



## Appeal Decision

Site visit made on 4 May 2021 by Ms Maur

**Decision by K Taylor BSc (Hons) PGDip MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 July 2021

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**Appeal Ref: APP/Q3115/D/21/3268925**

**Site Address: 6 Dashwood Court, Aston Rowant, Watlington OX49 5TA**

- 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 Thackeray against the decision of South Oxfordshire District Council.
  - The application Ref P20/S4366/HH, dated 16 November 2020, was refused by notice dated 10 February 2021.
  - The development proposed is the installation of two windows.
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### Decision

1. The appeal is dismissed.

### Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Main Issue

3. The main issue is whether the proposal would preserve or enhance the character or appearance of the Aston Rowant Conservation Area.

### Reasons for the Recommendation

4. Number 6 Dashwood Court is a two-storey residential property, one of a number in a complex, which the appeal documents suggest were formed by the part conversion of former farm buildings with elements of rebuild. The site lies within a small village with a rural setting, fronting the road and The Green, an area of open space. The site is located within Aston Rowant Conservation Area. The property has two windows, located centrally within the gable which fronts the road. One is rectangular, located at road level with the other being a small round window close to the pinnacle of the gable. The walls of the complex, which front the road includes two large openings with large elements of glazing which appear to reflect historic large doorways. There are also large areas of brickwork in this elevation.
5. The pattern of the openings, including the limited number of smaller scale windows is representative of the former use of the site. Regardless of the degree of re-build, this has resulted in the appearance of a conversion scheme which has retained the agricultural and historic character of the buildings. This adds to the significance of this part of the Conservation Area.

6. The proposal would involve the insertion of two windows at first floor level in the elevation fronting the road and The Green. Due to its positioning, next to the road and close to The Green, the windows would be prominent and would result in a cluttered elevation which would undermine the simple rural character of the building.
7. Although the design and scale of the windows would be similar to some of the smaller openings on the building, this would not mitigate the harmful effect that introducing further openings would have on the building. Given that the building does add to the significance of the Conservation Area, this would also result in harm to this designated heritage asset. Due to the scale of the development and that it would only be seen from a small part of the Conservation Area, the proposal would cause less than substantial harm. However, no substantive public benefits have been put forward to weigh against this.
8. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of a Conservation area. The National Planning Policy Framework also requires that great weight be given to the conservation of designated heritage assets irrespective to the degree of harm that would arise. Regardless of whether the individual dwelling, or wider complex, is considered to be a non-designated heritage asset, the site is located in a conservation area which is a designated heritage asset. Therefore, all policy and legislative requirements relevant to such assets apply.
9. Policy DES1 is wide ranging, dealing with development of all scales, which does include the insertion of windows. This Policy includes a requirement that development respects the local context including in terms of the details of the surrounding area. It is therefore relevant to this proposal.
10. The insertion of the windows would result in harm and thus they would fail to preserve or enhance the character or appearance of the Aston Rowant Conservation Area. This would be contrary to Policies STRAT1, DES1, DES2, ENV6 and ENV8 of the South Oxfordshire Local Plan 2011-2035. Together these Policies seek to sustain or enhance assets with high quality design to compliment the character setting and distinctive appearance.
11. Reference has been made to Policies DES6 and H20 of the South Oxfordshire Local Plan 2011-2035. These are not relevant to the main issue in this appeal and therefore there would be no conflict with them. However, that would not minimise or mitigate the harm, and conflict with the relevant Policies, that would arise.

### **Other Matters**

12. It appears that there is no Article 4 Direction in place to control alterations to buildings, such as inserting new openings. However, this is only one means of limiting permitted development rights, with another being through a condition of a planning permission as was the case here. The lack of an Article 4 Direction and conservation area appraisal or lack of specific mention of the site in the emerging Neighbourhood Plan, does not undermine the relevant planning considerations which should be applied. The reason for the original condition did not directly refer to the nature of the pre-existing building or the location in the Conservation Area. The term 'local amenities' is very wide ranging and

would include the way the building is experienced in terms of heritage and visual matters.

13. Potential demolition or alterations which may not require planning permission to other buildings in the Conservation Area are not central to the main planning merits of this case which must be determined having regard to its own particular context.
14. The development would result in benefits to the occupiers of the dwelling including in terms of increased light at first floor level and allowing views of The Green. Even taking account of the legal restrictions in respect of providing alterations to certain elevations of the property, these would be private benefits. As such these should only carry limited weight and would not outweigh the harm that would be caused by the proposed development.

### **Conclusion and Recommendation**

15. The proposal would not accord with the development plan when it is considered as a whole. Based on the above, and having regard to all matters raised, I recommend that the appeal should be dismissed.

*Ms Maur*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

16. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

*K Taylor*

INSPECTOR