



Appeal Decisions

Site visit made on 29 May 2019

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 August 2019

Appeal Ref A: APP/Q3115/W/18/3204329

The Orchard, Road running through Russells Water, Russells Water, Henley on Thames RG9 6ER

- 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 and Mrs J Coles against the decision of South Oxfordshire District Council.
- The application Ref P17/S3613/FUL, dated 5 October 2017, was refused by notice dated 17 January 2018.
- The development proposed is erection of one dwelling.

Appeal Ref B: APP/Q3115/W/18/3204333

The Orchard, Road running through Russells Water, Russells Water, Henley on Thames RG9 6ER

- 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 and Mrs J Coles against the decision of South Oxfordshire District Council.
- The application Ref P18/S0527/FUL, dated 13 February 2018, was refused by notice dated 1 May 2018.
- The development proposed is erection of a two bed dwelling.

Appeal A and B - Decisions

1. Both Appeals are dismissed.

Appeal A and B - Procedural Matter

2. The proposals in Appeal A and B differ in layout, scale and appearance. I will consider each proposal but, to avoid duplication, I shall evaluate both Appeals together.

Appeal A and B - Main Issue

3. The common main issue is the effect of the proposed development on the character and appearance of the area, including the landscape setting of Russell's Water, and the landscape and scenic beauty of the Chilterns Area of Outstanding Natural Beauty (the AONB).

Appeals A and B - Reasons

4. Russell's Water is characterised by a loose-knit linear pattern of development with the majority of dwellings situated adjacent to the main thoroughfare through the village or tracks off this. In the north of the village, some of these dwellings face onto a pond and to the south onto open space which has been identified in the appellants' evidence as the 'green'. The built development comprises mainly detached dwellings in a range of sizes, styles and designs.
5. The appeal site is a parcel of land with an irregular footprint located centrally within the village and largely enclosed by tall established hedges and trees. The site is not formally identified as open space, it is gated and in private ownership. The submitted Landscape and Visual Impact Assessment (LVIA) describes the general condition of the site as 'moderate to low'.
6. However, and notwithstanding any former use, because of its undeveloped and verdant nature, in combination with the woodland and landscaping which partly encloses the pond, the site forms part of a dominant and distinct landscape feature at the centre of the village. This is prominent when travelling along part of the main thoroughfare and an informal path to the east of the site. Consequently, as part of this landscape feature the site contributes to the pleasantness and quality of views along here and in views from the green. This landscape feature along with the green, and other interspersed wooded areas and scrubland about the built development, contribute towards the landscape setting, and the attractive and sylvan character and appearance of the village. These areas also positively contribute to the landscape and scenic beauty of the AONB.
7. The National Planning Policy Framework ('the Framework')¹ says that great weight should be given to conserving and enhancing landscape and scenic beauty of Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. Section 85 of the Countryside and Rights of Way Act 2000 also places a general duty upon public bodies, in exercising or performing any function in relation to land in an AONB, to have regard to the purpose of conserving and enhancing its natural beauty.
8. The proposal in Appeal A is for a one-and-half-storey, three-bedroom chalet bungalow. It would include front dormers and a projecting rear gable and would be finished in brickwork with a tile roof. This scheme includes parking spaces and turning area surfaced in gravel to the front and side of the dwelling, and a rear garden. Appeal B proposes a single-storey, two-bedroom bungalow which would be finished in a weatherboard exterior or an alternative profiled cladding and includes a flat sedum roof. This scheme includes parking spaces and turning area surfaced in green mesh to the front and side of the dwelling, and a rear garden. Both schemes utilise the existing access to the site.
9. Policy CSR1 of the South Oxfordshire Core Strategy, 2012 (CS) supports 'infill' housing in villages. Nevertheless, amongst other things, this is subject to conserving and enhancing the natural beauty of the AONB and protecting the local character and distinctiveness. Such development also needs to meet the requirements of other relevant development plan policies.

¹ Paragraph 172

10. The main parties are agreed that development at the site would constitute 'infill' development. However, the site is separated from The Orchards by a footpath and grassed amenity area and for the reasons already given, the site has a strong visual relationship to the woodland and landscaped areas adjacent to it.
11. In terms of designs, the new dwellings proposed under both schemes would not be inconsistent with the variety of dwelling types found in the village. In each case the dwelling would be centrally placed within the site to align with The Orchards to the south-east of it.
12. Notwithstanding the careful consideration to design and materials for either proposed dwelling and irrespective of their respective heights, each dwelling would occupy a sizeable part of the plot. Even in filtered localised views, particularly during winter months when leaf cover would be reduced, the proposals would represent development that would be substantial in nature and scale. The parked cars and other residential paraphernalia would be particularly evident in views from public vantage points near the access to the site.
13. Based on the LVIA, development at the site would be limited to localised views. Nonetheless, the quality of the site and its contribution to the landscape setting of the village and AONB is most evident in localised views. Therefore, built development of the extent proposed where none is currently present, would introduce a significant degree of encroachment and urbanisation, which would lead to the erosion of the natural character and appearance of the site and would significantly reduce and undermine the quality of the landscape feature it forms part of.
14. The LVIA proposes landscaping to limit views into the site and screen the development, this however would take some time to establish. Furthermore, it has not been clearly shown that the retention of the existing and proposed landscaping can be balanced with the daylight requirements for future occupants of the property and would not adversely affect the garden from shade. Future occupiers might not maintain the boundary treatment at a height and level that would retain the landscape qualities of the site. There are buildings in the village that are open to views or only partly screened by hedges, these however do not form part of a landscape feature.
15. The appellants have referred to other developments in the village. Those nearest to the site are largely on developed plots and do not significantly undermine the appearance and quality of the site or the wider landscape feature. Similarly, the effects of these developments on the AONB are not comparable to the proposals under Appeals A and B, which would introduce a new dwelling on an undeveloped site. Furthermore, these other developments within the village only serve to strengthen the importance and contribution of the site to its landscape setting and the landscape and scenic beauty of the AONB.
16. For the above reasons, the development's proposed under Appeals A and B would have a harmful visual effect on the landscape setting of the village to the detriment of the character and appearance of the area and would therefore fail to preserve and enhance the qualities of the AONB. I therefore find conflict with Policies CSR1, CSEN1 and CSQ3 of the CS which amongst other matters, seek to protect the district's distinct landscape character and key features from inappropriate development and give high priority to the conservation and

enhancement of the Chiltern's AONB. Similarly, I find conflict with Policies D1, C4, H4 and G2 of the South Oxfordshire Local Plan, 2011 which amongst other things seek to ensure that new development respects the landscape setting, and the character and appearance of an area.

17. In light of the above, the proposals would also fail to accord with the requirements of Framework with regards to protecting the AONB.

Other Matters

18. Comparisons of the proposed schemes have been made to a dwelling allowed on appeal at Christmas Common². However, given the specific circumstances of the appeals before me, including the site and surroundings, and the proposals, the approved scheme does not alter my findings in respect of Appeals A and B. In any event, each application is determined on its merits.
19. The Council's report in respect of the most recently determined planning application³ confirms that it can demonstrate a five-year housing land supply within the district. However, having already identified harm to the AONB⁴ the 'tilted balance' in Paragraph 11 of the Framework does not apply. Nonetheless, the site is located in a village where limited development is supported. An additional dwelling here would add to the housing supply and support the local community and economy. However, such benefits from a single dwelling would be limited and do not outweigh the harm I have already identified, to which I attach great weight.

Conclusion

20. For the above reasons and having regard to all matters raised, I conclude that both Appeal A and Appeal B should be dismissed.

M Aqbal
INSPECTOR

² APP/Q3115/W/16/3144123

³ Ref P18/S0527/FUL

⁴ Footnote 6 to Paragraph 11 of the National Planning Policy Framework