
Appeal Decision

Site visit made on 10 January 2017

by H Porter BA(Hons) PGDip IHBC

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

Decision date: 27 January 2017

Appeal Ref: APP/D3125/W/16/3157736

Annexe Halladale, Shipton Road, Milton Under Wychwood, OX7 6JR

- 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 Mrs Janet Stevens against the decision of West Oxfordshire District Council.
 - The application Ref 16/01881/FUL, dated 26 May 2016, was refused by notice dated 21 July 2016.
 - The development proposed is conversion of annexe to dwelling, widen access, improve visibility and provide separate parking areas.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the character and appearance of the area; and the living conditions of occupiers of Halladale, with regards to outdoor space.

Reasons

Policy background

3. The Council acknowledge there is currently some uncertainty over whether a 5-year housing land supply can be demonstrated. The Framework makes explicit that, where a 5-year supply of deliverable housing sites cannot be demonstrated, relevant policies for the supply of housing should not be considered up-to-date. It follows that saved Policy H6 and emerging Policy H, which both relate to housing supply, are not up-to-date. Paragraph 14 of the Framework indicates that where relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the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 Framework taken as a whole.

Character and appearance

4. The appeal site is situated on the south side of Shipton Road, a primarily residential thoroughfare running through the village of Milton-under-Wychwood. Although there is a variety of building ages and architectural styles, the street scene is given cohesion by a broadly consistent scale and building line, with properties set back from the frontage by a boundary wall and open front gardens. Detached dwellings also tend to have generous rear garden plots and separate garages, which are read as clearly ancillary to the
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host buildings. The plot rhythm and spacing of houses adds definition to the pattern of development and contributes positively to the sense of a spacious suburban layout.

5. Halladale is a late-20th century bungalow with a separate garage structure to the rear of the garden plot, the subject of this appeal. The existing plot size, layout and relationship of buildings within it are commensurate with the local development pattern. The appeal scheme proposes to convert the annexe into a separate dwelling, and divide the existing garden plot to create two separate plots with off-street parking, as well as to widen the roadside access.
6. While the existing annexe structure is visible from Shipton Road, in form and function it is clearly ancillary to the host dwelling. The proposal would sever this relationship and create a clearly separate unit of accommodation. Set back noticeably from the established building-line, the position within the overall plot and lack of front boundary definition would cause the proposed dwelling to appear out of place within the locality. The separated dwelling unit would also be disproportionately small compared to other detached dwellings in the vicinity.
7. Although the proposal would provide separate gardens and off-street parking provision for each unit, the outdoor space would be atypical of the established pattern of relatively generous garden plots. While new homes in the District may have smaller exterior provision, in this context the ratio of building footprint to overall plot size would be notably smaller than prevails locally. The appeal scheme would, in my judgement, undermine the plot rhythm and spacing of houses to the detriment of the area's established character.
8. I therefore conclude that the appeal scheme would have a harmful impact on the character and appearance of the area. The development would consequently fail to accord with saved Policy BE2 and H2 of the West Oxfordshire Local Plan (the Local Plan), which seeks to ensure a development is well-designed and respects the existing scale, pattern and character of the surrounding area; and emerging Policy OS2 of the West Oxfordshire Local Plan 2013 (the 2031 Local Plan) in so far as it seeks development that forms a logical compliment to the existing scale and pattern of development and does not erode the character and appearance of the surrounding area. The scheme also fails to conform to the provisions within the Framework, notably the core principles that seek good design that takes account of the character of different areas.

Living conditions

9. Halladale is an L-shaped bungalow with a small patio dining area to the side of the rear projection and a flat area of lawn beyond. There are French windows and what appears to be a kitchen window and access door overlooking the patio area; the rear elevation has two tall slim windows onto the lawn. While not knowing the internal layout of Halladale, it is clear that the side patio provides the primary outdoor space and the outlook onto it is currently open and reaches to the side boundary with the neighbouring Hillview.
10. In sub-dividing the existing garden plot, the appeal proposal would introduce a close-board fence alongside the side of Halladale, approximately around the perimeter of the existing patio area and cutting into the grass to the rear. The size of the overall plots means that the boundary close-board fencing would be extremely close to the principal elevation of the existing bungalow. Both dwellings would have a sufficient level of screening and parking provision, and

some outlook from the front windows of Halladale. Irrespective of the orientation of the garden plot and the relationship to sunlight, the proposed boundary fence to the side of the existing bungalow would harmfully impede the outlook from Halladale and the overall size of the garden would be too small to off-set this sense of enclosure.

11. In their appeal statement, the Council cite potential harmful overlooking between Hillview and the proposed new dwelling. However, no new windows are proposed and the relationship between the two buildings will remain unchanged. I therefore do not consider that the appeal scheme would increase the degree of overlooking materially beyond that which can already be gained. A lack of harm in this regard, however, does not change my considerations in relation to the outlook and outdoor space for Halladale.
12. Overall, therefore I find that the proposal would fail to provide an acceptable standard of accommodation and result in harm to the living conditions of the occupiers of Halladale. The development therefore fails to accord with Policy H2 and BE2 of the Local Plan, which require development that does not create unacceptable living conditions for new residents and retains a satisfactory environment for people living in the area. The appeal scheme would also conflict with the core planning principles within the Framework, which seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Planning balance

13. The proposal would have the social and economic benefits of addressing the current under-supply of housing land, which would support the local economy, and the provision of a small dwelling would contribute to the mix of market housing available in the area. The provision of an additional dwelling inside an existing settlement would also support the range of services and facilities. The lack of an objection from the Highway Authority, or in relation to the change of use for the occupiers of neighbouring properties are neutral benefits of the scheme; while not counting against the proposed development, they do not weigh in its favour.
14. On the other hand, while the location may be suitable, the development would result in harm to the character and appearance of the area and to residential amenity that would significantly and demonstrably outweigh these benefits. The environmental dimension of sustainable development would therefore not be achieved. The development is therefore contrary to Saved Policy H6 and emerging Policy H1 and OS2 of the 2031 Local Plan, to the extent to which weight can be attached to these policies. Overall, the proposal would not represent sustainable development as defined in the Framework.

Other matters

15. The appellant refers to other examples of housing development being allowed in the District with smaller gardens than now being proposed. However, I do not have full details of the circumstances that led to these proposals being accepted and so cannot be sure that they represent a direct parallel to the appeal proposal. The characteristics of each site and settlement may be different and I cannot be sure that the planning considerations that applied to the other cases, including that granted on appeal, are directly comparable to those before me. In any event, I have determined this appeal on its own merits.

16. I note the appellant's suggestion that, by way of a condition, the scheme could be slightly altered to adjust the garden areas. However, I have no plan before me to indicate a possible layout to demonstrate how the garden areas could or should work. The level of ambiguity leads me to consider that this is not something that I could leave to condition and make the scheme acceptable in planning terms.

Conclusion

17. For the reasons given above, and in consideration of all other matters raised, I conclude that the appeal should be dismissed.

H Porter

INSPECTOR