windows would serve a landing and would face a field. Therefore, the proposal would not result in harmful overlooking and the condition is not necessary.

Conclusion and Recommendation

15. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed subject to the conditions listed above.

Max Webb

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and my representative's recommendation and agree with the reasoning set out above. Although the proposed rear dormer would be larger, and more visible, than the existing, it would not be out of scale with the property and would not significantly alter its character as a modern dormer bungalow. Nor would it alter the contribution that this property and those around it make to the CA. Therefore, there would be no overall harm in heritage terms, and no conflict with the design and heritage policies of the development plan or the Framework. On that basis the appeal is allowed subject to the conditions listed above.

L McKay

INSPECTOR