
Appeal Decision

Site visit made on 25 October 2016

by Sarah Housden BA (Hons) BPI MRTPI

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

Decision date: 9 November 2016

Appeal Ref: APP/G3110/W/16/3155223

Garages to the rear of 1, 3, 5, 7 and 9 Coppock Close, Oxford, Oxfordshire, OX3 8JS

- 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 Philip Noble against the decision of Oxford City Council.
 - The application Ref 15/03117/FUL, dated 16 October 2015, was refused by notice dated 9 March 2016.
 - The development proposed is 'demolition of eleven garages and erection of one three bedroom dwellinghouse'.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the proposed development on the refusal notice refers to a three bedroom dwelling. I note that the scheme was revised during the course of the planning application to a two bedroom dwelling and I have assessed the proposal on the basis of the floor layout shown on Drawing No. 6138.03 Revision B.
3. A previous scheme for the demolition of eleven garages and erection of a two storey block of four flats was dismissed on appeal in 2011¹. That scheme proposed a different form and scale of development and whilst I have had regard to it in coming to my decision, I have assessed the appeal based on the circumstances of the site and the details of the scheme before me.

Main Issues

4. The main issues in this case are:
 - the effect on the character and appearance of the area, having particular regard to whether or not the character or appearance of the Headington Quarry Conservation Area would be preserved or enhanced;
 - Whether or not the development would provide satisfactory living conditions for future occupiers, having particular regard to outlook, levels of daylight and sunlight and noise and disturbance; and
 - Whether or not the proposal would be a suitable site for a dwelling having regard to land stability.

¹ Ref APP/G3110/A/11/2155293

Reasons

Character and appearance

5. The site lies within Headington Conservation Area. In the exercise of planning functions, the statutory test is that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Paragraph 132 of the National Planning Policy Framework (the Framework) advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
6. The significance of Headington Conservation Area as a designated heritage asset derives from the industrial archaeology of the area which has since been developed with a mix of residential and other properties. The changes in levels, exposed quarry walls and use of local stone in buildings and walls create variety in the built and natural environment and provide a visual connection with the area's history.
7. The site lies to the rear of Coppock Close, accessed via a narrow track between two terraces of dwellings. The quarry wall to the rear indicates the edge of the old workings and is largely obscured by ivy and other vegetation. The public footpath at the top of the wall runs along the south-west boundary of the site. Allotment gardens are located along the west boundary, above the quarry wall and screened by a fence and mature hedge at the higher level. The site is currently occupied by eleven pre-cast concrete flat roof garages which are in a state of disrepair.
8. The form and layout of the dwelling would be somewhat contrived due to the awkward shape of the site. However, the form would be broken up into smaller scale blocks with a linking corridor. The flat roof form and linking glazed corridor and rendered walls would create a contemporary appearance. The green and zinc roofs would be interesting features when viewed from the public footpath running along the south-west boundary of the site. Policy CP.8 of the Oxford Local Plan (2005) (LP) indicates that in some circumstances, innovative design may be appropriate.
9. When viewed from the public footpath, the dwelling would contrast with the more traditional appearance of the surrounding dwellings. However, with the use of high quality materials and detailing the proposed dwelling would contribute to the diversity in building styles and materials that is part of the distinctive character of the area. The existing appearance of the site would be improved and the quarry wall would be exposed to view and retained, creating a visual link with its historic use.
10. Overall, I conclude that the form and design of the proposed dwelling would respond to the constraints presented by the shape and topography of the site. The current appearance of the site would be improved and on balance, I consider that the character and appearance of the Headington Conservation Area would be enhanced. As such, the proposal would comply with LP Policies CP1 and CP8 and Policy CS18 of the Oxford Core Strategy (2011) (CS) which seek to ensure that development is of a high standard of design that respects local character and does not damage historic features or their settings. The proposal would also comply with LP Policy HE7 which requires that the character and appearance of conservation areas is preserved or enhanced and

with Policy HP9 of the Sites and Housing Plan (2013) (SHP) which reflects the Framework's requirement that development affecting the historic environment should make a positive contribution to local character and distinctiveness.

Living conditions

11. The gross internal floorspace and outdoor space would meet the requirements set out in the Nationally Described Space Standard (NDSS) and Policy HP12 of the SHP. The Council's principal concern relates to the poor outlook from the dwelling that would be caused by the height and proximity of the quarry wall and the location of the dwelling in relation to the existing access road and turning area which would serve the remaining garages.
12. The principal living/dining area would be served by a glazed door onto the north facing garden, patio doors to the courtyard and a roof light. The glazed link would cast additional light into that area and into the kitchen which would have a small window looking onto the access drive. I consider that these areas would receive adequate levels of daylight. The bedroom facing onto the south facing garden would have a favourable aspect. The other bedroom would receive less daylight but would be a secondary bedroom. Overall, I consider that the dwelling would receive adequate levels of daylight.
13. The quarry wall would create a degree of enclosure due to its proximity and height but would also be of visual interest and there would be sufficient openings on the other elevations of the dwelling to ensure that future occupiers would have an adequate outlook.
14. Whilst the height and the proximity of the quarry wall would restrict levels of sunlight into the courtyard garden, the south facing garden would provide the occupiers with an alternative choice of outdoor space. The building would be single storey and would therefore not dominate the outdoor areas to the extent identified by the Inspector in the previous appeal, which was for a two storey building.
15. Although the scheme dismissed on appeal was in outline, having regard to the indicative layout, the Inspector concluded that it would be necessary for the proposed ground floor flats to have windows facing the access road and manoeuvring area. In the appeal scheme, the only openings facing the access road would be the door and windows serving the linking corridor and the window to the kitchen. The access road would be 8 metres wide in front of the dwelling so that vehicles would be unlikely to pass in close proximity to these openings. On balance, I conclude that the noise and disturbance from the vehicles accessing the six remaining garages would not cause material harm to future occupiers of the proposed dwelling.
16. There would be a gap of approximately 3.8 metres between the front wall of the house and the fences on the common boundaries with Nos 7 and 9 Coppock Close. As the dwelling would be single storey, it would not appear overbearing when viewed from the rear windows or gardens of those properties and would not give rise to any overlooking. Consequently, there would be no material harm to the living conditions of adjoining occupiers arising from loss of outlook or overlooking.
17. In relation to the second main issue in this case, I conclude that there would be no conflict with LP Policies CP1 and CP10, nor with SHP Policies HP12, HP13

and HP14. Amongst other things, these policies seek to ensure that new development provides adequate outlook, outdoor space and daylight for occupiers and that the amenities of adjoining occupiers are safeguarded.

Land Stability

18. A section of the quarry wall to the rear of No 13 Coppock Close has recently collapsed, approximately 40 metres from the north-west corner of the appeal site. At the site visit I was able to see the area of wall affected from the road. Whilst I have no further evidence about the collapse from either of the main parties, judging by the area of wall affected I conclude that a substantial amount of material would have fallen.
19. The quarry wall to the rear of the appeal site is largely covered by ivy and other vegetation. The officer report indicates that details of a structural survey and stabilisation works could be dealt with by means of a planning condition. However, the Planning Practice Guidance (the Practice Guidance) is clear that a preliminary assessment of ground instability should be carried out at the earliest possible stage before a detailed planning application is prepared². It makes clear that failing to deal with this issue could cause harm to human health, local property and associated infrastructure and the wider environment. Such information could take the form of a land stability or slope stability risk assessment report.
20. No such evidence has been submitted in this case. Furthermore, there is no indication in the appeal documentation that the quarry wall is within the applicant's control in order that any necessary stabilisation works could be dealt with as a condition of planning permission.
21. The rear wall of the proposed dwelling would be less than 1 metre from the quarry wall. Measures to deal with any instability identified could affect the position and hence the layout of the property. In view of the proximity of the site to the collapse, further investigation of, and measures to deal with any instability need to be assessed before a grant of planning permission. In the absence of this information, I cannot conclude that this would be a suitable site for a new dwelling. The proposal would be in conflict with paragraph 21 of the Framework which requires a consideration of land stability in determining site suitability and with the advice in the Practice Guidance.

Other matters

22. Had my findings in relation to the third main issue in this case been more favourable, it would have been necessary to address other details of the scheme including the effect on ecology and measures to deal with contamination. However, as the appeal is being dismissed for another reason, I make no further comments on these matters.
23. Similarly, I note the concerns expressed by local residents about the effect on parking provision in the area, the access and driveway and access for refuse and emergency vehicles, rights of access over the site and drainage and flooding. Again, since these matters are not determinative in this case I do not need to comment any further.

² Ref ID 45-006-20140306

Conclusion

24. I have concluded that the proposal would enhance the character and appearance of the Headington Conservation Area and that the proposed dwelling would provide adequate living conditions for future occupiers. It would also make use of a brownfield site and increase the supply of housing. However, these benefits do not outweigh my conclusion that there is insufficient information to establish that this would be a suitable site for housing having regard to the advice in the Practice Guidance that the risk and effects of land stability on property, infrastructure and the public should be minimised. There would also be conflict with the requirement in the Framework that land stability should be a consideration in determining site suitability.
25. For the reasons outlined above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Sarah Housden

INSPECTOR