
Appeal Decision

Site visit made on 31 October 2017

by D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC

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

Decision date: 20th November 2017

Appeal Ref: APP/V3120/W/17/3179359
87 High Street, Milton, Abingdon OX14 4EJ

- 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 Executors of the Late Mrs Lillian Alice Marlow against the decision of Vale of White Horse District Council.
 - The application Ref P17/V0808/FUL, dated 24 March 2017, was refused by notice dated 11 June 2017.
 - The development proposed is the demolition of single storey outbuildings and the erection of a single storey 2-bedroom dwelling house with associated car parking and amenity space.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of single storey outbuildings and the erection of a single storey 2-bedroom dwelling house with associated car parking and amenity space at 87 High Street, Milton, Abingdon OX14 4EJ in accordance with the terms of the application, Ref P17/V0808/FUL, dated 24 March 2017, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is whether the proposed development would preserve or enhance the character or appearance of Milton Conservation Area (MCA) and whether its significance as a designated heritage asset would be harmed.

Reasons

3. The appeal site comprises part of an orchard to the rear of 87 High Street (No 87). It is within the MCA which covers the majority of the village of Milton including its historic core. No 87 is an attractive vernacular cottage that fronts onto the High Street. There is an extant planning permission for a pair of semi-detached dwellings that would front the High Street adjacent to No 87.
4. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that, in the exercise of planning powers in conservation areas, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Paragraph 132 of the National Planning Policy Framework (the Framework) advises that significance can be harmed or lost through alteration or destruction of the heritage asset.
5. From the details available to me and my observations I consider that the significance of the MCA is mainly drawn from the predominantly rural character and range of traditional buildings that it contains together with its use of materials, pattern of development, its association with nationally renowned

figures, the orchards that it contains and the relationship of buildings to the spaces around them. Both parties refer to the Milton Conservation Area Appraisal (MCAA) and this indicates that the site lies with the High Street Character Area which is characterised by linear development with buildings facing the road behind a small garden or fronting the pavement edge.

6. The appeal proposal would involve the demolition of a number of single storey outbuildings to the rear of no 87 and their replacement with a single storey dwelling. It would be accessed off a driveway between No 87 and the semi-detached dwellings that have planning permission. The driveway and a parking area form part of the extant planning permission. The site is presently landscaped and contains a number of fruit trees.
7. The proposed dwelling would be set well back from High Street behind No 87. As such, the dwelling would not follow the predominant linear pattern of development in this part of the MCA. However, there are a number of buildings in the vicinity of the appeal site, including single storey ones, which are set behind the existing frontage development and are visible in glimpse views from the public realm.
8. The proposed dwelling would be largely hidden when viewed from the public domain taking into account the existing and permitted dwellings near to the site. Glimpse views may be possible of parts of the building between the frontage dwellings. In those views few if any openings would be visible and the building would have the appearance of an outbuilding. Consequently, even though the dwelling would not conform to the predominant linear pattern of development it would not appear incongruous when considered against the overall character and appearance of this part of the MCA. Furthermore, the access drive already has permission therefore the proposed dwelling would not require an additional access drive.
9. Moreover, even though some trees would be removed as they are either dead or need to be removed for the development five replacement trees would be planted within the existing orchard. The orchard has also not been managed for a period of time and an ecological management plan has been submitted to ensure the on-going management of the orchard. I am satisfied that this could be secured by a suitably worded planning condition. The proposals would enhance the scale of the existing orchard remnant and restore this traditional orchard that is an important part of the character, appearance and significance of the MCA.
10. The Council's Officer report states that *"It is considered that the proposed single storey dwelling is acceptable in terms of its overall design, height and footprint and also the proposed build materials to be used as they are considered to be consistent with the materials of other dwellings within the Conservation Area."* Based on my observations I have no reason to disagree with this finding.
11. Taking into account, all of the above the proposal would preserve the character and appearance of the MCA and its significance as a heritage asset and as such it would meet the expectations of the Act. Accordingly, the proposal would comply with Policy CP39 of the Vale of White Horse Local Plan 2031 Part 1 and saved Policy HE1 of the adopted Local Plan 2011 which seek, amongst other things, to ensure that new development conserves, and where possible enhances, designated heritage assets in accordance with national policy and legislation. The proposal would also accord with section 12 of the Framework.

Other matters

12. Local residents object to the proposal on a wider basis, including in respect of extra vehicular movement in an already congested street and that bungalow development is a wasteful use of valuable land supply. These did not form part of the Council's reason for refusal and I am satisfied that these matters would not result in a level of harm which would justify dismissal of the appeal.
13. While I understand that my decision will be disappointing for some local residents, the information before me does not lead me to conclude that these other matters, either individually or cumulatively, would be an over-riding issue warranting dismissal of the appeal.
14. In terms of the three dimensions to sustainable development set out in paragraph 7 of the Framework there would be modest social and economic benefits through the provision of an additional dwelling. There would be accessibility benefits associated with the proposal as the appeal site is within the existing built-up area of the village of Milton. I have found that the proposal would preserve the character and appearance of the MCA and as such the environmental role would be met.

Conditions

15. I have considered the conditions put forward by the Council against the requirements of the Planning Practice Guidance (PPG) and the Framework. In the interests of conciseness and enforceability the wording of some of the suggested conditions has been amended.
16. I have imposed a condition specifying the relevant drawings as this provides certainty. In the interests of protected species a condition in relation to ecology is necessary. In the interests of highway safety conditions in relation to visibility splays and vehicular access and parking are required. However, I have deleted reference to visibility splays from Condition No 6 as it duplicates Condition No 5. In relation to the Council's suggested conditions Nos 7 and 8 they partially duplicate each other and the wording of condition 8 is not clear and precise. The hard and soft landscaping details are shown on the submitted plans and a condition in that respect is not necessary. Accordingly, I have merged the conditions and reworded them to enable the submission of materials and architectural details that are necessary and reasonable to preserve the character of the area.
17. The PPG advises that care should be taken when using conditions which prevent any development authorised by the planning permission from beginning until the condition has been complied with. In the case of the pre-commencement condition, I consider that resolution of the matter specified to be so fundamental to the development that it would otherwise be necessary to refuse the application.

Conclusion

18. For the reasons given above, and having regard to all other matters raised I conclude that the appeal should be allowed.

D. Boffin

INSPECTOR

- Attached Schedule -

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Unless otherwise modified by the conditions below the development hereby permitted shall be carried out in accordance with the following approved plans: JBA16/186-01 Rev C, 12069-L02-A, 12069-PE0010, 12069-PP0010-A, 12069-PP0011-A and 12069-PP0030.
- 3) The development hereby permitted shall be carried out in accordance with the Arboricultural Method Statement contained within the submitted Tree Survey Report (March 2017) by Venners Arboriculture and the tree protection details as shown in Appendix 4 -Tree Protection Plan of that report shall be put in place prior to any on site works including demolition and thereafter retained in situ for the duration of development.
- 4) The development hereby permitted shall be implemented in accordance with the recommendations of the Ecological Management Plan (ECOSA, Final Rev.2 Document, March 2017) submitted with the application in all respects. Any variation shall be agreed in writing by the Local Planning Authority before such change is made.
- 5) Prior to the use of the new vehicular access, visibility splays shall be provided in both directions as shown on the approved drawing number 12069-PP0011-A. Such splays shall be designed to ensure there is no obstruction to vision above 0.9 metre in height relative to the centre line of the adjacent carriageway over the whole of each visibility splay area. Thereafter, the visibility splays shall be permanently maintained free from obstruction to vision.
- 6) Prior to the use or occupation of the development hereby permitted, the new vehicular access, parking area/spaces and turning space shall be constructed and provided in accordance with the details shown on approved drawing number 12069-PP0011-A. The parking and turning areas shall be constructed to prevent surface water discharging onto the highway. Thereafter, the parking and turning areas shall be kept permanently free of any obstruction to such use.
- 7) No development shall commence until details / samples of the materials to be used in the construction of the external surfaces; the details of the design of the windows including elevations/ drawings at scale 1:10 and 1:1 and the details of any rainwater goods, vents, flues or extracts to be installed on the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details / samples.