
Appeal Decision

Site visit made on 1 July 2019

by V Bond LLB (Hons) Solicitor (Non-Practising)

an Inspector appointed by the Secretary of State

Decision date: 16TH July 2019

Appeal Ref: APP/Q3115/W/19/3223693

Cherry Cottage, Hill Bottom, Whitchurch Hill, Reading RG8 7PU

- 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 Akers against the decision of South Oxfordshire District Council.
 - The application Ref P18/S2551/FUL, dated 25 July 2018, was refused by notice dated 19 October 2018.
 - The development proposed is Proposed erection of two detached residential dwellings, new accesses, landscaping and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of two detached residential dwellings, new accesses, landscaping and associated works at Cherry Cottage, Hill Bottom, Whitchurch Hill, Reading RG8 7PU in accordance with the terms of the application, Ref P18/S2551/FUL, dated 25 July 2018, subject to the conditions contained in the attached schedule.

Main Issues

2. The main issues are: whether the proposal would accord with development plan policy for the location of residential development, including as regards its accessibility; and the effect on the character and appearance of the area, taking into consideration the location of the site within the Chilterns Area of Outstanding Natural Beauty (AONB).

Location

3. The application site is identified as located within the settlement of Hill Bottom, which adjoins that of Whitchurch Hill. Hill Bottom is classified as an 'other village' for the purposes of development plan policy, reflecting its level of accessibility to services and facilities.
4. Policy CSS1 of the South Oxfordshire Core Strategy (2012) (CS) sets out the Council's overall strategy for development, indicating a focus for development in the most sustainable locations, with limited amounts of housing permitted in 'other villages'. Policy CSR1 of the CS follows this through and allows housing in villages in accordance with the scale and nature outlined in that policy. In 'other villages', infill development is allowed on sites of up to 0.1ha, equivalent to 2-3 houses. This is subject to development respecting local character and national designations, including Areas of Outstanding Natural Beauty.

5. Although the proposed site area would be significantly larger than that permitted, it would accord with the quantum of dwellings allowed and so would accord with the thrust of this policy, read as a whole and would not represent a disproportionate addition to the village in terms of the net increase in dwellings.
6. As to whether the development proposed would constitute an infill site, this is defined, in the supporting text to Policy CSR1 as 'the filling of a small gap in an otherwise built-up frontage' or 'other sites within settlements where the site is closely surrounded by buildings'. Bearing in mind the large plot sizes of the adjacent dwellings, the appeal site represents a relatively small gap, sufficient to accommodate a very modest number of dwellings with corresponding plot sizes. Housing is located either side of the site, with some additional dwellings beyond these. A short distance beyond the wooded area to the south of the site is further, fairly dense, residential development. Accordingly, the appeal site would meet the development plan policy definition of infill development.
7. Whilst the appellant outlines the accessibility credentials of the appeal site, it is apparent that future occupiers of the proposed dwellings would be fairly heavily reliant on use of the private car to access the usual range of services and facilities required on a regular basis. That said, Policy CSR1 permits a low level of new residential development in 'other villages' notwithstanding this. On this basis, the proposed development would be acceptable as regards its accessibility to services and facilities.
8. I conclude then on the first main issue that the proposal would accord with development plan policy for the location of residential development, including as regards its accessibility. It would comply in this way with Policies CSS1 and CSR1 of the CS as outlined. I find no harmful conflict either with Policy CSM1 of the CS or with saved Policy G3 of the South Oxfordshire Local Plan 2011 (LP) which seek to encourage the use of sustainable modes of transport and to prevent development that would give rise to a significant increase in traffic generation in relatively inaccessible or isolated rural locations.

AONB

9. The appeal site is located immediately adjacent to the existing dwelling at Cherry Cottage, with another house adjacent on the other side of the boundary. The eastern side of the site has apparently been granted permission for use as a garden and it appears to be presently used as such. The western side of the site has, I understand, a permitted agricultural use.
10. The appeal site falls within the Chilterns AONB and is identified as falling within Landscape Character Area 10 - Chilterns Plateau with Valleys- for the purposes of the Landscape Character Assessment for the emerging South Oxfordshire Local Plan 2033 and as within the Wooded Farmland Regional Character Area as detailed in the Oxfordshire Wildlife and Landscape Study. Characterising features of these areas include a comparatively open fields with a strong structure of woods and hedgerows, a dispersed settlement pattern with some suburbanising influences within settlements.
11. Land to the north of the appeal site is open agricultural land, with the road in between perceived as the defensible edge between the settlement and open countryside beyond. Contrastingly, the appeal site, although currently undeveloped, reads as part of the rural settlement pattern of low density

- residential development on the south side of the road, with residential dwellings positioned either side of the site and additional dwellings beyond these. Indeed, the eastern part of the appeal site is already in use as a garden and planning permission has recently been granted for a swimming pool and large pool house building on this side of the site.
12. The introduction of two dwellings onto the site would clearly result in a change to the present appearance of the site. However, the proposed development would not extend built development any further north than the existing development and the road would remain the defensible edge, with much of the hedgerow boundary proposed as is characteristic of the area. The perception, in views from the road, of loose linear development, would remain. The loss of undeveloped open space would not in this identified context be harmful, particularly bearing in mind the fall-back position as to the extant permission for a large outbuilding on site.
 13. Although the new dwellings would be visible in views from the road, the character of a low density settlement edge development pattern would remain essentially unaltered and the size, siting and design of the houses would accord with those in the immediate area. Views of the site are localised amongst other things by the existing areas of woodland to the north and south. Given the presence of dwellings either side of the appeal site, in more distant views, the proposed development would not result in any new alien features. Landscaping as proposed in character with its surroundings would also soften the appearance of the new dwellings.
 14. Permission was previously refused by the Council for a development of three dwellings on the site. Other appeal decisions¹ are also cited as examples of development within AONB which have been refused in the local area. I do not have full details of the particular planning circumstances related to these other developments in order to form a detailed comparison with the appeal proposal, which I have considered on its merits. In any event, the previous proposal on site can clearly be distinguished on the basis that this related to three dwellings. The proposal for a wooden garage at Cwm Gwyn was deemed to be out of character with the regular pattern of development in that location and the site proposed for a single dwelling at the Sun Inn appeared to have stood apart from other buildings and was bordered by undeveloped land either side. These can be distinguished from the present proposal on this basis.
 15. Accordingly, whilst the development would necessarily involve some change to the landscape character and appearance of the area, that change would not be harmful and there would be no adverse impact on this part of the AONB which already reads as being subject to suburban influence and forming part of the settlement edge.
 16. The proposal would not therefore have an adverse effect on the character and appearance of the area, taking into consideration the location of the site within the Chilterns Area of Outstanding Natural Beauty (AONB). It would accord with Policies CSR1, CSEN1 and CSQ3 of the CS which seek to protect local distinctiveness and district's landscape character, and to give high priority to the conservation and enhancement of AONBs.

¹ APP/Q3115/D/14/2229455; APP/Q3115/A/14/2221403

17. It would also not result in conflict with saved Policies C4, D1, G2 and H4 of the LP which seek to prevent development which would damage the attractive landscape setting of the district's settlements, to ensure respect for existing settlement patterns, and for development to be in keeping with its surroundings. In making this assessment, I have taken into consideration the need to give great weight to conserving the landscape and scenic beauty of Areas of Outstanding Natural Beauty, as outlined in paragraph 172 of the revised National Planning Policy Framework (2019).

Conclusion

18. The proposed development would accord with development plan policy for the location of residential development, including as regards its accessibility and would not have an adverse effect on the character and appearance of the area, taking into consideration the location of the site within the Chilterns Area of Outstanding Natural Beauty (AONB).
19. For the above reasons, and taking into account all other matters raised, I conclude that the appeal should succeed. I have imposed the standard time limit condition and specified approved plans in the interests of certainty. Conditions are slightly varied from those proposed in the interests of clarity and enforceability. The development is required to be carried out in accordance with the approved Arboricultural Survey and Impact Assessment in the interests of protecting retained trees and hedgerows which are of visual importance to the area. Development is to be in accordance with an approved schedule of materials and landscaping scheme in order to assist in integrating the development into its surroundings. There is no detailed evidence to indicate a requirement for tree protection measures and landscaping to be required as pre-commencement conditions in the circumstances. Conditions in relation to vision splays, a new vehicular access, parking, garaging and turning areas are required in the interests of ensuring appropriate off street parking provision is made and in the interests of highway safety.

V Bond

INSPECTOR

SCHEDULE

- 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: L01; P01; P02; P03; P200A; P001; P002; P003; P004; P005; P006; P007; P008; P009; and P010.
- 3) The development hereby permitted shall be carried out strictly in accordance with the details and recommendations contained within the Arboricultural Survey and Impact Assessment (dated 10 July 2018) prepared by West Waddy ADP.
- 4) No development of any building shall take place until a schedule of the materials to be used in the construction of external walls and roofs has been submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved schedule.
- 5) Prior to the first occupation of the development hereby approved, landscaping works, including the planting of live trees and shrubs, shall be carried out in accordance with a scheme, details of which shall have first been submitted to and approved by the Local Planning Authority in writing, and shall thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying, or being removed, seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub or equivalent number of trees or shrubs, as the case may be, of a species first approved by the Local Planning Authority in writing, shall be planted and properly maintained in a position or positions first approved in writing by the Local Planning Authority.
- 6) The dwellings hereby approved shall not be occupied until a means of access shall have been constructed in accordance with the approved plans. The access shall be retained thereafter.
- 7) Prior to the first occupation of the development hereby approved, the parking and turning areas shall be provided in accordance with the approved plans, and shall be constructed, laid out, surfaced, drained and completed to be compliant with sustainable drainage (SuDS) principles, and shall be retained unobstructed thereafter except those purposes.
- 8) The vision splays shown on the approved plan 20136-03 Rev A shall not be obstructed by any object, structure, planting or other material with a height exceeding or growing above 0.9 metres as measured from carriageway level.
- 9) The garages hereby permitted shall be kept available at all times for the parking of motor vehicles by the occupants of the dwellings and their visitors and for no other purpose.