
Appeal Decision

Site visit made on 25 June 2019

by Sarah Dyer BA BTP MRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 8 July 2019

Appeal Ref: APP/V3120/W/19/3227259
108 Cumnor Hill, Oxford OX2 9HY

- 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 108 Cumnor Hill Development Ltd against the decision of Vale of White Horse District Council.
 - The application Ref P18/V2576/FUL, dated 10 October 2018, was refused by notice dated 21 December 2018.
 - The development proposed is erection of 4 x 2 bedroom flats, 1 x 3 bedroom flat with associated car parking, bin and bicycle storage and vehicular access off Cumnor Hill..
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I note that the Vale of White Horse District Council Local Plan 2031 Part 2: Detailed Policies and Additional Sites has been published and submitted but has yet to be examined and found sound. It only attracts limited weight in my determination of the appeal as a further material consideration

Main Issues

3. The main issues are the effect of the development on:
 - the character and appearance of the site and the surrounding area; and
 - the living conditions of:
 - the residents of 108 Cumnor Hill with particular reference to privacy; and
 - nearby residents to the North and West with particular regard to the potential for an overbearing impact

Reasons

Character and appearance

4. Cumnor Hill links the settlements of Botley and Cumnor. It serves a predominantly residential area and in the vicinity of the site it is characterised by detached houses on substantial plots facing Cumnor Hill interspersed with groups of houses around cul-de-sacs. The mature hedges and trees which line the roadside and the extensively planted front gardens dominate the

appearance of Cumnor Hill and the houses and their associated parking areas are a recessive part of the street scene. Overall the character of Cumnor Hill is of a pleasant, tree dominated environment.

5. There is a very significant difference in ground level between Cumnor Hill and the development off the cul-de-sacs of Colegrove Down and Hillside which lie either side of the appeal site. In contrast to most of the surrounding development, the existing dwelling at 108 Cumnor Hill (No. 108) is positioned close to the road but, as a result of a heavy tree screen it has a limited impact on the street scene.
6. The proposed block of flats would have several floor levels built into the steeply sloping site. It would effectively appear as a two-storey form on Cumnor Hill which would not be significantly taller than the existing dwelling. Whilst the curved roof would not be consistent with the hipped and gabled roofs on the adjacent dwellings facing Cumnor Hill, given its siting set back from the road, the overall appearance of the new building would be a satisfactory contrast and would not be harmful to the street scene, in terms of an overbearing, or any other adverse, impact.
7. The proposed car parking area would sit over part of the new building and between the building and the pavement. Whilst there would be some space for planting to the road frontage, in contrast to that associated with existing dwellings, it would be shallow, and a very limited amount of screen planting could be accommodated. Consequently, the car parking area would be very visible from Cumnor Hill, which would be in stark contrast to the heavily treed environment which currently characterises this part of the street scene.
8. The position of the cycle and refuse bin storage enclosures close to the road frontage would also contrast with the natural features and planting in adjacent front gardens and along boundaries. Access to these facilities would be provided from the street, consequently they would be visible to passers-by and would be incongruous features in the site context.
9. I have attached great importance to the contribution which trees and other planting make to the character and appearance of the site and the surrounding area. Therefore, the introduction of a hardstanding area of the scale proposed and the visibility of the cycle and refuse bin stores, which would both have a jarring effect on this natural environment, would have a harmful visual impact.
10. I conclude that the appeal scheme would harm the character and appearance of the site and the surrounding area. The development is contrary to Policy DC6 of the Vale of White Horse Local Plan 2011 (2006) (the Local Plan 2006) and Policy CP37 of the Vale of White Horse District Council Local Plan 2031 Part 1 Strategic Sites and Policies (2016) (the Local Plan Part 1). These policies jointly amongst other things require development to respond positively to the site and surroundings and to reinforce local identity and that proposals for development include hard and soft landscaping measures designed to protect and enhance the visual amenities of the site and its surroundings, including existing important landscape features.
11. For similar reasons the development would not accord with the Vale of White Horse District Council Design Guide (2015). This document recommends that free-standing refuse stores are not normally acceptable, that consideration should be given to the landscape character and setting of new development

and the relationship of buildings with their boundaries on all sides and that in lower density locations, such as Cumnor Hill, parking on driveways should be landscaped and designed in such a manner as to not dominate the street scape. Furthermore, the development would not accord with the National Planning Policy Framework (the Framework), with particular regard to achieving well-designed places.

Living conditions

12. The appeal site is surrounded by existing dwellings and their rear gardens, including No. 108 which has a flat roof glazed extension facing towards the site of the new building surrounded by a raised terrace. The floor levels of the apartments will not fully align with the floor levels of No. 108 and the private amenity space provided by the terrace. This would set up a complex relationship between interposing lines of sight.
13. The layout of Apartment 1 includes a high-level window to a bedroom and an external terrace both of which have the potential to provide opportunities for overlooking between No. 108 and its garden and the new development. On the basis of the evidence before me any overlooking from the bedroom window would be at a level which would not be harmful to the living conditions of No. 108. However, the same evidence demonstrates that there would be a clear view from the terrace towards No. 108 and its private garden space. Although there would be some separation between the flat block and No. 108, the external amenity spaces serving each property would be close together. This would result in a degree of overlooking to a level which would be harmful to the living conditions of the occupants of No. 108.
14. The rear faces of houses in Colegrove Down and Hillside and of No. 108a Cumnor Hill are visible from the appeal site and there are clear windows in these elevations. The rear gardens serving No. 10 and No. 12 Colegrove Down and 108a Cumnor Hill lie adjacent to the appeal site but those associated with No. 1 and No. 2 Hillside are separated by a drainage ditch. No. 108a appears to have multiple floor levels built into its steeply sloping site which would facilitate views towards the site at differing heights.
15. There is extensive planting on the site boundaries and separation distances between the new building and houses on adjacent plots will be generous. However, as a result of its scale and height across the full width of the site when viewed from the rear, the new flats would have a significant effect on the views from within adjacent houses and gardens. On the basis of the evidence before me, this visual impact would not be adequately mitigated by the planting and separation distances in this case. Consequently, the development would result in an overbearing impact upon the occupiers of the adjacent houses to a degree which would be harmful to their living conditions.
16. I conclude that the appeal scheme would have a harmful effect on the living conditions of the residents of 108 Cumnor Hill with particular reference to privacy and the nearby residents to the North and West with particular regard to the potential for an overbearing impact. The development is therefore contrary to Policies DC9 of the Local Plan 2006 and CP37 of the Local Plan Part 1. These policies jointly amongst other things restrict development which would unacceptably harm the amenities of neighbouring properties through loss of privacy, dominance or visual intrusion and require new development to respond positively to the site and its surroundings.

17. For similar reasons the development would not accord with the Vale of White Horse District Council Design Guide (2015) which recommends that outside amenity space in the form of balconies are positioned to ensure that they do not cause overlooking. Furthermore, the development would not accord with the National Planning Policy Framework (the Framework), with particular regard to new development achieving a high standard of amenity for existing and future uses.

Other matters

18. My attention has been drawn to other examples of new development on Cumnor Hill. These illustrate a diversity of style of flat blocks facing the street which is reflected in the design of the appeal scheme and I have found the design of the flat block to be appropriate in its context. However, these examples have limited references to the way in which car parking was accommodated on the site or the relationship of the development to pre-existing houses and gardens. On this basis I do not find them to be directly comparable with the appeal scheme. Furthermore, where details of car parking courts between the flat block and the road are shown, these serve to illustrate the damaging impact which such a layout would have in the particular context of the appeal site.
19. The appellants have referred to a planning application for development at 70 Cumnor Hill which has received support from the Council. The appellants contend that there are strong similarities between this scheme and the appeal scheme. However, I do not have full details of this proposal including the reasons why, as stated by the appellants, the scheme was refused at a Committee meeting. I have therefore attached limited weight to this reference.
20. Both parties have drawn my attention to two developments in Abbingdon which have been dismissed at appeal at Brookvale, 8 South Avenue (Appeal Reference APP/V3120/W/17/319955) and 18 North Avenue (Appeal Reference APP/V3120/W/18/3195334). The appellants consider that the parking arrangements serving those developments are not comparable with the appeal scheme and that a direct comparison should not be made with them. Given the limited evidence before me of those developments and particularly their location in another settlement, I do not regard them to be directly comparable to the appeal scheme.
21. When judged against some of the core planning principles from the Framework the proposal would perform well in that it would be in an area where there is good access to facilities, and it would contribute to the supply of housing to meet local needs. However, the harm to the character and appearance of the surrounding area arising from the car parking area and the cycle and refuse bin stores and to the living conditions of the occupiers of adjacent houses means that the social and environmental objectives of sustainable development would not be achieved. As such it does not represent sustainable development when considered against the policies in the Framework taken as a whole.
22. The appellants consider that a Tree Preservation Order which relates to the trees on the appeal site has lapsed. I have not made any assumptions regarding the degree of protection afforded to the existing trees, therefore this comment has attracted very limited weight in my determination of the appeal.

23. I acknowledge the concerns raised by local residents, in addition to those relating to the matters which I have identified as main issues, including noise and disturbance, the structural integrity of Cumnor Hill, flooding and impact on wildlife. Given that I find the proposal to be unacceptable for other reasons, and any such concerns would have no bearing on my overall planning balance, it is not necessary for me to address these matters any further as part of this decision.

Conclusion

24. For the reasons set out above, the appeal is dismissed.

Sarah Dyer

Inspector