
Appeal Decision

Site visit made on 20 February 2017

by Robert Parker BSc (Hons) Dip TP MRTPI

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

Decision date: 20 April 2017

Appeal Ref: APP/Q3115/W/16/3161199

Land within Eyres Close, off Eyres Lane, Ewelme, Wallingford OX10 6LA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to approve matters reserved under an outline planning permission.
 - The appeal is made by Mr P S and Miss J S Dixon against the decision of South Oxfordshire District Council.
 - The application Ref P16/S2114/RM, dated 14 June 2016, sought approval of reserved matters pursuant to condition No 1 of an outline planning permission (Ref P15/S3649/O) which was granted on 23 May 2016.
 - The application was refused by notice dated 5 October 2016.
 - The development proposed is (i) the removal of a stored topsoil mound to facilitate the re-contouring of the site to a land form that will approximate with the original ground levels; (ii) the erection of two starter homes; (iii) the restoration of the north boundary brick and flint wall and (iv) the implementation of a scheme of landscaping and landscape repair.
 - The details for which approval is sought are: access, appearance, landscaping, layout and scale.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr P S and Miss J S Dixon against South Oxfordshire District Council. This application is the subject of a separate decision.

Procedural Matters

3. The outline planning permission is for the erection of two starter homes. The maximum size of the dwellings was not specified under the permission and there is no legal agreement to secure the development as starter homes. Furthermore, the Inspector's reasoning¹ indicates that whilst the proposal for smaller homes added weight in favour of the scheme it was not a prerequisite.
4. The plans submitted for reserved matters approval show a pair of two-bedroom dwellings, one of which would have a study/box room. The homes would be larger than indicated on the illustrative plan accompanying the outline application but not significantly so, and they would still be suitable for first time buyers. The Council chose to accept the reserved matters application as being compatible with the outline approval and I have no reason to take a different approach.

¹ APP/Q3115/W/16/3144384

5. The landscaping scheme does not accord with the proposed block plan inasmuch as the parking arrangements for the westernmost unit are different. This minor discrepancy could be addressed by the submission of a revised landscaping scheme, which could be secured by planning condition in the event that the appeal was allowed.

Main Issues

6. The main issues in this case are:
 - a) the effect of the proposal on the character and appearance of the locality and the Chilterns Area of Outstanding Natural Beauty (AONB); and
 - b) the effect on highway safety and parking provision within Eyres Close.

Reasons

Character and appearance

7. The appeal site lies within the AONB but, as noted by the Inspector granting outline planning permission, its character and location have much more affinity with the post-war development of Eyres Close than with the wider landscape.
8. The proposed dwellings would contrast with existing housing in the cul-de-sac by reason of their steeper pitched roofs and materials. Although drawn from the local palette, colour washed render and plain clay tile would appear incongruous in a street comprising properties constructed of brick and synthetic slate. That said, I am not convinced that the height of the dwellings would be inherently harmful and the simplicity of form and fenestration would sit comfortably with neighbouring housing. Subject to the use of more appropriate materials, which could be secured via planning condition, I consider that the design would be compatible with its immediate context.
9. The Council has expressed concerns regarding damage to and loss of a beech hedge on the northern site boundary. However, the appellants have confirmed their intention to retain this hedge and reduce its height to 4 metres. These works had already been carried out at the time of my visit. In my opinion, the hedge does not make a significant contribution to the scenic qualities of the AONB or the appearance of the locality, but its preservation is necessary to protect the privacy and outlook of the occupiers of The Views.
10. I have no reason to doubt that retention of the hedge is feasible, but differences in ground levels inevitably mean that the land at the edge of the appeal site would need to be banked upwards to protect the tree roots. This would take up a proportion of the rear garden depth and thereby restrict the amount of usable garden, particularly for the easternmost unit. To my mind, the proximity of the houses to the boundary at the narrowest part of the site would give the development an uncharacteristically cramped appearance which would be noticeably at odds with the altogether more spacious pattern of development in the cul-de-sac as a whole.
11. I appreciate that the proposed footprint is broadly similar to that illustrated at outline stage, but the Inspector in that case made clear that he was not considering matters of layout and detailed design. There is sufficient room on the site to devise a scheme which both respects the quality of its surroundings and retains substantial space for orchard style planting at the entrance to the close.

12. Accordingly, I conclude that the layout of the proposal would be materially harmful to the character and appearance of the locality. As such, it would conflict with Policy CSQ3 of the South Oxfordshire Core Strategy (2012) (SOCS) and saved Policy D1 of the South Oxfordshire Local Plan 2011 (SOLP). These policies seek high quality design which responds positively to and respects the character of the site and its surroundings.
13. There would be no significant harm to the landscape of the AONB and no conflict with saved Policies C4 and C9 of the SOLP or Policy CSEN1 of the SOCS. Subject to retention of the beech hedge at the proposed height the scheme would comply with Policy D4 of the SOLP insofar as it seeks to prevent unacceptable harm to the amenities of neighbouring occupiers.

Highway safety and parking

14. The Council raises no objection to the level of off-street parking in the scheme. The proposal for two spaces per dwelling meets with Highway Authority requirements. The principal concern is with regard to the provision of access directly onto the cul-de-sac turning head. Residents advise that this area is routinely used for parking. They also report instances of vehicles having to reverse onto Eyres Lane in unsighted manoeuvres.
15. I saw relatively few parked cars at the time of my visit. However, I anticipate that the street may be busier during evenings and weekends when residents are likely to be home. The appeal scheme would serve to discourage casual parking within the turning head, but this would improve the chances of vehicles being able to turn and exit onto Eyres Lane in forward gear. In my judgement, the resultant benefit to highway safety would offset the inconvenience arising from the loss of on-street parking.
16. I therefore find that the proposal would comply with the requirement of Policy D2 of the SOLP that development should incorporate adequate parking. It would also conform to Policy T1 by providing safe and convenient access to the highway network without creating traffic hazards.

Other Matters

17. I fully acknowledge that the Council's officers recommended the application for approval. However, under S79(1) of the Act I must consider the scheme *de novo*, taking account of the reasons for refusal set out on the decision notice and also the matters raised in third party representations.
18. I note the concern from local residents that the roof spaces may be converted to additional living accommodation at some future stage. However, this does not make the houses unsuitable as starter homes. The design is adaptable, enabling first occupiers to stay in the properties as their families grow.
19. Residents have raised a number of other concerns, including in relation to drainage, landscaping, the need for a new section of pavement and precedent for more housing on the site. I have given careful consideration to each of these matters but they do not alter my conclusions on the main issues.
20. The application for reserved matters approval included information to discharge conditions on the outline permission relating to drainage and floor levels. The Council has not raised any concerns in connection with these parts of the

submission, but given my findings on the layout of the scheme these matters are best addressed as part of a revised scheme.

Conclusion

21. For the reasons given above, I conclude that the appeal should be dismissed.

Robert Parker

INSPECTOR