
Appeal Decision

Site visit made on 22 March 2017

by Nick Fagan BSc (Hons) DipTP MRTPI

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

Decision date: 25th April 2017

Appeal Ref: APP/Q3115/W/16/3165188

2 Baskerville Road, Sonning Common, Oxfordshire RG4 9LS

- 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 Hazelwood Estates against the decision of South Oxfordshire District Council.
 - The application Ref P16/S2646/FUL, dated 2 August 2016, was refused by notice dated 23 November 2016.
 - The development proposed is a new detached dwelling with integral garage.
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Decision

1. The appeal is allowed and planning permission is granted for a new detached dwelling with integral garage at 2 Baskerville Road, Sonning Common, Oxfordshire RG4 9LS in accordance with the terms of the application, Ref P16/S2646/FUL, dated 2 August 2016, subject to the conditions in the Schedule below.

Main Issues

2. The main issues are the effect of the proposed dwelling on the character and appearance of the area and on neighbours' living conditions.

Reasons

Character and appearance

3. The appeal site comprises the northern half of 2 Baskerville Road's rear garden. No 2 is a two storey house with attached double garage on the corner of Baskerville and Woodlands Road. The properties on these roads and in this suburban part of the village are predominantly a mixture of detached and semi-detached twentieth century bungalows and two storey houses.
 4. The proposal is to sever the site from No 2's garden and create a vehicular and pedestrian access from Woodlands Road, next to 25 Woodlands Road, a two storey detached house whose attached double garage adjoins the appeal site's boundary.
 5. Further up the road the garden of 31 Woodlands Road has been subdivided and a new detached house of a design not dissimilar to that proposed here has been recently constructed next to No 31 and is now for sale. I note that the size of that plot is similar to the size of the plot proposed here, although this plot and the proposed house itself would actually be slightly wider. I was able to see that the new dwelling (No 31A) fits comfortably into the street scene, as
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the Inspector in the relevant appeal determined it would¹. I agree with him that the layout of that dwelling reflects the spacing of dwellings further south east along Woodlands Road. That includes the spacing between Nos 25, 27, and 27A. The spacing between the proposed house and No 25 would be no different to the spacing between those dwellings.

6. There is no dispute that the size of the rear garden of the proposed dwelling would meet the Local Planning Authority's (LPA) standards and the front of the new house would approximately follow the front building line of Nos 25 and 27. Whilst its roof would be slightly higher than those of its neighbours it would not be markedly so and certainly no higher than No 31A, whose height is quite acceptable in the street scene. There is no disagreement by the LPA that the new dwelling's proposed facing materials would be of an acceptable appearance.
7. For these reasons I conclude that, contrary to the LPA's first refusal reason, the scale, bulk, height and design of the proposed new dwelling would not harm the character and appearance of the area.
8. Policies CSQ3 of the South Oxfordshire Core Strategy (SOCS) and 'saved' Policies G2, H4 and D1 of the South Oxfordshire Local Plan 2011 (LP) together require good design that responds to and respects the character of the site and its surroundings. For the above reasons the proposed dwelling would comply with these Policies.
9. The Sonning Common Neighbourhood Development Plan (SCNDP) was adopted by the LPA on 13 October 2016 and now forms part of the statutory development plan. Sonning Common Parish Council (PC) in its representations appears to suggest that the proposed development would not qualify as infill development because it is not "surrounded on all sides by other buildings" as required by Policy H3 of the SCNDP. If this is because the rear of the site backs onto the rear garden of 2A Baskerville Road (rather than onto that dwelling itself) then I suggest that such an interpretation stretches the definition of infill development in this Policy to breaking point. I consider the appeal site to be an infill site because it would comprise the infilling of a small gap within an otherwise built-up frontage on Woodlands Road and it backs onto the garden of another house within the built up limits of the village.
10. The proposed dwelling meets all the criteria set out in SCNDP Policy H3, and also the design requirements of SCNDP Policies D1, D1a and D1b for the reasons explained above, because these Policies essentially replicate the LPA's above Policies in the SOCS and LP albeit in some instances in a more detailed way.

Living Conditions

11. The LPA considers that due to its position within the plot the proposed dwelling would be overbearing and unneighbourly. The new house would be close to the boundary but no closer than No 25 is and the distance between the dwellings would be similar to that between Nos 25 and 27. There are no windows in the side elevation of No 25 so there would be no overlooking of habitable space.

¹ APP/Q3115/W/15/3022094 Appeal Allowed 22 October 2015

12. The proposed dwelling would be centrally positioned in the plot to approximately align with the footprint of Nos 25 and 27. The new house would be located to the south east of No 25 and there would be some loss of morning sunlight especially in the winter to the rear garden of No 25. However, this would not be severe enough to warrant refusal of the proposal because No 25's garden would remain surrounded by garden areas and have an open aspect.
13. The southern side of the new house would be some distance from 2 Baskerville Road and I cannot see how it could be said to have an overbearing effect on the host property. It would have no significant impacts on any other neighbours' living conditions.
14. For these reasons I conclude that it would not be unneighbourly or be overbearing to any of its neighbours and it would not therefore harm their living conditions. LP Policy H4 and SCNDP Policy H3 both contain requirements that new development does not adversely affect neighbours' living conditions and for the above reasons the proposal would satisfy these requirements. LP Policy D1 is also said by the LPA to be contravened but I can see no reference to living conditions in the wording of that Policy so it would seem to be irrelevant.

Other Matters

15. Neighbouring residents and the PC have raised a number of other matters. The PC points out that there is no need for additional dwellings in the Parish because the LPA has more than a 3 year supply of housing sites and relevant policies for the supply of housing are not therefore out-of-date as per the Written Ministerial Statement of 12 December 2016. Whilst this is so I have concluded above that the proposed dwelling would be acceptable infill development in compliance with development plan policy including relevant SCNDP policies and there is no ceiling on housing delivery.
16. The PC and neighbours have also raised concerns about traffic and parking implications including in relation to the construction process. However, neither the LPA nor Local Highway Authority (LHA) has raised any such concerns. It is clear that adequate parking would be provided on-site and satisfactory vehicular and pedestrian visibility splays would be provided at the proposed access. It was also obvious from my site visit that Woodlands Road, which has no parking restrictions, is lightly parked. Given this situation and the temporary nature of any possible disruption engendered by construction traffic, I am satisfied that the proposed development would not have any significant parking, traffic or highway safety implications, even with the possible simultaneous construction of another dwelling in the back garden of 23 Woodlands Road.

Conditions

17. The LPA has suggested 11 conditions. A condition specifying obscure glazing to the first floor bathroom windows is unnecessary since that would be in any case be a requirement of the Building Regulations. A requirement that these windows should be fixed shut apart from the top-opening light is unreasonable since the opening of these windows (for instance for ventilation) would be unlikely to take place when an occupier of the dwelling was using either bathroom and in any case these windows do not overlook habitable room windows in adjoining dwellings.

18. A condition specifying that the new access is constructed in accordance with the LHA's specification is unnecessary because this is the subject of a separate consent procedure. A requirement that the integral garage must be retained for car parking is overly restrictive because there is adequate room specified to the frontage of the dwelling and there is plenty of on-street parking in Woodlands Road. There is no requirement for a separate condition requiring prior approval of boundary walls and fences since an adequate scheme is set out on drawing 1141/1A.
19. Conditions are required listing the approved plans for reasons of precision; prior approval of external materials in order to match or enhance the appearance of the area; prior approval of a landscaping scheme in order to comply with policy designed to enhance the character and appearance of the village; the provision of the agreed vision splays in the interests of highway and pedestrian safety; the provision of adequate on-site parking as per the agreed scheme; and the provision of adequate on-site refuse and recycling storage in order to preserve the clean and tidy appearance of the area. In some cases I have amended the LPA's suggested wording in order to better comply with Planning Practice Guidance.

Conclusion

20. Subject to these conditions, as set out in the Schedule below, and for the reasons given above I conclude that the appeal should be allowed.

Nick Fagan

INSPECTOR

Schedule of 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: 1:1250 Location Plan; 1144/1A; 1144/2A; 1144/3A; & 1144/10.
- 3) No development shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 4) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority, including paving to the dwelling's frontage. The landscaping works shall be carried out in accordance with the approved details before any part of the development is brought into use in accordance with the agreed implementation programme.
- 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) The vision splays shown on drawing number 1144/10 shall not be obstructed by any object, structure, planting or other material with a height exceeding or growing above 0.9 metres as measured from carriageway level.
 - 7) The dwelling shall not be occupied until space has been laid out within the site in accordance with drawing no. 1144/1A for at least 2 cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for those purposes.
 - 8) Prior to commencement of development details of refuse and recycling storage shall be submitted to and approved in writing by the Local Planning Authority. Such storage shall be provided in accordance with the approved details prior to first occupation of the dwelling and retained thereafter.

End of Conditions