



Appeal Decision

Site visit made on 4 July 2017

by Robert Fallon B.Sc. (Hons) PGDipTP MRTPI

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

Decision date: 17th August 2017

Appeal Ref: APP/D3125/W/17/3173471

Westfield House, Bampton Road, Aston, Bampton OX18 2BU

- 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 John Hook against the decision of West Oxfordshire District Council.
 - The application Ref 16/03910/FUL, dated 23 November 2016, was refused by notice dated 17 February 2017.
 - The development proposed is the construction of 3 new detached dwellings, including home offices suitable for business uses that are ancillary to the use of the dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of 3 new detached dwellings, including home offices suitable for business uses that are ancillary to the use of the dwellings at Westfield House, Bampton Road, Aston, Bampton OX18 2BU in accordance with the terms of the application, Ref 16/03910/FUL, dated 23 November 2016, subject to the conditions set out in the attached Schedule.

Procedural matters

2. My determination of this appeal is against the saved policies of the West Oxfordshire Local Plan 2011 (the 'local plan'). The decision notice also makes reference to a number of policies from the emerging West Oxfordshire Local Plan 2031 (submission draft including proposed modifications, November 2016) (the 'emerging local plan'). Although at an advanced stage of preparation, this document was still at examination at the time of writing this decision. Given the uncertainties regarding the outcome of that process, I have given the emerging local plan limited weight and in any event, policies OS2, H2, EH1 and EH7 would not have altered my conclusions.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area, with particular regard to the Aston Conservation Area.

Reasons

4. The appeal site lies on the western outskirts of the village adjacent to the open countryside and is surrounded by well-established trees and hedgerows. At the time of my inspection, it had a parkland appearance and contained a small car-park that indicated a functional association with the former children's nursery at Westfield House, which abuts the site to the north-east and now has

planning permission for conversion to four apartments (Council ref. 16/01423/FUL).

5. The appeal site falls within the Aston Conservation Area and the setting of Westfield House (an important non-listed local historic building) and so in accordance with paragraph 131 of the National Planning Policy Framework (NPPF), I have taken account of the desirability of sustaining and enhancing their significance.

Character and appearance of the area, with particular regard to the Aston Conservation Area

6. The adjacent fields to the north-east and south-west which front onto Bampton Road have an agricultural/paddock type appearance which I consider to be very different from the parkland character of the appeal site. In view of this and because of the linear form of development that extends along Bampton Road to its northern side, I am not of the view that the proposal would be at odds with the prevailing settlement pattern. Although the proposed dwellings would not directly front onto Bampton Road in the same manner as those on the northern side, they would be at the periphery of the village where the built form thins out and the pattern of development often becomes more irregular. The scheme would therefore result in an acceptable small consolidation of built form in a part of the village that would not be harmful to the historic form of the village, the character of the conservation area and the adjacent countryside.
7. The detailed layout of the scheme and scale of each dwelling has been designed to ensure that Westfield House retains its primacy as a significant and secluded outlying dwelling fronting onto Bampton Road. In this respect, the open landscaped area fronting onto Bampton Road and the scheme's low-density have been significant factors in my assessment. Although there would be brief glimpses of the development when approaching the site in both directions on Bampton Road, I would not consider it to look out of place or character with the area given the materials to be used and design of the dwellings, which have drawn their inspiration from the local vernacular.
8. The appeal site has been classified as falling within the Western Thames Fringes landscape by the West Oxfordshire Landscape Assessment 1998 ('the WOLA'). The site has been further categorised by the WOLA as having a semi-enclosed flat vale farmland character with moderate inter-visibility. I would not consider the proposal to be harmful to this landscape type as the WOLA states that this classification may offer opportunities to absorb small-scale development within a strong structure of trees, which the appeal site benefits from.
9. The proposed dwelling on plot 3 would incorporate a double stack roof, which is a feature of other dwellings in the village, including Westfield House. The dwellings on plots 1 and 2 would have significant rear projections, but given their siting and orientation these would not be overly visible from Bampton Road and so any visual impact would be minimal. Although these projections are broadly the same height as the main roof to the front, I am not of the view that they would be harmful or out of character as their position to the rear helps reinforce their character as being subservient to the primary frontage/massing of each dwelling. Subject to the detailed architectural finishes of these dwellings being suitably controlled, I am satisfied that they would constitute high quality design and make a positive contribution to the

architectural heritage of the village. I note that each dwelling is provided with a carport and home office ancillary building, but would not consider this to be out of character with other large rural dwellings, many of which have a number of small outbuildings.

10. Conservation areas and their setting change and evolve over time and it does not automatically follow that all such change is harmful. In my view, the proposal would be complementary to the residential conversion of Westfield House and allow its significance to be maintained. It would also result in the viable reuse of a redundant piece of land not required in connection with the Westfield House conversion and ensure its setting does not become unkempt. In assessing the visual impacts referred to by the Council both individually and cumulatively, I have concluded that the scheme overall would have a neutral impact, thereby preserving the setting of Westfield House and the character and appearance of the conservation area. It would also not be harmful to the character or appearance of the surrounding area and countryside.
11. In view of the high quality design of the scheme, the distances involved, plot orientation and tree screening, I am not of the view that it would harm the setting of any listed buildings within the village of Aston.
12. Accordingly in this respect, having taken account of the statutory duty¹ to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas and preserving listed buildings and their setting, I conclude that the proposed development would not conflict with policies BE2, BE4, BE5, NE1, NE3 and H2 of the local plan. These seek to preserve the character and appearance of conservation areas and ensure that new development respects the scale, pattern and character of the surrounding area and the landscape character of the countryside.
13. For the reasons identified above, I am also satisfied that the scheme complies with the objectives of the West Oxfordshire Design Guide 2016 and policy contained within the NPPF relating to the protection of designated and non-designated heritage assets.

Other matters

14. I note the Council's concerns in respect of precedent, but for the reasons identified above, I consider the appeal site to be materially different from that of the surrounding countryside. In any case, I must consider the appeal scheme on its own merits.
15. The Council maintains that it has a 5 year housing land supply and that its policies relating to the supply of housing should therefore be considered up to date. Even if this is the case, this has been given limited weight in my assessment as I consider the proposal to be in accordance with the saved policies of the local plan and consistent with the provisions of the NPPF.

Conditions

16. The Council has suggested conditions which I have considered in the light of the national Planning Practice Guidance. I have made some small amendments to clarify certain details and enable the development to commence without the need to approve all conditions first. A condition requiring development to be in

¹ S66(1) and S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

accordance with the plans is needed for the avoidance of doubt and in the interests of proper planning. Conditions relating to external materials, fenestration details, boundary treatment and restoration of one of the existing outbuildings are necessary to ensure a high standard of development and preserve the character of the conservation area. Similarly, conditions are needed to protect existing trees and require a new landscaping scheme to be implemented to protect the existing parkland character of the site.

17. The Council's Drainage Engineer has stated that the site is at high risk of groundwater flooding and that they would require further information before determining whether any infiltration was appropriate. This could result in a SUDs scheme proving to be unviable and in the absence of advice from the Lead Local Flood Authority or other evidence demonstrating that the area is at risk from fluvial flooding, a condition requiring the implementation of a specific SUDs scheme has not been imposed. However, given that I have no evidence from the relevant statutory undertaker of insufficient capacity in the local sewerage system to accommodate the development, a general foul and surface water drainage condition has been imposed to address the matters of highway safety and the wider issue of groundwater flood risk (which could include the provision of a SUDs scheme if found to be viable).
18. A condition for a grey water recycling scheme has not been imposed in the absence of any policy justification or evidence. Given the small-scale nature of the development, I do not consider it necessary to require a construction management plan as any disturbance can be suitably controlled under other legislation.

Conclusion

19. I have found that the proposal would not cause harm to the character and appearance of the conservation area, the setting of listed buildings and the wider countryside landscape. In view of this and having had regard to all other matters raised, I conclude that the appeal should be allowed.

Robert Fallon

INSPECTOR

Schedule of 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 plans:- Drawing nos. 2982.301 Rev C, 2982.302 Rev C, 2982.303 Rev B, 2982.304 Rev B, 2982.305 Rev B, 2982.307 and the Design and Access Statement dated October 2016.
- 3) Notwithstanding condition 2, no development shown on the submitted plans shall take place until details of all external facing materials and finishes have been submitted to and approved in writing by the local planning authority. The details shall include the provision of a sample panel on-site for inspection of the external stone walls to be used in the construction of the dwellings. The sample panel shall be at least 1 metre x 1 metre and show the proposed material, bond and pointing technique to be used in the development. For the avoidance of doubt, the remaining details to be supplied should include materials and finishes for weatherboarding, roofs, eaves, windows, doors, porches, door canopies, bargeboards, gutters and downpipes. The relevant works shall thereafter be carried out in accordance with the approved details and sample panel (which shall not be removed from the site until completion of the development).
- 4) Notwithstanding condition 2, no fenestration development shall take place until detailed drawings of all windows have been submitted to and approved in writing by the local planning authority. The drawings shall include details of window headers/lintels, cills and depth of reveals. The relevant works shall thereafter be carried out in accordance with the approved details.
- 5) Notwithstanding condition 2, no dwelling hereby approved shall be occupied until details of the position, design, colour and materials of the boundary treatments for each dwelling and the area of space to the south-west of Westfield House that fronts onto Bampton Road have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until its respective boundary treatment and that to the area of space to the south-west of Westfield House that fronts onto Bampton Road has been carried out in accordance with the approved details.
- 6) No development shall take place until details of hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i) a plan showing the position of every tree and hedgerow on the site and on land adjacent to the site (including street trees) that could influence or be affected by the development, indicating which trees are to be retained and those that are to be removed;
 - ii) a schedule in relation to every tree identified listing:
 - information as specified in paragraph 4.4.2.5 of British Standard BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations) (or in an equivalent British Standard if replaced); and,
 - any proposed pruning, felling or other work;

- iii) in relation to every existing tree and hedgerow identified to be retained on the plan referred to in i) above, details of:
 - any proposed alterations to existing ground levels, and of the position of any proposed excavation, that might affect the root protection area; and,
 - all appropriate tree and hedgerow protection measures required before and during the course of development (in accordance with paragraph 5.5 of British Standard BS 5837:2012) (or in an equivalent British Standard if replaced);
- iv) soft landscaping to include: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of new trees, hedgerows and plants noting species, plant supply sizes and proposed numbers/densities;
- v) hard surfacing materials;
- vi) bin storage;
- vii) vehicle parking layouts;
- viii) other vehicle and pedestrian access and circulation areas;
- ix) an implementation programme for all soft landscaping works;
- x) a management and maintenance scheme for the area of space that lies to the south-west of Westfield House and fronts onto Bampton Road.

The hard landscaping works and bin storage areas for each respective dwelling shall be carried out in accordance with the approved details before the said dwelling is first occupied.

The completed landscaping scheme for the area of space that lies to the south-west of Westfield House and fronts onto Bampton Road shall thereafter be managed and maintained in accordance with the approved scheme of management and maintenance.

- 7) Any trees, hedges or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. No new tree or hedgerow planted in accordance with condition 6) shall be pruned or cut in any manner within 5 years from the date of the occupation of the final dwelling to be occupied, other than in accordance with the approved plans and details, without the prior written approval of the local planning authority.
- 8) No development shall commence until details of the works for restoration of the detached outbuilding to be retained on the site as shown on the approved plans have been submitted to and approved in writing by the local planning authority. The details shall include the timing of the works and measures to be taken to secure and protect the building against accidental loss or damage. The development shall thereafter be carried out in accordance with the approved details.
- 9) No dwelling hereby permitted shall be occupied until a foul and surface water drainage scheme has been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.

End of schedule