



Appeal Decision

Hearing held on 11 March 2025

Site visit made on 11 March 2025

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 28 March 2025

Appeal Ref: APP/G3110/W/24/3353051

Castle Mill House, Juxon Street, Oxford OX2 6DH

- 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 Lucy Group Limited against the decision of Oxford City Council.
 - The application Ref is 24/00348/FUL.
 - The development proposed is external alterations and additions to the building, including installation of new windows, lift and ground floor entrance lobby. Construction of a part single storey and part two storey roof extension to accommodate new Class C3 dwellings. Demolition of section of boundary wall on Mount Street to enlarge pedestrian access. Removal of tree and alterations to landscaping.
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Decision

1. The appeal is allowed, and planning permission is granted for external alterations and additions to the building, including installation of new windows, lift and ground floor entrance lobby. Construction of a part single storey and part two storey roof extension to accommodate new Class C3 dwellings. Demolition of section of boundary wall on Mount Street to enlarge pedestrian access. Removal of tree and alterations to landscaping, at Castle Mill House, Juxon Street, Oxford OX2 6DH in accordance with the terms of the application, Ref 24/00348/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. During the appeal the description of development was amended to include 'removal of tree and alterations to landscaping'. This did not relate to an amendment to the scheme, but rather sought to make the description of development clearer. The main parties agree to this addition, and the Council confirmed at the hearing that it had carried out formal notification relating to this. Accordingly, I shall use the amended description.
3. On 12 December 2024, during the appeal process, the Government published its revised National Planning Policy Framework (Framework). The main parties have had opportunity to comment on the revisions, and any comments received have been taken into account in my decision.

Main Issues

4. The main issues are:
 - 1) Whether the proposal would preserve or enhance the character or appearance of the Jericho conservation area, and

- 2) The effect upon the living conditions of the occupants of the Mount Street dwellings.

Reasons

Conservation area

5. Castle Mill House is within the Jericho Conservation Area (JCA). Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
6. The JCA is Oxford's first industrial suburb and includes a mix of working class cottages and artisan housing that provided accommodation for its industry, as well as several historically significant landmark buildings.
7. Castle Mill House stands in the Eagle Ironworks & St Sepulchre's Character Area. This covers the redeveloped Eagle Foundry, part of the canal and St Sepulchre's Cemetery. Buildings in the area relate to the industrial heritage of the canal. The scale of the buildings alongside the canal retains the sense of a heavily developed and busy industrial area, and the canal is referred to as having a confined channelled feeling in the Jericho Conservation Area Designation Study 2010. These are characteristics of the area that contribute to the wider character and appearance of the JCA.
8. Castle Mill House is close to the Juxon Street & Cranham Terrace Character Area. The terrace houses that define these streets are good quality and similar in appearance. The long view down Juxon Street from the east towards the canal is characterful. The terraces step down to follow the gentle slope of the road, and use repeating elements such as bay windows and a regular pattern of chimneys to create a pleasing rhythm. For these reasons I can agree that this is a key view within the JCA that is illustrative of the area's working class housing and its grid layout.
9. Castle Mill House terminates this view and prevents a view of the canal from Juxon Street. The upper canopies of some of the canal side trees can be seen over the building. These provide some visual interest and a pleasant termination to the long perspective down the street. The Council suggests that in the same way as large trees may indicate the location of a country house, these trees indicate the open space of the canal. Whilst they might indicate an area of open space, I am not convinced that to the casual observer the location of the canal is expressed by these trees. At my visit I saw that this relationship is better illustrated at Mount Place, Combe Road and Cardigan Street, where there is a much more direct and discernible relationship between the terraced housing and the canal edge.
10. When observing the view the other way, from the canal, it is apparent that the higher density canal side development creates a character area that is quite different to the adjacent areas of terraced housing. The scale and density of buildings fronting the canal provide for limited views through to the more modestly scaled terraced housing beyond. Castle Mill House entirely screens the view of Juxon Street from the canal, reinforcing the sense that Juxon Street and the canal do not have a strong interrelationship.

11. Castle Mill House is of a scale and massing that relates to this character area and the heavily developed frontages of the canal to the north, including its confined channelled feeling. The contrast between the scale, form and footprint of these canal side buildings and the more modest residential scale of the terraces to the south and east is stark.
12. The existing building is considered to be a neutral component of the JCA. The Council describes it as sympathetically designed with a massing that respects its context. It is constructed in brick, which is the prevailing local building material. Its orientation primarily aligns with Juxon Street, although its chamfered corners give it some alignment with the linear feature of the canal. Beyond these positive characteristics I find that it is a bland building with limited architectural articulation or refinement, with a broad massing and horizontal emphasis. As a result, it presents itself as a rather inelegant component of the canal side development when viewed alongside buildings that have a clear vertical emphasis and carefully articulated façades.
13. From the end of Juxon Street it is less prominent. Although it stands across the end of the road, it nestles beyond two larger buildings that stand to either side of the end of the street and dominate the view. It is also partly screened by a large silver birch that grows in the foreground.
14. The building is currently part three and part four storey. The four storey component is not visible from Juxon Street and not easily viewed from the canal. It extends up to four storeys alongside Mount Street, and from this perspective its full scale can be easily viewed. There is already a degree of awkwardness here, where the broad and bulky flat roofed building is seen alongside the modest and traditional form of the terrace opposite. This is illustrative of the stark contrast between these two character areas of the JCA.
15. The extensions would alter the massing of the building and introduce additional height that would have considerable visual impact. From the canal perspective, the full fourth storey would sit comfortably alongside the massing of the building to the north. The fifth storey would align with this building's pitched roof, which would give it a more bulky scale than this neighbouring building; however, it would not appear out of place in the context of the consistent scale of buildings to the north, that include the five storey buildings that surround two sides of the Cemetery. The impact of the fifth storey would be managed by setting it back from the elevations below, and presenting it in a contrasting material. This would be similar to the fifth storey of Juxon House.
16. The change would be less noticeable from Juxon Street, as the extended building would be very similar to the scale of the buildings to either side, and would remain set back in a secondary position. The proposal would mean that views of the tree canopies beyond would decrease. The lessening of the view of mature trees would cause a modest degree of visual harm to the view down Juxon Street, as the trees provide a pleasant natural termination to the view and soften the modern forms of the adjacent buildings; However, for the reasons given, I am not satisfied that this would go to the heart of the significance of this view as I did not find there to be a clear visual link to the canal from Juxon Street.
17. The large silver birch at the front of the building would be removed. This currently provides a pleasant and natural termination to the view and reduces the

prominence of the building at the end of the street. Its loss would cause some visual harm. A replacement tree could be planted in this area, and it is suggested that this could be more prominently positioned, so that as it grows it would have a more meaningful screening impact. This is a positive suggestion, but the harm from the loss of the silver birch would remain in the medium term, as it would take many years for a replacement tree to reach a similar scale.

18. From Mount Street the changes proposed would have less visual impact, as the building is already four storeys in height on this side. Furthermore, views of this elevation are mostly experienced close up, along the length of Mount Street. The Street is already enclosed by the appeal building and the building to the east, and the additional floors would be set back from the existing elevations. Thus, the proposed additions would not be overly prominent from here.
19. Overall, the proposed massing would maintain a step down across the building where this is important. This would acknowledge the lower scale of the Mount Street dwellings, and the open space of the canal, and provide a diminishing scale to mark the edge of this character area, ensuring that the site would not appear overdeveloped. The changes would give the building greater visual interest as a result of its more varied massing and the increased layering of its primary facades, the variety of materials, and the addition of details such as the balustrades that would provide a more refined finish to some of its upper edges.
20. Part of the additional fourth storey would be formed in brick. The remaining upper elements would be metal clad. This would break up the building's massing, and also add some visual interest. I accept that it would make it less easy to identify the original building once extended; however, as the building has limited architectural interest and is not a positive contributor to the character and appearance of the JCA, I do not see why this would be necessary.
21. The metal clad parts would introduce openings with a vertical proportion and would include vertical seams. Although this would differ from the emphasis of the existing openings, it would offer some benefit in terms of the way the building relates to its neighbours. This different approach and the potential for it to be visually jarring would be managed by replacing the existing windows with vertical division only, and providing a unifying component at the top of the new metal clad roofs with a distinctly horizontal emphasis. The severity of the differing approaches across the areas of the building would be lessened by these details.
22. The additional floors would adopt a slightly different floor to ceiling height than the existing building. The difference would be visible from the canal where the solid to void ratio would be different for the additional brick storey. The difference would however be modest, and when viewed alongside the more noticeable material difference where metal cladding would be introduced above and alongside brick, it would not be harmful.
23. In summary, a level of harm would arise from reduced views of the trees beyond the building when viewed from Juxon Road, and from the loss of the silver birch, which would make the building more prominent in this same view. This would make a modest change to the view down Juxon Street, by limiting the extent of greenery visible at the far end of the view, which would result in a low level of harm to the character and appearance of the JCA. In terms of the Framework the harm would be less than substantial but would nevertheless be of considerable

importance and weight. Paragraph 215 of the Framework establishes that any harm should be weighed against the public benefits of the proposal.

24. The proposal includes replacement windows for the whole building. These would be dark grey framed, which would be similar to the buildings either side at the end of Juxon Street. They would also have better proportions than the existing windows, which would improve the overall appearance of the building and lessen its broad horizontal emphasis. I attach moderate weight to these benefits.
25. The proposal would provide 8 additional dwellings. The delivery of new housing is a public benefit as it would increase the supply of housing locally and therefore accord with the Government's objective to significantly boost the supply of new homes. Although the Council can currently demonstrate a 5 year supply of deliverable housing sites, the housing need in the area is great, and the Council has considerable difficulty proving the number of new homes required within its area. Thus, windfall sites such as this should attract significant weight.
26. Paragraph 125c) of the Framework says that decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and that proposals for which should be approved unless substantial harm would be caused. These characteristics would apply to the appeal site – it is already developed, and the site is well suited for new housing. In this context I attach significant weight to the delivery of 8 additional dwellings.
27. Other benefits are referred to and were cited at the hearing. However, the benefits I have referred to above are more than sufficient to outweigh the low level of harm that would arise from the proposal, so there is no need for me to go on to consider these other benefits.
28. In summary, I have had special regard to the desirability of preserving or enhancing the character or appearance of the conservation area in accordance with the LBCA. The proposal would accord with Policies DH1, DH2, and DH3 of the Oxford Local Plan 2036 (OLP), which together seek to ensure that development proposals are of a high quality of design, of appropriate height and massing, and respect the historic environment.

Living conditions

29. The height of the building would be increased where it stands alongside the dwellings on Mount Street. The change would be experienced by those living in these dwellings, but the building is already dominant when looking out from the front of these dwellings, and the additional storeys would be set back behind the existing elevations.
30. Policy H14 of the OLP states that permission will not be granted for any development that has an overbearing effect on existing homes. Appendix 3.7 suggests that an overbearing effect is one that is oppressive or claustrophobic. Whilst there would be an impact on those living in the dwellings opposite, as the upward extensions would make the building larger and further restrict a view of the sky, it would be only moderately worse than the existing situation. It would not be so severe that it could be considered oppressive or claustrophobic. This is clarified when the 45 degree rule is applied, as suggested in Appendix 3.7. The submitted drawings demonstrate that the extensions would not breach this line.

31. It is also relevant that the Mount Street dwellings enjoy a rearward aspect that is south facing and over private gardens. This would be unaffected by the proposal. Thus, the proposal would have only a modest impact on the northward outlook from these dwellings, that is already impacted by the proximity of the existing building. The more pleasant private perspective to the south would be unchanged. Consequently, I can conclude that the impact would not be oppressive or claustrophobic.
32. In summary, the proposal would not harm the living conditions of the occupiers of the Mount Street dwellings and would accord with Policy H14 of the OLP, which seeks to resist development that has an overbearing effect on existing homes.

Other Matters

33. It is suggested that the site is within the extended setting of the Church of St Barnabas, which is a grade 1 listed building¹. Section 66(1) of the LBCA requires the decision maker to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. The Church can be seen from the environs of the appeal site, but the appeal building is not a positive component of its setting and does not therefore contribute to its significance. These characteristics would be unchanged by the appeal proposal, and this is not therefore a matter that I need to consider further.
34. I have reviewed the representations received from local residents. Traffic, parking and pollution would be managed by a suitably worded condition to ensure that additional residents at the appeal site would not mean there would be a requirement for additional cars to be parked locally. The site has good access to local services and facilities, so it would be reasonable to conclude that new residents would not need to rely on a private car to meet their day to day needs.
35. There would be a period where construction activity and noise would be disruptive locally, however this would be short term and in the context of the existing building the scale of the proposal is relatively modest.
36. The existing ecological value of the site as well as the retention of trees would be managed by suitable conditions, to ensure that these positive characteristics are not harmed by the development.
37. The submissions include a detailed comparison between the appeal proposal and the extant scheme². There is however no need for me to compare the schemes at this stage on the basis that the extant scheme offers a fallback position, as I have already found the appeal proposal to be acceptable for the reasons given.

Conditions

38. I have had regard to the conditions set out in the Statement of Common Ground. I have considered these against the tests in the Framework and the advice in the Planning Practice Guidance. I have imposed condition 2 to specify the approved plans, to give certainty.

¹ List Entry Number: 1299646

² Council Ref: 13/01872/FUL

39. I have imposed condition 3 to manage the impact of construction work on the local highway network, and to avoid inconvenience and disruption to those who live close to the site.
40. Condition 4 is necessary to fully consider contamination at the site, taking into account its historic uses and to provide a safe environment for future occupants.
41. Condition 5 to 10 relate to the protection of existing trees and proposals for new landscaping, including the provision of a new tree to replace the silver birch. These conditions are necessary to ensure that a comprehensive scheme of landscaping has been agreed, that trees to be retained are properly protected during the construction process, that any new plants that fail to establish are replaced, and that future maintenance of the landscaping is secured. All these provisions are necessary to safeguard the character and appearance of the area.
42. Conditions 11 and 12 relate to the exterior of the development and seek to secure details of new materials. Agreeing details of external materials is necessary to ensure that the character and appearance of the area is not harmed.
43. Conditions 13 and 14 are necessary to ensure that the proposed energy improvements to the building are carried out fully and that the development minimises water consumption, to accord with local policy.
44. Condition 15 is necessary to avoid harm to protected species.
45. Condition 16 is necessary to ensure that the development will be genuinely car free and provides an acceptable method for securing this.
46. Condition 17 is necessary to secure adequate bin and cycle storage for the development, to ensure it is provided in a timely manner, and retained for future use.

Conclusion

47. For the reasons given above the appeal should be allowed.

A Tucker

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 drawing nos. PA-01 PL1, PA-02 PL2, PA-03 PL1, PA-04 PL1, PA-05 PL3, PA-06 PL3, PA-07 PL3, PA-08 PL3, PA-09 PL2, PA-10 PL2, PA-11 PL3, PA-12 PL2, and 21-32-PL-101 Rev G.
- 3) Prior to the commencement of the development hereby approved a Construction Traffic Management Plan should be submitted to and agreed in writing by the Local Planning Authority (LPA). This should identify:
 - The routing of construction vehicles,
 - Access arrangements for construction vehicles, and
 - Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours (to minimise the impact on the surrounding highway network).
- 4) Prior to the commencement of the development hereby approved a phased risk assessment shall be carried out by a competent person in accordance with relevant British Standards and the Environment Agency's Land Contamination Risk Management (LCRM) procedures for managing land contamination. Each phase shall be submitted in writing and approved by the LPA.

Phase 1 shall incorporate a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model and preliminary risk assessment.

Phase 2 shall include a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals.

Phase 3 requires that a remediation strategy, validation plan, and/or monitoring plan be submitted to and approved in writing by the LPA to ensure the site will be suitable for its proposed use.

The development shall not be occupied until any approved remedial works have been carried out and a full validation report has been submitted to and approved in writing by the LPA.
- 5) Prior to the commencement of the development hereby approved details of both hard and soft landscape works, following the principles set out in drawing no. 21-32-PL-101 Rev G, have been submitted to and approved in writing by the LPA. These details shall include:
 - treatment of paved areas,
 - areas to be grassed or finished in a similar manner,
 - existing retained trees and proposed new tree, shrub and hedge planting,
 - details of the species and size of the new tree to be planted in the 'entrance courtyard' area adjacent to Juxon Street,

- tree pit details that demonstrate adequate soil volume availability for the proposed trees based on each species ultimate size and soil requirements, and
- a schedule detailing plant numbers, sizes and nursery stock types.

The landscaping works shall be carried out in accordance with the approved details no later than the first planting season following first occupation of the development hereby approved.

- 6) Prior to the commencement of the development hereby approved details of the location of all proposed underground services and soakaways shall be submitted to and approved in writing by the LPA. The location of underground services and soakaways shall take account of the need to avoid excavation within the root protection areas of retained trees as defined in British Standard 5837 Trees in relation to design, demolition and construction. Recommendations. Works shall only be carried out in accordance with the approved details unless otherwise agreed in writing beforehand by the LPA.
- 7) Prior to the commencement of the development hereby approved an Arboricultural Monitoring Programme (AMP) shall be submitted to and approved in writing by the LPA. The AMP shall include a schedule of a monitoring and reporting programme of all on-site supervision and checks of compliance with the details of the Tree Protection Plan and/or Arboricultural Method Statement, as approved by the LPA. The AMP shall include details of an appropriate Arboricultural Clerk of Works who shall conduct such monitoring and supervision, and a written and photographic record shall be submitted to the LPA at scheduled intervals in accordance with the approved AMP.
- 8) The development shall be carried out in strict accordance with the approved methods of working and tree protection measures contained within the planning application details shown on drawing referenced as Appendix 4 – Tree removal and Protection Plan (Venners Arboriculture Jan 2024), unless otherwise agreed in writing by the LPA.
- 9) Any new trees or plants planted in accordance with the details of the approved landscape proposals that fail to establish, are removed, die or become seriously damaged or defective within a period of five years after first occupation of the development hereby approved shall be replaced. They shall be replaced with a species, size and number as originally approved during the first available planting season unless otherwise agreed in writing by the LPA.
- 10) Prior to the first occupation of the development hereby approved a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules and timing for all landscape areas shall be submitted to and approved in writing by the LPA. The landscape management plan shall be carried out as approved by the LPA.
- 11) Prior to the start of the relevant works on site, samples of the exterior materials to be used shall be submitted to, and approved in writing by, the LPA. Only the approved materials shall be used unless otherwise agreed in writing by the LPA. A sample panel of the brickwork and cladding to be used

on the external elevations of the development hereby approved shall be prepared on site and approved in writing by the LPA.

- 12) Prior to the start of the relevant works on site, large scale drawings and finish details of the new external windows and doors and the setting / relationship of the window opening or reveal, shall be submitted to, and approved in writing by, the LPA. The windows shall be installed and the works shall be carried out in accordance with the approved details unless otherwise agreed in writing by the LPA.
- 13) The development hereby approved shall be carried out in complete accordance with the energy efficiency measures detailed in the submitted Energy Statement (Energy and Sustainability Strategy PR9072 26.01.2024).
- 14) The dwellings hereby approved shall be constructed to meet as a minimum the higher Building Regulation standard Part G for water consumption, limited to 110 litres per person per day using the fittings approach.
- 15) The development hereby approved shall be implemented strictly in accordance with the measures stated in Section 6 of the Bat Nocturnal Survey Report by Nicholsons March 2024 Ref 22-0690, or as modified by a relevant European Protected Species Licence. The proposed roosting devices shall be installed by the completion of the development and retained as such thereafter.
- 16) Prior to the first occupation of the development hereby approved the Order governing parking at Castle Mill House shall be varied by the Oxfordshire County Council as highway authority to exclude the occupiers of the new dwellings, subject to this permission, from eligibility for resident's and visitor parking permits unless otherwise agreed in writing by the LPA.
- 17) Prior to the first occupation of the development hereby approved the bin and cycle storage shown on the approved drawings shall be provided on site and made available for use. The bin and cycle storage shall remain on site in perpetuity for the purposes of bin and cycle storage respectively only, unless otherwise first agreed in writing by the LPA. In all instances the cycle parking shall be retained in accordance with the approved details unless otherwise agreed in writing by the LPA.

APPEARANCES

FOR THE APPELLANT:

- **Matthew Henderson:** Counsel, instructed by Lucy Group Limited
- **Helen Warren:** Donald Insall Associates BA Hons MSt (Cantab) IHBC (Heritage)
- **Paul Southouse:** Paul Southouse Architects BA (Hons) PG Dip Arch ARB RIBA (Design)
- **Steven Roberts:** Carter Jonas MRTPI (Planning)
- **Ian Ashcroft:** CEO Lucy Group Limited
- **Rachel Clark:** Estates Manager, Lucy Group Limited

FOR THE LOCAL PLANNING AUTHORITY:

- **Robert Fowler:** Development Management Team Leader. Role: Officer of the LPA. Professional Qualifications: BSc, MA, MRTPI.
- **Chloe Jacobs:** Principal Planner. Role: Officer of the LPA. Professional Qualifications: BA (Hons), MSc.
- **Emma McLeod:** Principal Heritage Officer. Role: Heritage Officer at OCC who has been advising the Case Officer. Professional Qualifications: BA (Oxon) in Modern History; MSc in Historic Conservation