



Appeal Decision

Site visit made on 5 October 2020

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th October 2020

Appeal Ref: APP/D3125/D/20/3249929

34 Woodford Mill, Mill Street, Witney, Oxfordshire OX28 6DE

- 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 Dr Lawrence Haar against the decision of West Oxfordshire District Council.
 - The application Ref 20/00195/HHD, dated 14 January 2020, was refused by notice dated 17 March 2020.
 - The development proposed is described as “replaced our wooden windows with PVC ones. The new windows have two small fan lights for ventilation”.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The windows have already been installed.

Main Issue

3. The main issue is whether the windows preserve or enhance the character or appearance of the Witney and Cogges Conservation Area (CA).

Reasons

4. The appeal site is a three storey mid-terraced property falling within a gated residential environment of mainly stone built buildings surrounded by the River Windrush. There is a pleasing sense of a uniformity of materials, colour and design in respect of the buildings on the site. In particular, the blocks of terraced dwellings have similarly proportioned and designed window openings with white frames, essentially unbroken roof slopes and the provision of Juliette balconies at first floor level. This design consistency adds distinctively and positively to the overall significance of the character and appearance of the CA.
5. The appellant has made reference to the erection of a canvass canopy at No 33 Woodford Mill. I do not know the exact circumstances which led to this canopy being installed. It does detract from the simple uniformity afforded to the rear elevations of the associated terraced properties, but it is not in a prominent or high position being to the ground floor rear of the dwelling. Notwithstanding its existence, there remains a prevailing design uniformity and consistency to the appearance of all of the other properties in this area and this includes the front

elevations. The existence of the canopy does not alter my aforementioned views about the significance of this part of the CA.

6. The evidence before me indicates that some of the windows within this residential complex of buildings are uPVC and others are wooden. The evidence is such that the replacement windows, which are at first floor level and to the front of the appeal dwelling, replace former wooden windows. As part of my site visit, I was able to consider the thickness and material of the white window frames. In this regard, I do not consider that the replacement windows look out of place in their immediate setting. Furthermore, the replaced windows have the same outer dimensions as those which were installed originally; hence the regularity of the overall width and depth of window proportions has been continued across the terrace.
7. My main concern relates to the design of the windows which include two outward opening fanlights. This is not a design feature which is seen within the terrace or indeed in respect of the other town houses in this residential environment. When approaching this prominent front elevation, it is readily apparent to the onlooker that the windows are materially different to those of neighbouring properties. Owing to their design, they appear in stark contrast to the otherwise uniformity and consistency of appearance relating to windows in the immediate area. Consequently, the windows do not preserve or enhance the character and appearance of the CA.
8. Having regard to paragraph 196 of the National Planning Policy Framework (the Framework), the harm to the significance of the CA would be less than substantial. Paragraph 193 of the Framework states that great weight should be given to the conservation of a designated heritage asset even when that harm amounts to less than substantial harm to its significance.
9. In this case, the appellant has indicated that the provision of opening windows is necessary so that the bedroom has adequate ventilation. He indicates that ventilation is necessary for a family relative, who stays for extended periods and has a health condition, and that it is not possible to have inward opening windows given the position of some internal shutters.
10. I do not doubt that additional ventilation in the bedroom would have some health benefits for the visiting relative. I accept that having the former doors open for ventilation purposes, particularly in the winter months, would not be an ideal solution. However, and whilst shutters have been erected internally, I have not been persuaded that it would not be possible to erect a different form of internal window dressing, thereby allowing for the installation of more sympathetic and appropriately designed windows. Indeed, the evidence indicates that some residents have opted for windows that open inwards. Furthermore, and accepting that there are other bedrooms in the appeal property, the evidence before me does not reasonably explain why the family relative could not temporarily use another bedroom where there is existing ventilation.
11. In this case, I do not find that any associated public/health benefits for a visiting member of the family to the dwelling would outweigh the less than substantial harm caused to the CA. A refusal of planning permission is a proportionate and necessary approach to the legitimate aim of ensuring that the CA is preserved. I conclude that the windows do not preserve or enhance the character and appearance of the CA and that they fail to accord with the

design and conservation requirements of the Chapter 16 of the Framework and policies EH9, EH10 and OS4 of the adopted 2018 West Oxfordshire Local Plan 2031. In reaching this view, I have taken into account some supportive comments made by other interested parties, but such comments do not alter or outweigh my conclusion on the main issue.

Conclusion

12. For the reasons outlined above, I conclude that the appeal should be dismissed.

D Hartley

INSPECTOR