



Appeal Decision

Site visit made on 9 July 2019

by Michael Wood RIBA

an Inspector appointed by the Secretary of State

Decision date: 10 September 2019

Appeal Ref: APP/Q3115/W/19/3227190

Orchard House, High Street, Kingston Blount, Chinnor OX39 4SJ

- 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 D Cooke against South Oxfordshire District Council.
 - The application Ref P18/S3813/FUL dated 09 November 2018 was refused by notice dated 05 March 2019.
 - The development proposed is the erection of 4 dwellings and creation of a new access.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are; firstly, whether or not the proposal would preserve or enhance the character or appearance of Kingston Blount Conservation Area; and secondly, the effect of the proposed development on pedestrian and highway safety.

Reasons

Character and appearance of the Conservation Area

3. The appeal site is located within Kingston Blount Conservation area. Section 72(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* requires special attention to be had to the desirability of preserving or enhancing the character and appearance of a conservation area.
4. The Appellant proposes the development of 4 new houses on 0.2ha of open land at the rear of Orchard House. The land is used in conjunction with the residential use of Orchard House but is currently fenced off outside the existing garden. The land historically formed part of an agricultural croft system which, in the past, enclosed adjacent land to the north which has since been developed with a cul-de-sac of 20th century houses known as Old Croft Close. There is a public footpath separating the appeal site from the housing in Old Croft Close. The footpath route is bounded on both sides by close boarded timber fences preventing public views of the appeal site.
5. The proposal is an infill development and, as defined in policy CSR1 South Oxfordshire Core Strategy (adopted December 2012) (the Core Strategy), could be suitable for up to 5 or 6 houses. Even though there is limited visibility of the site, the land is of historic significance to the Conservation Area and is also valuable to the character of the surrounding village which has a clear structure of open spaces and footpath routes within its core. One of these footpath routes passes the length of the appeal site.

6. A Heritage Statement was prepared for the Appellants to inform proposals for the residential development of the site. Historically Kingston Blount has been developed with a square shaped road layout around a central agricultural space. Two paths or tracks formed a cross at the centre separating the land into four quarters or crofts. This simple layout is clearly discernible in the early OS map for the area.
7. The appeal site forms the remaining part of one of the quarters and another quarter has been developed as Old Croft Close. The two further quarters are recognisable as 'crofts' relating to the crossing paths.
8. Policy CSQ3 of the Core Strategy seeks respect and a positive response from development to the character of the site and its surroundings. The policy refers in particular to the historic significance and heritage values of the historic environment. Historically the layout of houses in the Conservation Area faced outwards on to the surrounding roads with open land to the rear so that the crofts were enclosed by the boundaries of houses. This relationship would be lost in the proposed development.
9. The 4 houses would be developed in a curved shape close to the south side of the croft. Approximately half of the land would remain as private open spaces to each side of the central access track which would enter the site from the turning head between two houses at the end of Old Croft Close. The track would cross the croft to a shared parking area.
10. This development of the 4 houses would significantly divide and change the open nature of the croft and would result in it having a very different character. I find that the proposal would fail to respect the historic layout and result in harm to the form of the layout whereby the rear boundaries of frontage properties back onto the Croft. Even though some parts of the crofts have been developed in the past, I conclude that the appeal site is still of a significant size and can be seen to have survived with its essential historic relationships. Development would be inappropriate as it would not preserve or enhance the character and appearance of the conservation area.
11. Reference has been made to a recent approval for a replacement house which has been granted on one of the crofts. The property is located at the edge of open space and the extent of the former croft is still distinguishable. Thus, there are substantial parts of three remaining crofts in the village and the path system which links the roads. The significance of these heritage assets appears to be well understood and valued by local residents who have responded to the application and appeal with objections.
12. The Appellants acknowledge that the development would lead to less than substantial harm to the significance of a designated heritage asset. As such this harm must be weighed against the public benefits of the proposal. The Appellants claim that the removal of the fence alongside the footpath would be a public benefit allowing users to see into the site. It has also been claimed that the four houses would meet demand for small houses in the village. However, in accordance with paragraph 196 of the National Planning Policy Framework of 2019, I find that the harm which the development would bring to the character and appearance of the conservation area would be of a permanent nature and demonstrably outweigh any limited public benefit from the removal of a fence and the supply of four small market houses. I conclude that the development proposed would fail to conserve and enhance the Kingston Blount Conservation Area and would be contrary to policies CSQ3 and CSEN3 of the Core Strategy.

Effect of the development on pedestrian and highway safety

13. The proposed vehicular access from Old Croft Close would be of a single vehicle width constructed to pass between two existing houses and feed into the existing turning area at the end of the cul-de-sac. This would limit the effective use of the turning head where one arm would provide access for six properties.
14. The access proposed between 5 and 6 Old Croft Close would lead to modifications to the drives of both houses and restricted space for parking and manoeuvring at each house. The access would also cross over the existing footpath alongside the croft but at a higher level. The footpath is said to be in regular use and I could see that there would be potential for conflict between pedestrians and vehicles.
15. The route through the croft would become a twin wheel track route, intended for one-way traffic, and end in a parking area with four pairs of cars laid out in tandem. The turning space for vehicles would be contained within the parking area. The parking area would not be easily overlooked from a security point of view and not well related to the properties it would serve. The access route would require cars, service vehicles, emergency vehicles and visitors, having passed between numbers 5 and 6 Old Croft Close in a one-way gap, to be aware of pedestrians and pass across the long established footpath route.
16. Overall, I consider that the proposed development would unacceptably harm pedestrian and highway safety and so would be contrary to Policy D2, T1 and T2 of the South Oxfordshire Local Plan 2011 (adopted January 2006) which requires that developments provide safe and convenient access, parking and turning spaces.

Conclusion

17. For the above reasons the appeal is dismissed.

Michael Wood

INSPECTOR