

Appeal Decision

Site visit made on 18 October 2016

by David Walker MA MRTPI

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

Decision date: 21 November 2016

Appeal Ref: APP/V3120/W/16/3150450

21 Charlton Road, Wantage, Oxon OX12 8EP

- 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 Allan Comley against the decision of Vale of White Horse District Council.
 - The application Ref P15/V2532/FUL, dated 26 October 2015, was refused by notice dated 23 February 2016.
 - The development proposed is erection of a two bedroom bungalow and a three bedroom house.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have amended the address of the proposal to reflect that provided by the appellant within the appeal form and by the Council in its decision notice in the interests of consistency.
3. An amended plan¹ was submitted with the appeal to include the retention of conifer trees along the boundary of the appeal site with Charlton Park Garden Centre. The revisions are relatively minor and I am satisfied that my consideration of it at this time would not prejudice interested parties. Accordingly, I have taken into account in my determination of the appeal.

Main Issues

4. The main issues in the appeal are:
 - the effect of the proposal on the character and appearance of the area; and
 - the effect of the proposal on the living conditions of future occupants having regard to privacy and garden space provision.

Reasons

Character and appearance

5. No 21 is a detached house in a large corner plot. Although addressed at Charlton Road the property is positioned with a frontage and access onto a

¹ Drawing No 1268-S-01 dated Aug-15

- narrow side road, Charlton Park. There are differing patterns of development along the two roads: mostly two storey houses fronting onto Charlton Road, and detached houses of varying designs in spacious plots along Charlton Park.
6. The proposed bungalow would be positioned close to the existing dwelling at No 21 and the neighbouring property Rose Garth, reducing the characteristic spaciousness of Charlton Park. Moreover, while the existing pattern of development along Charlton Park provides a plot frontage to the street the bungalow would be situated mostly behind No 21 with only a narrow access onto the street.
 7. Although the bungalow would not be prominent and would include design elements, massing, and a roof form that would be consistent with other properties in the vicinity, it would result in a cramped form of development. Such a pattern of development as would be uncharacteristic of the area would be harmful to the character of Charlton Park. As a result it would not accord with saved Policies H10 and DC1 of the Vale of White Horse Local Plan adopted 2006 (the Local Plan). These policies require the layout and relationship of new housing to adjoining buildings to not harm or adversely affect the character of the area.
 8. I acknowledge that the Local Plan is an aged document and that the Local Plan 2031 - Part 1: Strategic Sites and Policies (the emerging Local Plan) has been submitted for examination. However, the design elements of saved Policies H10 and DC1 of the Local Plan remain consistent with the Government's current approach to design as set out at section 7 of the National Planning Policy Framework (the Framework). My attention has also been brought to the existence of the Vale of White Horse Adopted Design Guide 2015 (the Design Guide) but as I have not been provided with any details I am unable to take it into account.
 9. While the Council has re-stated its objections to the cramped nature of two new dwellings in the grounds of No 21, it has indicated its acceptance of the three bedroom house alone. This dwelling would be of a similar plot size, scale and height to adjacent properties and with a frontage onto Charlton Road I am satisfied that it would be suitably assimilated into the available streetscene. I have given consideration to a split decision. However, I have nothing before me to confirm that the two new dwellings would clearly be both physically and functionally severable for this to be a reasonable option.
 10. On this issue therefore, I conclude that the proposal, as a result of the cramped siting of the bungalow, would have a harmful effect on the character and appearance of the area.

Living conditions

11. Only a small private garden would be provided for the bungalow. The Council has indicated that it would be below the minimum size of 50 sqm set out within the Design Guide, but I have not been provided with the document to be able to conclude either way. Instead, the appellant has pointed to other appeal decisions² where Inspectors have found small gardens to provide sufficient space for sitting out and clothes drying. I have no reasons

² Appeal Refs APP/V3120/A/11/2165625 and APP/V3120/A/13/2207458

to disagree, and the small garden provided with the bungalow would appear to be adequate for these purposes.

12. It would be a limited garden, however, and with opportunities for direct overlooking from an existing upper floor window of No 21 the lack of privacy would result in unsatisfactory outdoor living space for future occupants. Such harm to living conditions as I find would conflict with saved Policy DC9 of the Local Plan which seeks to avoid loss of privacy in new developments. The reason for refusal also refers to saved Policy DC1 of the Local Plan which does not seem applicable to this issue as it relates only to considerations of character.
13. In relation to the proposed house a modest garden would be provided that would not be overlooked from existing properties in the vicinity. It would go some way to bringing the proposal into accord with saved Policy DC9 of the Local Plan, but would not outweigh the harm I have identified in relation to the living conditions for future occupants of the bungalow.

Other matters

14. My attention has also been brought to the potential for the bungalow to be overbearing in relation to Rose Garth and to the risk of noise and disturbance from the adjacent Charlton Park Garden Centre. Due to the low overall height of the bungalow and the degree of separation from Rose Garth I am satisfied that unacceptable loss of light and outlook for the existing occupants would not arise. The retention of the existing boundary hedge shown in the amended site plan would help to reduce to an acceptable level the effects of the garden centre in close proximity. These matters do not accordingly weigh heavily against the proposal.

Overall planning balance

15. There is no doubt that the proposed two dwellings would help to boost the supply of housing at a time when the Council cannot demonstrate a five-year supply of deliverable housing sites. These would also be at a location with good access to services and facilities, and I acknowledge the lack of an objection from the local highway authority.
16. However, the significant and demonstrable harm I have identified to the character and appearance of the area and to the living conditions of future occupants would not be outweighed by the limited benefits to the supply accruing from two additional dwellings. The proposal would not therefore amount to a sustainable development under the terms of paragraph 14 of the Framework.
17. In reaching my determination I have some sympathy with the appellant's desire for suitable homes for himself in retirement and for his family. However, these personal circumstances are not sufficient to outweigh the harm I have identified and the resulting conflict with policies of the Local Plan and Framework.

Conclusion

18. For the reasons given above, and with regard to the policies of the development plan read as a whole and to the Framework, I conclude that the appeal should be dismissed.

David Walker

INSPECTOR