

**West Area Planning Committee**

**12 July 2016**

**Application Number:** (1) 15/03464/FUL

(2) 15/03465/LBC

**Decision Due by:** 25 January 2016

**Proposal:** (1) Erection of timber balustrading, trellis, platform and access ladder to form roof terrace with alterations to the colour of the roof top extension (retrospective)

(2) Retention of timber balustrading, trellis, platform and access ladder forming roof terrace (retrospective)

**Site Address:** Flat 1, Caudwells Castle, 5 Folly Bridge (**site plan: appendix 1**)

**Ward:** Hinksey Park

**Agent:** N/A

**Applicant:** Dr Henry Marsh

**Application Call In:** Officer referral to West Area Planning Committee.

---

**Recommendation:**

The West Area Planning Committee is recommended to refuse planning permission and listed building consent for the following reason:

**Reasons for Refusal:** (1) 15/03464/FUL & (2) 15/03465/LBC

1. By reason of its siting, height and design, the terrace with its associated timber balustrading and trellis, appears an incongruous addition to the listed building, detracting from its distinctive crenulated roof form and Gothic features, and its special architectural character and appearance. Therefore, the retention of the terrace would harm the architectural significance of the grade II listed building, which in turn would lessen the positive contribution the building makes to the Folly Bridge area of the Central Conservation Area and harming its character and appearance. The application would conflict with sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraphs 132 and 134 of the NPPF, policies CP1, CP8, HE3 and HE7 of the Oxford Local Plan 2001-2016, policy CS18 of the Oxford Core Strategy and policy HP9 of the Sites and Housing Plan.

## **Principle Planning Policies:**

### Oxford Local Plan 2001-2016

**CP1** - Development Proposals

**CP8** - Design Development to Relate to its Context

**HE3** - Listed Buildings and Their Setting

**HE7** - Conservation Areas

### Oxford Core Strategy 2026

**CS18** - Urban design, town character and the historic environment

### Sites and Housing Plan

**HP9** - Design, Character and Context

**HP14** - Privacy and Daylight

### Other Planning Documents

National Planning Policy Framework

## **Other Material Considerations:**

The development is affecting a Grade II Listed Building.

This application is in or affecting the Central Conservation Area.

Planning Practice Guidance

## **Relevant Site History:**

82/00870/NFH - Conversion of single family dwelling to six flats (retrospective):  
Approved

93/00198/L - Listed Building consent for erection of railings to flat roof to create roof terrace. Construction of roof light and access hatch to Flat 1: Refused

93/00199/NFH - Erection of railings to flat roof to create roof terrace. Construction of roof light and access hatch to Flat 1: Refused

## **Representations Received:**

Five representations were submitted from members of the public. Four were in support of the applications and one objecting to the applications (several representations were received in objection, however as these were from the same individual they are taken as one representation).

### Reasons for support:

- The roof terrace is a tasteful, appropriate and pleasant addition to the building, unobtrusive, so that it is quite difficult to see from most angles, unless one's attention has been drawn to it.
- The roof terrace is a genuine improvement to the building, and its removal would be a real loss.
- The roof terrace is in keeping with the quirky character of Caudwells Castle

- The roof terrace is not an unsightly addition and is an improvement to the building.

Reason for objections:

- Fail to see how the application has shown attention to a 'high standard of design...that respects the character and appearance of the area' and would not comply with policy CP1.
- The proposal fails to comply with policy CP8 – use of materials of a quality appropriate to the nature of the development, the site and surroundings. The site is highly publicly visible at a gateway to Oxford and the design fails to enhance the style and perception of the area. The current development detracts from the appearance of the area.
- Issue of noise generated from the roof terrace and that this is causing a loss of amenity to neighbours.

A petition of fourteen signatures was submitted in support of the application.

Reasons for support in the petition centred on:

- From the early 1990s until last year, our view of Caudwells roof garden from the Thames towpath was dominated by an ugly stairway and crude, rotting railings that gave a derelict look to this listed building. The renovation of the roof terrace is in keeping with the fanciful nature of an eclectic Victorian building.
- The balustrade is in keeping with the spirit of Caudwells Castle.

**Statutory Consultees:**

Oxfordshire County Council Highways Authority: No comment

**Officers Assessment:**

**Site Location and Description**

1. Caudwells Castle is a grade II listed building sited on the island in the Folly Bridge area of the Central Conservation Area. The building fronts the Abingdon Road, and its southern elevation is built onto the southern side of the island and is highly visible from public vantage points along the Abingdon Road, the pedestrian bridge and tow path.
2. The building dates to 1849 and was constructed as a 'gothic' folly from red and grey brick with crenulated parapet walls, protruding brick window and door arches, wrought iron balconies and stone statues in the wall niches. The architectural detail and decoration of the building is fine and rather ornate, both externally and internally, with elaborately designed wrought iron balustrading and finely detailed stone statues characterising the prominent east and south elevations.
3. The building was extended in the latter half of the 20<sup>th</sup> century with a flat roof addition extending from the top floor flat (Flat 1) and across the roof of the lower section of the building to the west. Towards the end of the 20<sup>th</sup> century

consent was sought for the creation of a terrace and the installation of railings of a utilitarian design on top of the flat roof extension (refs: 93/00198/L and 93/00199/NFH). Consent was refused on the grounds that the railings would represent an unacceptable feature of change to the battlemented roofline, affecting the special architectural appearance of the listed building and failing to preserve or enhance the special character and appearance of the conservation area. Notwithstanding this refusal of consent, it is evident that the development was implemented.

## **Proposal**

4. Listed building consent and planning permission are sought for the retention of a new roof terrace situated on the existing flat roof extension which comprises timber balustrading, trellis, floor tiles and an access ladder. The timber balustrading features a simple, bold zig-zag pattern, and simple spearhead finials on the posts, whilst the trellis is of a simple grid pattern. The timber balustrading, trellis and ladder are finished a dark green colour.
5. Officers consider that the principle determining issues in this case are
  - Impact on the special architectural interest of the grade II listed building.
  - Impact on the special character and appearance of the conservation area.
  - Impact on neighbour amenity.

## **Impact on listed building and conservation area**

6. The terrace and its associated fixtures project substantially above the surrounding roof line on which it is situated (the lower three-storey element of the building), and only slightly lower than the height of the adjacent chimneys and the top of the four-storey element. The design of the proposed timber balustrading and trellis is simple and bold, which does not reflect the ornate and finely detailed character and appearance of the listed building.
7. By reason of its height, design and siting, the terrace with its timber balustrading and trellis, appears an incongruous addition to the building detracting from the Gothic features of the building such as the three chimneys and the decorative crenulated brickwork, harming its architectural character and significance.
8. For the reasons stated above, the terrace and its associated fixtures would detract from the character and appearance of the listed building and the conservation area, lessening the positive contribution the building makes to this part of the Central Conservation Area and harming its special character and appearance.
9. It is recognised that the development is of a high quality design and workmanship; however, for the reasons stated above, it is not considered that this would outweigh the harm caused to the architectural significance of the listed building and the character and appearance of the conservation area. Furthermore, in accordance with NPPF paragraph 134, the scheme does not present any public benefits which would override the harm caused to the

listed building and the conservation area.

10. The applications would fail to comply with sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraphs 132 and 134 of the NPPF, policies CP1, CP8, HE3 and HE7 of the Oxford Local Plan 2001-2016, policy CS18 of the Oxford Core Strategy and policy HP9 of the Sites and Housing Plan, which require great weight to be given to the conservation and preservation of the special architectural interest, character and appearance of designated heritage assets, and are of an appropriate design in context with local character.
11. It is felt that there may be potential for an alternative type of balustrading of a more suitable, sympathetic and discreet design, which would not have the same harmful impact on the character and appearance of the listed building and the conservation area. This should be explored through seeking pre-application advice from the Local Planning Authority.

### **Impact upon Neighbouring Amenity**

12. Sites and Housing Plan Policy HP14 states that permission will only be granted for development that protects the privacy and amenity of proposed and existing residential properties, and will be assessed in terms of potential for overlooking into habitable rooms, sense of enclosure, overbearing impact and sunlight and daylight standards. This is also supported through Local Plan Policy CP10.

#### *Privacy*

13. In respect of privacy, the roof terrace does not directly overlook habitable rooms of neighbouring flats. The pontoon area is overlooked by the roof terrace but this is an area specifically designed for boats and is not amenity space for the flats within Caudwells Castle. This area is also overlooked by the balconies of other properties and the addition of the roof terrace is not considered to exacerbate the existing overlooking to an unreasonable harm to amenity. The roof terrace also does not create an overbearing impact on neighbouring properties due to being set away from neighbouring flats.

#### *Natural light*

14. In respect of natural light, the roof terrace does not cause loss of natural light to properties within in the building due to being sited on the roof away from any windows of neighbouring flats.

#### *Noise*

15. Representations have been submitted stating concern over noise. Although some noise will be generated from human activity on the roof terrace, the property is located on an arterial route into Oxford and the traffic noise generated from Folly Bridge will mean that any impact on amenity will be minimal and is not viewed as causing unreasonable harm to neighbouring

amenity.

16. In summary, the roof terrace is considered to be in compliance with Policy CP10 of the Oxford Local Plan and Policy HP14 of the Sites and Housing Plan.

## **Conclusion**

17. Having regard to the material considerations and all other matters raised the Local Planning Authority considers the timber balustrading and trellis harms the architectural significance of the grade II listed building and the special character and appearance of the Central Conservation Area.
18. Therefore officers recommendation to the committee is to refuse planning permission and listed building consent for the proposed development on the basis that it would conflict with sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraphs 132 and 134 of the NPPF, policies CP1, CP8, HE3 and HE7 of the Oxford Local Plan 2001-2016, policy CS18 of the Oxford Core Strategy and policy HP9 of the Sites and Housing Plan.

## **Human Rights Act 1998**

Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to refuse these applications. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

## **Section 17 of the Crime and Disorder Act 1998**

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to refuse planning permission and listed building consent, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

**Contact Officer:** Matthew Watson / Amy Ridding

**Date:** 29 June 2016