
Appeal Decision

Site visit made on 27 June 2017

by David Walker MA MRTPI

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

Decision date: 21st July 2017

Appeal Ref: APP/V3120/W/17/3168456

6-8 Cumnor Road, Bears Hill, Oxford OX1 5JP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs A and H Rock against the decision of Vale of White Horse District Council.
 - The application Ref P16/V2253/O, dated 5 September 2016, was refused by notice dated 13 December 2016.
 - The development proposed is demolition of existing 2-storey buildings and garage and erection of new building consisting of 9 apartments and related works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline with matters relating to landscaping reserved for future consideration. I have determined the appeal on this basis, treating the details submitted in relation to access, appearance, layout and scale for consideration at this time.
3. During the course of the application the scheme was amended from 10 to 9 apartments. This is reflected in the descriptions provided with in the appellants' appeal form and the Council's decision notice. I have modified the description accordingly in the interests of consistency.

Main Issues

4. The main issues in the appeal are the effect of the proposal on:
 - i) the living conditions of the occupants of No 10 Cumnor Road in relation to scale and proximity and having regard to outlook, and
 - ii) the character and appearance of the area.

Reasons

Living conditions

5. The proposal would achieve a 2½ storey building that would extend further into the plot than existing. There would be a significant increase in the amount of development close to the common boundary with No 10 and projecting further backwards at full height.
6. The two dormer windows in the neighbouring bungalow facing the proposal provide the only source of outlook to main bedrooms. Where currently these

derive some openness over the single storey rear projection of the existing building this would be replaced with a flank wall with higher eaves than those existing in the two storey element of the building.

7. There would be a significant loss of outlook that would be harmful to the living conditions of the occupants of No 10. The proposal would be only notionally further away due to the removal of minor elements of the existing building. In practice it would remain at substantially the same distance providing limited benefits for the neighbour. Any removal of the limited scope for overlooking would be offset by the activity that would remain along the same side of the development and which could potentially increase with communal bin stores and cycle parking.
8. The use of a lighter coloured brick for the lower portion of the proposal may help to reflect natural light into ground floor windows of the No 10 but would provide little relief for the extra height and projection, and use of darker materials at the upper floors. However, on the limited evidence submitted I am satisfied that a harmful loss of direct sunlight has not been demonstrated.
9. I conclude that the scale and proximity of the proposal would have a harmful effect on the living conditions of the occupants of No 10 due to the diminution of outlook that would arise. Other considerations in relation to the commercial use of the existing premises, location of car parking, removal of the existing single storey garage, and the limited support that has been offered by interested parties, attract only limited weight in relation to the significant harm I have identified.
10. The proposal would therefore conflict with Policy DC9 of the Vale of White Horse Local Plan 2006 which does not support development that would unacceptably harm the amenities of neighbours in terms of dominance or visual intrusion, amongst other considerations.

Character and appearance

11. The two storeys and conjoined appearance of the existing building would be replaced by the unified and larger building of the proposal. This would be marginally higher overall but with a much greater massing at the upper floors and roof level due to prominent gables and a wide horizontal ridge.
12. However, in the principal streetscene views available along Cumnor Road there would be seen to be greater separation distances between the proposal and adjacent properties that would prevent a cramped appearance. Vertical proportions in windows and front facing gables and the use of contrasting materials would also go some way to reducing the perceived bulk of the structure.
13. While the existing dwellings of the area tend to be of traditional scale and proportions, the appeal site is located at a transitional position between the residential and commercial character areas of the road close to its junction with Besselsleigh Road. Moreover, the building to be replaced already departs from the dwellings of the road in its use, scale and appearance. Willow Court adjacent, though smaller than the proposal, and the Bystander Inn opposite represent further departures in building design along the road. In this context the proposal while different would not seem unduly out of place.

14. At the rear, the staggered arrangement of the block with three distinct projections each with its own ridge would progressively reduce the scale of the proposal in relation to the bungalow at No 10. It would be seen from along the spur leading off Cumnor Road and some garden trees would inevitably be lost. However, viewed against the rears of existing buildings and with foreground trees and vegetation the visual impact would not be so significant as to be harmful.
15. On this issue I conclude that the proposal would have a satisfactory effect on the character and appearance of the area. It would accord with Core Policy 37 of the Vale of White Horse Local Plan Part 1 2016 which requires high quality design that is visually attractive and scale, height, density, grain, massing, type, details and materials appropriate for the site and surrounding area, amongst other matters, and associated guidance.

Conclusion

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

David Walker

INSPECTOR