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# Appeal Decision

Site visit made on 10 October 2018

**by Martin Chandler BSc MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 29 October 2018**

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**Appeal Ref: APP/C3105/W/18/3204214**

**St George's Chapel, Round Close Road, Adderbury, Oxfordshire, OX17 3EP**

- 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 Tim Catling against the decision of Cherwell District Council.
  - The application Ref 17/02131/F, dated 13 October 2017, was refused by notice dated 8 January 2018.
  - The development proposed is demolition of existing chapel and erection of 1 dwelling.
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## Decision

1. The appeal is dismissed.

## Procedural Matter

2. During the course of the appeal, the revised National Planning Policy Framework (the Framework) has been published. Both main parties were given an opportunity to comment on any relevant implications for the appeal, and any comments received have been taken into account in my reasoning.

## Main Issues

3. The main issues are: i) whether the proposal would preserve or enhance the character or appearance of the Adderbury Conservation Area (CA); ii) the effect of the proposal on the living conditions of nos 13 and 15 Round Close Road, with particular regard to outlook and privacy; iii) whether the proposal would provide suitable living conditions for future occupants, with particular regard to privacy; iv) the effect of the proposal on flood risk in the area.

## Reasons

### *Effect on the conservation area*

4. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
5. The appeal building is located within the CA. It is a single storey chapel building with a pitched roof and which presents a gable end to the road that is faced in rough cast render. The road is characterised by buildings of a domestic scale that are primarily faced in natural stone. The majority of buildings have simple pitched roofs with gable ends. Although there is variation within the buildings, collectively they create a distinct character and appearance that contributes positively to the CA.

6. The proposal would introduce a detached dwelling to replace the chapel building. It would be faced in natural stone and would present a gable end to the highway in a similar form to the existing chapel. However, the building would have an 'L'-shaped footprint and its east facing projection would have a hipped roof.
7. The projection would be wider than the width of the forward projecting gable and its ridge height would be the same as the rest of the roof. Whilst it would be set back from the front of the property, due to its width and height, it would form a significant proportion of the overall mass of the building. In doing this, the projection would not be a subordinate component of the built form. Instead, it would combine with the principal gable end to create a large and imposing building when viewed from the highway.
8. There are examples of side projecting wings on historic buildings close to the appeal site. However, where they exist, they are generally narrower than the appeal proposal and therefore have a more subservient relationship to the mass of the principal buildings. Due to the width and height of the east facing projection, the scale and mass of the proposal would fail to respond to this more traditional form of building.
9. The immediate neighbour to the west of the appeal site has a hipped roof. However, the form of this building, which fronts onto Tanners Lane, is materially different to the appeal proposal. The structure that abuts Round Close Road, and which is finished with a hipped roof, is a long rear range to the principal building. Although it is a long structure, it is clearly subservient in scale and height to the host building due to its lower ridge and eaves height.
10. As identified above, the appeal proposal would not replicate this arrangement. The hipped roof would not form part of a subservient wing but instead, it would have an equal status with the projecting gable. In doing so, it would be afforded undue prominence within the street scene and, consequently, would have a harmful effect on the character and appearance of the CA.
11. The level of harm would be less than substantial, and therefore, paragraph 196 of the Framework requires this to be weighed against the public benefits of the proposal. In this respect, the proposal would deliver a new dwelling and would make use of previously developed land. However, as the principle of development is not in dispute, these limited benefits would not be unique to this proposal. As such, they would not outweigh the harm identified to the significance of the designated heritage asset.
12. For the reasons identified above, I conclude that the proposal would fail to preserve or enhance the character or appearance of the CA. Consequently, the proposal would fail to accord with Saved Policy C28 of the Cherwell Local Plan 1996 (CLP) and Policy ESD15 of the Cherwell Local Plan 2011 – 2031(LP) which require new development to be of a high standard that would complement and enhance the character of its context, and which are consistent with policies in the Framework in that regard.

#### *Living conditions*

13. The neighbouring properties, nos 13 and 15 Round Close Road, have side facing windows that are located immediately on the eastern side boundary of the appeal site. There is no means of enclosure that separates the appeal site

from these windows and therefore their outlook is only restricted by the existing chapel building.

14. The proposed dwelling would be of a larger scale than the existing chapel. It would be taller and its east facing projection would run towards the neighbouring windows. The outlook from the windows would therefore be altered by the proposed development.
15. The proposed building would be located approximately 6.5 metres from the adjacent windows, significantly less than the dimension advised in the Council's Home Extensions and Alterations Design Guide. However, I observed on my site visit that due to the positioning of the proposed side elevation, the 2 principal windows serving each of the neighbouring houses would be off-set from the main bulk of the side wall. This would have the effect of reducing the impact on the facing windows as a meaningful outlook would still be achieved beyond the built form of the proposal. The proposal would therefore not harm the outlook from the neighbouring properties.
16. Despite this, the amenity space of the proposed dwelling would be immediately adjacent the facing windows. The proposal does not include details of any means of enclosure that would prevent future occupants standing next to these windows and achieving clear views into the rooms of the neighbouring properties. This is an existing situation, but the use of the site for residential purposes as opposed to a place of worship would see the adjacent amenity space used in a more intense manner.
17. I note that the neighbouring property has raised no objection to the proposal. Furthermore, I have considered if the effect on privacy could be addressed by way of a suitably worded condition requiring the provision of a boundary enclosure. However, whilst such an enclosure could reduce the effect on privacy, it may have a detrimental impact on outlook due to the location of the windows. As a consequence, I have no certainty that a suitable means of enclosure could be provided that would not harm living conditions in an alternative way.
18. I therefore conclude that whilst the proposal would not have a harmful effect on the outlook from the adjacent neighbours, it would have a detrimental effect on their living conditions in respect of privacy. Consequently, the proposal would fail to accord with Saved Policy C30 of the CLP and Policy ESD15 of the LP which together, require development to complement and enhance the character of its context, with particular consideration of the privacy of existing development, and which are consistent with policies in the Framework in that regard.

#### *Living conditions – future occupants*

19. The location of the neighbouring windows would also affect the amenity space for the proposed dwelling. Due to their location, the windows would directly overlook this space and for the same reasons identified above, this could not be resolved through the imposition of a suitably worded condition.
20. I therefore conclude that the proposal would fail to provide suitable living conditions for future occupants due to the lack of private amenity space. Consequently, the proposal would fail to accord with Saved Policy C30 of the CLP and Policy ESD15 of the LP which together, require development to

complement and enhance the character of its context, with particular consideration of the privacy of future development, and which are consistent with policies in the Framework in that regard.

*Flood risk*

21. Policy ESD6 of the LP states that a site specific flood risk assessment will be necessary for development proposals on sites in an area known to have experienced flooding problems. Based on the evidence that I have before me, due to the water course that runs diagonally through the southern section of the site, the site has a medium flood risk.
22. The appeal has not been accompanied by a site specific flood risk assessment. Instead the appellant states that the water course will remain as existing and that therefore there would be a neutral impact in terms of flood risk. However, the proposal would introduce a more flood sensitive use than the existing chapel and the evidence that I have before me suggests that the site is at risk of flooding. Furthermore, although they would not normally comment on a proposal of this nature, the Lead Local Flood Authority has suggested that additional information is necessary to understand the flooding implications of the proposal.
23. I therefore conclude that in the absence of a site specific flood risk assessment, I cannot be confident that the proposal would have an acceptable effect on flood risk. Consequently, the proposal fails to accord with Policy ESD6 of the LP which seeks to manage and reduce flood risk in the district and which is consistent with policies in the Framework in that regard.

**Conclusion**

24. For the reasons identified above, the appeal is dismissed.

*Martin Chandler*

INSPECTOR