



Appeal Decision

Site visit made on 28 February 2025

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

an Inspector appointed by the Secretary of State

Decision date: 27 March 2025

Appeal Ref: APP/D3125/W/24/3355318

Welcome Evangelical Church, High Street, Witney OX28 6HL

- 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 Craig Gibson (Welcome Evangelical Church) against the decision of West Oxfordshire District Council.
 - The application reference is 23/03056/FUL.
 - The development proposed is described on the Application Form as 'Alternations and extensions to church building.'
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Decision

1. The appeal is dismissed.

Procedural Matter

2. It is noted that the type of application form submitted with the original application is for an 'Application for Planning Permission and consent to display advertisement(s).' Whilst there is a plan submitted to approve advertisements¹ as part of this appeal, there is no confirmation by either party as to the status of the application for advertisement consent. Both parties were written to² in this regard with no comments received. Despite this, and for the avoidance of doubt, this appeal will only deal with the s78 planning application involving the extension to the existing building.

Main Issue

3. The main issue is the effect upon the living conditions of the neighbouring residents at No.9, 10 and 11 Farriers Court, with particular regard to access to light, sense of enclosure and outlook.

Reasons

4. The appeal site is a long and narrow parcel of land that is located to the corner of High Street and Witan Way and is used as a place of worship. The building on the site appears to date from the mid-late twentieth century and is located towards the centre of the site and consists of a two storey building with pitched roof form with its main façade fronting Witan Way. It appears that the main building was extended further to the west with a later two storey stone faced extension which has a lower ridge than the original building. The main vehicular access to the site is from Witan Way where there is a car park to the east of the main building. An access road then runs to the rear of the building through the undercroft located to the rear of the

¹ Site Signage Plan, Nov 23, 22036.10

² Email sent from the Planning Inspectorate to both parties dated 25/02/2025

- building to provide a further car parking area to the east of the site and a further access to the High Street.
5. To the south of the appeal site is Farriers Court, a recently constructed infill development that consists of a number of town houses and apartments arranged around an internal courtyard. The rear facades of No.9 Farriers Court (townhouse with small garden); No.10 Farriers Court (Ground Floor Flat with garden) and No.11 Farriers Court (first floor flat above No.10) are immediately adjacent the area of the proposed extension. Each of the dwellings contain main habitable room windows to the rear façade, as well as the Gardens of No.9 and No.11 which are particularly small and shallow.
 6. In considering assessments around living conditions, the West Oxfordshire Local Plan (LP) Policies OS2 and OS4 are design led policies that seek that development is located in the right places and of high quality design with development needing to not harm the enjoyment of land to nearby residential properties, be compatible with adjoining uses and not have a harmful effect upon amenity. These policies are also supported by the West Oxfordshire Design Guide (DG) which details guidance with regards to the appropriateness of extensions and considerations around managing impact to residential living conditions.
 7. Beginning with the sense of enclosure and outlook, the gardens to No.s 9 and 10 are at a lower ground level than the access road of the appeal site that runs to the other side of the rear boundary wall. The gardens are very small with a shallow depth that realistically only leaves room for a small sitting out area and some vegetation. The current conditions also mean that the rear façade and windows do not have a large setback from the rear boundary, and that given this poor setback, that the dwellings along this component of Farriers Court are more susceptible to issues involving living conditions from changes to the surrounding environment. Currently the outlook is sufficient with there being a clear access to sky from No.s 10 and 11, whilst No.9 is partly affected by the end of the current appeal building but the setback and end of the building allows some sense of outlook from this dwelling and rear garden.
 8. The proposed extension of the appeal building would mean a single storey component coming very close to the shared boundary, as well as the extension of the two storey component further to the west which would remove a large proportion of outlook with the neighbouring residents facing a wall, with a feeling that they would be hemmed in on most sides by development. Given the already poor conditions of rear outdoor space and the lack of setback and changes in ground level, the extension to the appeal site would be more prevalent and exacerbate harm to what is already quite poor. One of the only positive experiences from the small gardens is the outlook, so the almost removal of the sense of outlook and increased sense of enclosure would cause significant harm to the living conditions of neighbouring residents at No.s 9, 10 and 11 from sense of enclosure and outlook.
 9. A similar assessment around the current poor conditions of the neighbouring residents is also relevant when considering the loss of light. The Appellant in their SoC highlights the already poor access to light in that the rear of the Farriers Court properties face north and do not receive any direct source of sunlight. To me, the proposed extension would cause a further reduction in daylight to windows which already have poor access would in this situation be a material loss that

would exacerbate the already poor living conditions experienced, causing significant detriment to the existing occupant's living conditions in Nos 9, 10 and 11 Farriers Court as a result of loss of daylight.

10. I appreciate further explanations as to the intentions behind the proposal, including the Appellant's changes to the scheme to give greater setback and change components, although changes have increased the depth of the building as a result. However I am not convinced that the changes have relieved harm to an acceptable level. I am also not convinced by the arguments put forward by the Appellant that the proposal is 'domestic in scale' as clearly an extension such as this with a large depth and footprint would be uncommon on a domestic dwelling, and despite this, a proposal would still need to respond to the surrounding context and locality as per LP Policies OS2 and OS4, which is supported by the DG as described previously.
11. Consequently, and in conclusion of this matter the proposed scheme would not provide acceptable access to natural light and outlook, and would therefore be contrary to LP Policies OS2 and OS4 which is supported by the DG as described previously.

Other Matters

12. I note discussion on the process of the application in that the Appellant feels aggrieved that the original application was refused by Committee Members who disagreed with the opinion of its professional officers who recommended approval of the scheme. Council Members are not bound by the opinion of their professional officers, but need to make a robust evaluation of the matters if they disagree. I have found too that the scheme fails on its adherence to local plan policies with regards to living conditions, and hence the concerns of Council Members was justified in this particular case.
13. I note that the appeal site is located within the Witney and Cogges Conservation Area (CA) where there is a duty under Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCA) that special attention shall be paid to the desirability of preserving or enhancing the character and/or appearance of the area. The significance of the CA predominantly derives from the relationship with the historic core of Witney, its historic buildings, materials, craftsmanship and relationship to the historic wool trade, amongst others. The appeal site along with Farriers Court are relatively modern developments that have a neutral presence within the CA. Considering the proposed scheme and my duty under s72, the proposed extension would cause neutral harm to the significance of the CA.
14. I also note that there are surrounding listed buildings³ which the Council considers that the appeal site contributes to the significance of these heritage assets and therefore there is a duty under Section 66 of the PLBCA to give special regard to the desirability of preserving the significance of a listed building or its setting. Whilst the listed buildings will contain their own elements of heritage value that contributes to their significance, the main elements relevant to this appeal is the harm (if any) caused to the significance of these listings from development within their setting. Similarly to the CA, the appeal site is experienced together with the listed buildings

³ 64, 76, 76A AND 78, High Street (Grade II); 71 High Street (Grade II); 75-79 High Street (Grade II); 92 and 94 High St (Grade II).

contributing to the significance and development of the High Street. The Proposal would not be a dominant addition that would detract from the significance of the listed buildings from development within their setting. Considering the proposed scheme and my duty under s66, the proposed extension would cause neutral harm to the significance of the listings.

15. I note comments from interested parties around increased fire risk, flood risk, impacts from a water tank, disruptions to boundary wall; overlooking from velux windows; smells and odours from ventilation; increased noise; impacts to traffic and congestion. Comments regarding the boundary wall is a civil matter and therefore does not form part of this planning determination. The proposed rooflights would be placed higher than 1.7 metres and therefore would not cause overlooking into neighbouring properties. Having read consultee advice, there is considered to be no adverse impacts due to flooding, traffic, or odours and noise, and these matters are able to be dealt with via condition. I have no further evidence which would refute this and given that the scheme already fails as a result of impact towards living conditions, there is no need to delve into these matters further.
16. I also note the benefits of the proposed development that are outlined by the Appellant which would include a more improved facility; offering an enhanced place to worship and to accommodate more worshippers and users from the local community. In addition to this there would also be economic benefits from the short term employment in the construction of the extension, and also environmental benefits from improvements to landscaping, and renewable energy generation. However these benefits are not specific to this particular configuration and likely to be available to other alternative schemes that might be more consistent with the policies of the development plan. As such these benefits do not outweigh the harm that would be caused.

Conclusion

17. For the reasons given above, I conclude that the appeal is dismissed.

J Somers
INSPECTOR