

Appeal Decision

Site visit made on 15 November 2016

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

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

Decision date: 08 December 2016

Appeal Ref: APP/Q3115/W/16/3153042

Broadlands House, 6 Stoke Row Road, Peppard Common, Henley-on-Thames, RG9 5EP

- 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 David Jacobs (D&N Construction Ltd) against the decision of South Oxfordshire District Council.
 - The application Ref P16/S0867/FUL, dated 10 March 2016, was refused by notice dated 12 May 2016.
 - The development proposed is erection of two new detached homes and carport, closure of existing access onto Stoke Row Road and creation of improved access point to Stoke Row Road, hard and soft landscaping and associated works.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council has confirmed in its appeal statement that reference to Policy CSEN3 of the South Oxfordshire Core Strategy 2012 ('the Core Strategy') in the first reason for refusal was a typographical error and Policy CSEN1 should have been mentioned. However, neither policy appears to be applicable to this case. Therefore, they have not featured in my assessment of the proposal.
3. The Council also highlights that Policy H4 of the South Oxfordshire Local Plan 2011 ('the Local Plan') is a saved policy and has not been superseded. From the evidence before me, I agree that the policy has not been replaced and I have thus taken it into account.

Main Issues

4. The main issues are the effect of the proposed development on (a) the character and appearance of the area and (b) the living conditions of future occupants of both new homes.

Reasons

Character and appearance

5. The appeal site is located between Stoke Row Road and the B481 Peppard Hill on land that gradually tapers to the junction between these two roads. Properties along both roads are predominantly detached on generous plots including sizeable rear gardens. Property sizes and architectural styles vary along the roads, but buildings are set back from the road by hedging, front gardens and trees. While gaps between the flank elevations of properties are
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generally limited, gaps between rear elevations are lengthy. Thus, the area is characterised by a verdant and spacious nature.

6. One of the two proposed detached houses (Plot 1) is already under construction and forms part of a run of four detached homes fronting Peppard Hill that are currently being built under existing planning permissions (shown as Plot 1, Broad 1, Vine 1 and Vine 2 on the site plan 0930/01C). The four properties are closely spaced in terms of flank or front elevations, but would have reasonably sized rear gardens backing onto Stoke Row Road. New development to the east at Mulberry House has similar sized rear gardens.
7. The Plot 2 house would have a contemporary design and appearance which would not look out of keeping given the variety of architecture in the area, including comparable designs further north on Stoke Row Road. Likewise, the scale of the house with a building line that respects the adjoining property at 8 Stoke Row Road would be appropriate. There would also be sufficient distance between the house and the three protected trees near the boundary with No 8 to provide adequate space to the side of the property.
8. However, the Plot 2 house would be located against the rear boundary of Plot 1 and a short distance to the rear elevation of the Plot 1 house. The gap between the rear elevations of both houses would be much shorter than equivalent gaps elsewhere in the area. The houses at Plot 1 and Vine 1 would appear very close to the Plot 2 house in views from Stoke Row Road to emphasise the limited space at the rear. Furthermore, while Plot 2 would have a reasonably sized garden to the side, the lack of a rear garden is uncharacteristic for the area. The narrower flank to flank elevations that characterise the area do not set a precedent for narrower rear to rear elevations. As a consequence, the development would be cramped due to the limited space to the rear of the Plot 2 house.
9. Concluding on this main issue, the proposed development would cause significant harm to the character and appearance of the area. Therefore, it would not accord with Policy CSQ3 of the Core Strategy 2012 and Policies D1 and H4 of the Local Plan which, amongst other things, promote good design and development that respects the character of its surroundings.
10. The development would not follow the advice contained within Section 5.1.1 of the South Oxfordshire Design Guide 2008 in terms of considering neighbouring properties and paying attention to their position. It would also not meet the aims of the National Planning Policy Framework (NPPF) in terms of good design responding to local character.

Living conditions

11. Based on the existing planning permissions, the Plot 1 house would have a large rear garden extending up to Stoke Row Road. This would provide a good outlook from this garden for future occupants of the house.
12. The proposed development would greatly reduce the size of rear garden for the Plot 1 house. While the Plot 2 house would have single storey flat roof elements on either side that would not project much over the proposed boundary hedge, the first floor element would be substantial in width and height. The first floor would face towards the rear garden of the Plot 1 house with little separation distance. I note that the first floor would be timber clad,

but this would not mitigate the overbearing effect of the development on views from the rear garden of Plot 1. Similarly, while the rear garden of Plot 1 continues a short way past the Plot 2 house, the development would dominate a large part of the garden nearest to the Plot 1 house. As such, the development would cause significant harm to the living conditions of future occupants of Plot 1 in terms of their outlook.

13. The three protected trees that would be located at the far side of the garden to the Plot 2 house are tall specimens. At my site visit, they had lost most of their foliage and the weather conditions were overcast. Nevertheless, given their location to the north-west of the proposed house and garden, even in full leaf they would have little effect on sunlight to the garden. Furthermore, the garden would be large enough to avoid a significant loss of daylight. I noticed that leaf litter was contained around the base of the three trees and would be unlikely to cover the majority of the garden or result in a nuisance, particularly if it was cleared up on a regular basis during the autumn. Thus, the garden would not be dominated by the protected trees and would not result in harm to the living conditions of future occupants on Plot 2.
14. Concluding on this main issue, while there would be no harm to the living conditions of future occupants of Plot 2, there would still be significant harm to the future occupants of Plot 1. Therefore, the proposed development would not accord with Policy H4 of the Local Plan which permits housing in villages provided that there are no overriding amenity objections. Policy D3 of the Local Plan relates to the amount of garden space to be provided with new dwellings and avoiding overlooking of such spaces, while Policy D4 relates to privacy and light for occupants of dwellings. I do not consider that either policy is conflicted by the proposed development, but this does not outweigh the conflict with Policy H4.
15. The development would also not meet the aims of the NPPF, which seeks a good standard of amenity for all existing and future occupants of land and buildings.

Planning balance

16. The appellant states that the Council cannot demonstrate a five-year supply of deliverable housing sites, something which the Council has not sought to dispute. Therefore, in line with paragraph 49 of the NPPF, relevant policies for the supply of housing should not be considered up to date and the presumption in favour of sustainable development set out in paragraph 14 applies.
17. Paragraph 14 states that where relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as whole or specific policies in the NPPF indicate development should be restricted.
18. I consider that Policy H4 is a relevant policy for the supply of housing as it sets out criteria against which housing development will be judged. Therefore, in the context of this appeal, Policy H4 is not up to date. The amount of weight I can give this policy is reduced, but nevertheless it still carries some weight as it seeks to guide decisions on housing development in the district.

19. Conversely, I consider that Policies CSQ3 and D1 are not relevant policies for the supply of housing as they do not specifically seek to create or constrain housing delivery. These policies are also broadly consistent with the NPPF, so can be afforded considerable weight.
20. Addressing the adverse impacts of the proposed development first, there would be significant harm to the character and appearance of the area and the living conditions of future occupants of the Plot 1 house from the siting of the Plot 2 house on a restricted plot. The existing layout of development along the road would not be respected, while there would be an overbearing effect on outlook. The harm is tempered to some extent by Policy H4 not being up to date, but the conflict with the development plan, particularly Policies CSQ3 and D1, remains important. For this reason, significant weight can be afforded to the adverse impacts of the proposed development.
21. Turning to the benefits of the development, the environmental effects of a well-landscaped development would be neutral, as there is no evidence that the condition of the appeal site before development required significant enhancement. There would be some social and economic benefits from the provision of two houses in terms of boosting housing supply and encouraging investment into the local economy from their construction and subsequent occupation. I note that as a small 3 bed property, the Plot 2 house would contribute towards the local housing mix where smaller units are required. However, the benefits of development would be modest compared to the significant harm to the character and appearance of the area and the living conditions of future occupants of the Plot 1 house.
22. Therefore, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of development. In the circumstances, the presumption in favour of sustainable development does not apply and the proposal would not represent sustainable development.

Conclusion

23. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Tom Gilbert-Wooldridge

INSPECTOR