



Appeal Decision

Site visit made on 15 November 2016

by Rory Cridland LLB (Hons)

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

Decision date: 16 December 2016

Appeal Ref: APP/D3125/W/16/3155239

Land to the rear of 8-14 Lawton Avenue, Carterton, Oxfordshire OX18 3JY

- 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 Paul Mansbridge against the decision of West Oxfordshire District Council.
 - The application Ref 16/00976/FUL, dated 22 March 2016, was refused by notice dated 18 May 2016.
 - The development proposed is described as "Full planning application for 8 new dwellings, provision of vehicular and pedestrian access from Lawton Avenue, and associated landscaping, car parking and other ancillary works".
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Decision

1. The appeal is allowed and planning permission is granted for 8 new dwellings, the provision of vehicular and pedestrian access from Lawton Avenue, and associated landscaping, car parking and other ancillary works at Land to the rear of 8-14 Lawton Avenue, Carterton, Oxfordshire OX18 3JY in accordance with the terms of the application, Ref 16/00976/FUL, dated 22 March 2016, subject to the conditions set out in the attached Schedule.

Preliminary Matters

2. The Council has referred to the emerging West Oxfordshire Local Plan 2011-2031 in its reasons for refusal. However, in the absence of any up-to-date information on its stage of preparation or further details regarding the number of unresolved objections, the weight that I can afford to it is limited.
3. The Council's second reason for refusal relates to the potential impact on the ecology of the site. However, as part of this appeal the appellant has submitted an ecological survey which the Council has indicated addresses its concerns in this respect. I see no reason to conclude otherwise and accordingly have not considered this further in my reasoning below.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

5. The appeal site is situated to the rear of Lawton Avenue, a residential area characterised by a mixture of one and two storey dwellings. To the east it borders a large recreation ground which is well screened from the appeal site by a considerable amount of mature vegetation. The Council accepts the principle of development on the site. However, it has raised concerns regarding the density
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of housing proposed, the height and scale of the proposed dwellings and their impact on views towards the site.

6. The proposal would result in the erection of 8 two storey dwellings, each with its own parking, outdoor space and bin storage. It would involve the creation of a new access and provide areas of communal open space. While it would be of a higher density to those properties along the western side of Lawton Avenue, such low density residential development is not the norm within the area. There are a number of nearby developments where housing density is either greater or comparable to that proposed. Similarly, while I note that a number of the neighbouring properties along this side of Lawton Avenue benefit from larger than average plots sizes, there are many others nearby which would be similar to those proposed. On balance, I do not consider the resultant development would appear cramped or significantly out of keeping with development in the wider area. It would, in my view, represent an efficient use of land in a sustainable location, providing easy access to both transport and local services.
7. Turning then to their height and scale, the Council considers that the introduction of 2 storey structures would dominate the existing pattern of development in the area. However, there are already a number of two storey dwellings close by, including just south of the proposed entrance as well as in nearby Carters Close. These properties are visible in the street scene and help ensure that the proposed dwellings would not appear dominant or out of place when viewed in the context of the wider street. In addition, while many of dwellings along the eastern side of Lawton Avenue are single storey, as are those along neighbouring Rose Close, a number of these include accommodation in the roof space giving the clear impression of an additional storey. These buildings would help integrate the proposed development into the wider surroundings.
8. Furthermore, while I acknowledge that the proposal would be visible from a number of vantage points, in view of its set back position, the variety of the surrounding residential development and the landscaping proposed, I do not consider its impact would be significant. Similarly, while I note the concerns regarding the impact on views from the recreation area to the east, the significant screening along the boundary considerably limits views of the appeal site and the proposal would not, in my view, materially detract from the enjoyment of that area. Overall, I am satisfied that it would not appear as a prominent addition in public views.
9. Consequently, I do not consider the proposal would be harmful to the character and appearance of the surrounding area. As such, I find no conflict with Policies BE2 or H2 of the West Oxfordshire Local Plan 2011 which require new development to, amongst other things, respect the character and quality of its surroundings, be well designed and respect the existing scale, pattern and character of the surrounding area.

Other matters

10. I have noted the concerns of local residents regarding parking and privacy. However, while I acknowledge that there would be an increase in the number of vehicular movements along Lawton Avenue, these would not be so great that they would place undue pressure on the highway network. Furthermore, I note that the Council has not raised any concerns regarding highway safety. I concur with their assessment and am satisfied that the proposal would not materially impact on highway safety.

11. Likewise, while I note the potential for overlooking towards nearby residential properties, I am satisfied that the distances involved are sufficient to ensure any impact on privacy would be within acceptable levels. As such, I do not consider it would provide sufficient grounds to refuse planning permission for the development proposed.
12. While I note that the Council considers this part of Carterton to have some historic significance, there is no indication that the proposal would impact on any heritage assets or their settings.

Conditions

13. I have had regard to the various planning conditions that have been suggested by the parties. In addition to the standard time condition, a condition requiring the development to be carried out in accordance with the approved plans is necessary in order to provide certainty. Furthermore, a condition relating to external materials is appropriate in the interests of character and appearance. Likewise, I consider a condition requiring the submission, approval and implementation of a landscaping scheme as necessary to ensure that any impact of the proposed development on the surrounding area is limited.
14. The submission of a construction phase management plan and details of vehicular access are also necessary in the interests of highway safety as are the provision of visibility splays. In addition, I consider a condition requiring the submission of further details on drainage to be necessary in order to ensure that the development is suitably drained.
15. However, the National Planning Policy Framework advises that conditions should only restrict national permitted development rights where there is a clear justification for doing so. I am not satisfied that the suggested conditions removing many householder rights are necessary as no detailed explanation is given. Likewise, as no firm policy basis is provided, I do not consider conditions in respect of water or energy efficiency to be appropriate in this instance.

Conclusion

16. For the reasons set out above, I conclude that the appeal should be allowed.

Rory Cridland

INSPECTOR

SCHEDULE

Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
L01, P201, P200, P100, P101, P102, P103, P104, P105, P106, P107, P108, P109, P110, P111, P112, P113, P114, P115.
- 3) No development of a building/s shall take place until a sample panel of the materials to be used in the construction of the external surfaces shall have been prepared on site for inspection and approved in writing by the local planning authority. The sample panel shall be at least 1 metre x 1 metre and show the proposed material, bond, pointing technique and palette of materials (including roofing, cladding and render) to be used in the development. The development shall be constructed in accordance with the approved sample, which shall not be removed from the site until completion of the development.
- 4) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 5) All planting, seeding or turfing 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.
- 6) No dwelling shall be occupied until that part of the service road which provides access to it shall have been constructed in accordance with the approved plans. The service road as constructed shall be retained thereafter.
- 7) The building shall not be occupied until a means of access for vehicles and pedestrians shall have been constructed in accordance with the approved plans. The access shall be retained thereafter.
- 8) Development shall not commence until drainage works shall have been carried out in accordance with details which shall have been submitted to and approved in writing by the local planning authority.
- 9) No development shall take place, until a construction stage management plan (the "Plan") has been submitted to, and approved in writing by, the local planning authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:
 1. the parking of vehicles of site operatives and visitors
 2. loading and unloading of plant and materials
 3. storage of plant and materials used in constructing the development
 4. wheel washing facilities

5. measures to control the emission of dust and dirt during construction
6. a scheme for recycling/disposing of waste resulting from construction works.