
Appeal Decision

Site visit made on 12 December 2016

by Rachel Walmsley BSc MSc MRTPI

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

Decision date: 13 January 2017

Appeal Ref: APP/Q3115/W/16/3159067

Land rear of 9 Thame Road, Towersey, Thame OX9 3QF

- 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 G Stacey against the decision of South Oxfordshire District Council.
 - The application Ref P16/S1280/FUL, dated 12 April 2016, was refused by notice dated 27 July 2016.
 - The development proposed is erection of detached two-bedroom bungalow with access, parking and amenity space.
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Decision

1. The appeal is dismissed.

Procedural matter

2. It is evident from the evidence before me that the Council is unable to demonstrate a five year supply of housing land. This has not been disputed by parties and therefore it is on this basis that I have considered the appeal.

Main Issue

3. This is the effect of the proposal on the character and appearance of the site and the surrounding area.

Reasons

4. No 9 Thame Road is one of a number of houses which front Thame Road and with a rear garden that extends to Windmill Close. The rear gardens are largely screened and separated from Windmill Close by boundary fences and landscaping which creates a 'back' to the plots, compared to the frontages that face Thame Road. The rear gardens are relatively long and with the limited height of outbuildings, boundary treatments and landscaping within these gardens, the land has a spacious and open character.
5. The starting point for the consideration of this appeal is the development plan. Saved policy H4 of the Local Plan¹ is a housing supply policy which directs housing to built-up areas of the district provided the criteria listed are met. In light of the Council being unable to demonstrate a five year supply of housing and paragraph 49 of the National Planning Policy Framework (the Framework) which states that relevant policies for the supply of housing should not be

¹ South Oxfordshire Local Plan 2011 (adopted January 2006)

considered up-to-date if a five year supply cannot be demonstrated, I can attach limited weight to this policy.

6. Also before me are Saved policies D1 and G2 of the Local Plan which seek development that reinforces local distinctiveness and respects the character of existing settlements, and policy CSQ3 of the Core Strategy² which supports new development that is of a high design quality and responds positively to its surroundings. These policies are positively worded which seek development that is well-designed and contributes to local distinctiveness to which I can attach weight.
7. The proposed bungalow would occupy much of its plot and together with the limited space between the dwelling and the site boundaries, would appear as an overdevelopment of the site. The Council's SPD³ suggests that there should be a distance of 10 metres between the rear elevation of the dwelling and the site boundary; the development proposes 4 metres which is indicative of the cramped nature of the development. Furthermore, given the building's size and position within an area that is largely open in character, it would have a notable presence, appearing incongruous and therefore out of keeping with its surroundings.
8. The bungalow's principle elevation would front Windmill Close which, together with the garden and hardstanding proposed, would create a frontage. This would contrast starkly with the existing line of landscaping and boundary fences which clearly define the plots adjoining Windmill Close as 'backs.' In addition, the comings and goings associated with the new dwelling would result in an intensification of use which would detract from the lower level of activity attributed to the backs of the existing plots.
9. The appellant suggests that the development is 'much needed', however, I have no further details to give this any weight in my consideration of the appeal or assess this against the harm identified. I have found that the development would be a cramped and incongruous form of development, out of keeping with the character and appearance of the surrounding area. In the absence of any benefits to weigh in favour of the appeal, the proposal would be contrary to Saved policies D1 and G2 of the Local Plan, the SPD and policy CSQ3 of the Core Strategy.

Other considerations

10. I have before me drawings showing a garage with an associated shed and workshop which the appellant suggests relates to a Lawful Development Certificate which has been issued by the Council. I have no details of this Certificate to know if the form of development shown on the plans is lawful and there is nothing before me to indicate that the development might take place. These factors limit the weight that I can ascribe to this fallback position.
11. Nonetheless, the footprint of the building is the same as that proposed, as is the overall form and height of the building. The form and scale of the fallback position, therefore, would have no greater impact on the open and spacious character of the area than the current proposal.

² South Oxfordshire Core Strategy (adopted December 2012)

³ South Oxfordshire Design Guide (2016)

12. Material differences between the fallback scheme and the development proposed is the design of the elevation fronting Windmill Close, the use of the building and, by association, its internal layout. The elevation fronting Windmill Close includes two garage doors. Like the current proposal, this would create a frontage that would appear incongruous in the context of the 'backs' to the adjoining plots. However, the appearance of the garage doors exhibit a degree of subservience which signify a building that would be ancillary to the main house and devoid of features such as a front garden which would reinforce the elevation of the new dwelling as a front. In addition, the garage would be functionally connected to No 9, unlike the proposed dwelling which would be separate. The connection to No 9, together with the more subservient elevation would diminish the building's presence on Windmill Close and therefore lessen the incongruousness of the development.
13. I find, therefore, that the fallback position would be less harmful to the character and appearance of the area. Whilst, for the reasons given, the weight that I can attach to the fallback position is limited, it does constitute a reason to justify dismissing the appeal.

Other matters

14. I recognise that the planning application was originally recommended for approval but that this was overturned by Members. Whilst I appreciate that the outcome of the application will have been a disappointment to the appellant, the recommendation to committee is just that, with Members able to decide the application based on the Officer's recommendation and all other material factors.
15. I note the appellant's concern that the decision was made without the benefit of a site visit or consideration of the fallback position. However, based on the Council's description of the site within its Statement and in light of my findings for the fallback position, there is nothing to suggest that the Council's decision would have been any different had these aspects been dealt with differently.

Conclusion

16. I have found that the development would be harmful to the character and appearance of the area, contrary to the development plan as indicated. For this reason the appeal is dismissed.

R Walmsley

Inspector