
Appeal Decision

Site visit made on 10 July 2017

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

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

Decision date: 02 August 2017

Appeal Ref: APP/Q3115/W/17/3172774

Marigay, Russells Water RG9 6EU

- 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 Sebastian Brock, Debrecq Developments Ltd against the decision of South Oxfordshire District Council.
 - The application Ref P16/S2816/FUL, dated 16 December 2016, was refused by notice dated 23 February 2017.
 - The development proposed is the demolition of existing dwelling and garage and erection of replacement 5-bedroom dwelling with detached double garage, and the demolition of detached garage and erection of a detached 4-bedroom dwelling with integral garage incorporating new vehicular access and amenity space.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal concerns a replacement house and an additional house. Since the appeal was made, the Council has given planning permission for a replacement house on the same site, similar to that considered in this appeal.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area which is in the Chilterns Area of Outstanding Natural Beauty (AONB).

Reasons

4. The site forms part of the garden of Marigay and is located in the village of Russells Water in the AONB. Development is more concentrated in the village centre, around the green and the pond, where houses tend to be set close to the lanes and to each other. This tighter grain of development loosens towards the southern edge of the village where the appeal site is located. Here the landscape features become more dominant; the houses are more dispersed; their footprints become greater and their plots more extensive; the set back from the lane increases as do the gaps between the houses and the space around them. This distinctive, more open texture of landscape makes a soft edge to the surrounding countryside.
 5. The settlement strategy in the South Oxfordshire Core Strategy 2012 (CS) identifies Russells Water as an 'other' village, in which location CS Policy CSS1 allows limited amounts of housing. CS Policy CSR1 allows infill development on
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- sites of up to 0.1ha in area (equivalent to 2-3 houses). The Council does not object to the additional house in terms of infill development. However, the policy also requires development to conserve and enhance the natural beauty of AONBs and to protect local character and distinctiveness.
6. The Council accepts that it is unable to demonstrate a 5-year supply of deliverable housing sites. Therefore, in accordance with paragraph 49 of the National Planning Policy Framework (the Framework), relevant policies for the supply of housing should not be considered up-to-date. This includes policy CSR1.
 7. Paragraph 14 of the Framework indicates that where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole or specific policies in the Framework indicate that development should be restricted. Footnote 9 to paragraph 14 gives examples of these and includes policies relating to AONBs.
 8. The proposal would provide an additional house which would contribute to reducing the local shortfall in the supply of new housing. This would be a social benefit. There would also be an economic uplift arising from the construction work and future occupants' spending in the local economy. These benefits in the economic and social dimensions of sustainable development weigh in favour of the proposal.
 9. However, the environmental role of sustainable development, as set out in paragraph 7 of the Framework, requires the planning system to contribute to protecting and enhancing the natural environment. I note that the proposal would include bat lofts, but the retention of the existing front garden without a house would also have biodiversity benefits.
 10. CS Policy CSEN1 gives high priority to the conservation and enhancement of AONBs and requires that regard be had to their settings. Paragraph 115 of the Framework describes AONBs as having the highest status of protection in relation to landscape and scenic beauty and that great weight should be given to their conservation.
 11. The additional house would have a smaller plot than its neighbours and significantly greater site coverage. Compared to the other houses in this part of the village, it would be sited far closer to its neighbour to the north and closer to the lane than the prevailing front building lines in this part of the village. The development would result in the loss of a length of hedgerow to form the access to the additional house. In such proximity to the existing access to Russells Water Farm and the access to the replacement dwelling the resulting character of the lane presently distinguished by hedgerow on one side and common woodland on the other would be more akin to the centre of the village than the edge. Taken together, these factors of the additional house would introduce an urbanising influence at odds with the distinctive, rural landscape character of this part of the village.
 12. I have had regard to the planning permission recently granted for the replacement house on this site, however my finding of harm relates to the proposed additional dwelling. I have taken into account that there is already a building on the site of the additional dwelling; however, it is small and low in

height and part of the curtilage of the existing dwelling, whereas this proposal would introduce a separate unit with the harm identified above.

13. Whilst the new house in the appeal¹ allowed at South Stoke was located in the AONB, there was already development set back from the road in its immediate context. The Inspector concluded that it would reflect the existing pattern of development and that the appearance of the cluster of houses in the wider landscape would not be changed significantly. The spatial circumstances were quite different from this case, in which the proposal does not reflect the pattern of development and would change significantly the landscape character.
14. I have taken into account that the hedgerow to the lane could be bolstered by additional planting, however, the additional house and its effects would still be visible from the lane through its direct access onto the lane. While policy CSEN1 seeks measures to integrate development into the landscape character of the area, this is in relation to development which is acceptable in principle.
15. The additional dwelling would not conserve the landscape and scenic beauty of the AONB, nor would it protect the distinctive character of this part of the village and its landscape setting. It would be contrary to CS policy CSEN1. It would conflict too with policies C4, H4 and G2 of the South Oxfordshire Local Plan 2011. These provide that development will be permitted provided that the character of the area is not adversely affected, that development which would damage the attractive landscape setting of the settlements will not be permitted, and that the countryside and settlements will be protected from adverse developments. It would conflict too with paragraph 115 of the Framework.
16. The proposed development would conflict with the environmental dimension of sustainable development set out in paragraph 7 of the Framework. Whilst it would bring social and economic benefits, these would be limited and would not outweigh the harm that would be caused to the landscape and scenic beauty of the AONB. I conclude that the proposed development would harm the character and appearance of the area which is in the Chilterns Area of Outstanding Natural Beauty, and would not therefore be sustainable development. Given my findings of harm to the AONB, the tilted balance in paragraph 14 does not apply in this case.

Conclusion

17. For the above reasons and taking into account all other matters raised, the appeal is dismissed.

Patrick Whelan

INSPECTOR

¹ Appeal ref APP/Q3115/A/14/2226952