
Appeal Decision

Site visit made on 1 August 2017

by David Murray BA (Hons) DMS MRTPI

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

Decision date: 17th August 2017

Appeal Ref: APP/Q3115/W/17/3171236

"Dulverton", Reading Road, Shiplake, Reading, RG9 3JN.

- 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 B and R Moore against the decision of South Oxfordshire District Council.
 - The application Ref. P16/S1362/FUL, dated 21 April 2016, was refused by notice dated 29 September 2016.
 - The development proposed is the demolition of existing bungalow and attached garage and the erection of two 5-bedroom dwellings, with second floor accommodation within the roof space, and detached double garages.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the area, including the effect on trees subject to a Tree Preservation Order (TPO);
 - The effect of the increased use of the access to Reading Road on highway and pedestrian safety.

Procedural matters

3. I note that the access to the site from the public highway is said to involve land in the ownership of another party, Mr and Mrs S Head, on whom notice has been served. They ask that the proposal be put on hold pending their further assessment of the plans and the resolution of various issues. However, the exercise of private rights is mainly a private matter separate to the consideration of this appeal, although I note that there is no agreement from these landowners at the moment to allow alterations to their land to facilitate the development.
4. Amended plans of the layout of the development were submitted to the Council on the 28 July 2016 and it is these plans that the Council based its decision on and I have considered in the appeal.

Reasons

Background

5. The appeal site lies on the edge of the village of Lower Shiplake and in a cluster of detached houses to the east of the A4155 (Reading Road). At the moment the existing single storey property on the site has access to the highway via a driveway which is shared with two other properties to the rear. The site is generally bounded by mature trees, some of which are individually subject to a Tree Preservation Order (TPO) made in July 2016. It is proposed to demolish the bungalow and erect two detached 5-bedroom properties, sited one behind the other, off a new driveway leading from the shared access.

Policy context

6. The development plan for the area includes the South Oxford Core Strategy adopted in 2012 and the South Oxfordshire Local Plan 2011. The Local Plan policies predate the National Planning Policy Framework (the Framework) and I will consider the degree of consistency with the Framework, and the weight that can be given to the policy as it arises in the main issues. Further, the Council accepts that it cannot demonstrate a five year supply of deliverable housing sites at the moment in accordance with paragraph 47 of the Framework therefore the provisions of paragraphs 49 and the final bullet point of paragraph 14 are engaged in this case.
7. As the site lies within the built up confines of the settlement boundary and the land has no other special designation (apart from the TPO) the Council says that the principle of the redevelopment of the site as small scale infilling is acceptable in this location, subject to site specific aspects.

Effect on the character and appearance of the area

8. The Council's objections on this issue relate to the appearance of the development particularly from Reading Road and to the potential effect that the layout and hard surface driveway would have on adjoining protected trees.
9. I considered the appearance of the proposed houses around the site and the public realm of the Oxford Road at my site visit. Although Unit 1 would have a large expanse of brickwork on the flank wall elevation with only a very small toilet window upstairs facing towards the road, in views of the site from the road when approaching from the south-west or the north-east, this flank wall would be seen in the context of one or the other 'side' elevations which have more articulation through the fenestration. Further, views of the houses would only be glimpsed through the established trees and shrubs which exist between the site and the main frontage and in neighbouring gardens.
10. Although the existing bungalow is a low structure which is not prominent in the street scene its overall form is not consistent with the surrounding development which generally comprises two storey houses, as shown on the site plan. I also observed the relatively new properties now developed in the grounds of Chelford House which do not appear on the submitted site plan. Also this plan shows that the 'urban grain' of the area includes houses in a backland position where the houses are often sited away from and not in line with the road frontage. In terms of architecture and layout it therefore appears to me that the proposal would be a positive visual improvement to what exists on site and would help to reinforce local distinctiveness as encouraged by the emphasis placed on good design in paragraphs 56 and 60 of the Framework.

11. Overall, I do not share the Council's concern about the outward appearance of the proposed houses and find that the proposal would not have a harmful effect on the street scene. The proposal therefore generally accords with the relevant requirements of policies CSQ3, G2, D1 and H4. The latter saved policies are broadly consistent with the guidance in the Framework to support good design and therefore should be given significant weight.
12. Turning to the effect on protected trees, first I agree with the Council that the position and extent of the tree canopies and the depicted extent of the root protection areas shown on the layout plan (drawing 1112.PL.001e) is too diagrammatic and lacks the accuracy of these details shown on the Tree Protection Plan (drawing BeeTree1/09-TPP) which also included an earlier layout of the proposed development. Therefore, I am not able consider in the necessary detail the effects of the layout on these protected trees.
13. Notwithstanding this point, and the appellants' submission about the appeal decision related to a site in Chinnor, I agree with the Council that the proximity of the new dwellings is so close to the trees that, even if the root system can be protected during building work, there is likely to be pressure from subsequent occupiers to have the trees reduced or felled to reduce their impact. This unacceptable relationship is shown in particular with Unit 2 where the main bay window to the lounge on the ground floor would be less than 3m from the tree canopy of T549 as depicted on plan 1112.PL.001e. Likewise the main windows in the bay French doors of Unit 1 would be directly adjacent (less than one metre) to the Yew tree T564.
14. Overall on this issue I find that the proposed siting and form of the two houses has not been designed to take into account the protected trees on site and this poor relationship would be likely to threaten the future retention and well-being of these trees. This harm to the trees would materially harm the character and appearance of the area and would conflict with the requirements of policies CSEN1 and CSQ3 in terms of protecting the landscape character of the area and the relevant parts of saved policies C4, C9, D1 and H4. Although the saved policies predate the Framework they are broadly consistent with the emphasis placed on good design in section 6 of the Framework. The policies should therefore be given significant weight, other than the part of policy H4 which generally restricts housing supply.

Effect on highway and pedestrian safety

15. The Council and the highway authority raise objection to the increased use of the existing access to the highway caused by the net additional dwelling because this access is said to have inadequate visibility onto the A4155. The representations made by the highway authority say that the claimed visibility of 2.4m by 47.2m to the right when exiting from the access cannot be achieved.
16. At the site visit I considered the visibility from the access and also noted its location on the edge of the inside of a bend to the right when approaching along the A4155 from the south. There is reasonable visibility to the south but the sight line to the north is hampered by the presence of two mature trees which disrupt views of vehicles approaching on the nearside part of the road. The presence of these trees materially interrupts the visibility splay and even though a glimpse of a vehicle is seen in the space to the right of the tree, I do not consider that this gives adequate time for the driver of a vehicle leaving the site to make an informed decision about progressing onto the highway.

17. The appellants' agent pointed out at the site visit that the two mature trees appear to be dying and their retention is in question, nevertheless, the visibility spay is not within the red line defining the application site and I cannot be certain of the extent of highway land and the ownership of these trees, even if they are dead or dying. On the evidence before me I conclude that the access to the site has poor and sub-standard visibility and the development proposed would increase the number of vehicles using this access which would not be in the interests of highway safety. This harm renders the proposal to conflict with saved policy T1. Significant weight should be placed on this policy as it is consistent with the terms of the Framework which indicates in paragraph 32 that planning decisions should take account of achieving safe and suitable access to a site.

Planning balance

18. Bringing together my conclusions on the main issues I have found that these need to be considered in the context that the Council cannot demonstrate a five year supply of new development sites in accordance with the requirements of the Framework. I recognise that the proposal would make a small net contribution to increasing housing supply but this would be at the cost of site specific problems.
19. Although the overall appearance of the two new houses proposed would not be harmful to the character and appearance of the area, I have found that the scale, design and location of the houses does not reasonably take into account the relationship with the existing mature trees on site which are subject to a TPO. The design and layout of the new houses would be likely to threaten the future well-being of these trees which at the moment contribute positively to the appearance of the area. Their loss would be significantly harmful to the character of the area even though the area does not have any other special designation.
20. I have also found that it has not been demonstrated that the additional traffic that would be generated by the proposal can be safely accommodated on the existing access which has not been shown to have appropriate visibility nor shown to be capable of being improved.
21. These factors amount to significant site specific adverse effects and mean that the proposal does not constitute sustainable development. In the context of paragraph 14 of the Framework these adverse impacts are not outweighed by the benefits of the development to the extent that planning permission should be granted. Overall, I find that the conflict with the provisions of the development plan that I have identified is not outweighed by any other consideration.

Conclusion

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

David Murray

INSPECTOR