



Appeal Decision

Site visits made on 24 November & 13 December 2021

by Mr JP Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 January 2022

Appeal Ref: APP/Q3115/W/20/3263533

Aston Cottage, 18 Church Lane, Aston Rowant, Watlington OX49 5SS

- 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 Leo Homes Developments Ltd against the decision of South Oxfordshire District Council.
 - The application Ref P20/S1180/FUL, dated 23 March 2020, was refused by notice dated 16 October 2020.
 - The development proposed is the erection of a single dwelling with access derived from the existing drive, and 2 parking spaces will be provided, together with a turning area, to enable vehicles to leave the site in forward gear.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single dwelling with access derived from the existing drive, and 2 parking spaces will be provided, together with a turning area, to enable vehicles to leave the site in forward gear at Aston Cottage, 18 Church Lane, Aston Rowant, Watlington OX49 5SS in accordance with the terms of the application, Ref P20/S1180/FUL, dated 23 March 2020, subject to the conditions in the Conditions Schedule below.

Procedural matter

2. Although the description of development used above is different to that on the original planning application form, I consider it describes what is now before me more accurately.

Main Issue

3. The main issue is whether the development would fail to preserve the character or appearance of the Aston Rowant Conservation Area, and its effect on the settings of adjacent listed buildings.

Reasons

4. Section 72 in the *Planning (Listed Buildings and Conservation Areas) Act 1990* (the Act) states that when considering development in a conservation area special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Moreover, under section 66 of the Act in considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be given to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses.

5. The significance of the conservation area lies, in part, in it comprising a historic rural settlement. The conservation area is focussed at the western end on the church, and to the east around a large green. It is generally characterised by older properties arranged in a seemingly informal manner along narrow winding lanes with few pavements that are enclosed by planting, fencing or walling. Such factors enhance the character and appearance of the area and so add to its significance.
6. At the southern end of Church Lane is the Grade II* listed Church of St Peter and St Paul. This dates back to the 12th century, and its significance and its special architectural and historic interest lie not only in its architectural detailing, but also in the way it has been the spiritual focus for the village for over 800 years. Its setting is primarily defined by the surrounding graveyard. However, as that is not constrained by a bold fence or wall, the lanes and the houses round the church also make an appreciable contribution to its setting, and emphasise its relationship with the village it has served and in which it stands.
7. Further down Church Lane are 3 more listed buildings. The appeal property, No 18, and its adjoining neighbour, No 19, are a pair of Grade II listed cottages that date from the 18th century. They are relatively low with their first floors being contained in the roof. However, their general form, scale, detailing and materials reflect what would be typical of housing in this area and from this time. Beyond is No 20, which is also Grade II listed and appears to date from the same general period as No 18 and No 19. As with those to neighbouring houses, No 20 is built in traditional materials with a thatched roof, though is taller being a full 2 storeys in height. For all 3 of these properties, their significance and their special architectural and historic interest lie in them still reflecting their origins as historic rural cottages through their detailing, their materials, their means of construction, and their positions on their plots.
8. On the opposite side of Church Lane is Malt House, a non-designated heritage asset. I have little information about this property. Although not as old as No 18 and its neighbours, I acknowledge it is of some age and this is shown in its design and detail. To my mind it is part of the evolution of the settlement over time. For these reasons these 5 buildings contribute positively to the character and appearance of the conservation area and its significance.
9. Moreover, Church Lane itself adds to the historic character and appearance. This is not just due to its narrow, winding informal arrangement, but also because, I was told, it was an early route between London and Oxford, and one along which the future Queen Elizabeth I could well have passed. It is certainly sunk beneath surrounding land levels as would be expected of an older lane. By providing access to the historic bridleway network to the north beyond the village, it is now popular with walkers and horse-riders, and so allows the character and appearance of the conservation area to be appreciated.
10. The appeal site is triangular and, as part of the large side garden of No 18, it is at the moment mainly lawned. Church Lane is on one side, with a thick tall hedge, substantially of leylandii, along the boundary. Moreover, there appears to be a low retaining wall running within the hedge line that addresses the height difference between the site and the lane. To the rear, and outside of the conservation area, is a stud, while the remaining garden behind No 18 is on the third side.

11. Although it was said that buildings used to stand on the site until about 100 years ago, I saw no evidence of them or their scale. Their presence is not a matter to which I have therefore attributed any appreciable weight. Instead, the appeal site now contributes to the significance conservation area by forming part of the arrangement of open space across the village that adds to its informal layout. Furthermore, while the hedging might not be of indigenous species, it nonetheless provides a sense of enclosure and containment to the lane, and so adds to its informal character.
12. In relation to the listed buildings, No 18 can presently be appreciated from on the site, although it appears to give this simple dwelling a somewhat large garden. When approaching along the lane from the south, the hedging on the frontage substantially reduces views of that dwelling and No 19 until relatively close, and so in this regard the site currently confines those houses and limits the geographic extent of their appreciation. Similarly, the hedge restricts the setting of Malt House opposite. No 20 can scarcely be seen from the appeal site, with any contribution the site makes to the setting of that house focussing on the role it plays in creating a historic rural character to the lane. There is also now little intervisibility between the church building itself and the appeal site. However, from Church Lane and the western end of the graveyard they are both clearly visible, with the appeal site forming part of the arrangement of cottages and open space that add to the church's setting.
13. The proposal would, undoubtedly change the historic context, as it would result in the loss of open space and some of the boundary hedging that are part of the conservation area and the settings of various listed buildings. However, change, of itself, is not necessarily unacceptable and indeed, conservation areas and the settings of historic buildings have invariably been subject to evolution over the years. Rather, new development only becomes unacceptable in this regard if it would cause a harm to the significance of the heritage assets that would not be outweighed by public benefits.
14. Although the appeal site currently provides an open area within the conservation area, in my opinion it is not an openness that is of great importance to its significance as a designated heritage asset. Erecting a dwelling on the site of an appropriate, individual design would equally accord with the scattering of buildings across the conservation area, and not be at odds with the clustering of houses that form the historic village.
15. The proposal would be finished in suitable materials for this sensitive context, whilst a condition could require the use of timber in the windows. Moreover, its upper floor being contained in the roof space with dormer windows coming off the eaves, is a form that would reflect what is common in older rural cottages around, even though the dormer windows would be perhaps more pronounced than on some of the nearby houses. To my mind its width from front to back would be suitable in this historic context, while its rear projecting wing, its irregular roofscape and its lower elements at each end would establish an informality to the property, implying the building had experienced organic growth over time. Some have criticised the property as a pastiche. To my mind though, while what is before me would sympathise with the older houses around it would not copy them, but would reflect the historic evolution of the conservation area.

16. To provide sight lines, part of the front hedge would be removed. However, the sense of enclosure it currently provides to Church Lane would be appreciably maintained by the length that would remain, as well as by the presence of the new building itself. It was said that the remaining portion of the hedge could also be removed in due course as it would be close to the ground floor windows that face towards the lane. However, whilst that may happen, I have nothing before me to show it is probable. Indeed, both of those windows would serve rooms that have large glazed patio doors on the rear elevation. Therefore, the remaining hedging should not prove unduly dominant when in those rooms or affect light unacceptably. Other significant planting around the site could be protected during the construction phase, and there is insufficient evidence to consider any new planting would cause subsidence.
17. Moreover, although the new dwelling would contribute to maintaining a sense of enclosure in the lane, it would nonetheless be set further back than No 18, No 19 and No 20. As such, it would not prove too dominant when seen from the lane. The proposal would be given a reasonable curtilage appropriate to its scale and apparent status.
18. The property may also be higher than No 18 because of the variation in land levels. However, this variation would not be great and would be apparent from only a few places. As the conservation area is characterised by individually designed but nonetheless complementary historic properties, any such differences need not result in a discordant development.
19. When approaching along the lane from the north, the set back of the dwelling plus the effect of the curve in the road means the new house would only be readily apparent when in front of No 18. From there the dwelling would be visible, but as stated I consider its design and form would be acceptable. The parking provision could also be seen, but such spaces are found throughout the conservation area and are an established part of its character and appearance. Therefore, if suitably surfaced, this need not be discordant.
20. Coming from the south, when passing the west end of the church the development would be apparent as the road curved. From here though it would be set behind the hedging and the relatively striking walls at the gateway to the stud, with the southernmost single storey hipped-roof element breaking up the bulk of the end elevation and avoiding a gable having an abrupt impact on the streetscape. A number of other properties are also apparent projecting above tall hedges and along the lane, and so the fact it could be seen is not of itself a problem. Therefore, taking these points together I consider it would not be harmful in this view.
21. Overall, although it would substantially fill an existing gap it would appear as a further property of a sympathetic design and scale within the village. I therefore find it would not cause harm to the character or appearance of the conservation area.
22. Turning to the effects on the settings of the surrounding designated and non-designated historic buildings, the proposal would be in the area in which the church was experienced. However, given the separation involved, and as it would be behind hedging and the entrance walling to the stud, its effect on the openness around the church would be limited. In any event, I consider the open nature of the appeal site is not a fundamental part of the church's setting.

Rather, as the design is found to be acceptable, to my mind the introduction of a dwelling here would respect the sense of the church being in the heart of the village it has served for many centuries. As such, the church's setting would not be harmed, and its significance would be unaffected.

23. The large side garden is not an intrinsic part of the significance of No 18. Rather, when the scale of the proposal and the separation between the 2 houses are taken into account, the new house would not enclose or dominate this older one unacceptably, whilst No 18 would maintain a suitably sized garden befitting its historic character. Indeed, the removal of part of the hedging would allow No 18 to be seen from a greater length of the lane. Overall, No 18 would continue to be experienced as an older cottage in a historic settlement and its setting would not be harmed.
24. If listed building consent is required to remove part of the low boundary wall in the hedge to the south of the access to No 18, the absence of such a consent does not prevent the progression of this current appeal, but rather it would be a matter that needed to be resolved separately. However, assuming consent is needed, on the evidence before me it has not been shown that the role this wall plays in relation to the property means removing this section would harm the significance of the asset.
25. Any visual link between the proposal and No 19 or No 20 is limited. Again though, as I have found the new house would be of an acceptable design and would respect the streetscape of Church Lane, when travelling to and from these properties they would continue to be experienced as cottages on a historic lane within an old rural village, and so their settings too would be unharmed.
26. Finally, the relationship of the proposal to Malt House would be, in part, mitigated by the retention of the hedging along the road frontage. I am not satisfied though that the hedging contributes in any necessary way to understanding or experiencing this property as a non-designated heritage asset, and so even if it were to be removed entirely Malt House would still be appreciated as a non-designated heritage asset in an old established village.
27. I understand that there could be archaeological remains on the site. However, having regard to the professional advice, this can be investigated after the grant of permission, and I have insufficient evidence to find it should be explored earlier.
28. As the Neighbourhood Plan for Aston Rowant has not yet been made but is at an early stage it can only be given limited weight. Despite that, when the Neighbourhood Plan was being prepared, the independent consultants advising the Parish Council found the appeal site was '*unlikely*' to be suitable for development. I understand this view was reached without reference to any detailed plans, and certainly given its historic context any development has to be carefully assimilated into its surroundings. I therefore appreciate the basis for this finding. Despite that though, the assessment did not advise that a suitable development could never be achieved on the site, and for the reasons given I consider what is before me would not cause harm in this regard. As such, the findings of these advisers do not bind me in my determination of the case. I recognise too that the emerging Neighbourhood Plan includes policies concerning the safeguarding of the historic environment. Compliance or otherwise with these hinges on judgements by the decision-maker about the

merits of the scheme. Therefore, as, in my judgement, what is before me does not cause harm in this regard, my decision would not set any sort of precedent concerning infill sites in the village. I therefore consider it would not be in conflict with the Neighbourhood Plan or undermine its integrity or role.

29. Accordingly, I conclude that the development would preserve the character and appearance of the Aston Rowant Conservation Area, and would preserve the settings of 18, 19 and 20 Church Street (all Grade II listed) and the Church of St Peter and St Paul (Grade II* listed), causing no harm to the significance of any of these assets. It would also not cause harm to the significance of Malt House. As such it would not conflict with Policies ENV6, ENV7 or ENV8 of the *South Oxfordshire District Local Plan 2035* or guidance in the *National Planning Policy Framework* (the Framework).
30. As I have found no harm to the significance of the various designated heritage assets, there is no need to undertake the balancing exercise involving public benefits found under Framework paragraph 202.

Other Matters

Principle of development

31. Aston Rowant has few services and so the residents of this new dwelling are likely to be reliant on private motorised transport to access most of their day-to-day needs. However, it falls within this smaller village and so, under Local Plan Policy H8, there is support for this scale of housing development. Consequently, I find that the limited services and the resultant reliance on private cars and similar does not offer a basis to resist the scheme.
32. Even if the District Council has sufficient sites to satisfy its housing land supply requirement, that is not a maximum figure and should not restrict further housing that is otherwise acceptable.

Highway safety

33. On-site parking for vehicles is to be provided for the development, with parking also shown for No 18. Even if I take into account the reliance on the private car, I have no reason to consider this would not be sufficient to serve the properties. Given the narrowness of Church Lane it is unlikely cars would park there as they would form an obstruction. Therefore, even if this provision is inadequate, I am not satisfied it would result in a highway danger.
34. The sight splays from the entrance fall below those recommended for a road that is the subject of a 30mph speed limit, and no data on traffic flows or speeds along the lane have been submitted in response to this shortfall. However, although Church Lane is subject of a 30mph speed limit, it does not necessarily mean it is a safe speed to drive along the road, or even it is the speed at which the bulk of traffic would travel. As an enclosed, single track road with limited forward visibility, no pavements and a significant amount of pedestrian traffic, I would anticipate that, on the whole, vehicles could be reasonably expected to be travelling much slower than the speed limit.
35. Furthermore, at the start of the lane the nameplate says it is a cul-de-sac and it provides access to only a few properties beyond the appeal site. While there could also be a certain amount of agricultural and equestrian traffic associated with the fields to the north of the village, I expect traffic flows past the site

entrance to be limited and would be mainly by those who are familiar with the character and nature of the lane and so would drive accordingly.

36. Taking together the low speeds, the limited traffic flows and the knowledge of the most regular users, I therefore consider highway safety would not be harmed by the sight lines proposed.
37. At the junction at the southern end of Church Lane visibility to the left for emerging traffic is restricted by the bend in the carriageway. Again though that road is relatively narrow with few pavements and limited forward visibility. Given these factors and the effects they would have on driver behaviour, the contribution this development would make to traffic passing through that junction would not be sufficient to compromise highway safety.

Living conditions

38. There may be some intervisibility between the southernmost dormer window on the proposal and the northernmost one on Malt House across the lane. However, the distance involved, the public nature of the intervening space, the orientations of the properties and the effect of the sloping roof in the proposal together mean that, even if the hedge were to be removed, overlooking would not be harmful. Moreover, for these reasons I consider the proposal would not have an unduly dominant effect on that property.
39. The development may be visible from other properties, but the separations and orientations are sufficient to mean they would not suffer an unacceptable loss of privacy or day light. Whilst it may impede views of the church that, of itself, is not a reason to resist the scheme and I have no basis to consider the noise associated with this house would be unacceptable.

Ecology

40. The site is near the edge of a rural settlement and so it is to be expected that wildlife is seen there. However, noting the ecological evidence and mindful that much of the site is covered with lawn, I have no basis to find the ecological impact of the scheme would be unacceptable.

Sewage

41. On the evidence before me the drainage from the site does not offer grounds to resist the scheme.

Conditions

42. For the avoidance of doubt I consider that a condition should be imposed requiring the development to be in accordance with the approved plans, unless those plans are amended to comply with the other conditions.
43. In order to safeguard the historic integrity of the location, there should be agreement of materials, the timber design and finish of windows, new landscaping and finished floor levels. Moreover, for this reason, rainwater goods should be cast iron or painted aluminium, existing planting should be protected, certain 'permitted development rights' should be removed and archaeological works should be undertaken.
44. Having regard to drainage the drainage details should be agreed, whilst enhancing the site's ecology means the biodiversity enhancements should be

agreed too. Finally, to protect highway safety the sight splays and parking provision should be provided.

45. Of these conditions, the matters relating to those concerning tree protection and an archaeology should be agreed before development commences to ensure aspects of value were not damaged or destroyed at the outset. Moreover, the drainage details and floor levels should also be agreed before development commences because they could shape how the scheme is implemented.
46. I accept that some of these matters are illustrated to a degree on the approved drawings and certainly I have based my decision on the information they contain. However, these conditions would allow opportunity for the precise details to be agreed.

Conclusion

47. Accordingly I conclude the appeal should be allowed.

JP Sargent

INSPECTOR

Conditions Schedule

- 1) The development hereby permitted shall commence within 3 years of the date of this permission.
- 2) Unless otherwise amended under the conditions below, the development shall be undertaken in accordance with the following approved plans: LEOH191214 LP-01 P2; LEOH191214 SKL-01 P13; LEOH191214 SECT-01 P6; LEOH191214 HT PL1 p.e. P7 & LEOH191214 HT PL1 p.e.s. P8.
- 3) Notwithstanding the submitted details, prior to the commencement of development details shall be submitted to and approved in writing by the local planning authority of the finished floor levels and ground levels for the dwelling, its parking area and its grounds, and the development shall then be undertaken in accordance with the approved details only.
- 4) Notwithstanding the submitted details, prior to the commencement of development details shall be submitted to and approved in writing by the local planning authority of the existing trees and shrubs around the site to be retained, together with details of the measures for ensuring their protection during the construction phase and a timetable for the implementation of those measures. The development shall then be undertaken in accordance with those approved measures and timetable.
- 5) Notwithstanding the submitted details, prior to the commencement of development details shall be submitted to and approved in writing by the local planning authority of the root protection areas and any works within them, whether on the surface or underground. The development shall then be undertaken in accordance with the approved works within the root protection areas, and no further works within those root protection areas shall be undertaken.
- 6) Prior to the commencement of development, a surface and foul water drainage scheme shall be submitted to and approved in writing by the local planning authority. The development shall then be undertaken in accordance with the approved drainage scheme.
- 7) Prior to the commencement of development, a Written Scheme of Investigation concerning archaeological monitoring and recording action (a watching brief) shall be submitted to and approved in writing by the local planning authority, and the approved watching brief shall then be implemented during the construction phase in accordance with the approved details. The watching brief shall then be submitted to the local planning authority in accordance with a timetable that was included within the approved Written Scheme of Investigation.
- 8) All external windows and doors shall be of timber and glazing only, and any timber shall at all times be painted or stained in a finish/colour that has first been submitted to and approved in writing by the local planning authority.
- 9) No development above slab level shall take place until sections and elevations (at a scale of at least 1:10) have been submitted to and approved

in writing by the local planning authority of the sections, reveals and elevations of all external doors and windows. The development shall then be undertaken in accordance with the approved door and window sections and elevations only.

- 10) No development above slab level shall take place until details have been submitted to and approved in writing by the local planning authority of external materials and brick bond and bedding of flint panels. The development shall then be undertaken in accordance with the approved details only.
- 11) All external rainwater goods shall be of cast iron or painted aluminium
- 12) No development above slab level shall take place until details have been submitted to and approved in writing by the local planning authority of the biodiversity enhancement proposals for the site, together with a timetable for their implementation. Those approved proposals shall then be incorporated into the development in accordance with the approved timetable.
- 13) Notwithstanding the submitted details, no development above slab level shall take place until details have been submitted to and approved in writing by the local planning authority of the soft landscaping, hard surfacing and boundary treatments for the site. The development shall then be undertaken in accordance with the hardsurfacing and boundary treatments. The soft landscaping shall be implemented in full no later than the planting season following the first occupation of the dwelling. Any trees or shrubs (including any that are existing and to be retained) that die or are removed within 5 years of occupation shall be replaced with specimens of a similar size and species within the next available planting season.
- 14) Prior to the first occupation of the development, the sight splays shown on the approved plans shall be provided and thereafter retained, free of any obstruction greater in height than 0.6m above the height of the adjacent carriageway.
- 15) Prior to the first occupation of the development, the access and parking/turning area for the development shown on the approved plans shall be laid out and surfaced and thereafter retained at all times for parking and access.
- 16) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions or works falling under Classes A or E of Part 1 of Schedule 2 of the above Order shall be erected or undertaken, other than those expressly authorised by this permission.