



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: 03 October 2019

Appeal Ref: APP/V3120/W/19/3224918
22 Eynsham Road, Botley, Oxford OX2 9BP

- 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 Andrew Sapnik (Park Town Property) against the decision of Vale of White Horse District Council.
 - The application Ref P18/V2700/FUL, dated 26 October 2018, was refused by notice dated 7 February 2019.
 - The development proposed is the demolition of the existing rear extension and retention of the original building. Original building converted into 2 x two bedroom apartments with gardens and parking spaces. Rear extension replaced with 3 x two bedroom houses with gardens and parking spaces.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. As part of the appeal, the appellant submitted alternative drawings showing different parking arrangements, and which are described as Options 1, 2 and 3.
3. However, The Planning Inspectorate Procedural Guide: Planning Appeals – England 2019 ('Guidance') states that the appeal process should not be used to evolve a scheme, and that what is considered by the Inspector should be essentially what was considered by the Council, and on which interested people's views were sought.
4. The proposed alternative options here would alter the nature of the proposal and, as well as changing the impact on the highway, could, for instance, alter the impact on existing and future occupants' living conditions. Consequently, having regard to the Guidance, my acceptance of the proposed alternative drawings would lead to possible prejudice to other interested people.
5. I have therefore determined the appeal on the basis of the drawings that were before the Council during its consideration of the application, including the site and location plan drawing no. P100 A, and on which interested parties' views were sought.

Main Issues

6. The main issues are the effect of the proposal on:

- The character and appearance of the area;
- The living conditions at 24 Eynsham Road, with particular regard to outlook and noise; and whether the occupants of the proposed accommodation would experience satisfactory living conditions; and
- The safety and convenience of highway users.

Reasons

Character and appearance

7. The appeal site is located at the junction of Eynsham Road and Tilbury Lane. The buildings in the area are typically between one and two storeys high, and are in a variety of styles. Along Tilbury Lane, whilst there are recently approved terraces some way to the north, on this part of it the buildings are overwhelmingly detached and set back from the road, often behind parking areas and landscaping.
8. Although 3 Tilbury Lane ('No 3') and 5 Tilbury Lane ('No 5') have been converted to a C2 use, each retains the general appearance of a single, detached dwellinghouse, albeit the latter is a particularly large building.
9. The appeal property has a two storey front elevation facing Eynsham Road and an extension to the rear. That extension has an articulated footprint, which is set well back from the side gable. Its height cascades down from the front of the building to a single storey section with dormers. The form and layout of the long rear extension limits its overall bulk, and it appears subordinate to the front section of the property. As a result, whilst it has been converted to flats, No 22 takes on the general appearance of a large detached dwelling.
10. The proposal would be just under 1 metre longer than the extension it would replace. It would also be wider and closer to the road; and taller, particularly so its northernmost section, which would have a significantly greater eaves and ridge height compared to the existing extension. Although the proposed extension would be lower than the retained front section of the building, in combination, those characteristics would, when viewed from Tilbury Lane, give the scheme a much greater mass and bulk than the extension it would replace.
11. Moreover, the resultant building would have a significantly longer two storey elevation facing Tilbury Lane than other development here, including No 5. Notwithstanding the contrasting but appropriate stone facing materials in the proposed extension, as a result of its siting and its elongated form and bulk, the scheme would appear significantly out of place amongst the generally much more modestly proportioned buildings in this streetscene.
12. Each of the proposed units would have its own small garden with an accessible raised bed and a parking area. Given the varied appearance of frontages in the area, and the fence currently along part of the site's Tilbury Lane boundary, the raised beds would not appear out of place. However, the parking for units 22 and 22a would be sited next to the road junction in an area that is currently garden. Whilst parking forecourts are fairly common in the area, in this prominent location, those spaces would contribute to the overall impression of

a site dominated by built development and hardstanding. That would add to the harm that I have found on this issue.

13. The appellant states that the current building is impractical for modern living, although I have little cogent evidence to support that stance. Additionally, whilst he maintains that it is tired and out-dated, its form and materials are not out of character with the area, and this scheme is, in any event, not the only way in which either of those matters could be addressed.
14. The appellant claims that the Council has been inconsistent in its decision-making, and refers to various instances where it has approved an increase in the number of units on a site. However, I have found that there are material differences between the approved development at No 3 and No 5 compared to this proposal. Additionally, the approved development of nine semi-detached and detached dwellings on land which is largely set well back from the highway at 21 and 23 Eynsham Road is of a very different type, scale and setting compared to this scheme.
15. The proposal would therefore conflict with those parts of Vale of White Horse Local Plan 2031 Part 1 (2016) ('LPP1') Policy CP37 and Vale of White Horse Local Plan 2011 (2006) ('LP') Policy H14 which, in broad terms, require new development to be of a high quality design which responds positively to the site and its surroundings, reinforces local identity, does not harm the character and appearance of the area, and includes appropriate landscaping to visually integrate with its surroundings.
16. LP paragraph 8.64 seeks an efficient use of land, and higher densities of at least 40 dwellings per hectare in main settlements wherever possible. The appellant has shown that the overall density in the immediate area here would be significantly less than that. However, it also recognises that such densities may be difficult to achieve on some plots, and that the impact on the character of the area must be taken into account. This proposal would therefore conflict with that approach.

Living conditions

17. The site's western boundary runs along the full length of the long rear garden of the two units which have been approved in the former guesthouse at 24 Eynsham Road ('No 24'). Compared to the rear extension that would be demolished, the proposed extension would be set slightly further back from that boundary, and its eaves line closest to the retained building would be slightly lower, although the remainder of the scheme further to the rear would be taller and would have a greater bulk.
18. There is a narrow access adjacent to the boundary which leads to an outbuilding sited in that part of No 24's garden closest to the rearmost part of the proposed extension. As a result, viewed from much of No 24's garden, particularly from those typically most intensively used parts closest to the dwelling, and in the context of the existing development, the scheme would not have a significantly overbearing or dominant impact.
19. However, unlike the existing development on the site, the proposal would contain four ground floor habitable room windows in its western elevation. Those windows would directly face a timber fence at very close quarters. Whilst that 1.8m high fence would be sufficient to prevent significant

overlooking, and notwithstanding the presence of other windows in most of those rooms, that would result in a poor outlook, and thus poor living conditions, for the scheme's future occupants.

20. Having regard to section 5.3 of the appellant's statement it is unclear whether those kitchen/living room windows would be able to open and shut. However, should they be able to as he states they would, located so close to the boundary with No 24's outdoor space that would result in significant noise, and other disturbance including odour, for the occupants of that property.
21. The proposed first floor rooflights on this side would serve bedrooms and bathrooms. With a stated 1.7m cill height they would have a largely skyward outlook. They would not therefore cause significant harm to the neighbouring occupiers' amenities.
22. For the above reasons, the scheme would conflict with those parts of LPP1 Policy CP37, and LP Policies DC9 and H14 which require high quality design that functions well, creates adequate living space, and does not unacceptably harm neighbouring amenities with regard to matters including noise.

Highway safety

23. Tilbury Lane is a private, no through road, described by the appellant as single width. There is a 10mph sign at its entrance, and I agree that vehicular speeds along it would typically be low. It continues as an established pedestrian and cycle route to the modern housing estate to the north, and I observed many children using it on the way back from school. Given the very narrow width and intermittent nature of its footway, pedestrians generally appear to walk on the carriageway.
24. Eynsham Road is a busy, 'B' classified road. It has bus stops near the site, along with pavements and marked cycle lanes on both sides of the carriageway. It is subject to a 30mph limit.
25. As set out in the appellant's email dated 14 May 2019 and the accompanying vision splay plan, the fence on the site's northern boundary could be adjusted to improve visibility. I have no swept path analysis before me, and drivers may need to make multiple manoeuvres to access the spaces on the northern part of the site. However, even if that is the case, as those spaces are some distance from the junction with Eynsham Road, and in the context of the existing on-site parking here and similar arrangements elsewhere on Tilbury Lane, that would not be significantly detrimental to highway safety.
26. However, drawing no. P100 A shows that, unlike at No 24, No 3 or No 5, some of the parking spaces would be located almost at the road junction. In that position, to access to and from the spaces for Nos 22 and 22a, drivers would need to simultaneously assess a complex and confusing mix of pedestrians, cyclists and vehicles on both Tilbury Lane and Eynsham Road.
27. The net increase in three units would result in only a modest increase in traffic – estimated by the appellant at 24 daily manoeuvres. However, as Tilbury Lane does not have a turning facility, larger service vehicles are likely to need to reverse to or from Eynsham Road. Whilst that also applies to service vehicles accessing the existing properties on Tilbury Lane, that does not justify the additional harm to highway safety that would be caused as a result of the increase in such manoeuvres.

28. The removal of a very short stretch of boundary treatment on the northern part of the site's Tilbury Lane frontage would not significantly increase the likelihood of pedestrians using the very narrow footpath, nor significantly enhance their safety.
29. The scheme includes cycle parking to help facilitate access to nearby services other than by car. Notwithstanding that, and even if 'no-parking' lines could be provided, for the above reasons, I agree with the Local Highway Authority that the scheme would be detrimental to the safety and convenience of highway users. It would therefore conflict with LP Policies DC5 and H14, which require development to provide safe and convenient access for all users, and for schemes of conversion to make adequate provision for car parking.

Other matters

30. The scheme comprises a mix of houses and flats, which would contribute a net total of three units towards the supply of housing, and would make an effective use of the land. That in an accessible location close to public transport and services - including those in Botley District Centre. These are modest benefits, and in those specific regards it would address various development plan policies, and it would partially reflect the approach in the National Planning Policy Framework, including its paragraphs 117, 118 and 122.

Conclusion

31. I have found that the scheme would harm the character and appearance of the area, and would not ensure good living conditions for existing and future occupants. Additionally, it would not provide safe and convenient access to and from the highway. The scheme's limited benefits would not outweigh the significant harm that it would cause. It would conflict with the development plan when considered as a whole, and having regard to all other matters raised, the appeal is therefore dismissed.

Chris Couper

INSPECTOR