
Appeal Decision

Site visit made on 9 May 2024

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State

Decision date: 17.05.2024

Appeal Ref: APP/V3125/D/24/3339723

Manor Cottage, Bampton Road, Black Bourton, Oxfordshire, OX18 2PD

- 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 Divya Dattani against the decision of West Oxfordshire District Council.
 - The application Ref 23/02737/HHD, dated 13 October 2023, was refused by notice dated 6 December 2023.
 - The development proposed is a first floor extension.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor extension at Manor Cottage, Bampton Road, Black Bourton, Oxfordshire, OX18 2PD in accordance with the terms of the application, Ref 23/02737/HHD, dated 13 October 2023, subject to the conditions set out in the attached Schedule.

Main issues

2. The main issues are effect of the development on: (a) the character and appearance of the host property and its surroundings, and (b) the setting of neighbouring listed buildings.

Reasons

Character and appearance

3. The host property, a detached dwelling, stands on the southern frontage of Bampton Road in a locality where several nearby properties have been listed for their historic or architectural significance. It is of an age and character to be deemed 'traditional' by the Council in policy terms. It is an unusual dwelling in that, unlike most others in its vicinity, its principal elevation faces into the site; the elevation facing and backing onto the highway is rather plain and featureless being comprised of local natural stone.
4. The extensions to the east of the building and the outbuilding granted permission¹ in 2023 had reached an advanced stage in their construction when I visited. The applicant now wishes to erect a first floor extension above the extant lean-to on the western end of the building.
5. Reference has been made to the planning history, including pre-application submissions. Judging from that account, the Council has consistently resisted

¹ Ref 23/01246/HHD

the proposed first floor extension in the light of the other development proposed or granted permission. It is not the intrinsic design of the extension that the Council finds objectionable; indeed, the officer report says that its design *'...in isolation is not of concern.'* Rather the Council's objection centres on its concern that the accumulative effect of the proposed extension and that which has already been permitted would have a *'transformative'* and harmful effect on the character of the host dwelling and the street scene.

6. I share the Council's view that the extension's design should not be of concern. The modestly sized extension would be clearly subservient to the host property and in matching materials. It would replace the form of a lean-to of comparatively recent origin in the context of the age of the host property, and whose design and shape is at odds with that of its host. Whilst the extension would slightly elongate the building at first floor level, its proportions and design would introduce symmetry to the scene when the other extension taking place at the other end is taken into account.
7. Accordingly, I do not share the Council's view on this aspect and conclude that the proposed extension would sit acceptably and harmoniously in its visual context without harming the character and appearance of the property² or its surroundings. Accordingly, no conflict arises with those provisions of policies OS4 or EH12 of the West Oxfordshire Local Plan (LP) directed to achieving high quality design contributing to local distinctiveness, with a view to enhancing the character and quality of the surroundings, without obscuring or compromising the form of character of the original traditional building.

Setting of listed buildings

8. Several listed buildings are within a short walking distance of the appeal property, but the Council has clarified that those of concern are High House, Bridge House and Folly View. The former are a pair of semi-detached dwellings located to the south-west of the appeal property, around a bend in the road. The Council's officer report does not clearly explain how precisely their setting would be affected, although officers consider that any harm caused would be *'at the lower end of less than substantial'* in the context of the Framework's guidance³.
9. I saw that the outbuilding granted planning permission as part of the earlier planning permission referred to earlier was nearing substantial completion. It is a sizeable building standing much closer to the pair of listed dwellings than the proposed extension. I note also that the approved landscaping scheme for the previously permitted development introduces a significant level of new planting to augment the hedges and trees already present on the site, to the effect that the appeal site would become increasingly visually insulated from the listed pair. Taking the above into account I do not consider that the setting of the listed pair would be materially affected by the appeal proposal.
10. When the extensions at the eastern end of the building were permitted the Council would have considered the effect on the setting of Folly View since it stands on the other side of the highway directly opposite the permitted extensions, and its effect was presumably considered acceptable. The proposed extension is off-set slightly from Folly View. The proposed extension

² Taking full account of the approved extensions

³ The National Planning Policy Framework

would have less of an effect on the setting of the building on the other side of the street than the permitted extension by reason that it is smaller and a further distance away. In my judgment, the effect on setting would be minimal and certainly not such as to cause harm, even at the lower end of the scale described by the Council.

11. I therefore conclude that the proposed development would not materially effect or harm the setting of any listed building in the vicinity of the appeal property. Accordingly, I find no conflict with those provisions of LP policy EH11 directed to protect the setting of listed buildings.

Conditions

12. The Council has suggested some conditions, which shall be imposed. In the interests of clarity and certainty, it is necessary that the development hereby permitted shall be carried out in accordance with the approved plans.
13. In the interests of visual amenity, a condition is imposed to ensure that the materials used in constructing the external surfaces of the development, including the roof, shall match those of the existing building.

Other matters

14. Reference has been made to other development plan policies but those to which I have referred to are considered the most relevant having regard to the main issues identified.
15. All other matters raised in the representations have been taken into consideration, but no other matter raised is of such strength or significance as to outweigh the factors that led me to my conclusions. Accordingly for the reasons set out above, the appeal is allowed.

G Powys Jones

INSPECTOR

Schedule of 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: 0010 Rev P07; 0015 Rev P05; 0050 Rev P01; 0055 Rev P05; 0056 Rev P06; & 0057 Rev P06.
3. The materials to be used on the external surfaces of the proposed extension shall match those of the original building.