

Appeal Decision

Site visit made on 15 November 2016

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 08 December 2016

Appeal Ref: APP/Q3115/W/16/3154774

Bull Lane, Thame, Oxfordshire OX9 3AD

- 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 Andreas Christofi against the decision of South Oxfordshire District Council.
 - The application Ref P16/S0398/FUL, dated 15 January 2016, was refused by notice dated 25 April 2016.
 - The development proposed was originally described on the application form as "erection of a modest, highly sustainable two-storey two bedroom residential dwelling".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on (a) the character and appearance of Thame Conservation Area and (b) the living conditions of occupiers of neighbouring properties, with particular regard to outlook.

Reasons

Character and appearance of Thame Conservation Area

3. Thame Conservation Area is focussed on the central and lengthy spine of the High Street. The significance of the conservation area is greatly informed by the historic buildings and spaces that line the High Street, reflecting centuries of development and reinforcing the character and appearance of an attractive historic market town.
 4. The central section of the High Street is characterised by narrow medieval burgage plots to the north and south. These burgage plots have historic and archaeological interest in revealing the development of Thame over time, and have value in many instances in terms of providing open space to the rear of the High Street. The Thame Conservation Area Character Appraisal 2006 notes the importance of burgage plots along the High Street and highlights particular examples. There has been a partial erosion of burgage plots through a variety of development schemes, but nevertheless, they continue to make an important contribution to the significance of the conservation area and its overall character and appearance.
 5. Policy CON10 of the South Oxfordshire Local Plan 2011 ('the Local Plan') states that burgage plots in Thame, Henley and Wallingford will generally be protected from amalgamation and from development which by its nature would
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detract from their historic interest, amenity and nature conservation value. The supporting text to this policy notes in paragraph 3.114 that “the structural permanence of new built development, where there has been none in the past, is particularly damaging to the open nature of plots undeveloped since the foundation of the towns in the Middle Ages”. I consider that this policy is not overly restrictive by virtue of the “generally” which provides scope for development. It is thus broadly consistent with the National Planning Policy Framework’s (NPPF) approach to conservation of heritage assets and I can afford the policy significant weight.

6. The appeal site is accessed via Bull Lane that leads to a small car park at the southern end of the lane. The site forms part of a number of burgage plots to the north of Buttermarket and the High Street. The plots vary in width, length and shape, and in some cases have been truncated or infilled by later buildings that do not always respect the character and appearance of the conservation area. Nevertheless, the narrow, linear grain of development that characterises the High Street remains clearly evident in this location.
7. The appeal site is currently an overgrown strip of land bounded by a stone wall on the western boundary marking the edge of the burgage plot. It is clearly identifiable as a burgage plot. From the evidence before me, it appears that the land has been largely free from any built development. It therefore has considerable value as an area of open space to the rear of the High Street with historic and archaeological interest. While Bull Lane is not on a public thoroughfare, this does not diminish the important contribution of the site to the significance of the conservation area and its character and appearance.
8. The proposed development would be an innovatively designed dwelling that would respect the boundaries of the burgage plot and retain and enhance the stone wall. The land would still be identifiable as a burgage plot with no amalgamation of plots. There would be no effect on any nearby listed buildings. However, the open space that the land currently provides would be greatly reduced and not offset by the use of a green roof. Furthermore, by seeking to maximise living space within the plot, the dwelling would appear large and cramped, with little space between the ground floor and side boundaries. As a consequence of development, the value and interest of the burgage plot as an undeveloped strip of land to the rear of the High Street would be much diminished. Therefore, the development would not preserve or enhance the character and appearance of the conservation area and would result in harm to its significance.
9. The harm would be less than substantial as the shape and boundary of the burgage plot would endure, but is still important because of the overall reduction in open space. Paragraph 134 of the NPPF requires such harm to be weighed against the public benefits of the proposal.
10. It is evident that the proposed development would have social benefits in terms of boosting housing supply, mindful that the Council cannot demonstrate a five year housing land supply. There would also be economic benefits from the construction and subsequent occupation of the dwelling. However, given the proposal is for a single house, these benefits are limited. It is also evident that the development would seek to provide a high level of sustainable construction techniques and would be in an accessible town centre location. These considerations are noteworthy, but could equally be applied to a scheme in a

less sensitive location. Therefore, the public benefits cited in favour of this development can only be described as modest and do not outweigh the harm to the conservation area.

11. Concluding on this main issue, the proposed development would have a harmful effect on the character and appearance of the conservation area. Therefore, it would not accord with Policies CSEN3 and CSQ3 of the South Oxfordshire Core Strategy 2012 and Policies G2, D1 and H4 of the Local Plan which, amongst other things, seek proposals that respect local character and conserve and enhance conservation areas for their historic significance, avoiding adverse development. It would also not accord with Policy CON7, which seeks to avoid harm to conservation areas, taking into account the design and scale of new work and the contribution made by matters including open space. Nor would it accord with Policy CON10 of the Local Plan which seeks to protect burgage plots in Thame from development that would detract from their historic interest, amenity and nature conservation value.
12. In terms of the Thame Neighbourhood Plan 2013 ('the Neighbourhood Plan'), the development would not accord with Policies H5, ESDQ16 and ESDQ20 which require proposals to respond to the specific character of the site and its local surroundings that are well-designed with a building style appropriate to the historic context. Policy ESDQ26 is not conflicted as I consider the design to have a three-dimensional quality, but this does not diminish the conflict with the other neighbourhood plan policies. Finally, the development would not meet the aims of the NPPF as it would fail to sustain the significance of the conservation area where the public benefits would not outweigh the harm.

Living conditions

13. The majority of the rear garden to Burgage House adjoins the appeal site to the east, with a similar width and length to the plot in which the proposed house would be sited. Given the narrowness of the plot, the house would be sited very close to the boundary with the rear garden at Burgage House. The first floor of the house, while angled away from the boundary, would be tall and imposing with its large rectangular design and timber façade. It would extend along a considerable part of the boundary and would be very prominent in views from the rear garden. As a consequence, it would appear overly dominant and greatly reduce the enjoyment of the rear garden for occupiers of Burgage House.
14. The first floor of the proposed house would also be clearly visible from windows and doors on the rear elevation of Burgage House, but the separation distance would alleviate the overall harmful effect. Nevertheless, this does not diminish the significant harm to the living conditions of occupiers of Burgage House with regards to outlook from the rear garden.
15. The orientation of first floor windows and the use of frosted glass and timber louvers would avoid any overlooking to Burgage House and its rear garden, and would not cause harm to living conditions in terms of privacy. It is evident that there would be some loss of sunlight to the rear garden in the afternoon and evenings as shown on drawing number P115, which would compound the negative effect caused to outlook from the rear garden. There may also be some loss of sunlight to the south facing rear elevation of Burgage House, although the separation distances would lessen any negative effect.

16. No occupant of any other neighbouring property would suffer any material harm to their living conditions, but this does not negate the harm I have identified. The appellant states that similar effects on living conditions to the occupiers of Burgage House could occur through the exercise of permitted development rights. I have not been provided with any examples to verify this statement and so I can give it very little weight in my overall assessment.
17. Concluding on this main issue, the proposed development would cause significant harm to the living conditions of occupiers of Burgage House with particular regard to the outlook from their rear garden, but also with regard to sunlight into the garden. Therefore, it would not accord with Policies G2, D1, D4 and H4 of the Local Plan and Policy H5 of the Neighbourhood Plan. Amongst other things, these policies seek well-designed schemes that provide good quality site and building design, and seek to avoid adverse development and permit housing where there are no overriding amenity objections or unacceptable harm to the amenities of neighbouring properties.

Other Matters

18. The appellant argues that because the Council cannot demonstrate a five year housing land supply, relevant policies for the supply of housing should not be considered up to date in line with paragraph 49 of the NPPF and that the presumption in favour of sustainable development set out in paragraph 14 applies. Paragraph 14 states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole; or specific policies in the NPPF, including policies relating to heritage assets, indicate the development should be restricted. As I have already found that the NPPF policies relating to heritage assets indicate that development should be restricted, the presumption in favour of sustainable development does not apply to this appeal.
19. The appellant refers to previous negotiations between the appellant and the owner of Burgage House regarding the potential purchase of the appeal site by the owner of Burgage House. However, this has had no relevance to my consideration of the proposed development, which I have assessed based on its planning merits. I also have no evidence to verify the claim that the owner of Burgage House is a member of the Town Council, but again, this has had no effect on my consideration of this appeal.

Conclusion

20. The proposed development would deliver public benefits from an additional house, a high level of sustainable construction and an accessible location. However, these benefits are modest and would not outweigh the harm to Thame Conservation Area and the significant harm to the living conditions of occupiers of Burgage House. For these reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Tom Gilbert-Wooldridge

INSPECTOR