



Appeal Decision

Site visit made on 16 September 2019

by Chris Couper BA (Hons) DiP TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th September 2019

Appeal Ref: APP/D3125/W/19/3223856

Land adjacent to 42 Ansell Way, Milton under Wychwood OX7 6LU

- 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 Smith against the decision of West Oxfordshire District Council.
 - The application Ref 18/03543/FUL, dated 6 December 2018, was refused by notice dated 1 February 2019.
 - The development proposed is a bungalow.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - the character and appearance of the area; and
 - the living conditions of adjacent occupiers, and whether the occupants of the proposed bungalow would experience satisfactory living conditions.

Reasons

Character and appearance

3. The buildings on Ansell Way are typically finished in yellow facing materials, but are varied in terms of their scale and form. Whilst there are some views out of the estate to older buildings or trees, these are occasional glimpses, and are not a prevailing or distinctive part of the area's character. The density of the development, and the size of the gardens, is also varied, but most of the dwellings are set back from at least one boundary, and face the road or areas of open space.
4. Whilst the gardens at Nos 34 to 40 (evens) Ansell Way are fairly small, as pointed out at paragraph 8.16 of the Council's statement those at Nos 36 and 40 are larger than depicted on the appellants' annotated site plan. Additionally, the front faces of all four of those dwellings address an open green space, which significantly increases the spaciousness of their setting.

5. In contrast, the proposed bungalow would be located close to all four of the site's principal boundaries. In particular, its long south-western and north-western elevations would span much of the plot, and would be set back just 1.5m and 3m respectively. That would give the scheme a markedly cramped character and appearance, which would be evident when viewed from adjacent properties, as well as from around the access point.
6. I note that planning permission has already been granted for a one bedroom bungalow on this site (Ref: 17/00795/FUL) ('approved scheme'). However, compared to it, this bungalow would occupy a significantly greater proportion of the plot, and would be close to all of its principal boundaries. As such, it would appear much more cramped than the approved scheme, and in this backland location with no clear frontage, it would appear incongruous.
7. Amongst other things, and in general terms, Policies OS2 and H2 of the West Oxfordshire Local Plan 2031 (2018) ('WOLP') require proposals to complement the existing pattern of development and the character of the area. For the above reasons, the proposal would conflict with that stance, and with the broadly similar approach to good design and maintaining a sense of place, having regard to matters such as layout, at section 12 of the National Planning Policy Framework ('Framework').

Living conditions

8. The rear elevation of 45 Ansell Way would face the gable of the proposed bungalow across its fairly short garden. However, the proposed bungalow would have a limited height and its roof would be hipped. Notwithstanding the proposal's larger and more complex roof form compared to the approved scheme, that would significantly limit its overall mass and bulk. Additionally, there is a shed within the garden of No 45 adjacent to its rear boundary, which restricts the outlook from the ground floor and garden towards this site.
9. Moreover, whilst the bungalow would be just 1m from the boundary with No 45, its south-eastern elevation would be significantly shorter compared to the approved scheme. For all those reasons, the scheme would not have a significantly harmful overbearing impact on those occupants.
10. As the dwelling at 43 Ansell Way is off-set slightly to the side, the impact on those occupants' living conditions would be less than on No 45. The proposed bungalow would be set well away from the house at 42 Ansell Way, and there would be fences between them. Consequently, from No 42's large rear garden only the uppermost sections of the proposed bungalow would be visible, and that at a considerable distance.
11. The scheme's limited bulk and its set in from the north-western boundary would ensure that it would not have a significant impact on the outlook from the former Chapel or its garden.
12. The proposed bungalow would have two bedrooms, and therefore, compared to the approved scheme, would be more likely to be occupied by a family. Indeed, the appellants state that their daughter and her family would live there. According to the appellants, the scheme would provide around 50sqm of amenity space to the rear, as well as leisure, storage and access/parking space to the front.

13. The limited width of the space between the bungalow's south-western and north-western faces and the plot's boundaries would limit their utility as amenity areas. Nevertheless, having regard to their relationship with surrounding development, and the presence of close boarded fences, those areas would provide a reasonably private space to sit outside, hang washing, or to enable young children to play.
14. The Council does not have adopted standards with regards the quantum of outdoor amenity space that should be provided in new development. For the above reasons, I am satisfied that adequate space would be provided here.
15. On this issue the scheme would not therefore conflict with those parts of WOLP Policies OS2 and H2 which require development not to have a harmful impact on existing occupants' amenity, or with the Framework's approach of creating places with a high standard of amenity for existing and future users.

Other matters

16. The appellants state that the scheme would enable their daughter and her family to return to the village, to raise their child. However, I have no details before me regarding relative housing costs or the availability of affordable housing here, and no cogent evidence that this scheme is the only way in which that could be achieved. Consequently, I attach only very limited weight to this, mainly private, benefit.

Conclusion

17. I have found that the scheme would not impact adjacent occupiers' living conditions to a harmful degree, and that it would result in a reasonable standard of amenity for its future occupants.
18. However, as it would significantly harm the character and appearance of the area, the scheme would conflict with the development plan when considered as a whole. The scheme's very limited benefits do not outweigh the significant harm that it would cause. Consequently, and having regard to all other matters raised, the appeal is dismissed.

Chris Couper

INSPECTOR