



Appeal Decision

Site visit made on 26 February 2019

by J Evans BA(Hons) AssocRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th July 2019

Appeal Ref: APP/C3105/W/18/3215074

Stonelea, School Lane, Great Bourton, Oxfordshire OX17 1QY

- 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 & Mrs Martin against the decision of Cherwell District Council.
 - The application Ref 18/01074/F, dated 15 June 2018, was refused by notice dated 21 August 2018.
 - The development proposed is two dwellings with new shared access from School Lane.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council have highlighted minor discrepancies on the submitted plans with regard to the positioning of a chimney, ridge lines and gable projections. These discrepancies are minor and have not prejudiced the main parties or my appraisal of the appeal proposals. As I found that the appeal should be dismissed it has not been necessary to address this matter through the submission of updated plans.
3. A revised version of the National Planning Policy Framework (the Framework) was published on 19 February 2019. The revisions do not alter the national policy approach in respect of the issues raised in this appeal and I have therefore determined the appeal with this in mind.

Main Issues

4. . The main issues in this case are:
 - the effect of the development on the character and appearance of the area; and
 - the effect of the development on the living conditions of existing and future occupiers.

Reasons

Character and appearance

5. The appeal site relates to an area of domestic garden associated with a detached bungalow Stonelea, which is located on the outskirts of the village but is not physically devoid from it. Existing built development runs opposite

the appeal site and to the north side of Stonelea. The appeal site itself is located to the east of the existing dwelling of Stonelea, to the boundary with Foxton Way, beyond which is undeveloped open countryside.

6. Policy Villages 1: Village Categorisation of the Cherwell Local Plan 2011 – 2031 (the CLP 2011) provides three categories of village across the District in relation to proposals for residential development within their built-up limits. The Policy explains that only Category A (Service Centres) and Category B (Satellite Villages) will be considered to be suitable for minor development in addition to infilling and conversions.
7. The appeal site lies on the edge of Great Bourton, which is named as a Category B Satellite Village in Policy Villages 1 of the CLP 2011. Paragraph C.254 explains that Policy Villages 1 seeks to manage small scale development proposals, typically but not exclusively for less than 10 dwellings, which come forward within the built-up limits of villages.
8. Paragraph C.262 in support of Policy Villages 1 outlines that in assessing whether proposals constitute acceptable minor development, regard will be given to the size of the village and the level of service provision, the site's context within the existing built environment, whether it is in keeping with the character and form of the village and its local landscape setting.
9. Paragraph C.264 explains that infilling refers to the development of a small gap in an otherwise continuous built-up frontage. The paragraph highlights that not all infill gaps will be suitable for development. Many spaces in villages' streets are important and cannot be filled without detriment to their character.
10. The Council contend that the site is not located within the built up limits of Great Bourton. However, I note that there is not any defined boundary in any development plan document. Consequently, it is a matter of judgement for the decision maker to determine whether the site is located within the built up limits.
11. In this case, I consider that the appeal site is physically connected to the village and relates to an area of domestic garden. Furthermore, there is already a natural defined boundary to the site which further supports my view that the appeal site is in fact part of the built up area of the village.
12. In coming to that view, I acknowledge an appeal decision for five dwellings which has been brought to my attention¹. Whilst I am not aware of the full details of this case, it is apparent from that Inspector's decision that there was some dispute about the status of the use of the land. Furthermore, the Inspector referred to the site in question as relating to a long section of land, visible from nearby footpaths and as open and rural in character. The appeal site before me is a domestic garden and is not in my view open or rural in character. Based upon these conclusions, and my assessment of the current appeal site, I have given this appeal decision limited weight.
13. To my mind, the small scale of the proposal is appropriate to the size of the village and its level of service provision. The appeal site, albeit on the edge of the village, is better related to the built-up limits of Great Bourton and would not specifically as a matter of principle, cause undue visual intrusion into the open countryside or be out of place with the character and form of the village.

¹ APP/C3105/W/16/3147612

Therefore, I am of the view that the principle of such minor development is acceptable subject to it respecting the character and form of the village and its local landscape setting.

14. In this sense at my site visit I saw that there was a mixture of single storey and two storey dwellings in the vicinity of the appeal site.
15. Whilst style, siting and orientation of development varied, there is a prevailing character of detached dwellings which are set back into their plots, whether through distance or scale, and are viewed behind landscaped boundaries. The use of materials in the immediate surroundings are predominately brick or render to the elevations with roof tiles, however there are older properties in the area that use local stone and slate.
16. The appeal proposal relates to two detached dwellings, plot 1 being one and a half storey and fronting towards the highway whilst plot 2 being two storey fronting side on. The use of materials is predominately local stone to the elevations, with render in parts and with a natural slate roof.
17. The development has sought to safeguard the majority of the boundaries to the public highway and the use of materials is predominately recessive and is reflective of local distinctiveness, the rationale behind this approach is well founded.
18. However, the proximity of the two storey gable of plot 2 to the public highway at this elevated scale would be odds with the prevailing build line and character along School Lane. The appeal proposal would therefore appear incongruous in the context of its surroundings. As a result, I do not consider the appeal proposal in terms of its siting, scale and spatial arrangements is an appropriate response on this edge of village location.
19. The Appellant has also provided an alternative layout plan for a development of the site². However, the shape of the dwellings differ from the detailed house layout plans and is therefore inconsistent with the other aspects of the application. Furthermore, there is no explanation in the Appellants statement as to the status or purpose of this plan. On this basis, I have given this plan no weight in my decision.
20. Taking all of the above into account, the proposal would accord with Policy H18 of the Cherwell Local Plan 1996 (the CLP 1996) and Policy Villages 1 of the CLP 2011. However, it would harm the character and appearance of the area and would conflict with Policies ESD 13 and ESD 15 of the CLP 2011 and saved Policies C28 and C30 of the CLP 1996 which amongst other matters seek to ensure that development is compatible with, and contributes to the character of an area as well as contributing to local distinctiveness.

Living conditions

21. From my site visit I observed that Stonelea has existing window openings facing towards the appeal site at ground and first floor level. From the evidence before me, those at first floor include French doors to a bedroom.
22. The new dwelling for Plot 1 would have a window fronting towards the patio doors on Stonelea, which would be the only window to bedroom four. There

² Plan No 4322/21 - Proposed Site Plan – Option 2

would also be a side facing window to a room annotated as a study on the ground floor. It is noted that the Appellant has conceded that the proposal would result in a poor standard of amenity and living environment for both the occupiers of the existing dwelling and that of plot 1, through the potential lack of privacy. Given the juxtaposition of these windows, I have no reason to disagree with that view.

23. I have also considered whether a condition could be imposed to restrict the windows serving these rooms to be glazed in obscure glass. However, I am not satisfied that this would be an appropriate solution, as it would prejudice the outlook from these rooms and would lead to an oppressive living environment for the future occupiers of plot 1.
24. As a consequence, the appeal would be in conflict with Policy ESD 15 of the CLP 2011 and Policy C30 of the CLP 1996 which, amongst other matters, require development to consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space.

Conclusion

25. Although I find that the site would be in a suitable location for the proposal, the harm to the character and appearance of the area and the living conditions of existing and future occupiers would outweigh the benefits of the scheme. This leads me to conclude that, for the reasons given above, the proposal should be dismissed.

J Evans

INSPECTOR