

Appeal Decision

Site visit made on 24 April 2017

by Robert Parker BSc (Hons) Dip TP MRTPI

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

Decision date: 17 May 2017

Appeal Ref: APP/D3125/W/17/3166822

Land at 145 Abingdon Road, Standlake

- 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 Brian Cade of Edgestone Homes Ltd. against the decision of West Oxfordshire District Council.
 - The application Ref 16/02459/FUL, dated 18 July 2016, was refused by notice dated 12 September 2016.
 - The development proposed is erect one dwelling and garage.
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Decision

1. The appeal is allowed and planning permission is granted to erect one dwelling and garage on Land at 145 Abingdon Road, Standlake in accordance with the terms of the application, Ref 16/02459/FUL, dated 18 July 2016, subject to the conditions set out in the attached schedule.

Procedural Matters

2. The address on the decision notice differs to that entered on the application and appeal forms. I have nothing in writing to confirm that the amended wording was agreed between the parties. Neither version is a particularly accurate means of describing the site location. Nevertheless, I have used the appellant's wording in my decision. This is preferred as it formed part of the submission.
3. The decision notice makes reference to a number of policies from the emerging West Oxfordshire Local Plan 2031 (eWOLP). Although at an advanced stage of preparation, this document has not yet completed examination. Given the uncertainties regarding the outcome of that process, I have given the eWOLP limited weight in my assessment.

Main Issue

4. The main issue in this case is the effect of the proposal on the character and appearance of the area.

Reasons

5. The pattern of residential development along Abingdon Road, between the appeal site and the sharp bend in the road at Brighthampton, is predominantly linear, with the dwellings set back from the road behind mature hedging and other vegetation. The ribbon of housing gradually pulls away from the road as it approaches the former location of Fletcher's Farm. This agricultural site has been progressively redeveloped for housing over recent years.
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6. The only surviving remnant of the farm is a listed barn which has been converted to residential use as 137 Abingdon Road. The position of this building has influenced the pattern of development to the east which has left a residual triangular shaped parcel of land adjacent to The Standlake Garage. It is this area that is proposed for development.
7. The Council contends that the appeal site is significant for its open space value. There is nothing in the evidence to persuade me of a deliberate intent to retain this area undeveloped. In my opinion it does make a positive contribution to the character and appearance of the area, but principally because of the trees and hedging on the site and along its boundaries. These features would be kept as part of the scheme and supplemented by additional orchard style planting. Collectively, this would play a key role in successfully mitigating the impact of the new dwelling from Abingdon Road, particularly on the western approach.
8. There is no dispute that the upper parts of the dwelling would be visible from the public realm above the boundary hedge. However, the dwelling would be set back into the site and its relationship to the road would be similar to that of the properties directly opposite on the south side of Abingdon Road. The dwelling has been well designed with the principal habitable rooms opening onto the rear of the property. This would minimise the risk of domestic paraphernalia being visible in glimpses through the hedge when the trees are not in leaf.
9. It has been argued that the proposal would effectively create a situation of backland development. However, in my view it would not be read as such by casual observers in the street due to the nature of the shared driveway with 141 and 143 Abingdon Road and the level of visual screening provided.
10. I am aware that in a previous appeal decision¹ an Inspector described the area as having an attractive, verdant and spacious feel. This comment was made in the context of Abingdon Road as a whole, between its junctions with High Street and the B4449. As noted by the Inspector, many of the houses along this section of road are set back behind tall hedges and vegetation. The scheme before me would share similar characteristics.
11. I do not share the Council's concern that the proposed development would dominate the existing open frontages of adjacent dwellings. The appeal site lies outside of the defined residential curtilages for these properties and the new dwelling would be separated by well in excess of 30 m which would be sufficient to avoid a cramped appearance and ensure that the development is not overbearing or harmful to the outlook of neighbouring occupiers.
12. Having regard to the above considerations I am satisfied that the proposal would not cause material harm to the character or appearance of the area. It would therefore comply with saved Policies BE2 and H2 of the West Oxfordshire Local Plan 2011. These policies require, among other things, new development to respect the existing scale, pattern and character of the surrounding area. There would also be no conflict with saved Policy NE6 insofar as it seeks to retain important trees and hedgerows.

Other Matters

13. All other matters brought to my attention have been taken into account. Whilst concerns have been raised regarding the proximity of the new dwelling to the

¹ APP/D3125/A/14/2213981

adjacent commercial garage, there is no firm evidence to persuade me that this relationship would give rise to a fire safety risk or unacceptable living conditions for future occupiers of the dwelling.

14. Although I note the parish council's concerns regarding highway safety, the existing shared access onto Abingdon Road is capable of accommodating the small number of additional vehicle movements generated by the proposal. There is no substantive evidence to support the comments regarding the effect on sewage capacity.
15. I have considered the argument that a grant of planning permission would set a precedent for other similar developments. I have been provided with various examples of dwellings on deep plots in the vicinity of the site. However, backland proposals in these scenarios are likely to take the form of tandem development with driveways running directly alongside the existing dwelling. The appeal scheme would be served off a shared access and as such I consider the circumstances to be materially different.
16. The parties disagree over whether the Council is able to demonstrate a five-year supply of deliverable housing sites. However, I have concluded that the scheme would be acceptable in terms of its effect on the character and appearance of the area. Given this finding, there is no need for me to reach a definitive view on housing land supply.
17. It has been pointed out that the proposal makes no provision for affordable housing, despite the number of dwellings already completed on the Fletcher's Farm site. The Council has not raised this as an issue and I have not been provided with any substantive policy arguments. Consequently, this matter has not had a significant bearing on my decision.

Conditions

18. I have considered the list of suggested conditions against the six tests set out in paragraph 206 of the National Planning Policy Framework and advice within the Planning Practice Guidance. Where necessary I have adjusted the wording to improve precision and enforceability.
19. In addition to the standard commencement condition, it is necessary to attach a condition to define the plans with which the scheme shall accord. This will provide certainty regarding the scope of the permission. A condition is also required to secure details of materials and finished floor levels in the interests of the character and appearance of the area.
20. For the same reason I have attached a condition requiring the submission of a landscaping scheme. This will secure appropriate boundary treatments together with the new orchard and reinforced planting along the road frontage. Details of a sustainable drainage scheme are also required to ensure adequate surface water drainage and prevent flooding.
21. A further condition is required to secure access and parking prior to first occupation, in the interests of highway safety, and details of surfacing to ensure a satisfactory appearance. Whilst conditions restricting the future use of permitted development rights should only be used in exceptional circumstances I agree with the Council that such a condition is reasonable and necessary in relation to fences, gates and walls in the interests of protecting the character and appearance of the area.

Conclusion

22. For the reasons given above I conclude that the appeal should succeed.

Robert Parker

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: Drawing nos. 150804-L01, 150804-P101, 150804-P102, 150804-P103, 150804-P104, 150804-P105 and 150804-P106.
- 3) Notwithstanding the details shown on the submitted plans, the development hereby permitted shall not commence until details of the following matters have been submitted to and approved in writing by the local planning authority:
 - a) external materials;
 - b) finished floor levels; and
 - c) a sustainable drainage scheme, including arrangements for re-use of rainwater.

The development shall be carried out in accordance with the approved details prior to its first occupation.

- 4) No development shall commence until a scheme of hard and soft landscaping has been submitted to and approved in writing by the local planning authority. The submitted scheme shall include the following:
 - a) details of all species, planting sizes and densities for new planting;
 - b) identification on a plan of those existing trees and hedges to be retained and details of protection measures for those features during the construction process;
 - c) details of all boundary treatments; and
 - d) a timetable for implementation.

The landscaping scheme shall be implemented in accordance with the approved details and any trees or plants, including any retained or replaced trees/plants, which within a period of five 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 unless the local planning authority gives written consent to any variation.

- 5) The dwelling hereby permitted shall not be occupied until the vehicular access and parking area have been laid out and surfaced in accordance with details which have first been submitted to and approved in writing by the local planning authority.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls, other than those that may be approved as part of the landscaping scheme under condition 4, shall be erected on the site (including along its boundaries).