
Statement of Case

Listed Building Consent Appeal:

Internal alterations, external alterations (including insertion of six rooflights), demolition of attached outbuildings and erection of single storey extension at Chancel Cottage, Fir Lane, Steeple Aston, OX25 4SF

LPA Ref: LB/14/07589

On behalf of Mr Justin Grainger

November 2015

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1. Introduction

- 1.1. In September 2014, Mr Justin Grainger ("**the Appellant**") submitted a listed building consent application for internal alterations and the removal of attached outbuildings to enable a new extension ("**the Application**") to Chancel Cottage, Fir Lane, Steeple Aston OX25 4SF ("**the Property**") to Cherwell District Council ("**the Council**").
- 1.2. The proposal involves the refurbishment and extension of the cottage to provide a new kitchen on the ground floor, and reordering the first floor to provide three bedrooms and a bathroom.
- 1.3. The Appellant commissioned Maclaren Excell architects to lead the design process and discussed the Application with local residents and representatives of Steeple Aston Parish Council prior to submission.
- 1.4. Following initial dialogue with the Council and the comments from the original conservation officer ("**the Original Conservation Comments**"), the Appellant commissioned Worlledge Associates to assess the heritage significance of the Property and its locality. The findings are summarised in a report (Worlledge Associates, February 2015) ("**the Heritage Report**").
- 1.5. Amended plans were submitted that sought to address many of the concerns raised by the original conservative officer. This was followed by a meeting on site with a new conservation officer (the original having left the Council), which resulted in a second round of conservation comments ("**the Subsequent Conservation Comments**")
- 1.6. The application was refused on 11th May 2015 ("**the Decision Date**").
- 1.7. The Council's reason for the refusal of listed building consent was:

The proposed development, by virtue of its scale, form, massing and materials, and the insertion of six rooflights in the existing building, and the insertion of an internal doorway opening at first floor level, would result in 'substantial' harm to the character, setting and significance of the Grade II listed Chancel Cottage, and 'less than substantial' harm to the character and appearance of the Steeple Aston Conservation Area and and the character, setting and significance of the Grade II* listed St Peter's Church. The proposal would therefore fail to accord with Policies C28 and C30 of the Cherwell Local Plan, Policy ESD16 of the Submission Cherwell Local Plan, and paragraphs 14, 17, 132 and 134 of the National Planning Policy Framework, and it is considered that this identified harm significantly and demonstrably outweighs the proposal's benefits.
- 1.8. For reasons that will be articulated within this document, the Application merits the grant of consent.
- 1.9. Though the Council's application report ("**the Application Report**") is not available online, the Council, at the Appellant's request, has shared this.

- 1.10. In June 2015, the Appellant submitted a revised planning and listed building consent applications in respect of the Property (15/01327/F and 15/01328/LB). The Council's conservation officer was again invited to comment. The comments submitted ("**the Revised Scheme Conservation Comments**") will also be used to inform this appeal.

2. Relevant background information

Site description and location

- 2.1. Chancel Cottage is a grade II listed building which lies within Steeple Aston Conservation Area. The Property is an attractive stone built cottage of two floors plus an attic and basement.
- 2.2. The Property is set back from the street front behind a cut privet hedge. To the north of the house is a public footpath that leads to allotments and to the south there is an opening with a gravelled area forming car parking, defined by a low stone wall. The rear garden is defined by stone walls and a post-and-wire fence to the east where the garden area has been extended, incorporating one of the allotments to the east. Attached to the rear wing to the southeast are two small stores. The house sits opposite the grade II* listed church of St. Peter & St. Paul.
- 2.3. The Property was listed in 1988. The English Heritage listing description can be found in Appendix A. The Planning and Design and Access Statement and Heritage Report provide further background information.

Condition of the property

- 2.4. Prior to the Appellant purchasing the Property in January 2014, the property had been occupied for over 50 years by Mrs Barbara Johnston (now deceased)¹.
- 2.5. The property has not been maintained or upgraded in recent times. Because of this it is in a poor state of repair and is in need of refurbishment and upgrading to modern standards.
- 2.6. The Property has been vacant for over three years since the passing of the previous owner in September 2012.
- 2.7. The proposed development represents an opportunity to bring the building back into use as a residential family home and to provide appropriate additional living space, thereby ensuring a good standard of amenity for all existing and future occupants of the Property without negatively affecting its listed building status, or the Conservation Area.

¹ SAVA notes on Chancel Cottage

Planning history

- 2.8. The relevant planning history recorded on the Council's public access system is summarised as follows:

Reference	Description	Status
08/02404/LB	<i>Remove existing window frames from front elevation and bathroom and replace with new (as amplified by applicants letter and accompanying photographs dated 05/01/09 received 07/01/09)</i>	Permitted – 12/01/2009
14/01552/F and 14/01601/LB	<i>Erection of single storey side extension / Internal alterations, external alterations (including insertion of six rooflights), demolition of attached outbuildings and erection of single storey extension</i>	Refused – 11/05/2015
15/01327/F and 15/01328/LB	<i>Demolition of attached outbuilding and erection of single storey side extension (revised scheme of 14/01552F) / Internal alterations, external alterations (including insertion of six rooflights), demolition of attached outbuildings and erection of single storey extension (revised scheme of 14/01601/LB)</i>	Refused – 08/10/2015

- 2.9. We also draw attention to the following developments in the vicinity of the Property and in Cherwell District which have certain similarities to the Application:

- 2.10. **14/01553/F: Lockhall Cottage Cow Lane Steeple Aston Bicester OX25 4SG**

Two storey side extension and internal modelling

Lockhall Cottage is around the corner (c. 150m) from Chancel Cottage and situated in the Steeple Aston Conservation Area. Planning permission was granted on 19 November 2014 for a two-storey side extension.

- 2.11. **97/00338/LB and 97/00337/F: Old School House North Side Steeple Aston Bicester Oxon OX6 3SE**

Extension to rear and creation of new vehicular access.

The Old School House is a Grade II listed building in the Steeple Aston Conservation Area approximately 150m from the Property. Planning permission was granted on 11 April 1997 for a significant two-storey extension to the rear of the property. The two-storey extension, which is clearly visible from the Conservation Area, resulted in a significant alteration to the plan form of the host building.

The application was permitted on the 11 April 1997. Further revisions to the application were accepted on 19 June 2003. Further details are provided in the attached *Comparable Application - Old School House.pdf*.

2.12. **11/01798/LB and 11/1797/F: Tythe Barn House High Street Adderbury Oxfordshire OX17 3LS**

Internal and external alterations including single storey front extension, alterations to roof, new window on first floor, replacement windows, removal of staircase, new staircases, removal of flat roof dormer, re-roofing, internal partitioning room changes, external hardwood screen on South elevation and removal of first floor to create void

Similar to Chancel Cottage, Tythe Barn House is located in a prominent location within the Conservation Area of a village (Adderbury) within Cherwell District constructed primarily of stone. Like Chancel Cottage, Tythe Barn House is overlooked by a Grade II* Listed building and various other Grade II Listed buildings. Both applications propose their respective external works at a remove from, but in clear sight of the public highway. Both applications propose external facades of slatted timber 'screens' facing Grade II* Listed Buildings and the public highway.

The application was permitted on the 22 March 2012. Further details are provided in the attached *Comparable Application - Tythe Barn House.pdf*.

3. Planning policy

- 3.1. This section of the Statement of Case sets out the applicable and relevant planning policies which apply to the appeal proposal.
- 3.2. Section 38 (6) of the Planning & Compulsory Purchase Act 2004 requires Local Planning Authorities to determine planning applications in accordance with the Development Plan, unless material considerations indicate otherwise.

Development Plan Policies

- 3.3. At the time of writing the statutory development plan comprises:

- 3.4. **The Cherwell Local Plan 2011-2031 – Part 1**

Was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

Cherwell Local Plan 2011-2031 Part 1

ESD 15 – The Character of the Built Environment

Cherwell Local Plan 1996 (Saved Policies)

C18 – Development proposals affecting a listed building

C28 – Layout, design and external appearance of new development

C30 – Design of new residential development

National Policy

- 3.5. The National Planning Policy Framework was published in March 2012. While the Framework should be read as a whole, particular elements that are applicable to the appeal proposal are summarised below:

- Achieving sustainable development: Paragraphs 6-10
- Presumption in favour of sustainable development: Paragraphs 11, 12 and 14
- Core planning principles: Paragraph 17, bullets 2, 3, 4 and 10
- Requiring good design: Paragraphs 56, 57, 60, 61
- Conserving and enhancing the historic environment: Paragraph 134, 137, 140
- Decision taking: 186-187; 196-197

3.6. Para. 11 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise, and Para.196 explains that the National Planning Policy Framework is a material consideration in planning decisions.

3.7. Para. 12 explains that:

Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise

3.8. Para. 14 cites:

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision-taking.

3.9. Core Planning Principles are defined at para.17 as, *inter alia*:

- ***Not simply be about scrutiny but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives***
- ***Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area...***
- ***Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.***
- ***Conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.***

3.10. Paragraph 134 of the NPPF states:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

3.11. Paragraph 137 of the NPPF states:

Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

3.12. Paragraph 140 of the NPPF states:

Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies

3.13. Paras. 186 and 187 are concerned with decision-taking. Planning authorities are asked to approach decision-taking in a positive way to foster the delivery of sustainable development (Para. 186). In Para. 187 it is emphasised that planning authorities 'should look for solutions rather than problems' and 'work proactively' with applicants to secure sustainable development.

3.14. The NPPF is considered to support the appeal proposal.

National Planning Policy Guidance

National Planning Policy Guidance, in the form of web-based information, was published on 6th March 2014. The relevant guidance linked to the NPPF policy referred to above has been reviewed.

- 3.15. Paragraph 009 Ref ID 18a-009-20140306: 'Decision- taking: Historic Environment' and Glossary states that in this context significance means:

The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archeological, architectural, artistic or historic. Significance derives not only from a heritage assets physical presence but also from its setting.

- 3.16. Paragraph 010 Ref ID 18a-010-20140306: 'Why is significance important in decision-taking?' states that:

Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset and the contribution of its setting is very important to understanding the potential impact and acceptability of development proposals

- 3.17. Paragraph 013 Ref ID 18a-013-20140306: 'What is the setting of a heritage asset and how should it be taken into account?' states that:

A thorough assessment of the impact on setting needs to take account, and be proportionate to the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it. When assessing any application for development which may affect the setting of a heritage asset, local authorities may need to consider ...the fact that development that materially detracts from the asset's significance may also damage its economic viability now or in the future thereby threatening its ongoing conservation.

- 3.18. Paragraph 015 Ref ID 18a-015-20140306: 'What is a viable use for a heritage asset and how is it taken into account in planning decisions' states that:

the vast majority of heritage assets are in private hands. Thus, sustaining heritage assets in the long term often requires an incentive for their active conservation. Putting heritage assets to a viable use is likely to lead to the investment in their maintenance necessary for their long term conservation...

- 3.19. Paragraph 019 Ref ID 18a-019-20140306: 'How can proposals avoid or minimise harm to the significance of a heritage asset ?' states that:

a clear understanding of the significance of a heritage asset and its setting is necessary to develop proposals which avoid or minimise harm...

Historic England Good Practice Advice

- 3.20. In March 2015 Historic England (previously English Heritage) issued new advice on the management of the historic environment in three 'Good Practice Advice Notes' (with a fourth one due shortly). The advice notes replace English Heritage's PPS5 Practice Guide, referred to in the Heritage Report, which has now been withdrawn. The historic environment policies of the NPPF are supported by these Historic England's Good Practice Advice Notes, which give more detailed advice about gathering the information on significance, assessing the impact and assessing harm with an emphasis on a proportionate approach and proactive and effective management of heritage assets.
- 3.21. Good Practice Advice Note 2: *Managing Significance in Decision-Taking in the Historic Environment* is relevant to this appeal. The Advice Note sets out a simple methodology for gathering evidence, understanding significance and assessing impact, assessing harm and measures to mitigate that harm.
- 3.22. Paragraph 6 states:
- ***Understand the significance of the affected assets;***
 - ***Understand the impact of the proposal on that significance;***
 - ***Avoid, minimise and mitigate impact in a way that meets the objectives of the NPPF;***
 - ***Look for opportunities to better reveal or enhance significance;***
 - ***Justify any harmful impacts in terms of the sustainable development objective of conserving significance and the need for change;***
 - ***Offset negative impacts on aspects of significance by enhancing others through recording, disseminating and archiving archaeological and historical interest of the important elements of the heritage assets affected.***
- 3.23. The Advice explains in Paragraph 25 that:
- Local planning authorities will need to assess the particular significance of the heritage asset(s) which may be affected by the proposal and the impact of the proposal on that significance***
- 3.24. And explains in Paragraph 27 that:
- Substantial harm is a high test, which may not arise in many cases.***
- 3.25. Adding in paragraph 29 that:
- Change to heritage assets is inevitable but it is only harmful when significance is damaged.***

4. Statement of Case

- 4.1. This section of the Statement expands upon the Appellant's grounds of appeal and demonstrates that the proposed development would not result in harm to the character, setting and significance of the Grade II listed Chancel Cottage, nor in harm to the character and appearance of the Steeple Aston Conservation Area and the character, setting and significance of the Grade II* listed St Peter's Church.
- 4.2. The Appellant seeks to bring the currently vacant Chancel Cottage back into use as a residential family home through extensive refurbishment of the existing buildings and the construction of a modest extension to provide appropriate additional living space, thereby ensuring a good standard of amenity for all existing and future occupants of the Property without negatively affecting its listed building status, or the Conservation Area.
- 4.3. The Council recognises that the Chancel Cottage has suffered from a lack of maintenance² and that the principle of development in the form of a modest extension is acceptable³.
- 4.4. Whilst the Council appeared to accept that the Appellant had properly understood the heritage significance that the cottage held and had properly articulated how this significance had informed the design of the proposals, there is disagreement about the extent and nature of the impact.
- 4.5. The Council's principal concerns in relation to the Application relate to:
 - Scale, form and massing of the proposed extension
 - Materials – the use of timber boarding
 - The insertion of six rooflights in the existing building
 - Insertion of an internal doorway opening at first floor level, arguing that this would result in substantial harm that is not outweighed by public benefits.
- 4.6. As the Historic England Good Practice Advice explains, 'substantial harm' is a high threshold, intended to describe proposals whose impact would effectively erase the significance a place holds. This is not the case here. The Practice Guide also points out that it is not the scale of development but the impact on significance that is the measure of harm.
- 4.7. The Council's principal concerns are considered in turn in the following sections.

² The Application Report, Paragraph 5.4

³ The Original Conservation Comments, final paragraph; The Revised Scheme Conservation Comments, final paragraph

Scale form and massing of the proposed extension

- 4.8. The Council's principal objections to the scheme relate to the proposed extension. In particular the Council states⁴:

... part of the special interest of the building is the survival of the plan form. The proposed extension would completely alter the plan form of the building by creating a U-plan building based around a court yard.

... The fact that the extension is single storey is considered not to mitigate the harm caused to its fundamental form and massing.

... fundamentally altering the experience of the building and creating a situation whereby the original cottage becomes subservient to its later extensions.

- 4.9. However, when assessing a further application submitted by the Appellant (15/01327/F and 15/01328/LB) with 'some minor modifications including the alteration of the number and type of roof lights and the change in material from timber boarding to stone for the kitchen extension' (see the Revised Scheme Conservation Comments), the conservation officer concluded that the accumulative impact of the proposals to the listed building was ***'less than substantial'***.
- 4.10. From this, one might reasonably conclude the conservation officer's view of the significance of the plan form is somewhat less than that which may be understood from her comments in relation to the Application.
- 4.11. Though published after the building was added to the list, the Historic England Listing Selection Guides (2011) offer some background for the reasons to include the building on the statutory list at this grade (Grade II) and are relevant to issues of defining significance. As a house type Chancel Cottage falls in the one dealing with Vernacular houses. The guide explains that the plan form of a house helps to reveal much about how a house was used and the social hierarchy within the household. It states:
- 'An exceptionally intact surviving plan form can play a part in assigning a higher grade, as where both the exterior and the interior of an early dwelling survive little altered its special interest is likely to be enhanced.'* (Listing Selection guide. Domestic 1: Vernacular Houses, 2011)**
- 4.12. Chancel Cottage is grade II listed. If it had been an exceptionally intact plan form and exterior then it would be listed grade II* or I. This is not the case and it would be reasonable to conclude that the plan form and fabric have less significance in their own right than as asserted by the Council. Having considered the selection guidelines it is reasonable to conclude that Chancel Cottage's inclusion in the statutory list derives from its age and vernacular characteristics, exhibiting a history of change.
- 4.13. In the Subsequent Conservation Comments, the conservation officer states:

⁴ The Application Report, Paragraphs 5.6, 5.7 and 5.20

In the case of Chancel Cottage the building has been little altered during the latter part of the 20th century.

- 4.14. This contradicts the Heritage Report conclusions (which she agrees with), which includes that the building's significance has been eroded by later C20th alterations.
- 4.15. Having established that there is a degree of consensus about what is important about the building and its setting the Council's conservation officer then begins to consider the degree of change that the building could accommodate without compromising the building's significance stating:

It is fully acknowledged that change needs to occur within historic buildings [.....] A degree of harm to historic fabric and significance may be acceptable in order to ensure the property can remain in its optimum viable use. This should however be proportionate to both the scale of the building and the historic significance.

- 4.16. This commentary fails to recognise that change does not necessitate harm. Indeed, a well-conceived and executed development, such as this, can not only sustain significance, but indeed add to it and, over time, become part of the building's history and special interest. The conservation officer accepts that this has already happened with the extensions that have previously been added and that are now part of the building's significance (its evolved plan form and composition).
- 4.17. It is worth noting too that the degree of harm is measured in proportion to the level of significance that the building holds. This is an important concept which recognises that not all change need be harmful and that the level of harm of a particular proposal would vary depending on the level of significance. The Planning Practice Guide seeks to clarify this stating in paragraph 017:

It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed [.....] works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all.

- 4.18. Furthermore, in terms of scale, the height of the single-storey extension is c. 1m lower than the existing rear wing and 2.8m lower than the front section of the Property, which combined with the proposed materiality (discussed below) reinforces the idea of hierarchy and ensures that the relationship between the building and the proposed addition is clearly legible.
- 4.19. The Council argues that the screen planting proposed to mitigate the Council's concerns 'draws attention to the significant and demonstrable harm that would be caused'. However, the action of the Appellant in seeking to address the concerns of the Council should not be misinterpreted as the Appellant agreeing with the Council's stance. The Appellant does not.

- 4.20. For information, we note the comparable application (97/00338/LB and 97/00337/F) in relation to a grade II building in the Steeple Aston Conservation Area approximately 150m from the Property, where planning permission was granted for a significant two-storey extension. The extension is clearly visible from the Conservation Area and resulted in a significant alteration to the plan form of the host building.
- 4.21. We also note application 14/01553/F relating to Lockhall Cottage (again situated in the Conservation Area approx. 150m from the Property) and note a different more positive and proactive approach from the Council. From the Committee/Officer Report:

The applicant... did not agree to reduce the massing of the extension or amend the three large rooflights on the southern elevation. The Conservation Officer concluded that the amendments to the subservient extension go far enough to preserve the character and appearance of the Steeple Aston Conservation Area

Views from/to the Grade II* listed Church

- 4.22. The Council also considers:
- that the setting of the Grade II* listed Church and views from/to it would be unacceptably compromised.***
- 4.23. The visual impact of the proposal is covered in the Heritage Report. We note that, contrary to the above, the Council, in its Conservation Area appraisal, comments that overhead lines have a 'significantly negative impact' on the character and appearance of the Conservation Area. The proposal would serve to screen views of the existing telegraph posts and cables behind the cottage, which would be an enhancement.
- 4.24. The proposal also provides the opportunity for improved landscaping of the front garden and the creation of a courtyard quality to the space (with the new extension) that would serve to soften the impact of parked cars (which the Council has commented are a particularly ugly element of the street scene.)

The use of timber boarding

- 4.25. The Council's conservation officer has raised concerns with the use of timber boarding for the front and gable elevation of the extension, stating that the use of timber boarding 'does not have historic precedent in the locality'.
- 4.26. However, as summarised in the Heritage Report, cart sheds, coach houses and outbuildings may often have wide timber doors across the openings. Indeed, the Council in its Conservation Area appraisal comments on the characteristic of planked timber doors being notable.

- 4.27. Proposing timber (on the front and gable elevation, the rear elevation being proposed in stonework) is a modern interpretation of that historic precedent. The use of timber has a long history – it is ‘natural’, organic, and sustainable and develops a patina that will help the building assimilate with its rural surroundings.
- 4.28. The Conservation Area appraisal notes several times the wide variety of materials that have been used in the village; this is one that will not be out of place, or strident.
- 4.29. The extension is a contemporary design, but one which has been meticulously considered to achieve explicit sympathy with the sensitive setting of Chancel Cottage and the surrounding village-scape. The material of silver weathered oak has been chosen explicitly because, once weathered, it will recess into the background rather than compete with the host building when viewed from the churchyard.
- 4.30. The use of timber for the courtyard elevation will help to distinguish the extension as ‘an outbuilding’, functionally subservient to the main house and in its simplicity visually unobtrusive. The approach being adopted is entirely consistent with the Council’s submission stage Local Plan policy supporting proposals that adopt a ‘contemporary design response’ and that ‘reinterpret local distinctiveness’.
- 4.31. For information, we note the comparable application (11/01798/LB and 11/1797/F) in Adderbury where an external hardwood slatted timber screen was proposed in a predominantly stone village facing a Grade II* Listed Building and the public highway. In this case the external works were described by the Council as ‘minor’ while the representative from English Heritage stated that the development would have no ‘meaningful impact’ on the grade II* Grange.

The insertion of six rooflights in the existing building

- 4.32. Concerns relating to the insertion of rooflights in the existing building were not raised in initial discussions with the Council. Indeed, two additional rooflights were proposed in the amended plans (replacing previously proposed dormers) upon the guidance contained in the Original Conservation Comments:

Externally, two quite large dormer windows are proposed on the rear roof plane. There are a number of examples of large dormer windows in Steeple Aston but I would not agree that they are ‘traditional’. Mistakes of the second half of the 20th Century should not be repeated. Instead, I believe that additional natural light and ventilation could be provided by appropriate low-profile rooflights.

- 4.33. Similarly, no concerns were raised in respect to the proposed rooflights in the Subsequent Conservation Comments. The Appellant was only made aware the Council’s concerns upon the decision being issued and receipt of the Application Report, within which the Council states that:

The cumulative impact of the number of rooflights proposed is considered to cause substantial harm to the character and appearance of the listed building.

- 4.34. The Appellant disagrees that the proposed rooflights would cause harm to the character and appearance of the listed building.
- 4.35. The low-profile 'conservation' rooflights specified in the proposal are designed to sit flush with the roofline providing a frameless external appearance. All are of modest dimensions. The two proposed for the rear of the front section roof would only be visible from the rear of the property. The four, much smaller, rooflights proposed for the north-facing roof of the rear wing (which is not a prominent roof) would be observable from a very limited vantage point looking south along Fir Lane, but would in any case be inconspicuous due to their size and positioning.

Insertion of an internal doorway opening at first floor level

- 4.36. The Original Conservation Comments did not mention this part of the scheme. We would presume that at that time the Council did not object to this aspect of the proposal.
- 4.37. In the Subsequent Conservation Comments, the Council's conservation officer recognises that:

There is evidence of a former opening at first floor level which has since been blocked up.

, but suggests that:

There would be some harm to the significance of the site if this element of the building were to be converted, but this would need to be weighed against the public benefit of bringing this section of the building into use with the associated benefits of better maintenance.

- 4.38. The loss of some existing internal masonry in this later addition would not harm the significance of the building. Nor would the change in function. Indeed, this would bring the benefits of better maintenance, which is recognised by the Council.
- 4.39. Further detail in relation to this change is given in the Revised Scheme Conservation Comments on the Appellant's most recent application (15/01327/F and 15/01328/LB):

The harm caused by the opening of a door at first floor level relates to the loss of fabric and the change in function by bringing a former outbuilding / stable into full domestic use. In an acceptable scheme the harm caused could potentially be outweighed by the public benefit of bringing this section of the building into use. This is not an acceptable scheme and therefore there is no public benefit to outweigh the harm.

- 4.40. This comment appears to suggest that the conservation officer is broadly comfortable with this aspect of the proposal in isolation, but is keen to reserve judgement on it in order for it to be used as a bargaining chip to add weight to any reasons for refusal. This unreasonable position is without justification.

5. The public benefits of the proposals

- 5.1. Even if (which is strongly denied by the Appellant) the proposals were considered to give rise to less than substantial harm to designated heritage assets, such harm would be outweighed by the significant public benefits that will be delivered by the scheme. In particular, the scheme will:

- Help to sustain and enhance the significance of Chancel Cottage (a heritage asset) and the contribution of its setting
- Bring the building back into use as a residential family home and provide a good standard of amenity for all existing and future occupants of the Property, thereby securing its optimal viable use in support of its long-term conservation
- Make a positive contribution to the sustainable community of Steeple Aston
- Make a positive contribution to the appearance, character, quality and local distinctiveness of the historic environment within Steeple Aston (noting the positive visual impact in 4.23 and 4.24 above)
- Help to better reveal the significance of the heritage asset and therefore enhance our enjoyment of it and the sense of place.

- 5.2. Though the Council states:

there is no evidence of a substantial break in the use of the building, or that the building is currently uninhabitable. In addition, it is considered that the heritage asset may be viably used, and that to refuse planning permission for the current proposal would not prevent use of the building.

- 5.3. The Appellant would disagree. The Property has been uninhabited since the death of the previous owner in September 2012 (i.e. for approximately 2 years and 8 months on the Decision Date and over 3 years to date).
- 5.4. Prior to the Appellant purchasing the property in January 2014, the Property was subject to a number of pre-application consultations with other potential purchaser's, which ultimately led to them passing on the opportunity. This is referred to in the Subsequent Conservation Comments and goes some way to explaining why an attractive property in a prime location in a sought-after village took 11 months to sell⁵.

⁵ See Rightmove for sale listing

- 5.5. The Council's assertion that the building is habitable in its current state is contrary to the Council's own billing and collections section who granted the Appellant a council tax exemption for the Property in respect of its uninhabitable state for 2014/2015⁶. We note from the Council's website that it is the Council's policy to visit all properties that wish to apply for this exemption.
- 5.6. The condition of the building was noted in both the structural survey commissioned by the Appellant prior to the purchase of the Property⁷ and the mortgage lender's valuation which states:

The property is in a poor condition and requires a full repair and refurbishment programme.

- 5.7. Appendix B: Extract from report on the condition of Chancel Cottage (prepared by Michael Clews Dip Arch, RIBA, AABC, IHBC) sets out further details of the specific areas requiring attention and recommended repairs estimated at £100,000 (excluding VAT and professional fees). Note this relates to the immediate requirements to make the building good and excludes the majority of costs relating specifically to the Application proposals.

⁶ See the Appellant's Council tax bill for 2014/2015

6. Conclusions

- 6.1. The appellant's case can be summarised as follows:
- 6.2. The Council recognises that the Chancel Cottage has suffered from a lack of maintenance and that the principle of development in the form of a modest extension is acceptable.
- 6.3. The proposed development to the Chancel Cottage, in terms of its size, scale and massing, does not harm the heritage value of the Listed Building nor its setting within the Conservation Area, nor the setting and significance of the Grade II* listed St Peter's Church.
- 6.4. On the contrary, it represents an opportunity to bring the building back into use as a family residence and to sensitively incorporate additional living space to create a modern functional home, thereby contributing to the duty to preserve the character of the Conservation Area and adding vitality to the street scene by allowing a vacant property to return to its established use as a dwelling, safeguarding its future as a listed building in the longer term.
- 6.5. Even if (which is strongly denied by the Appellant) the proposals were considered to give rise to less than substantial harm to designated heritage assets, such harm would be outweighed by the significant public benefits that will be delivered by the scheme.
- 6.6. The appeal proposal is compliant with the provisions of the Development Plan including Saved Policies C28 and C30 and Policy ESD 15. Furthermore, the appeal proposal can be considered sustainable under the provisions of the NPPF.
- 6.7. Having regard to the above, the Inspector is respectfully invited to allow the appeal subject to any necessary planning conditions

7. Appendix A: Listing description – Chancel Cottage

List Entry Summary

This building is listed under the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended for its special architectural or historic interest.

Name: CHANCEL COTTAGE

List entry Number: 1357160

Location

CHANCEL COTTAGE, FIR LANE

The building may lie within the boundary of more than one authority.

County: Oxfordshire

District: Cherwell

District Type: District Authority

Parish: Steeple Aston

National Park: Not applicable to this List entry.

Grade: II

Date first listed: 26-Feb-1988

Date of most recent amendment: Not applicable to this List entry.

Details

STEEPLE ASTON FIR LANE SP4726 (East side) 8/102 Chancel Cottage GV II

House. C18. Coursed squared limestone with ashlar dressings and limestone rubble with wooden lintels; Stonesfield-slate and concrete plain-tile roof with rebuilt brick gable stacks. L plan. 2 storeys plus attic. Symmetrical 2-window front has a central 4-panel door below a flat stone canopy, and has renewed 2-light casements below stone lintels. End and rear walls, and lower rear wing returning from left, are in rubble, the wing partly converted from a stable, Interior: wide inglenook fireplace; quarter-turn stairs with winders; C18 panelled shutters and cupboards; butt-purlin roofs Included for group value.

Listing NGR: SP4763926079

8. Appendix B: Extract from report on the condition of Chancel Cottage

(Prepared by Michael Clews Dip Arch, RIBA, AABC, IHBC)

Discussion

The property is in need of general refurbishment. However, there are some specific areas requiring attention, these are as follows:

- The stone slate roofs – The roofs have been spreading due to lack of restraint and are in need of recovering. The provision of restraint is necessary in conjunction with the recovering.
- The chimneys all require repointing/repairs and replacement of the flashings.
- The stonework externally requires general repointing and repair.
- The rainwater goods require overhaul and clearing out. The basic arrangement needs improvement with new downpipes introduced and discharging into soakaways.
- There is movement to the rear wing. This is thought to relate to the spreading of the roof and uneven ground condition caused by the inadequate rainwater disposal system. Investigation is required into the ground condition and some limited underpinning may be necessary. It is thought with tying in and stonework repairs, the movement will be arrested.
- There are high levels of damp internally, which is caused by the condition of the stonework, roof flashing and rainwater goods. With repair and improvement this should be reduced. The general clearing out around the building is necessary, and the installation of land drains should resolve the rising damp. The use of permeable plaster and paint in the refurbishment is recommended.
- The plaster internally requires substantial repair due to the damp ingress and the movement that has affected the building.

Recommendations

The following are recommended repairs. Costs are provided for guidance, these are exclusive of VAT and professional fees. As the refurbishment of the property is being considered, it is recommended a more detailed costing is prepared to include the repairs and refurbishment.

Item	Cost
Provide restraint to the gables to the second floor (8.1.1)	£1,500
Overhaul the gable window to Bedroom 4 (8.1.1)	£350
Provide rooflight to the rear roof section to Bedroom 4 (8.1.1)	£1,000

Item	Cost
Undertake plaster repairs to both gables in Bedroom 4 following external repairs (8.1.1 and 8.1.2)	£750
Tie in the ceiling beams to the first floor bedrooms to arrest the outward thrust of the roof (8.2.2 and 8.2.3)	£1,500
Plaster repairs to Bedroom 1 (8.2.3)	£500
Uncover beams supporting the opening to the staircase and repair if necessary and replaster (provisional allowance)	£750
Repair internal window to the staircase from Bedroom 2 (8.2.4)	£350
Plaster repairs to Bedroom 4 following repairs (8.2.4)	£1,250
Plaster repairs to Sitting room (8.3.1)	£1,000
Repairs to the paving and replacement of the brickwork within the fireplace to the Sitting room (8.3.2)	£1,500
Plaster repairs to the Sitting room (8.3.2)	£1,000
Replace the stone threshold to the door to the west of the Kitchen (8.3.3)	£750
Tying of the roof structure to the Kitchen and Bathroom to arrest the current spread (8.3.4 and 8.3.5)	£2,500
Plaster repairs to the Kitchen (8.3.4)	£1,000
Repointing and stitching of the walls to the roof space over the Kitchen (8.3.7)	£1,500
Replace window to the basement and repairs to the lightwell, allow for permanent ventilation (8.4)	£1,000
Clear out vegetation to the base of the west wall (7.1)	£250
Local repointing to the west elevation (7.1)	£7,500
Overhaul rainwater goods to the west elevation (7.1)	£750
Recover stone slates to the room to the front section (7.1)	£17,500
Overhaul chimneys, repoint, replace flashings (7.1)	£1,500
Local repointing to the south gable (7.2)	£1,500
Local repointing to the east wall of the front section (7.3)	£750
Local repointing to the south elevation of the rear wing (7.3)	£3,500
Investigate ground conditions, allow for limited underpinning to the south elevation of the rear wing. (7.3)	£2,500
Replace/repair kitchen window and entrance door to the rear wing (7.4)	£3,000
Replace rainwater goods to the rear wing and improve the disposal system (7.4)	£1,750
Recover stone slates to the rear wing (7.4)	£22,500
Repair to the chimneys to the rear wing (7.4)	£1,500
Stonework repairs and repointing to the rear wing, east gable (7.4)	£2,500
Install a land drain to the east gable of the rear wing (7.4)	£1,250
Repointing to north elevation of the rear wing (7.5)	£1,500
Clean out, repair rainwater goods to the north elevation of the rear wing (7.5)	£750
Stonework repairs to the north gable wall (7.7)	£2,500
Local repointing to the east elevation of the front section (7.6)	£500
Improve rainwater disposal system to the north gable in conjunction with general improvement to the system (7.7)	£1,500
Repairs to the store if to be retained (7.7)	£1,000
Immediate repairs to the boundary wall (9.1)	£1,500
Connect foul drain to mains sewer (9.3)	£5,000
TOTAL	£100,700

9. List of documents referenced

A	The Application Report
B	The Heritage Report
C	The Original Conservation Comments
D	The Subsequent Conservation Comments
E	The Revised Scheme Conservation Comments
F	Comparable Application – Old School House
G	Comparable Application – Tythe Barn House
H	SAVA notes on Chancel Cottage
I	Rightmove for sale listing
J	Report on the condition of Chancel Cottage
K	Lender's valuation report
L	Appellant's Council tax bill for 2014/2015