

Appeal Decision

Site visit made on 17 January 2017

by R J Jackson BA MPhil DMS MRTPI MCMi

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

Decision date: 26 January 2017

Appeal Ref: APP/V3120/W/16/3160082

**Land at rear of 21 Corneville Road, Drayton, Abingdon,
Oxfordshire OX14 4HN**

- 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 Brim Developments Ltd against the decision of Vale of White Horse District Council.
 - The application Ref P16/V1348/FUL, dated 23 May 2016, was refused by notice dated 20 July 2016.
 - The development proposed is erection of 2 No 2 bedroom detached bungalows, parking spaces and associated works.
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Decision

1. The appeal is dismissed.

Procedural matters

2. I have used the spelling of the name of the road given on the application and appeal forms (Corneville Road) rather than that on the Council's decision notice (Cornville Road) as this was the spelling on the road signs.
3. On 14 December 2016 the Council adopted the Vale of White Horse Local Plan Part 1 (the LPP1) which superseded some of the policies in the Vale of White Horse Local Plan 2011 (the LP2011) referred to in the decision notice, with other policies continuing as part of the development plan. The appellant and Council indicated the policies they now considered material to this appeal and made comments on this aspect. I have taken these comments into account in my decision.
4. In light of the adoption of the LLP1 the Council confirmed, and the appellant accepted, that the Council was able to demonstrate a five year supply of land for housing.

Main Issues

5. The main issues are the effect on:
 - the character and appearance of the area; and
 - the living conditions of the occupiers of 21 and 27 Corneville Road in terms of light, privacy, and noise and disturbance.
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Reasons

Character and appearance

6. Corneville Road is a straight cul-de-sac located to the west of the main Abingdon Road through Drayton. It is characterised by frontage development on both sides, predominantly made up of bungalows, some with dormers in the roofs, and chalet bungalows, although there are a small number of houses. The gardens to the rear of the properties are of a reasonable length giving the area a spacious residential character. To the rear of the appeal site is a sinuous cul-de-sac, Lyford Close, where properties in the immediate vicinity are bungalows. The land form is essentially flat.
7. The appeal property, 21 Corneville Road, is a bungalow with dormers, and is at the end of a row of properties which directly face Corneville Road. The next adjoining bungalow, No 27¹, is set at an angle, although its boundaries are parallel to the property so that the garden of No 21 is splayed with the rear of the garden being wider than that at the front.
8. The proposal is to construct two bungalows to the rear of No 21 accessed between Nos 21 and 27, with parking and a turning head. As noted above the pattern and thus character of Corneville Road is of frontage development and by locating development behind the existing properties the proposal would be harmfully out of keeping with this character. That outbuildings could be constructed on the appeal site under permitted development rights does not affect this conclusion.
9. The Council is also concerned that the proposal would appear cramped on site with small back gardens, but accepts that in numerical terms the size of the gardens would meet the guidance in the Council's Design Guide Supplementary Planning Document. Because of the orientation the properties they would appear part of Corneville Road, and, within the context of the more spacious character of that road, would appear cramped and out of keeping with the character and appearance of the area.
10. The appellant has referred to a permission granted to the rear of 9 Corneville Road. I inspected this site from Lyford Close. The approved layout addresses Lyford Close rather than backing on to Corneville Road. It therefore would create a different arrangement from that proposed in this current appeal.
11. Therefore the proposal would be out of keeping with the character and appearance of the area. As such it would be contrary to Policy 37 of the LPP1 which requires development to be of a high quality design which responds positively to the site and surroundings, creating a sense of place that physically and visually integrates with its surroundings, and is visually attractive and the grain is appropriate for the site and surrounding area. It would also be contrary to paragraphs 58 and 64 of the National Planning Policy Framework (the Framework) in that it would not reflect local character and not take opportunities for improving the character and quality of an area.

Living conditions

12. The proposed bungalows would be located to the south of No 21 and the Council is concerned that the development would result in the loss of sunlight

¹ There are no numbers 23 or 25.

and daylight to No 21 and its garden. However, the bungalows are not tall buildings and there would be sufficient separation between them and the rear elevation of No 21 and its garden to ensure that there would not be an unacceptable loss of either sunlight or daylight.

13. Although it was not set out as a reason for refusal the officer report on the application considered that the proposal would represent a dominating effect on existing residents. However, as two small, in height terms, bungalows located in the positions shown, the properties would be sufficiently separated from the adjoining properties not to give rise to an overbearing effect.
14. Local residents additionally object to the proposal on the basis that they consider that traffic accessing the appeal site would result in an increase in noise and disturbance for the occupiers of the adjoining property, No 27, and that there also be a loss of privacy for the occupiers of that property.
15. The proposed access would be between the two properties in very close proximity to No 27. This is the side of the property where the existing vehicular access to No 27 is located. Given the very close proximity to No 27 and that there are three windows in the side elevation of that property the introduction of traffic and pedestrians would result in an unacceptable level of noise and disturbance to the occupiers of that property harmful to their living conditions. However, given that this area in front of No 27 can already be clearly seen from the road, and the rear garden of No 27 would be surrounded by fences, which could be secured by a planning condition, I consider that there would not be an unacceptable loss of privacy.
16. As such, while the proposal would not have an unacceptable effect on the living conditions of the occupiers of No 21 it would have such an effect on the occupiers of No 27. It would therefore be contrary to Policy DC9 of the LP2011 which indicates that development will not be permitted if it would unacceptably harm the amenities of neighbouring properties in terms of noise. It would also not comply with paragraph 17 of the Framework which seeks to secure a good standard of amenity for all existing and future occupants of land and buildings.

Other matters

17. Local residents have expressed concerns about the increase of traffic on Corneville Road particularly as a new cycleway is proposed at the end of that road. However, I note that the Highway Authority has raised no objection to this proposal and I am satisfied that both a safe and suitable access to the site could be achieved and that the proposal would not give rise to severe cumulative highway impacts, which are the tests set out in paragraph 32 of the Framework if permission is to be refused. I am also satisfied that adequate parking would be made within the site.
18. The appellant has emphasised that the proposed location of the dwelling would be in an accessible location in an area where additional development is acceptable in principle. This weighs in favour of the development, but as paragraph 56 of the Framework makes clear the Government attaches great importance to good design, and the elements of the scheme where I have found the proposal would be harmful mean that the proposal could not be considered to be good design. I therefore find the benefits of the development do not outweigh the harms I have identified.

Conclusion

19. For the reasons given above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

RJ Jackson

INSPECTOR