



## Appeal Decisions

Site visit made on 18 October 2022

**by Paul Thompson DipTRP MAUD MRTPI**

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

**Decision date: 21 October 2022**

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### **Appeal A Ref: APP/D3125/W/21/3288456**

#### **35-37 Woodgreen, Witney OX28 1DG**

- 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 & Mrs Brooker against the decision of West Oxfordshire District Council.
  - The application Ref 21/02718/HHD, dated 6 August 2021, was refused by notice dated 13 October 2021.
  - The development proposed is single storey rear extension.
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### **Appeal B Ref: APP/D3125/Y/21/3288457**

#### **35-37 Woodgreen, Witney OX28 1DG**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Mr & Mrs Brooker against the decision of West Oxfordshire District Council.
  - The application Ref 21/02719/LBC, dated 6 August 2021, was refused by notice dated 13 October 2021.
  - The works proposed are single storey rear extension.
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### **Decision**

1. Appeals A and B are dismissed.

### **Procedural Matter**

2. The two appeals concern the same scheme under different, complementary legislation. I have therefore dealt with both appeals together in my reasoning.

### **Main Issue**

3. The main issue is whether the proposed single storey rear extension would preserve a Grade II listed building, known as 35 and 37 Wood Green, and any features of special historic interest that it possesses.

### **Reasons**

#### *Special Interest and Significance*

4. The appeal concerns 35 and 37 Wood Green, a Grade II listed building that likely originates from the mid-18<sup>th</sup> Century. It is situated within a largely continuous row of properties to the northwest of a large green. The main range is of two-storeys, with attic rooms served by gabled dormers, and constructed of coursed limestone rubble, beneath a stone slate roof.

5. Although the list description primarily focuses on the front of the property, it is for identification purposes only and does not form an exhaustive list of the features of the listed building that are of special architectural or historic interest. Moreover, the plan form of buildings can contribute to the significance of listed buildings, as it helps to demonstrate why they were built or have been used in a particular way. This includes changes in the size or occupation of rooms to reflect the needs of society at particular point in time. For example, although the listing description suggests it is a pair of houses, the original floor plan of Nos 35 and 37 now forms a single house. The appellants' Design and Access Statement (DAS) also illustrates that extensions once covered the rear of the property before being replaced in 1994 by the current rear extension. This is a sympathetic addition, incorporating a kitchen, which better reveals the significance of the listed building.
6. Despite alteration of the listed building over time, particularly to a single house, its plan form is well-preserved and remains legible. In particular, the size of the current rear extension, and room therein, is complementary to the main range. Accordingly, as far as it is relevant to the appeal before me, the significance of the listed building today lies in its plan form and as a good example of a well-preserved mid-18<sup>th</sup> Century pair of houses, constructed of vernacular materials, with later additions and alterations.

#### *Effect of the Proposal*

7. The overall floor plan area of the extension and the proportions of the open plan arrangement within would be significantly larger than any other room in the main range at ground floor. This would undermine the hierarchy and, thereby, the understanding and significance of the plan form of the building.
8. Like the approved scheme for a glazed extension<sup>1</sup>, the appeal scheme would be clearly discernible as a new phase in the development of the listed building. It would incorporate two architectural languages, with stone to No 35 and glass to No 37, and creates a different type of internal space to existing rooms within the property. The original plan form of the building and later alterations would remain evident, including the rear façade above the flat roof. The extension would also have a volume smaller than the existing building, and no further original walls, windows, and door openings would be altered. Nevertheless, the two parts of the extension would be read together due to the connection at roof level and the generally open plan arrangement within. The resultant depth of the extension and its internal layout would therefore not be subservient to the historic ground floor plan of the listed building.
9. The property has been extended previously, but the DAS demonstrates these were projections narrow in width and depth in comparison to the original property. These would not therefore have been comparable with the appeal scheme for an extension across the building to a noticeably greater depth.
10. The proposal would not be visible from Wood Green, but the building is listed for its intrinsic architectural and historic interest and the visibility of the proposed extensions would not be a determining factor in considering whether they would preserve the special architectural or historic interest of the building. In addition, although the proposal would be reversible, this would not justify a

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<sup>1</sup> Planning References: 21/01612/HHD and 21/01613/LBC.

harmful alteration that would be experienced for a considerable length of time from within the grounds of the building.

*Public Benefits and Conclusions on the Main Issue*

11. The statutory duties in Sections 16(2) and 66(1) of the Planning (Listed Building and Conservation Areas) (England) Act 1990 (the Act) are matters of considerable importance and weight and paragraphs 197, 199 and 200 of the National Planning Policy Framework (the Framework) are also of paramount importance.
12. The proposal would be harmful to the special historic and architectural interest of the Grade II listed building, in respect of its floor plan layout. This would have a harmful effect on its significance as a designated heritage asset, which would equate to less than substantial harm to its significance. Paragraph 202 of the Framework and Policy EH9 of the West Oxfordshire Local Plan 2031<sup>2</sup> (LP) identify that harm should be weighed against the public benefits of proposals.
13. I accept that the proposal would improve the internal living environment of the appellants' property by providing a larger kitchen, but there is no evidence to suggest that this would be required to make the building habitable or sustain it as a heritage asset. The continued viable use of the appeal property as a house is therefore not dependent on the proposal, as there is an ongoing residential use that would be unlikely to cease in its absence. There is also no evidence before me to demonstrate that incorporating the kitchen into the main range of the house would require removal of historic fabric, including for service runs. I have therefore given limited weight to these arguments.
14. The proposed extension would enable the existing dining room to be used as a dedicated study for working from home and a new separate utility space to be provided for, amongst other things, drying clothes inside. These would be largely private benefits restricted to the appellants, although there would be small environmental benefits to the public in terms of the minimisation of energy consumption.
15. Similarly, while the use of glazing in the proposed extension may reduce the need for lights to be on in the rooms within the extended part of the house, it is unlikely to alter the situation within the remainder of the house, particularly as the ground floor rear window to the existing lounge would be internalised.
16. The proposal could provide net gains for biodiversity through the provision of a bird box. However, there is no substantive evidence before me regarding how this gain has been measured, so I attach limited weight to this as a benefit.
17. The absence of harm to the living conditions of neighbouring occupiers would weigh neither for nor against the appeal scheme.
18. Taking the above together, the public benefits I have outlined would not justify allowing a proposal that would fail to preserve the special interest of the listed building. In accordance with Framework paragraphs 197 and 199, considered together, I am therefore not persuaded that there would be public benefits of sufficient magnitude to outweigh the great weight to be given to the less than substantial harm that I have identified to the significance of the heritage asset.

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<sup>2</sup> Adopted September 2018.

19. In light of the above, I conclude that the proposal would have a harmful effect on the special historic and architectural interest of the Grade II listed building. The appeal proposal would therefore fail to satisfy the requirements of the Act, paragraphs 197, 199 and 200 of the Framework and would conflict with the design and heritage aims of Policies EH9, EH11, EH12, and OS4 of the West Oxfordshire Local Plan 2031 (Adopted September 2018) (LP) and Sections 7 and 14 of the West Oxfordshire Design Guide 2016.
20. I have not found in relation to the Witney and Cogges Conservation Area Appraisal (April 2013) or LP Policy EH10, as they are relevant to this main issue. In particular, the former includes policies replaced by the current LP.

### **Other Matters**

21. The appeal property is situated within the Witney and Cogges Conservation Area (CA). I have had regard to Section 72(1) of the Act, which requires special attention be given to the desirability of preserving or enhancing the character or appearance of a Conservation Area. The listed building makes an important contribution to the significance of the CA but, the proposal relates to works to the rear of the property, that would not be visible within the street scene or other public areas. I note that the Council also arrived at a similar conclusion.
22. The site also adjoins The Three Pigeons Public House, a Grade II listed building. I have therefore had regard to the statutory duty referred to in the Act, but the scale of the proposed extension and its physical relationship with the pub would ensure that its setting would be preserved and not detract from it.
23. Hence, the proposal would preserve the character and appearance of the CA and the setting of the public house, as required by LP Policy EH10 and the other policies referred to above, and thus preserve their significance. However, neither of these matters alters or outweighs my conclusion on the main issue.

### **Conclusion**

24. For the reasons given above, I conclude that the appeals should be dismissed.

*Paul Thompson*

INSPECTOR