



Appeal Decision

Site visit made on 13 June 2017

by J Ayres BA Hons, Solicitor

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

Decision date: 28th June 2017

Appeal Ref: APP/Q3115/W/17/3171181
95 High Street, Wheatley, Oxford OX33 1XP

- 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 Mark Keely of Keely Construction against the decision of South Oxfordshire District Council.
 - The application Ref P16/S3440/FUL, dated 9 September 2016, was refused by notice dated 9 December 2016.
 - The development proposed is the erection of a new 2 storey 1 bedroom dwelling and provision of enclosed bin store.
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Preliminary Matter

1. The application was made in the terms described above. There is a building on the appeal site that has been erected pursuant to an extant permission. The appellant has suggested amending the description to "conversion of" instead of "erection of". However, I have no evidence to confirm that this amendment was agreed with the Council and therefore I have used the description as set out in the application.

Decision

2. The appeal is allowed and planning permission is granted for the erection of a new 2 storey 1 bedroom dwelling and provision of enclosed bin store at 95 High Street, Wheatley, Oxford OX33 1XP in accordance with the terms of the application, Ref P16/S3440/FUL, dated 9 September 2016, subject to the following 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 plan No. 14-017/F/006.

Application for costs

3. An application for costs was made by Mr Mark Keely of Keely Construction against South Oxfordshire District Council. This application is the subject of a separate Decision.

Main Issue

4. The main issue is whether the appeal scheme preserves or enhances the character and appearance of the conservation area and the setting of the nearby listed building.

Reasons

Effect on the character and appearance of the conservation area and the nearby listed building.

5. Planning permission has previously been granted for the erection of a bike store and mezzanine to provide shed storage under reference P15/S3048/HH. As part of its consideration of that scheme the Council concluded that the erection of a building in this location would not materially harm the character and appearance of the conservation area, or have an adverse impact on the setting of the neighbouring listed building at No 97 High Street. At the time of my site visit that permission had been substantially completed and accordingly I have attached significant weight to it as a fallback position in my determination of this appeal.
6. The appeal proposal would not extend the envelope of development currently on the site. The only change to the design would be the replacement of the ground floor double door aperture with a pedestrian door and casement window. Therefore, it is my view that the proposal would result in a relatively minor alteration to the fenestration of the existing building, the erection of which has been granted permission by the Council, and a change of use from ancillary storage to residential (C3).
7. The appeal site is within the Wheatley Conservation Area which comprises a mixture of residential and commercial properties. Views of the appeal site are restricted as the site is set back from the High Street. It is immediately adjacent to a 1960s building which is in mixed commercial and residential use. It is seen within the context of 95 High Street, a traditional stone faced building which was previously a mixed office and residential use, but permission was granted in 2014 to convert it into flats. Accordingly, at this point in the conservation area the character is a mixture of modern and traditional buildings, providing a mix of uses, and it is within this context that the appeal site is considered. In my view, the limited alterations to the existing building would not automatically reveal an independent residential use. No outside amenity space is provided which will restrict residential paraphernalia, and the building would largely maintain the appearance of the ancillary building permitted under reference P15/S3048/HH. Therefore, the minor changes in design and the residential use of the building would not materially effect, and consequently would preserve, the character and appearance of the conservation area.
8. No 97 High Street is a Grade II listed building; its garden abuts the appeal site. In respect of the proposal before me the changes in design are to the front elevation, accordingly these would not materially affect the setting of the listed building when viewed from the rear. Due to the change in levels, views of the listed building are very limited when standing at the front of the appeal site. It is my view that the proposed alterations to the front elevation would not have an adverse impact on the setting of the listed building.

9. Accordingly, having attached significant weight to the fallback position, I find that the proposal would preserve the character and appearance of the conservation area and preserve the setting of the listed building in accordance with Policies CSEN3 and CSQ3 of the South Oxfordshire Core Strategy 2012, and CON5, CON7 of the South Oxfordshire Local Plan 2011. It would accord with Policies D1 and H4 of the South Oxfordshire Local Plan 2011 in respect of design.

Other Matters

10. I note the Council's concerns relating to the provision of amenity space. The evidence before me confirms that the appeal site is within walking distance of open spaces and parks, as such I have attached limited weight to this consideration.
11. Representations have been made in respect of the planning permission granted under reference P15/S3048/HH with regards to its consideration by the Council. The process relating to the consideration of permission P15/S3048/HH should be raised with the Council in the first instance.
12. I note the matters raised regarding the impact of the proposal on the living conditions of No 97. There are currently no windows that would overlook the occupiers of No 97 and I have no evidence to suggest that further windows in the first floor are proposed. There is no outdoor amenity space provided for the proposal, and the garden of No 97 is considerably higher than the ground floor of the proposal. Accordingly I do not consider that the proposal would result in an unacceptable loss of privacy to the occupiers of No 97. In respect of the concerns raised about misrepresentations of the height of the existing building, and the resulting loss of daylight, the Council has authority to ensure that development is built in accordance with the permission granted.

Conditions

13. A condition specifying the plan is necessary as this provides certainty. I have considered the Council's suggested condition relating to cycle storage in accordance with the advice in the Planning Policy Guidance. On the limited evidence before me in respect of this condition I do not consider that it would meet the test of necessity.

Conclusion

14. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be allowed.

Johanna Ayres

INSPECTOR