



Appeal Decision

Site visit made on 16 September 2019

by Chris Couper BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 September 2019

Appeal Ref: APP/D3125/W/19/3222735

36 Shipton Road, Woodstock OX20 1LN

- 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 Simon Mitchell against the decision of West Oxfordshire District Council.
 - The application Ref 18/03280/FUL, dated 11 November 2018, was refused by notice dated 12 February 2019.
 - The development proposed is a two bedroom bungalow to the rear.
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Decision

1. The appeal is allowed and planning permission is granted for a two bedroom bungalow to the rear of 36 Shipton Road, Woodstock OX20 1LN in accordance with the terms of the application Ref 18/03280/FUL, dated 11 November 2018, and subject to the conditions on the attached schedule.

Procedural Matters

2. The Council's decision refers to the 'adopted West Oxfordshire Local Plan 2013'. However, by reference to the Council's statement and the questionnaire documents, that appears to be erroneous as the 'West Oxfordshire Local Plan 2031' was adopted in September 2018. I have therefore considered the proposal against that document, which I refer to as the 'WOLP'.
3. At paragraphs 2.3 to 2.5 of its Appeal Statement, the Council refers to what it describes as a number of significant errors on the drawings. In response, the appellant's email dated 4 April 2019 provides clarification on the amenity area and parking area figures as annotated on the drawings. Even if those figures are incorrect as alleged by the Council, the drawings are appropriately scaled, and I have no cogent reason to conclude that they do not accurately depict the scheme's layout, and its distance to and relationship with, adjacent properties.
4. There is a discrepancy between the proposed bungalow's ridge height as measured on the front and rear elevations on drawing no. 200 P 104 B, compared to the side elevations on drawing no. 200 P 105 B and the section on drawing no. 200 P 104 B, which show it slightly lower.
5. However, the Council states that the discrepancy is not critical to its concerns, and I agree that it is relatively slight. For the purposes of the appeal, I have proceeded on the basis that the height of the bungalow would be as set out on the proposed front and rear elevations on drawing no. 200 P 104 B.

Main Issues

6. The main issues are the effect of the proposed development on:

- the character and appearance of the area; and
- the living conditions of neighbouring occupiers.

Reasons

Character and appearance

7. The appeal site comprises part of the rear garden of 36 Shipton Road ('No 36'). It has a boundary with Rye Grass, from where the proposed bungalow would be accessed. The properties on Rye Grass are mainly modest bungalows, most of which are arranged on small plots in short terraces, which are set back from the southern side of the road. On the northern side of Rye Grass, adjacent to the appeal site, is a detached bungalow ('No 38A'), which was erected within part of the former garden of 38 Shipton Road ('No 38').
8. Elsewhere, the character, style and proportions of the dwellings are varied. No 36 and No 38 are two storey dwellings, and there is planning permission for a two storey house between them ('No 36A'), although it has not been implemented; and permission for a dwelling to the rear of 40 Shipton Road.
9. The proposed bungalow would broadly reflect the scale, form and appearance of No 38A. The alignment of its front and rear faces would roughly reflect that property. Although it would be orientated the other way around, with its access from, and front elevation facing, Rye Grass, it would be similarly set back from that road.
10. The proposal, along with No 36 and No 36A, would result in three dwellings on the original single plot. However, the distance between the rear face of the proposed bungalow and the rear of No 36 would be broadly similar to the distance between Nos 38A and 38. It would be slightly closer to No 36A, but that dwelling is shown as off-set slightly to the side compared to this bungalow.
11. Additionally, plot sizes in the area are varied, and this one would be broadly similar to that at No 38A, and larger than many of those on Rye Grass, from where most streetscene views of the development would be gained. Having regard to cumulative impacts, given its context, the form, siting and scale of the scheme would not appear cramped or out of place.
12. In general terms, and amongst other things, WOLP Policies OS2, H1, H2 and EW10 require development to be of a proportionate and appropriate scale to its context, having regard to the pattern of development, the character of the area, and cumulative impacts. The scheme would not conflict with those policies, or with the similar stance in the West Oxfordshire Design Guide SPD 2016, nor with the broadly similar approach to achieving well-designed places at section 12 of the National Planning Policy Framework ('Framework').

Living conditions

13. The proposed bungalow would be set in from the boundary with No 38A, with the scheme's parking spaces and a narrow strip of land at No 38A separating the two side elevations. The closest part of No 38A to the proposed bungalow is an attached garage. The main front and rear facing habitable rooms of that

property are set in from the boundary with the appeal site. Consequently, and given its single storey form and its siting, the scheme would not have a significant overbearing impact on the outlook from No 38A.

14. Whilst the bungalow would be visible from adjoining gardens, its mass would be limited due to its low eaves height and its shallow pitched roof, and views of it would generally be restricted by boundary treatment and landscaping.
15. Two windows and the main entrance to the proposed bungalow would face the side gable of No 38A. However, given their set back from the boundary, and the layout and siting of No 38A, reasonable occupation of the proposed bungalow would not cause significant noise or disturbance to those residents.
16. To the rear, the bungalow would contain one habitable room window, and a door. They would be set in a short distance from the site's rear boundary, with the rear face of No 36 and the proposed dwelling at No 36A some way beyond. Subject to suitable boundary treatment, the scheme would not therefore cause significant noise and disturbance to, or overlooking of, those occupants; or, having regard to the scheme's limited mass, a significantly harmful impact on their outlook.
17. For the above reasons, the scheme would not impact the living conditions of nearby occupiers to a harmful degree. It would not therefore conflict with those parts of WOLP Policies OS4 and OS2 which require development to be compatible with adjoining uses and not to have a harmful impact on existing occupants' amenities and living conditions; or with the similar stance at Framework paragraph 127.

Other matters

18. Rye Grass is a fairly narrow road, which is quite enclosed at its western end, but which has a paved parking area to the front of the bungalows opposite the site. The additional traffic associated with a two bedroom bungalow would typically be very modest, and the scheme includes space for two cars to be parked off-road. Consequently, notwithstanding concerns raised by interested parties regarding access, including by refuse vehicles and emergency vehicles visiting its elderly residents, the scheme would not have a significantly harmful impact on the safety and convenience of highway users.
19. I have considered the development on sites elsewhere referred to by the main parties, but have dealt with this scheme in this area on its planning merits. The right of access over Rye Grass to this site is a separate legal matter.

Conditions and Conclusion

20. Turning to the matter of conditions, I have considered those suggested against the Framework's tests. I have imposed the standard time limit condition, and, in the interests of certainty, a condition requiring that the development be carried out in accordance with the approved plans. However, given the slight discrepancies in the drawings, and in the interests of clarity, my condition no 3, which requires further details to be submitted prior to the commencement of the development, is clearly justified.
21. The Council's second suggested condition addresses a range of separate matters. I address these below, but where they meet the tests, I consider that they would more logically be addressed by individual conditions.

22. As details of the proposed hard and soft landscaping works are limited, in the interests of the character and appearance of the area, a condition requiring the submission of further details is necessary. This pre-commencement condition is clearly justified given that some existing trees or other landscaping may be retained and may require protection during the course of the development. I have also imposed a standard implementation and replacement condition.
23. In the interests of ensuring appropriate living conditions, a boundary treatment condition is necessary. These details are required to be submitted and implemented prior to the first occupation of the bungalow.
24. The application form and the appellant's Statement of Case set out that the proposed bungalow would be finished in materials to match those at No 38A, and the drawings are annotated 'all proposed materials to match existing'. Consequently, rather than a pre-commencement condition, in the interests of the character and appearance of the area, I have imposed a condition requiring that the bungalow be faced in materials to match those at No 38A.
25. I have concluded that reasonable use of the proposed bungalow would not give rise to significant disturbance to adjacent occupiers. I have not therefore imposed a condition requiring the submission of noise insulation measures. Details of the proposed access and parking area are depicted on the drawings, and their proposed surfacing materials would be addressed by my fourth condition.
26. In the interests of the safety and convenience of highway users, and given the limited width of parts of Rye Grass, I have imposed the Council's suggested condition requiring that the driveway be kept available for parking.
27. In the interests of promoting the use of sustainable drainage, I have imposed a condition requiring the submission and implementation of a drainage scheme prior to the first occupation of the development.
28. Finally, the Planning Practice Guidance sets out that permitted development rights should only be exceptionally withdrawn. However, having regard to the fairly limited size of this plot and its proximity to adjacent dwellings, in the interests of the character and appearance of the area and ensuring good living conditions for existing and future occupants, such a condition is necessary here.
29. In order to bring any such future development under the control of the local planning authority, I have therefore removed permitted development rights for development within the curtilage as set out under Schedule 2, Part 1, Classes A, B, C and E of the Town and Country Planning (General Permitted Development) (England) Order 2015.
30. For the above reasons, I conclude that the scheme would not harm the character and appearance of the area; nor impact the living conditions of nearby residential occupiers to a harmful degree. It would not conflict with the development plan. Consequently, having regard to all other matters raised, including representations by interested parties, the appeal is allowed.

Chris Couper

INSPECTOR

SCHEDULE OF CONDITIONS

- 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: site location plan at 1:1250 scale, and drawing nos. 200_P_101 B, 200 P 102 B, 200 P 103 B, 200 P 104 B (other than the 'proposed Section B-B'), and 200_P_106 B.
- 3) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority, drawings to show a revised section and side elevations to reflect the dimensions of the bungalow as depicted on the approved front and rear elevations, along with site levels and the finished floor levels of the bungalow. The development hereby permitted shall be carried out in accordance with those drawings.
- 4) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained, and set out measures for their protection throughout the course of development.
- 5) All hard landscaping shall be carried out in accordance with the approved scheme prior to the first occupation of the bungalow. All planting, seeding or turfing comprised in the approved details of soft landscaping shall be carried out in the first planting and seeding seasons following the occupation of the bungalow or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.
- 6) Prior to the first occupation of the bungalow hereby approved, boundary treatment shall be provided in accordance with details which shall previously have been submitted to, and approved in writing by, the local planning authority. The boundary treatment shall thereafter be retained in accordance with the approved details.
- 7) The materials to be used in the construction of the external surfaces of the bungalow hereby permitted shall match those used at 38A Shipton Road.
- 8) The driveway hereby permitted shall be kept available for parking at all times.
- 9) The development hereby permitted shall not be occupied until a drainage scheme for the site, including sustainable drainage systems, has been completed in accordance with details to be first submitted to, and approved in writing by, the local planning authority.
- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), there shall be no development permitted under Schedule 2, Part 1, Classes A, B, C and E of that Order.
