



Appeal Decision

Site visit made on 15 October 2019

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 November 2019

Appeal Ref: APP/V3120/W/19/3233421
43 Edward Street, Abingdon OX14 1DJ

- 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 Andrew and Mervin Knight against the decision of Vale of White Horse District Council.
 - The application Ref P18/V1837/FUL, dated 18 July 2018, was refused by notice dated 10 June 2019.
 - The development proposed is to demolish existing warehouse buildings, change of use from Class B1 to create a flat, internal works to existing first floor flat and develop 2 x two bedroom dwellings at the rear.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the development upon the character and appearance of the area; and
 - the effect of the development on the living conditions of nearby occupiers with specific regard to light, outlook, overshadowing and privacy;
 - and whether it would provide acceptable living conditions for future occupiers, with specific regard to amenity space.

Reasons

Character and appearance

3. The appeal site comprises a mixed use two-storey end terrace property located within a predominantly residential area. To the rear is a subservient rear wing and part two storey part single storey extensions arranged in a broad U shape which form the boundaries with neighbouring properties. The rear buildings have a utilitarian appearance constructed from facing brickwork. Buildings along Edward Street and Victoria Road display architectural features including window reveals, stone cills and brick arches above windows and doors. Nearby is the former 'Air Balloon' public house which is a Grade II listed building. Neither main party raises any issue that the proposal would fail to preserve its setting, and on the basis of the evidence before me I see no reason not to concur.

4. The rear of the site is accessed through an archway from Edward Street. The surrounding area has a tight urban grain with rear gardens of properties along Victoria Road backing on to the site. The rear boundary of the site is visible from Ock Road from a vehicular access leading to a courtyard parking area associated with a residential development.
5. The mews houses proposed would replace the structures on site with a single building of a contemporary appearance. Whilst the materials would be a contemporary take on the surrounding palette and the height would be in keeping with buildings in the area the overall design of the development would not be reflective of the local vernacular in terms of the roofscape, lack of detailing, articulation and proportions. As a result, the proposal would be at odds with the prevailing pattern and grain of development within the local area.
6. Whilst views of the development from Edward Street would be glimpsed the tight urban grain means that the development would be highly visible from the rear of properties along Edward Street, Victoria Road and Ock Street. The result is that the overall mass of the mews houses would result in an uncharacteristic concentration of built form.
7. As such, I conclude that the development would have an adverse impact on the character and appearance of the area. Accordingly, it would be contrary to Policy CP37 of the Vale of White Horse Local Plan (2011) (VWHLPL) as supported by the Vale of White Horse Design Guide (2015) (VWHDG), which amongst other aims, require all new development to be of a high quality design that responds positively to its site and surroundings, creates a distinct sense of place and has appropriate scale, massing and detailing.

Living conditions for existing occupiers

8. The mews houses sited to the rear would be two storey in height with the northern and eastern walls forming the boundary with No 39 and No 41 Edward Street. The existing buildings on site currently form the boundary with these properties, however, the proposed height and the position of the building in very close proximity to neighbouring properties would be visually intrusive and would severely diminish the living conditions of existing occupiers in terms of loss of light and outlook, notwithstanding the proposed roof line and the set back at first floor. The proximity of the mews houses would therefore have a significant overbearing effect on the occupiers of these properties and their rear gardens.
9. The use of privacy screens would not be effective in protecting living conditions due to the elevated position and close proximity of the mews houses in relation to windows in the rear elevations of No 39 and No 41 Edward Street. I find that the proposed tree would also have limited benefit in terms of protecting privacy due to its position and lack of foliage coverage during the winter.
10. The existing buildings on site currently form the boundary with properties along Victoria Road at single storey and two storey height. The development would result in the lowering of the boundary in the centre of the site with an increase in height towards the southern end. Whilst the development would not fully meet separation distances set out in the local guidance document, VWHDG it would continue to follow the established boundary line and would result in an environment not too dissimilar to the one that currently exists. The comparative shadowing study shows that the impact of the development in this regard

would be largely limited to mornings in the winter months. As such the development would not adversely impact upon the occupiers of properties along Victoria Road when considering the existing relationship between houses and the existing buildings on site.

11. Notwithstanding the results of the study, I find that the development would nonetheless result in significant harm to the living conditions of existing occupiers contrary to Policy DC9 of the VWHLPP which seeks to protect the living conditions of neighbouring occupiers in respect of privacy, daylight and sunlight and visual intrusion.

Living conditions for future occupiers

12. The usable amenity space would be limited to a small courtyard, balcony and the area in front of the mews houses. The VWHDG recommends amenity space of 50sq.m or communal gardens for 2 bedroom houses. The development would not fully accord with this requirement. However, the guide sets out a degree of flexibility in respect of this matter. I find that the amenity space provided is adequate to provide satisfactory amenity space for future occupiers given that on a constrained urban site, such as the appeal site, it would be difficult to achieve the recommended level.
13. Future occupiers would also have the ability to access parks and green spaces in the surrounding area. In this regard and on the is/8.353/8sue, I find that the development accords with Policy CP37 of the VWHLPP and the VWHDG which seek to create developments that secure appropriate private spaces taking into account the location and size of proposed dwellings.
14. The development includes works to convert the existing ground floor into a flat, alterations to the existing first floor flat and the Edward Street elevation of the property. The Council indicate that these are not matters of contention and as such I find these elements acceptable also.

Conclusion

15. Whilst I have found in favour of the appellant on the third main issue, this does not overcome the harm identified on the first two main issues. The proposal is contrary to the development plan and there are no material considerations indicating a decision otherwise than in accordance with it. For the reasons set out above the appeal is dismissed.

B Thandi

INSPECTOR