

Appeal Decision

Site visit made on 30 May 2017

by K Taylor BSc (Hons) PGDip MRTPI

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

Decision date: 27 June 2017

Appeal Ref: APP/D3125/W/17/3169666

Pummys Cottage, 57, Sutton Lane, Sutton OX29 5RY

- 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 and Mrs A and N Jones against the decision of West Oxfordshire District Council.
 - The application Ref 16/03792/FUL, dated 10 November 2016, was refused by notice dated 25 January 2017.
 - The development proposed is the erection of a replacement house.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area.

Reasons

3. The appeal site is located in a village of predominately residential character. The majority of the houses front onto Sutton Lane and are set back from the road with gardens to the front. This essentially linear development is a significant characteristic of the village and particularly so near the appeal site. Pummys Cottage, within the appeal site, and the adjacent Akeden sit behind the dwellings that front onto Sutton Lane. They do, however, appear tucked in behind the frontage properties. While this breaks the consistent linear pattern, the residential properties are nevertheless contained close to the lane.
 4. Some gardens extend a good way back from the lane and contain outbuildings and various built form, including at the appeal site. However all the significant residential development is contained close to the road and the buildings that are located further back are generally lower in height and do not appear dominant in the landscape. There is an open and verdant appearance to the rear of the houses which reinforces the rural character of the area. This is prevalent in views from the lane, many of the dwellings, and the nearby public footpath to the north of the site.
 5. The appeal scheme would see the removal of the existing dwelling and many of the outbuildings on site would also be removed, with one relocated. A new, two storey and flat roofed, dwelling would be located further into the site than the existing dwelling and beyond the siting of Akeden. It would be apparent not just from glimpse views down the access track but also from adjacent houses and gardens and the public footpath. To my mind when seen from these
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viewpoints the siting of the development would be appreciably at odds with the prevailing pattern of development in the locality. It would therefore constitute an incongruous element that detracted unacceptably from the character and appearance of the area. Although the appellant alleges that the footpath is infrequently used, I have no substantive evidence that this is the case.

6. Many of the existing outbuildings would be removed, some of which sit further back from the lane than the proposed dwelling, with an overall minor reduction in the floor space of buildings on site. These buildings are single storey in nature and have the characteristics of modest outbuildings. Consequently they do not have the same impact that a two storey dwelling would have. Although the site would contain fewer buildings, and the dwelling would not encroach as far as the existing built form, the impact would be more significant due to the height of the building and its appearance as a dwelling. The removal of the existing buildings would modestly open up the site, but this benefit would not outweigh the harm that would arise from the position of the dwelling. Permitted development rights may exist that would allow large curtilage buildings to be erected on the site. I have no evidence that these are likely to be constructed and, in any event, they could not be as tall as the proposed dwelling.
7. The dwelling would have a flat roof which would keep the overall height relatively low and below that of many nearby houses. Even so it would still be a significant feature in the local landscape and not comparable to the existing buildings in this part of the site. The proposed design of the dwelling is unashamedly contemporary. I disagree with the Council that it would be an unmitigated box. I consider that, in itself, the design is of merit, both architecturally and due to its sustainable credentials. It has been carefully detailed and incorporates features that would add interest such as the use of contrasting materials.
8. However, the contemporary nature, and bold appearance, of the dwelling would stand out from the other residential dwellings, drawing attention to it. The design of the dwelling would be harmful in this setting and thereby accentuate the harm that would arise from its siting. I note that there is a considerable variety of styles of dwellings in the village; however in the locality of the appeal site, there are no examples of such striking architecture. This therefore does not lead me to conclude the scheme is acceptable. In this context the dwelling would not blend into the landscape.
9. The appeal site contains a number of trees, and from some viewpoints the dwelling would be seen with these as a backdrop. This would not minimise the effect of the noticeably uncharacteristic siting. There would also be scope for additional landscaping to be provided. While this may result in the filtering of some of the views of the dwelling, it would not fundamentally resolve the harmful effect of its siting.
10. Beaumont Green is a recent cul-de-sac development located to the north west of the site. It is set apart from Sutton Lane and has resulted in residential development set away from the core of the village. I do not have all the details of the circumstances that led to granting planning permission for that development but I have taken it into account. However it is located on the opposite side of Sutton Lane to the appeal site and some distance from it. Its presence does not minimise the harmful effect that would arise through siting a

dwelling significantly further to the east than the established pattern of development.

11. The National Planning Policy Framework (the Framework) is clear that planning decisions should not attempt to impose particular architectural styles, or tastes, or stifle innovation. I acknowledge the appellants' desire to use the opportunity to create a one-off and innovative dwelling. This must however be considered alongside the Framework's requirement that it is proper to reinforce local distinctiveness. In this case, the harm that would arise is derived both from the siting of the dwelling and also the design approach having regard to the locally distinctive character of the area.
12. I therefore conclude that the development would result in significant harm to the character and appearance of the area. It would be contrary to Policies BE2, BE4, NE1 and H2 of the West Oxfordshire Local Plan 2011. These policies seek to ensure development respects the character of the area, assimilates into the landscape and does not result in the erosion of the distinctiveness of settlements. There is also conflict with emerging Policies OS2, OS4, and EH3 of the West Oxfordshire Local Plan 2031 (Submission Draft). I give these only limited weight as the examination has not been concluded. In any event they have similar overarching aims to the adopted policies.

Other matters

13. The dwelling would make good use of renewable technology and incorporate energy efficiency measures including through solar gain. This has informed the proposed siting of the house to a significant degree. Materials and construction methods would also reduce the environmental impacts. This is a positive attribute of the scheme. However I give this factor only limited weight as the benefits that would accrue from one energy efficient dwelling would be modest and I am not convinced that an alternative siting and design approach would be unable to provide similar overall results.
14. The proposed dwelling would not result in harm to the living conditions of the occupiers of neighbouring residents. While the scheme would result in greater separation between the dwelling on this site and the neighbouring properties than currently exists, the existing arrangements did not appear harmful. I note there may be some difficulties in renovating the existing dwelling and that alternative siting may result in other challenges including in respect of potential effects on trees, and the proximity to neighbouring dwellings and the Conservation Area. I am however not convinced that other suitable means of upgrading or replacing the existing dwelling, without harmful impacts, do not exist. I therefore give all these factors very limited weight.
15. The existing dwelling is of limited architectural merit and does not form part of the street scene fronting onto Sutton Lane, its replacement, as a matter of principle, complies with the development plan policies. The site, itself, is not located within the Conservation Area and I consider that, due to the distance from these buildings, the setting of the Listed Buildings in the locality would not be harmed. The location of the dwelling would allow for the retention of the trees on site. The proposed access, itself, would not result in harm and adequate parking could be provided which could also accommodate emergency vehicles. The design of the dwelling affords the opportunity to provide bedroom and bathroom accommodation at ground floor level, allowing occupation by persons of limited mobility if that became necessary. The appellants sought to

address concerns of local residents by altering the location and orientation of the Nissen hut. All these factors however indicate a lack of harm in their particular respects but they add little weight in favour of the development.

16. I acknowledge there has been relatively little local objection to the proposed dwelling and that the appellants made attempts to address some of the concerns of the Council at the pre-application stage by removing the annex. It appears there may have been some contradictory advice from the Council in respect of the appropriateness of a contemporary design approach and the appeal statement raises matters of concern, including the effect of the development from the footpath, that appear not to have been raised previously. The appellant has been clear that there is no intention to seek to retain the existing dwelling. All these matters do not minimise the harm that would arise from the development and the appeal must be determined on its substantive planning merits.

Conclusion

17. The benefits that would arise from the sustainable credentials of the dwelling, the opportunity to improve the relationship of the dwelling onsite with the neighbouring properties, and the challenges that arise from renovation or an alternative siting do not outweigh the significant harm that would arise to the character and appearance of the area. The adverse effects are sufficient to mean that the proposal would conflict with the development plan when taken as a whole and I conclude that the appeal should be dismissed.

K Taylor

INSPECTOR