



Appeal Decision

Site visit made on 10 September 2019

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 October 2019

Appeal Ref: APP/V3120/W/19/3232070

187 The Avenue, Kennington, Oxford OX1 5RN

- 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 Moffat (Aarhus Developments Ltd) against the decision of Vale of White Horse District Council.
 - The application Ref: P18/V2241/FUL, dated 3 September 2018, was refused by notice dated 6 March 2019.
 - The development proposed is the proposed demolition of existing dwelling and outbuildings and the erection of six dwellings, consisting of 3 No. three bed and 3 No. four bed houses together with associated access, parking and landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council's refusal notice states that insufficient information had been submitted with the planning application to assess the impact of the proposal upon protected reptiles. The appeal documentation before me includes a recent survey, which has evidenced that there are no reptiles on the site, and that there is no reason for the development to not proceed for this reason. The Council has had the opportunity to comment on this survey, and no observations have been made.
3. Accordingly, I do not believe that it will cause prejudice to any party by including the conclusions of this survey in my assessment of the appeal scheme. I have therefore determined the appeal on this basis.

Main Issue

4. The main issue is the effect of the proposed development upon the character and appearance of the surrounding area.

Reasons

5. The side of The Avenue that contains the appeal site predominantly features bungalows. Whilst it is possible to view dwellings to the rear of these bungalows, such views are fleeting owing to the separation distances and the presence of trees and landscaping. This means that this section of The Avenue has an open and spacious quality. The appeal site differs from the immediately adjoining bungalows in that it contains a two-storey house that is surrounded

- by notable amounts of landscaping and garden space. The opposite side of The Avenue contains two-storey houses.
6. Whilst the existing dwelling is of a different form to the adjoining bungalows, the size of the plot and areas of undeveloped space that surround the building means that there is a notable buffer between the two different forms of development. This prevents the existing building from being harmful to the character and appearance of the locality.
 7. This arrangement is in marked contrast to the appeal proposal, where development would take place in proximity to the side boundaries. This results in bungalows and two-storey houses alongside one another, which owing to the significant difference in heights, results in an incongruous and strident form of development. I acknowledge that the development includes attached garages directly adjacent to the existing bungalows. However, these are relatively narrow and, as such, do not significantly mitigate the significant variance in building heights between the bungalows and proposed houses.
 8. In addition, the design of the proposed houses at the front of the site includes front facing gables. This results in a more bulky form of development that increases the massing of the proposed development. Given that this is at significant variance with the surrounding, smaller-scale, bungalows the design of the development would cause a significant detrimental impact to the area's character.
 9. Although there are some backland developments present within the vicinity, these are typically on the opposite side of The Avenue, where views are obscured by other houses that follow the linear form of the street. This contrasts with the appeal proposal, of which all proposed dwellings, owing to the differences in building heights would be readily visible from The Avenue. Given that the character of the neighbouring properties can be summarised as containing low-level buildings and having notable landscaping, the proposed scheme would appear incongruous.
 10. The proposed development does feature some landscaping, although this is limited on account of the scale of the proposal, and the siting of dwellings. Accordingly, I do not find that this is adequate to mitigate the incongruous form of development as previously identified.
 11. Whilst houses are prevalent on the opposite side of The Avenue, these are generally set back from the highway by a greater distance than the appeal proposals, and particularly the dwellings to be sited on Plots 2 and 3. As a result, the existing houses feature a greater amount of landscaping that reduces their prominence. Furthermore, these existing houses are sited alongside buildings of similar proportions, which means that they are not as prominent within the surrounding area.
 12. I conclude that owing to its siting, scale and design, the proposal would result in an adverse impact upon the character and appearance of the surrounding area. The development therefore fails to comply with the requirements of Core Policy 37 of the Vale of White Horse Local Plan 2031 Part 1 (2016) which, amongst other matters, seeks to ensure that new developments respond positively to their site and surroundings; create a distinctive sense of place; and have a scale, height, massing, type and details that are appropriate for the site and surrounding area.

Other Matters

13. The appellant has suggested that as the appeal site is smaller, the dwellings could be constructed quicker than on other larger sites. Whilst this may be the case, the Council has confirmed that it can demonstrate a housing land supply in excess of five years. In consequence, I am not persuaded that there is an overwhelming housing supply benefit to offset my previous conclusions in respect of the Main Issue.
14. It has been suggested that there is a need for new three-bedroom dwellings within Oxfordshire, as a whole. Whilst this may be the case, given that the development would only create three such dwellings, which is a relatively limited contribution, the significant harm is not offset.
15. I have also noted that the appellant intends to use a good quality palette of building materials and has been inspired by other buildings in their design approach. However, given that I have identified that the design of the dwellings, particularly in the form of their height and use of gables contributes to the harm arising from the proposed development, I do not believe that these points are significant to allow me to offset my previous conclusions.
16. The evidence before me is not indicative of the proposed development having an adverse impact upon the surrounding highway network; that appropriate living conditions could be secured for the occupiers of the proposed and existing dwellings; that appropriate drainage systems could be installed; and that ground contamination matters could be appropriately addressed. However, these are only some of all the matters that must be assessed. I therefore do not believe that this mitigates the harm as previously concluded.
17. My attention has been drawn to a previous planning decision elsewhere in The Avenue. I do not have full information relating to the planning circumstances of this development, which lessens the weight that can be given to it in my consideration of this appeal. However, this development, due to drainage works, features a significant set back from the boundary with Sandford Lane. Furthermore, the pattern of development within the adjacent section of The Avenue is less uniform than the immediate context of this appeal site. Accordingly, I do not find that this decision, and the fact that permission was granted to construct houses, requires me to disregard my previous conclusions.
18. I note concerns raised by the appellant that discussions which took place with the Council during the planning application process were not reflective of the final outcome. However, in considering this appeal, I have limited my assessment to the planning matters before me.

Conclusion

19. For the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR