
Appeal Decision

Site visit made on 27 September 2016

by Richard Aston BSc (Hons) DipTP MRTPI

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

Decision date: 20 October 2016

Appeal Ref: APP/Q3115/W/16/3152971

Windrush, Bridge Terrace, Thame, Oxfordshire OX9 3LU

- 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 Ms G Crane against the decision of South Oxfordshire District Council.
 - The application Ref P15/S3607/FUL, dated 22 October 2015, was refused by notice dated 30 March 2016.
 - The development proposed is demolition of existing dwelling and erection of pair of semi-detached dwellings and one detached dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing dwelling and erection of pair of semi-detached dwellings and one detached dwelling at Windrush, Bridge Terrace, Thame, Oxfordshire OX9 3LU in accordance with the terms of the application, Ref P15/S/3607/FUL, dated 22 October 2015, subject to the conditions set out in the attached schedule.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site is formed by an existing single storey residential dwelling and its curtilage. It is located between Ridgeway, a chalet bungalow style dwelling and a terrace of four, two storey dwellings known as Bridge Terrace. The immediate locality is characterised by a variety of building types, forms and designs from different periods, including three storey blocks of residential flats at Princes Court and two storey semi-detached dwellings located in Cotmore Gardens.
 4. Access is shown as being from an existing vehicular entrance through Phoenix Court, across its associated parking area and joining an existing track to the rear of Bridge Terrace and the appeal site. The track separates the appeal site from a former railway track called the Phoenix Trail.
 5. The proposal would result in two separate buildings, a semi-detached building and a detached building, both two storeys in height and sited in line with the existing building line of Bridge Terrace. Unit 3 would be stepped back from Unit 2 and set slightly forward of Ridgeway. They would be constructed from brickwork with clay roof tiles and in terms of their appearance, they would not
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be out of keeping with the variety of architectural styles, materials and detailing that exists in the locality.

6. Despite the semi-detached building having a relatively large footprint and significant expanse of crown roof, the height of the buildings would step down from the ridge of Bridge Terrace to be in line with the ridge height of Ridgeway. There would also be a gap between the buildings and in between the flank elevations of the dwellings and adjacent properties.
7. In my judgement, the combination of these factors would result in a proposal that would not appear cramped on the site or overdeveloped in terms of its scale, bulk, mass or form. Although the development would be in marked contrast to the existing dwelling and its open front garden area, it would provide an appropriate visual transition between the denser and much larger residential buildings of Phoenix Court and the lower scale and height of Ridgeway. Overall, in its context it would be an appropriate addition to the streetscene that would not be out of keeping with the character and appearance of the area.
8. For these reasons, the proposal would not cause harm to the character and appearance of the area and would not conflict with Policy CSQ3 of the South Oxfordshire Core Strategy 2012, Policies G2, D1 and H4 of South Oxfordshire Local Plan and Policies H5 and ESDQ16 of the Thame Neighbourhood Plan 2013. Amongst other things these policies require development to be of a high quality and inclusive design, in keeping with the surroundings and allow small residential developments on infill and redevelopment sites, subject to meeting requirements set out in other policies. The proposal would also not conflict with the design objectives of the National Planning Policy Framework.

Other Matters

9. I have also considered third party concerns regarding living conditions, access and amenity space. However, the Council have not raised any concerns on these grounds and based on the evidence before me and having visited the site, I have no substantive reasons to disagree. Matters relating to construction traffic could also be covered by imposing a condition requiring a Construction Management Plan, as suggested by the Council. Whilst I also acknowledge the representations made by third parties regarding rights of access, this is a private matter between the relevant parties and any planning permission granted would not override any legal rights of access. Accordingly, such matters have not had any material bearing on my determination of this appeal.

Conditions

10. I have considered the conditions put forward by the Council and have amended the wording where necessary in the interests of clarity and simplicity. A condition is required to ensure compliance with the approved plans as this provides clarity. Although the materials are shown on the plans, a condition requiring details of the external materials to be agreed is necessary, in order to protect the character and appearance of the area.
11. To ensure the proposed parking and turning facilities are satisfactorily provided and thereafter permanently retained, a condition is required for these to be provided and laid out prior to occupation of the dwellings in accordance with

approved plan 6c. A condition requiring details of existing and proposed ground and floor levels to be agreed is also necessary to avoid an excessive raising or lowering of levels and to protect the character and appearance of the area.

12. A condition requiring details of the soft and hard landscaping of the site is necessary to protect and enhance the character and appearance of the area and that such works are retained and replaced, where necessary. The first floor side windows serve bathrooms and it is therefore necessary for these to be obscurely glazed and non-openable below a height of less than 1.7 metres, to protect the living conditions of adjoining and future occupiers.
13. In order to protect the character and appearance of the building and the area, a condition is also required to restrict permitted development rights for extensions to the buildings, enlargements to the roof and buildings incidental to the enjoyment of the dwellinghouse.
14. To ensure highway safety is not compromised a condition is necessary to restrict access to that shown on the approved plans. The Council has also suggested a Construction Traffic Management Plan and that hours of construction should be imposed by a separate condition. Such conditions are necessary in the interests of highway safety and the living conditions of adjoining occupiers however I have combined them into single condition.
15. Conditions 3, 5, 6 and 11 are conditions precedent and I am satisfied that such conditions are fundamental to the development to ensure that development does not occur until such matters are resolved, in the interest of a combination of the effects on the character and appearance of the area, highway safety and the living conditions of neighbouring occupiers.

Conclusion

16. For the reasons set out above and having considered all other matters raised, the development would not conflict with the development plan, when taken as a whole or the Framework and therefore I conclude that the appeal should be allowed.

Richard Aston

INSPECTOR

SCHEDULE

CONDITIONS

- 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 approved plans: 6c, 3b and 4a.
- 3) No development shall take place until details of the materials to be used in the construction of the external surfaces of the development 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) The dwelling hereby permitted shall not be occupied until the areas shown on approved plan 6c for the parking and turning of vehicles have been provided, surfaced and drained in accordance with details that have been previously submitted and approved in writing by the local planning authority. Subsequently, the parking and turning areas shall not be used for any purpose other than the parking and turning of vehicles.
- 5) No development shall take place until full details showing the existing and proposed ground levels of the site together with the slab and ridge levels of the proposed development, relative to a fixed datum point on adjoining land outside of the application site, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.
- 6) No development shall take place until details of the soft and hard landscaping of the site and the provision of boundary treatments have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 7) All planting, seeding, turfing and other details comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 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.
- 8) The buildings hereby permitted shall not be occupied until the windows at first floor in the side elevations have been fitted with obscured glazing and no part of that/those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is

installed and once installed the obscured glazing shall be retained thereafter.

- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no enlargement of the dwelling improvement or other alteration of the dwelling; no enlargement consisting of an addition or alteration to its roof and no buildings incidental to the enjoyment of the dwelling shall be erected, constructed or take place on the site other than those expressly authorised by this permission.
- 10) There shall be no means of vehicular access to the site other than from than that shown on the approved plans, which shall be retained thereafter.
- 11) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors and traffic management;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) wheel washing facilities;
 - v) measures to control the emission of dust and dirt during construction;
 - vi) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - vii) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.