



Appeal Decision

Site visit made on 6 March 2024

by E Pickernell BSc MSC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22.05.2024

Appeal Ref: APP/D3125/W/23/3322449

15, 17 and 19 Church Street, Ducklington, Witney, Oxfordshire OX29 7UA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Strainge against the decision of West Oxfordshire District Council.
 - The application Ref is 22/02769/FUL.
 - The development proposed is insulated render to the exterior of the properties.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the determination of the application the Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023 which was updated on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by my taking this approach. Where I have referred to the provisions of the Framework below, I have done so with numbering from the revised version.

Main Issue

3. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Ducklington Conservation Area including its effect on the significance of 15, 17 and 19 Church Street as a non-designated heritage asset.

Reasons

4. The appeal site is within the Ducklington Conservation Area (CA). I therefore have a statutory duty under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
5. The CA includes much of the northeast part of the village. Its significance is informed in part by its history and settlement pattern which includes the historic core of the village around the site of St Bartholomew's Church, to the southeast of the appeal site. Church Street was once the main route through the village and buildings are generally set close to the road. Limestone walling is common to the older buildings within the CA although red brick walling began to appear in the 19th Century. Together with the architecture and quality

- of its buildings, these characteristics all contribute positively to the character and appearance of the CA and, thereby, its significance as a heritage asset.
6. The appeal site is occupied by a terrace of three dwellings which face Church Street. Its side elevation faces The Square. The significance of the terrace as a non-designated heritage asset (NDHA) lies in its traditional architecture and materials, and prominent location facing Church Street. Moreover, despite mature vegetation to its frontage, its red brickwork stands out from the many stone buildings nearby, as a distinctive, characterful and relatively unique building within the CA. Furthermore, its presence within the CA is reflective of the evolution of use of building materials and therefore assists in understanding the history of the village.
 7. The proposal includes the application of external insulation and render to all the external walls of the building. Although the appellant has sought to reflect the cream colour of the local stone, the render would be smooth and featureless, in contrast with the traditional textured red brickwork of the existing building, and the stonework in nearby buildings. Furthermore, because of the depth of the proposed insulation and render, it would affect the relationship between the eaves and verge, obscure the banding detail and create awkward junctions between the render and the existing bracketed porches and bay window on the front elevation. This would significantly alter the distinctive appearance of the building, which would reduce its historic interest and character as a NDHA, and erode the contribution it makes to the understanding of the evolution and history of the CA. Hence, the proposal would result in a building at odds with the character and appearance of the CA.
 8. There are other rendered buildings in the CA. 17 and 19 Standlake Road are partially rendered, however some sections of external wall are stone, and the building mostly retains its overhanging eaves and verges. Pen Corner Cottage is a thatched cottage with a two-storey side addition. Although the walls are rendered, the building retains its distinctive features, most notably the thatched roof, with its deep overhang. Yew Tree Mews is a distinctive, prominent building which retains many distinctive features including stone quoins, banding, window and door surrounds and decorative parapet and porch. As such despite the use of render on their external walls, these properties retain many original features and have their own distinct character. Therefore, there are limited parallels between these examples and the appeal proposal.
 9. While a condition could be imposed requiring the installation of brick slips over the insulation, I have limited evidence before me which illustrates this. In any event such a condition would conflict with the description of development so would not be reasonable.
 10. As required by paragraph 205 of the Framework, great weight should be given to the conservation of a designated heritage asset, irrespective of the amount of harm identified. In this case the proposal would neither preserve nor enhance the character or appearance of the CA and would result in less than substantial harm to its significance as a designated heritage asset. In such circumstances, paragraph 208 of the Framework states that the harm should be weighed against the public benefits of the proposal.
 11. The proposal would improve the thermal efficiency of the appeal properties which would result in a reduction in energy use. Whilst I acknowledge there

may be complexities involved in internal insulation, there is no compelling evidence before me to demonstrate that other improvements to the thermal efficiency of the building would not be equally effective, without causing the extent of harm that would be raised by the proposal. In this respect clear and convincing justification for the harm has not been provided.

12. Nevertheless, I acknowledge that the reduction in energy use would be a minor public benefit. Furthermore, the proposal could safeguard the structure of the building and protect it from further weathering and damp ingress. However, it has not been demonstrated that the proposed works are the only viable way to achieve these aims and, as such, this would be only a minor public benefit of the proposal. Reductions in energy costs and more comfortable living conditions for occupiers are private benefits to which I ascribe little weight.
13. Overall, I attach modest weight to the public benefits of the proposal. As such, I am not persuaded that there would be wider public benefits of sufficient magnitude to outweigh the great weight given to the asset's conservation and the considerable importance and weight given to the less than substantial harm identified to its significance.
14. Paragraph 209 of the Framework requires that the effect on the significance of a NDHA should be taken into account in determining an application. In identifying harm to the NDHA, the Framework also requires a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset. In this case I adjudge the harm to the NDHA to be considerable. Consequently, the stated benefits would not outweigh this harm.
15. As a result of the harmful effects I have identified above, I conclude that the proposal would neither preserve nor enhance the character and appearance of the CA and would have a considerably harmful effect on the significance of 15, 17 and 19 Church Street as an NDHA. The proposal would therefore conflict with the requirements of section 72(1) of the Act, Policies OS2, OS4, EH9, EH10 and EH16 of the West Oxfordshire Local Plan 2031 (Adopted September 2018) and paragraphs 131, 135, 139, 205, 208, 209 of the Framework. Collectively these seek to ensure that development is well designed and conserves or enhances the historic and built environment including designated and non-designated heritage assets.

Other Matters

16. I am aware that the appeal site is near to Grade II listed 9 and 11 Church Street¹, Ducklington Farmhouse (7 Church Street)² and Windrush Cottage³. Mindful of the statutory duty set out in s66(1) of the Act, I have had regard to the desirability of preserving their setting.
17. The pair of dwellings at 9 and 11 Church Street occupies a prominent position close to the road. Ducklington Farmhouse is a detached dwelling adjacent to 9 and 11 Church Street. They are part of a group of stone buildings which line the street in this part of the village. The appeal building is set back from the listed buildings, and along with the open area to its frontage, contributes positively to their setting and, thereby, their significance and understanding as heritage assets. Although the proposed works would be visible within the

¹ List Entry Number: 1284118

² List Entry Number: 1052420

³ List Entry Number: 1048997

setting of the buildings when viewed from Church Street, the form of the appeal building and the open area to the front would be largely unchanged and as such the proposal would not detract from their setting.

18. Windrush Cottage is a detached, thatched roof dwelling located to the rear of development which fronts Back Lane. Although the appeal site is located some distance from Windrush Cottage it is prominent in the approach to Windrush Cottage and its strong presence on The Square, near to its access, and contributes positive to its setting and thereby, to its significance. Although the proposed works would be visible on approach to the listed building, the presence of the building on The Square would be retained and as such the proposal would not detract from its setting.

Conclusion

19. For the reasons given above, I conclude that the proposal would conflict with the development plan as a whole, and there are no material considerations, including the Framework, that would outweigh that conflict. Therefore, the appeal is dismissed.

E Pickernell

INSPECTOR