
Appeal Decisions

Site visit made on 11 November 2013

by Katie Peerless Dip Arch RIBA

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

Decision date: 21 November 2013

Appeal A: APP/Q3115/A/13/2194925 **Castle Priory, Thames Street, Wallingford OX10 0HD**

- 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 Duvan Management Ltd against the decision of South Oxfordshire District Council.
 - The application Ref P12/S1366/FUL, dated 18 June 2012, was refused by notice dated 17 September 2012.
 - The development proposed is enlargement of existing gateway to enable vehicular access to substation.
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Appeal B: APP/Q3115/E/13/2194926 **Castle Priory, Thames Street, Wallingford OX10 0HD**

- 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 Duvan Management Ltd against the decision of South Oxfordshire District Council.
 - The application Ref P12/S1367/LB dated 18 June 2012, was refused by notice dated 17 September 2012.
 - The works proposed are enlargement of existing gateway to enable vehicular access to substation.
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Decisions

Appeal A: APP/Q3115/A/13/2194925

1. The appeal is allowed and planning permission is granted for the enlargement of an existing gateway at Castle Priory, Thames Street, Wallingford OX10 0HD in accordance with the terms of the application, Ref P12/S1366/FUL dated 18 June 2012, and the plans submitted with it, subject to the conditions attached as Annex A to this Decision.

Appeal B: APP/Q3115/E/13/2194926

2. The appeal is allowed and listed building consent is granted for the enlargement of an existing gateway at Castle Priory, Thames Street, Wallingford OX10 0HD in accordance with the terms of the application, Ref P12/S1367/LB dated 18 June 2012 and the plans submitted with it subject to the conditions attached as Annex B to this Decision.

Procedural matter

3. I was delayed on the way to the site visit and contacted the parties to obtain their agreement to carrying out the inspection as an 'access required site visit' rather than an accompanied visit. Both parties agreed to this procedure and I inspected the site without the presence of a representative of the Council. The appellant's representative showed me the location of the appeal site within the grounds but otherwise took no part in the proceedings.

Main Issue

4. I consider that there is one main issue in these cases: the effect of the proposed works on the special architectural and historic character of the curtilage listed wall, the setting of main listed building and the character and appearance of the Wallingford Conservation Area.

Site and surroundings

5. The appeal site is part of a wall surrounding the grounds of the Grade II* listed Castle Priory, within the Wallingford Conservation Area. As part of the curtilage of the listed building, the wall is also treated as a listed structure although it has not been included on the list in its own right. The wall is constructed of flint panels in a brick framework, supported by brick buttresses within the Castle Priory grounds.
6. Thames Street is a one way road with parking permitted along the side adjacent to the wall. The site of the proposed entrance gates is close to the boundary of the adjacent property to the north, 3A Thames Street (Bridge View House), at a point where there was previously a pedestrian gate. The wall has also been damaged at the point where it is proposed to insert the new vehicular access and gates and has not been repaired; the opening is presently secured with temporary fencing and has been in this condition since it was damaged some years ago.

Planning history

7. An appeal¹ against the refusal of listed building consent for a 6m wide opening in the wall (albeit with 3m wide gates but set back with visibility splays) in the approximate position proposed in this scheme was dismissed in 2003. Further applications prior to ones considered in this appeal were either withdrawn or refused and it seems that the main difference with this scheme is that the width of the proposed opening has been reduced to the minimum needed to allow a vehicle to enter the site at this point.

Reasons

8. The wall in question stretches for some 150m along the frontage of Thames Street and there is no dispute that, although repaired and now somewhat out of true, it nevertheless makes an important contribution to the character and appearance of the Conservation Area. The appeal proposal is for the widening of what was an existing pedestrian gateway to allow for a 3m wide vehicular access to an electricity sub-station located on the other side, within the grounds of Castle Priory. The scheme includes the installation of 2 timber gates to secure the opening and the reuse of the remaining brick pier from the pedestrian gateway.

¹ Ref: APP/Q3115/E/03/1116526

9. The Council considers that access for these purposes should be taken through the main entrance to Castle Priory or through a reinstated pedestrian gateway. It also notes that the existing unrepaired opening could be used as a temporary access for the replacement of the sub-station if necessary and the reinstatement of the pedestrian gate could provide access to it thereafter. However, the electricity company have confirmed in writing that they need vehicular access to the sub-station on an ongoing basis for replacement of equipment, emergencies and repairs.
10. The property is now in use as a private residence, whereas previously it was a college, and I can understand that the owners may wish to keep the main access way locked and this could prevent 'on demand' access for the electricity company, should there be an emergency. There is the possibility of allowing the electricity company to have a key, but this seems to me to be a less than satisfactory situation, particularly as I am told that there is no right of access through the grounds of Castle Priory to the sub-station.
11. I saw at the site visit that there is a gravel pathway leading from the hard surfaced area at the front of the main listed building but that it is not wide enough to accommodate a vehicle. To one side of the path is a line of mature trees, some of them yews, that have been trimmed to allow pedestrians to walk under them but which would have to be further cut back to let vehicles through. On the other side is an area of lawn, part of which would have to be sacrificed if the path were to be widened.
12. Concerns have been raised that a new access could, in the future, facilitate an alternative access to Castle Priory by allowing the creation of a more formal driveway through the grounds. The Council considers that this would have a harmful impact on the setting of the listed building and I agree with that assessment.
13. Nevertheless, I consider that a vehicular access through the grounds to the sub-station via the main access would be equally harmful and it seems that this is an option that could be employed if the appeals fail. However, if planning permission and listed building consent were granted for the proposal, permitted development rights for the provision of hard surfaces in the grounds of Castle Priory could be removed, and access limited to vehicles servicing the sub-station only, as suggested by the appellant, so that an application for permission for any such driveway would need to be made. This would ensure that no alternative access to the main house would be created.
14. I do not know the width of the previous opening, but assuming it was between 0.75 and 1m wide at the most, the extent of the wall that would have to be permanently removed to allow the installation of gates to provide a clear opening 3m wide is not, to my mind, significant when compared to the considerable length of the structure. It appears that the wall originally continued northwards past Bridge View House and this property, and in particular the gates to its garage, have already breached its length. In this context, and given that the wall was also previously interrupted by a gateway at this point, the new gates would not, in my opinion, appear out of place.
15. I agree with the appellant's view that it would not be unusual or inappropriate for a house of the stature and importance of Castle Priory to have a secondary entrance at some distance from the main access point. The proposed development, being a simple and subsidiary gateway, would appear similar to such an access, whilst maintaining the enclosure of the Castle Priory site.

16. Even though the opening would be larger than the original pedestrian gate, the altered appearance of the curtilage listed wall would not, I consider, be particularly noticeable or inappropriate and the inclusion of 2 traditionally styled timber gates would, in my view, be acceptable. Provided that the materials used matched the existing wall and were subject to the approval of the local planning authority, which could be secured by conditions, there would consequently be no harmful impact to the architectural or historic interest of the wall, the setting of the listed building or the character and appearance of the Conservation Area.
17. Interested parties have raised concerns about highway safety but this is not a matter raised by the Council and the level of use of the entrance would not, I consider, be frequent enough to cause a problem. The road is narrow but, as noted above, it is one-way with cars parked on one side and its very narrowness consequently serves to restrict vehicle speeds along it.
18. The proposed development would not, therefore, conflict with the development plan policies and those of the National Planning Policy Framework that seek to protect heritage assets. Planning permission and listed building consent will be granted for the scheme subject to the conditions discussed in previous paragraphs as well as the standard commencement conditions and conditions requiring the development to be in accordance with the submitted plans, to ensure a satisfactory appearance to the development.

Katie Peerless

Inspector

Annex A

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: LOC-001, PE/2240/002, Block Plan.
- 3) No development shall take place until samples of the materials to be used in the construction of the access and gates hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) Notwithstanding the provisions of Class F of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no hardsurfacing shall be provided within the curtilage of the application site (as defined by the red line on the Block Plan submitted with the application) without the prior written consent of the local planning authority.
- 5) The gateway hereby permitted shall be used only for allowing vehicular or pedestrian access for the purposes of maintaining or repairing the electricity sub-station and for no other purpose.

Annex B

- 1) The works hereby authorised shall begin not later than three years from the date of this decision.
- 2) The works hereby permitted shall be carried out in accordance with the following approved plans: LOC-001, PE/2240/002, Block Plan.
- 3) No development shall take place until samples of the materials to be used in the construction of the access and gates hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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