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## Appeal Decision

Site visit made on 9 August 2011

**by Roger C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MIL**

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

**Decision date: 28 September 2011**

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### **Appeal A Reference: APP/G3110/A/11/2146744**

#### **31 Charlbury Road, Oxford OX2 6UX**

- 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 A Crean against the decision of Oxford City Council.
- The application (reference 10/03324/FUL, dated 3 December 2010) was refused by notice dated 31 January 2011.
- The development proposed is "demolition of existing dwelling and outbuildings and erection of new dwelling, garage and detached garden studio building; alterations to boundary treatments and landscaping".

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### **Appeal B Reference: APP/G3110/E/11/2152296**

#### **31 Charlbury Road, Oxford OX2 6UX**

- The appeal is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant conservation area consent
  - The appeal is made by Mr A Crean against the decision of Oxford City Council.
  - The application (reference 10/03330/CAC, dated 3 December 2010) was refused by notice dated 31 January 2011.
  - The demolition proposed is "demolition of existing dwelling and outbuildings".
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## Decision

1. I allow the planning appeal (Appeal A) and grant planning permission for the "demolition of existing dwelling and outbuildings and erection of new dwelling, garage and detached garden studio building; alterations to boundary treatments and landscaping" at number 31 Charlbury Road, Oxford OX2 6UX in accordance with the terms of the application (reference 10/03324/FUL, dated 3 December 2010) subject to the conditions set out in the attached Schedule of Conditions.
2. I also allow the conservation area consent appeal (Appeal B) and grant conservation area consent for the demolition of the "existing dwelling and outbuildings" at number 31 Charlbury Road, Oxford, in accordance with the terms of the application (reference 10/03330/CAC, dated 3 December 2010), subject to the conditions set out in the attached Schedule of Conditions.

## **Main issue**

3. I have concluded that the main issue to be determined in this appeal is the effect of the proposed demolition and replacement development on the setting in the Conservation Area.

## **Reasons**

4. Charlbury Road lies within an attractive area of Oxford, indeed the appeal site lies at the northern edge of the 'North Oxford Victorian Suburb Conservation Area'. The locality is dominated by substantial residential properties, in spite of the existence of a large school in extensive grounds to the north of the appeal site (outside the Conservation Area) and, although the school buildings present a modern image to the streetscene, the majority of buildings are domestic in character, constructed of traditional materials. The houses are generally rather large, though they vary in size, with smaller plots opposite the appeal site. Smaller plots and more modern houses are also to be found to the rear of the appeal site, beyond a sharp bend in Charlbury Road, where it appears to have been extended at some time.
5. The existing house at number 31 Charlbury Road is a pleasant building, in a traditional style. It is essentially a two-storey house, with some space in the pitched roof (served by a dormer window on the rear elevation), rendered and painted, with a dominant gable feature which takes up a large part of the front elevation. There is a subsidiary side addition against the north gable of the house. Number 31 stands in a substantial plot and is set back from the road frontage, with mature planting that offsets the scale of the building. At the rear of the house, there is a good sized garden that is rather open in appearance and the rear of the property is also very visible from the side road, in spite of the high boundary fence along the side of the garden. There are some significant trees within or close to the gardens.
6. The house is in harmony with its surroundings, by virtue of its architectural style and general character, but is not especially noteworthy, in my view. Although it marks an important point in Charlbury Road, where the road bends sharply, exposing the house to public view in a way which does not apply to other houses along the same frontage, I do not find it to be of particular significance in the townscape.
7. It is now proposed that the existing house should be demolished, in order for it to be replaced by a new house that would be somewhat larger.
8. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas affected by development proposals and I am very conscious of the need to preserve or enhance the qualities of this conservation area.
9. That statutory framework is reinforced by 'Planning Policy Statement 5: Planning for the Historic Environment', which promotes an integrated approach to the historic environment so that policies apply to all "heritage assets" whether they are buildings, monuments, sites or landscapes. Even so, PPS5 makes it clear that we should protect what is significant about an asset such as the Conservation Area, rather than protecting everything for its own sake. This

enables a proportionate response to change to be made. National Policies are reinforced by Policies in the Development Plan, notably by Policy HE7 in the Oxford Local Plan, which specifically relates to development in Conservation Areas. Other Policies, of course, focus on the importance of good design more generally.

10. Bearing in mind the character of the existing house, as I have described it, I am not convinced that its loss need be regretted. The house itself is not of such a special nature as to warrant formal protection and its location is not so sensitive that a change would be unacceptable, provided that it would be replaced by something better. In principle, therefore, I am persuaded that the proposed demolition would not conflict with planning policies aimed at protecting the historic environment and that Conservation Area Consent may properly be granted for the demolition of the existing dwelling and outbuildings.
11. Even so, I am also conscious that a vacant plot must inevitably be rather unsightly in the streetscene and that, therefore, the demolition ought not to take place until a commitment has been made to the construction of a suitable replacement building.
12. Therefore, I turn to the matter of the proposed replacement house. The new building would be larger than the existing house with a generous provision of large rooms. The main element of the house would be a two-storey structure to eaves level but it would be capped by a more steeply pitched roof, enclosing a second floor with additional bedrooms. The building would be adapted to its particular location, on the bend in Charlbury Road, with rearward projecting outbuildings "enclosing" the retained area of the rear garden.
13. Stylistically, the new house would have more in common with older, Victorian buildings than with the existing house that it would replace, with a more complex plan form and steep roofs. Nevertheless, it would also incorporate interesting contemporary features (in the "garden room", for example) and would create its own distinctive character that would, in my opinion, harmonise with the setting, without mimicking an older style. The principal materials to be used, brickwork and harling, with stone details, under tiled roofs, would harmonise with other buildings in the Conservation Area. The use of more elaborate detailing would likewise, therefore, create a more intricate and human character reflecting, in some respects, a "Victorian" image.
14. In formulating this description I have concluded that it would not be fair to describe the proposed design as a mere pastiche. In my view, the handling of the new building volumes and the attention given to the detailing are well worked out and the resulting reinterpretation of historic forms would create a felicitous addition to the streetscene and the Conservation Area. I am convinced that the placing of the building on its site would terminate the frontage in a satisfactory way and would provide an interesting feature at the sharp bend in Charlbury Road. A good landscaping scheme, as proposed, would enhance the whole project, especially as the new planting becomes more established.
15. I acknowledge that change can be acceptable in conservation areas, in principle, and I am also conscious that an overtly modern approach to design in

- an established setting can be successful. Indeed, the High School nearby provides an example (albeit, just outside the Conservation Area). I am also conscious, nevertheless, that it would be wrong for me to seek to impose my own taste on the design, where that would not be warranted, and in this case, I am satisfied that the design approach which has been adopted, reflecting and reinterpreting a historic style that is to be seen elsewhere in the Conservation Area, is entirely suitable to the locality.
16. In short, I am convinced that the scheme as a whole would enhance the character and appearance of the area and that the proposed development would accord with planning policies in PPS5 and the Development Plan. Hence, I have no doubt that the scheme is acceptable in planning terms and that this appeal ought to succeed.
  17. Although I have taken account of the emerging changes to planning policies, as expressed in Ministerial statements published earlier this year (and enlarged upon, for example, in the recently published 'Draft National Planning Policy Framework') and although I have considered all the other matters that have been raised in the representations (including the effect that the proposed new house would have on neighbours' amenities), I have found nothing to cause me to alter my decision.
  18. I have, however, also considered the need for conditions and I have concluded that conditions are necessary, to define the planning permission and to ensure that quality is maintained, both in respect of the new building itself and the landscaping of the site. In imposing conditions, I have taken account of the conditions suggested by the Council in the usual way, without prejudice to their main arguments in the appeal, as well as to the reasons given for them. I have imposed conditions to deal with most of the matters which have been identified, subject to modifications necessary, in my opinion, in the interests of clarity and simplicity.
  19. I am conscious, however, that, for example, details of works which may affect trees will need to be carefully worked out and described and I am convinced that conditions suggested by the Council include an excessive level of prescription. Moreover, I am not persuaded that conditions are necessary to require an investigation of the land in respect of contamination (bearing in mind the previous use of the site). Nor am I convinced that a condition is required to prohibit the separate use of the garden studio building, since planning permission would be required, in any case, for any use other than an a use ancillary to the residential use of the dwelling itself.
  20. Conditions are also required to define the conservation area consent and to ensure that the demolition works hereby approved are carried out in an orderly fashion, in connection with a satisfactory redevelopment project.

*Roger C Shrimplin*

INSPECTOR

## **SCHEDULE OF CONDITIONS**

### **PLANNING APPEAL (APPEAL A)**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings: 872\_001 (OS Plan), 872\_002 (Existing Floor Plans), 872\_003 (Existing Elevations Sheet 1), 872\_004 (Existing Elevations Sheet 2), 872\_005 (Topographical Survey); 872\_101A (Proposed Ground Floor and Site Plan North Street Elevation), 872\_102 (Proposed Floor Plans and Elevations), 872\_103 (Proposed South Elevation and Roof Plan).
3. No development shall take place until samples of the materials and drawings (at appropriate scales) of the construction details to be used in the construction of the external surfaces of the new dwelling, garage and detached garden studio building hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details, using the approved materials.
4. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. All these works shall be carried out as finally approved in detail. The details to be submitted shall include proposed and existing finished levels, means of enclosure and functional services above and below ground. The details of the hard landscape works shall include details of provision for car and cycle parking, boundary treatment and access design. The details of the soft landscape works shall include details of all existing trees in the vicinity of the proposed development (and details of the method of protecting them during the course of the work); planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants (noting species, plant sizes and proposed numbers or densities where appropriate) and implementation programme.
5. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the implementation programme approved by the local planning authority. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
6. Prior to first occupation of the dwelling hereby permitted, the area shown on the landscaping scheme as being dedicated to car and cycle parking shall be laid out and brought into use as such. It shall be retained and used for no other purpose thereafter.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no part of the roof of any building

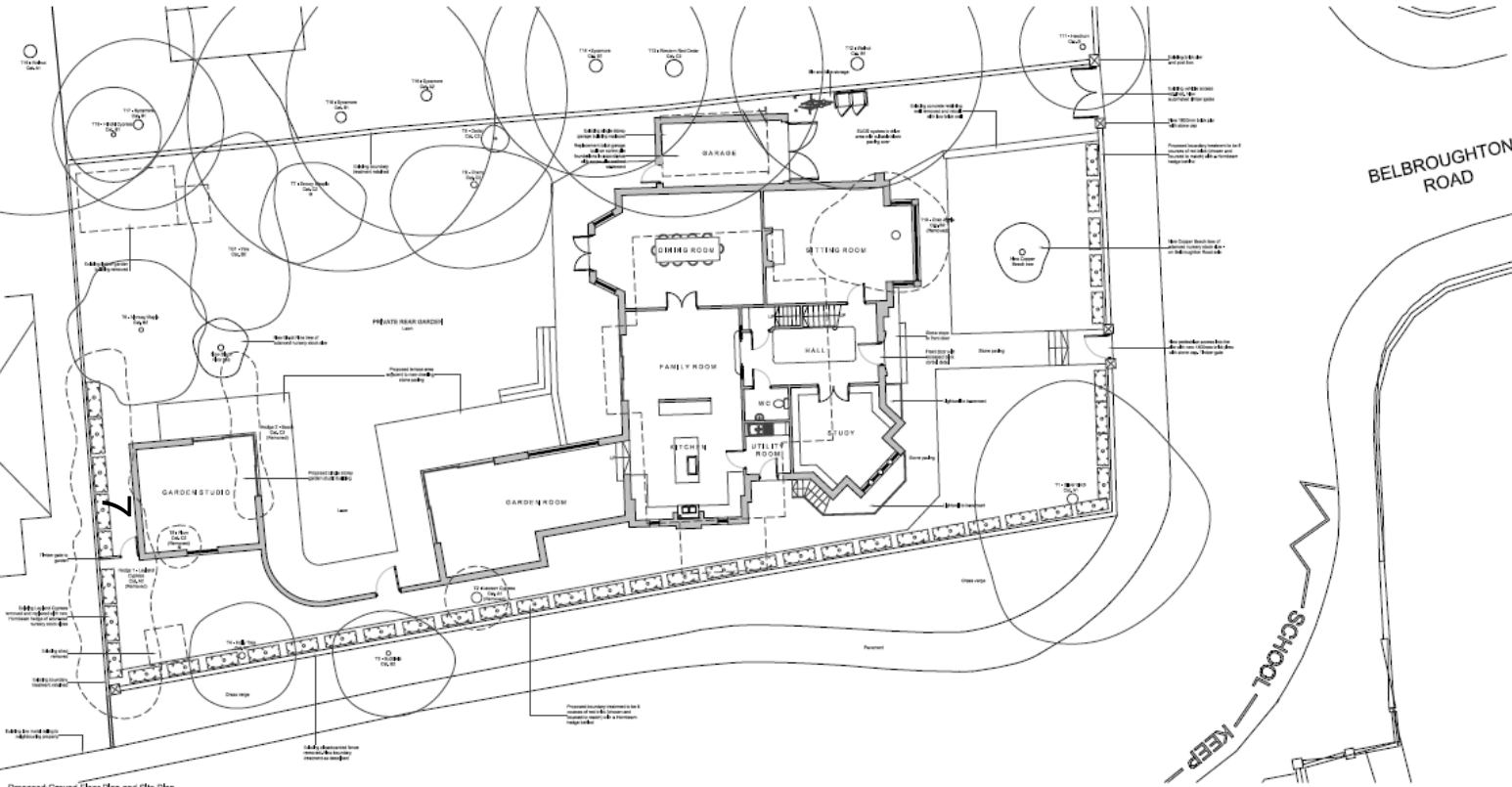
hereby permitted shall be used as a balcony or terrace and no access to any roof shall be formed, other than access which is necessary for maintenance purposes.

**CONSERVATION AREA CONSENT APPEAL (APPEAL B)**

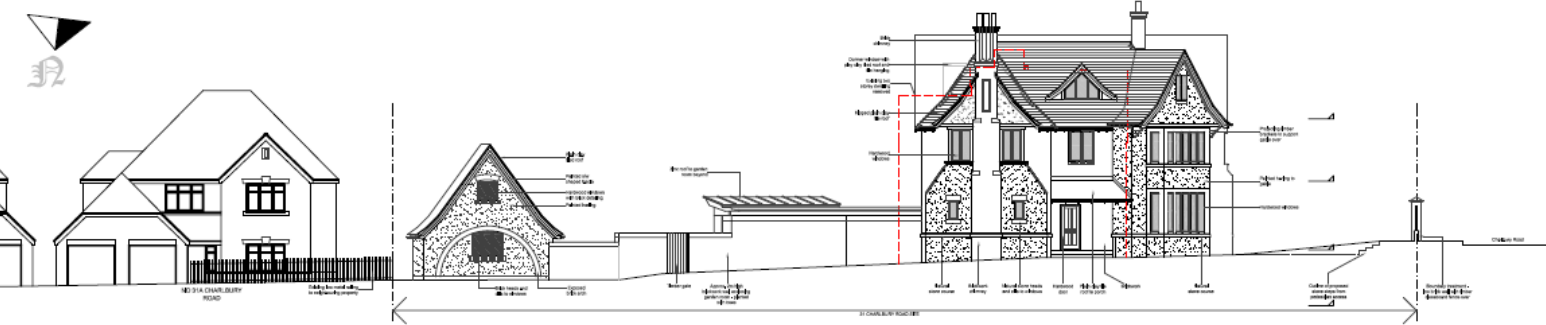
1. The demolition hereby permitted shall begin not later than three years from the date of this decision.
2. No demolition shall take place on any part of the site until a written contract has been entered into for the construction of a new dwellinghouse on the site, in accordance with an extant planning permission; and until that contract has been evidenced in writing to the Local Planning Authority; and until receipt of the evidence has been acknowledged in writing by them.

# Previously Approved Plans – 10/03324/FUL

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Proposed Ground Floor Plan and Site Plan



North Street Elevation

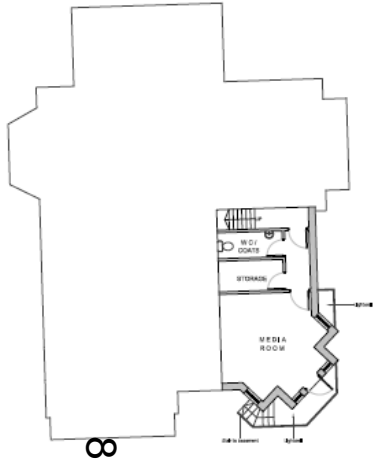


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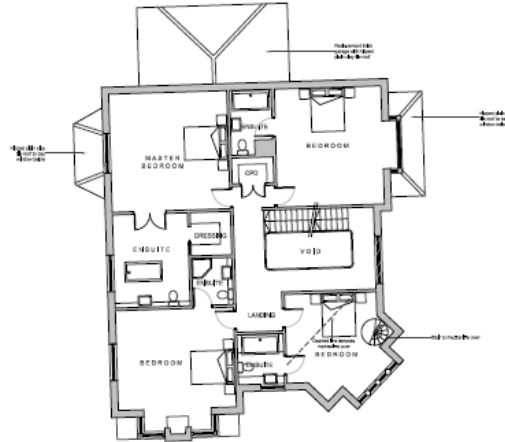
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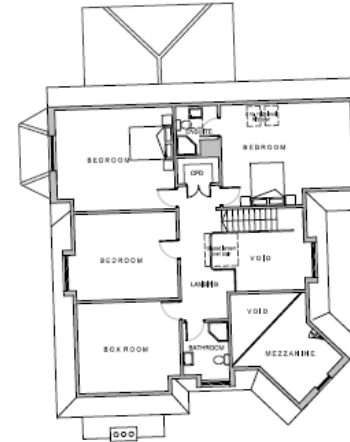
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CITY  
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Basement Plan



First Floor Plan



Second Floor Plan



East Elevation



West Elevation

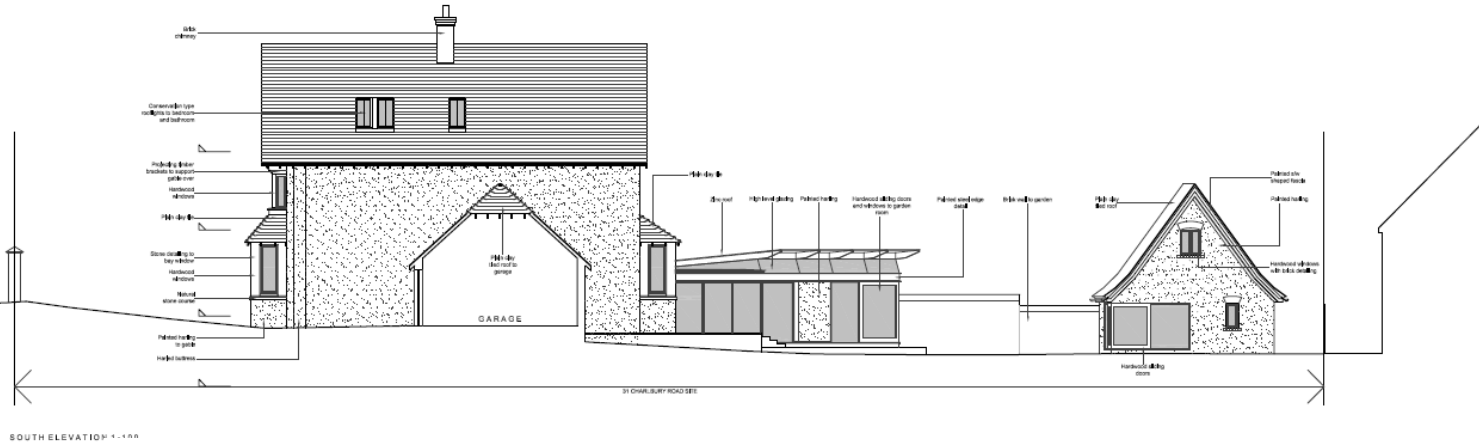


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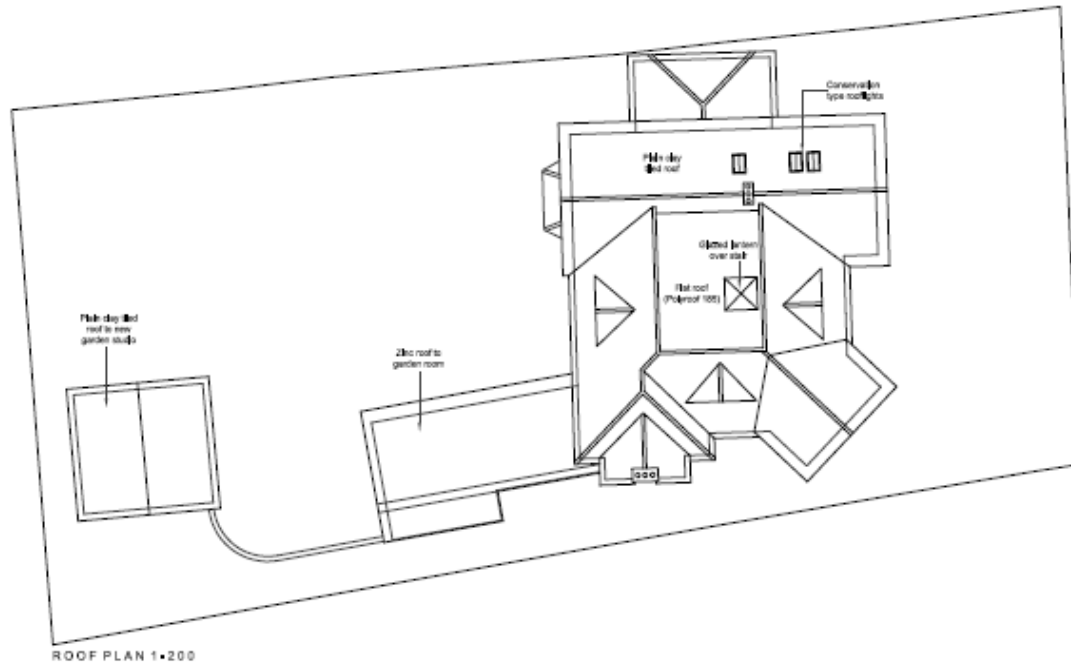
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