



Appeal Decision

Site visit made on 11 November 2019

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 December 2019

Appeal Ref: APP/Q3115/W/19/3234017

40 Brook Street, Watlington OX49 5JH

- 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 Errol Facy against the decision of South Oxfordshire District Council.
 - The application Ref P18/S1822/FUL, dated 24 May 2018, was refused by notice dated 2 April 2019.
 - The development proposed is erection of 2 x 2bed cottages and 2 x 4/5bed detached houses.
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Decision

1. The appeal is allowed, and planning permission is granted for erection of 2 x 2bed cottages and 2 x 4/5bed detached houses at 40 Brook Street, Watlington OX49 5JH, in accordance with the terms of the application, Ref P18/S1822/FUL, dated 24 May 2018, subject to the conditions set out in the attached schedule.

Main Issues

2. The main issues are:
 - a) whether the proposed development would preserve or enhance the character or appearance of the Watlington Conservation Area; and
 - b) the effect of the proposal on highway safety on Brook Street.

Reasons

Conservation area

3. The appeal site lies within the Watlington Conservation Area (CA). It comprises a parcel of land to the south-east of Ingham House, a large formal dwelling set within spacious grounds. This unlisted property sits behind the street frontage and is accessed via a private shared driveway off Brook Street. The site is contiguous with the rear lawn of Ingham House but is set off to one side behind a row of mature trees. These trees contribute positively to the character and appearance of the CA. A number of poor condition fruit trees within the site confirm its former use as an orchard. Historic maps indicate that as recently as 1970 this area was physically subdivided from the residential curtilage.
4. The site forms part of a much larger area identified on the Conservation Area Plan as important open space. However, the plan is clearly out-of-date as it does not show residential development at Lilacs Place, which has encroached into the designated area.

5. Development of the appeal site would compromise some of the contribution that the open space makes to the character and appearance of the CA. However, it strikes me that the harm would be very limited. The site is discretely located and well-contained, and furthermore the proposed dwellings would be closely related to the existing built form of Lilacs Place. There are views into the CA from public footpaths to the south, but the development would be largely screened by mature trees and vegetation on the boundary. The outline of Plot 4 may be visible during the winter months when the trees are not in leaf, but it would be read in the context of existing housing.
6. Ingham House is a charming historic property which has local value as part of the CA and in its own right as a non-designated heritage asset. One of the main components of the setting to this heritage asset is the relationship of the house to the countryside. There are currently attractive views from the property southwards over its lawn and across a ha-ha on the rear boundary towards the open fields beyond. The proposed development would be set off to one side behind mature trees and would not interfere with this relationship, thus ensuring that the historic setting of Ingham House is unaffected.
7. The appeal scheme would retain the most important trees within the site and the principles of protection during the construction phase have been identified in the application submission. Whilst I note the concerns in relation to the no-dig construction proposed for the access and the impact of new service runs, these are not shared by the Council's Forestry Officer. I have no reason to take a different view. Trial digs have shown the access to be suitable for upgrade using the CellWeb® product, and these works are unlikely to cause harm to the avenue of limes flanking the access. A detailed construction method statement can be secured by condition.
8. The Council is content with the architecture of the proposed dwellings and I concur with that assessment. The dwellings would be broadly in keeping with the local vernacular, with uncomplicated forms and detailing meeting the key requirements of the Watlington Design Guide (W NDP11).
9. Overall, I conclude that there would be some harm to the CA arising from the loss of open space. There would therefore be some conflict with Policy CSEN3 of the South Oxfordshire Core Strategy (SOCS) and Policy CON7 of the South Oxfordshire Local Plan 2011 (SOLP). However, the extent of that harm would be very limited. The Council's Conservation Officer has placed it at the "lower end of the scale" and I agree with that assessment. Paragraph 196 of the National Planning Policy Framework (the Framework) states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. I shall return to this later in my planning balance.

Highway safety

10. The proposal would use an existing point of access onto Brook Street, diagonally opposite Davenport Place. Brook Street is a classified B-road (B480) and is the main distributor road through the market town of Watlington for onward journeys towards Thame via the B4009 and the M40 for London. The street is subject to a 30 mph speed restriction, is lit and has footways of varying width on both sides. Parking restrictions have also been imposed in the vicinity, although the paint on the double yellow lines is heavily worn.

11. Survey data, uncontested by the Highway Authority, demonstrates that the 85th percentile speed on Brook Street is 29.6 mph eastbound and 30.6 mph westbound. The appellant has calculated the corresponding stopping sight distances, as per paragraph 10.1.5 of Manual for Streets 2 (MfS2), to be 42 m to the west and 44 m to the east. The Highway Authority has stated the requirement to be 43 m in both directions, which is similar.
12. Visibility should normally be measured from a point 2.4 m back from the edge of the carriageway along the centre line of the access (the X distance) to points on the nearside kerb the requisite distance either side (the Y distances). However, MfS2 explains that a minimum X distance of 2 m may be considered in some low speed situations when flows on the minor arm (in this case the access itself) are low. The guidance explains that using this value will mean that the front of some vehicles will protrude slightly into the running carriageway of the major arm, and some drivers will tend to cautiously nose out into traffic.
13. The required standard of visibility cannot be met using 2.4 m for the X distance. This is common ground between the parties. The achievable visibility using the 2.0 m figure varies according to whether one reads the letter from Stirling Maynard Transport Consultants or the appeal statement on highway matters from Highway Planning Ltd. However, the most pessimistic measurements are 2.0 m x 71 m in the westerly direction and 2.0 m x 35 m in the easterly direction. I saw that the latter is most problematic, with visibility obstructed by the corner of 44 Brook Street.
14. However, research carried out for MfS2 found no correlation between visibility at priority junctions and injury collisions. Based on this research, paragraph 10.5.9 of the guidance states that, unless there is local evidence to the contrary, a reduction in visibility below recommended levels will not necessarily lead to a significant problem.
15. The easterly sight line for drivers egressing the appeal site onto Brook Street is clearly substandard, whereas the westerly sight line requires relaxation on the X distance in order to comply. However, the access already serves a number of dwellings and it is operating satisfactorily in this regard. I have been provided with no substantive evidence to demonstrate that restricted visibility has led to collisions. Although the Council has drawn my attention to one recorded accident near the site, this was between a car and a pedal cycle. Although the full circumstances are not before me, there is nothing to suggest that the incident was caused by substandard visibility at the site access.
16. It is not unusual for vehicular accesses in historic environments to conflict with modern road layout design standards. However, that is not to say that they are always dangerous or unsafe. The junction of Davenport and Brook Street serves a greater number of dwellings than would be the case for the appeal site access, yet this operates safely with a similar (or worse) standard of visibility in the westerly direction.
17. Having regard to the evidence before me and my own observations, I conclude that the proposal would not have an unacceptable impact on highway safety. There would be no conflict with paragraphs 108 and 109 of the Framework, or SOLP Policy T1 insofar as it requires all proposals to provide for a safe and convenient access to the highway network.

Other Matters

18. The refusal reason makes reference to the sensitive nature of the highway network in Watlington and the impact of the appeal proposal on already unacceptable levels of congestion in the village. However, since the application was determined, detailed modelling work has been carried out in connection with a larger residential scheme being proposed elsewhere in the settlement. Based on the results of this exercise, the Highway Authority has accepted that there is some highway capacity for a modest increase in traffic movements along Brook Street and the B4009. It has therefore withdrawn the cumulative impact element of the highway objection. There is no substantive technical evidence to lead me to take a different view.
19. The figures agreed between the parties indicate that the proposal would generate a very modest number of additional vehicle movements. Policy P2 of the made Watlington Neighbourhood Plan (2018) (WNP) requires proposals for development to demonstrate how the additional traffic generated can be accommodated in a satisfactory way in the highway network. Notwithstanding the well-documented congestion issues in Watlington¹, which appear to arise from pinch-points within the town centre, the evidence presented falls short of convincing me that a scheme of 4 dwellings in this location would have a severe residual cumulative impact on the road network. I have no reason to conclude that the scheme would result in materially harmful air quality issues.
20. In reaching the above findings, I am mindful of the fact that WNP Policy P5 anticipates, and is supportive of, residential development within the built-up area of Watlington, where this reflects the scale and character of the area. The neighbourhood plan is recently made and cognisant of the traffic issues. Therefore, to resist housing of the modest scale being proposed and without firm evidence of harm would be the antithesis of the policy.
21. I note the local concerns regarding the principle of development. The site is not allocated for development, but its location within the built-up limits of the settlement means that it can be reasonably described as a windfall. SOCS Policy CSR1, SOLP Policy H4 and WNP Policy P5 are all supportive of new housing in Watlington, which is categorised as a larger village. Settlements at this tier in the hierarchy contain the services and facilities to support new housing.
22. No evidence of protected species has been found within the site and the habitats are for the most part of low ecological value. Compensatory orchard planting is proposed on adjacent land within the applicant's control. This would result in a net gain for biodiversity.
23. Concerns have been raised regarding the potential for flooding. However, the site lies outside of Flood Zones 2 and 3, and therefore within the area least likely to flood. Based on the information presented, this matter would not be grounds to dismiss the appeal. Likewise, the issue of affordable housing. The scheme is below the national and local size thresholds for provision and therefore affordable housing is not a policy requirement.
24. The development would be visible from properties in Lilacs Place and 42 Brook Street. However, the loss of a private view of the redundant orchard would not

¹ Watlington Traffic Management Plan (Section 3, October 2017)

be a reason to withhold planning permission. The proposed dwellings would not unduly harm the outlook of neighbours or have a significant effect on the level of daylight or sunlight received by adjoining properties and gardens. Views from the proposed dwellings towards primary habitable rooms in neighbouring properties would be oblique and overlooking of the rear gardens to properties in Lilacs Place can be prevented using obscured glazing at first floor level in the rear of Plots 1 and 2.

Conditions

25. I have considered the Council's suggested conditions against the tests set out in paragraph 55 of the Framework and the Planning Practice Guidance. Where necessary I have adjusted the wording to improve precision. In some cases I have amended triggers to avoid the need for pre-commencement conditions.
26. In addition to the standard time limit for commencement, I have imposed a condition specifying the relevant drawings as this provides certainty. To prevent harm to trees, conditions are required to secure full details of tree protection measures and works to upgrade the access surfacing. In the interests of the character and appearance of the area, conditions are needed in relation to external materials for the dwellings and the landscaping of the site.
27. The construction phase has the potential to be disruptive and therefore the suggested pre-commencement condition to secure a Construction Traffic Management Plan is justified. In the interests of highway safety, further conditions are needed to ensure that the parking and turning areas are provided with adequate drainage prior to first occupation of the dwellings.
28. The benefits of the proposed compensatory orchard are part of the planning balance and therefore it is reasonable to secure a scheme for its provision, to be submitted and approved before any of the dwellings are occupied. The condition would require the submission of details and a timetable for delivery.
29. With the agreement of the parties, I have added a condition to require the provision of obscured glazing at first floor level in the rear elevations of Plots 1 and 2. This will protect the privacy of adjoining residents in Lilacs Place.

Planning Balance and Conclusion

30. I have found that there would be some harm to the Watlington Conservation Area. Against this I must weigh the public benefits of delivering 4 new homes within walking distance of local facilities and services. Those homes would comprise a mix of sizes. The scheme would also bring environmental gains through the planting of a new orchard.
31. Overall, the benefits would be relatively modest, but they would be sufficient to outweigh the very limited harm to the conservation area. The proposal would not have any other adverse impacts, including to highway safety, and it would comply with the criteria attached to development plan policy in respect of new housing in Watlington. Therefore, for the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should succeed.

Robert Parker

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: Drawing nos. 162 SK01 Rev A, 162 SK02 Rev G, 162 SK03 Rev B, 15 IHW SL01 Rev B, 15 IHW SP01 Rev A, 18 IHW SS03, 18 IHW PE01/02 Rev C, 18 IHW PE03, 18 IHW PE04, 18 IHW SP14 Rev H and 18 IHW SP15.
- 3) No development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority. The CTMP shall include at a minimum, but shall not necessarily be limited to, details of the following:
 - a) parking for vehicles of site personnel, operatives and visitors;
 - b) loading and unloading of plant and materials;
 - c) storage of plant and materials;
 - d) programme of works (including working hours and measures for traffic management); and
 - e) measures to control construction noise, the emission of dust and the deposit of materials on the public highway.

The development shall be carried out strictly in accordance with the approved CTMP.

- 4) No development shall commence until a Construction Method Statement (CMS) for the no-dig surfacing of the access, including existing and proposed scale plans and cross sections showing the relationship to retained trees, has been submitted to and approved in writing by the local planning authority. The CMS shall include a timetable for the works. The access shall be constructed in accordance with the approved details and in any event prior to any of the dwellings being first occupied.
- 5) No development (including demolition or site clearance) shall commence until a scheme of tree protection and details of all service runs have been submitted to and approved in writing by the local planning authority. The submitted details shall designate protected areas for all existing trees which are shown to be retained, and those trees shall be protected in accordance with the current edition of BS 5837: "Trees in relation to design, demolition and construction". Development shall be carried out in accordance with the approved details and all tree protection measures shall be retained for the duration of construction works.
- 6) No development shall take place above ground floor slab level until a schedule and samples of all external materials and finishes has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 7) The dwellings hereby permitted shall not be occupied until the parking and turning areas have been provided in accordance with the approved site plan and shall be constructed, laid out, surfaced, drained and

completed to be compliant with sustainable drainage (SuDS) principles. The parking and turning areas shall be retained unobstructed at all times, except for the parking of vehicles associated with the development.

- 8) The dwellings hereby permitted shall not be occupied until a scheme for the hard and soft landscaping of the site has been submitted to and approved in writing by the local planning authority. The scheme shall include details of the planting of live trees and shrubs, the surface treatment of the access road and hard standings, the provision of boundary treatments and a programme for implementation. Development shall be carried out in accordance with the approved details.

In the event of any of the trees or shrubs dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub or equivalent number of trees or shrubs, as the case may be, of a species first approved by the local planning authority, shall be planted and properly maintained in a position or positions first approved in writing by the local planning authority.

- 9) The dwellings hereby permitted shall not be occupied until an orchard creation scheme has been submitted to and approved in writing by the local planning authority. The submitted details shall include:
- a) Purpose, aims and objectives for the scheme;
 - b) A review of the site's ecological potential and any constraints;
 - c) Description of target species appropriate for the site including fruit tree selection and grassland diversification;
 - d) Selection of appropriate strategies for creating target habitats or introducing target species;
 - e) Selection of specific techniques and practices for establishing vegetation;
 - f) Sources of habitat materials (e.g. plant stock) or species individuals;
 - g) Method statement for site preparation and establishment of target features;
 - h) Extent and location of proposed works;
 - i) Aftercare and long term management including replacement planting if required;
 - j) The personnel responsible for the work;
 - k) Timing of the works;
 - l) Monitoring;
 - m) Disposal of wastes arising from the works.

The scheme shall be implemented in accordance with the approved details within the first planting season following substantial completion of the development or first occupation, whichever is the sooner.

- 10) The dwellings on Plots 1 and 2 shall not be occupied until the windows at first floor level on the rear elevations have been fitted with obscured glazing, and no part of those windows that are less than 1.7 metres above the floor of the room in which they are installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the windows are installed and once installed the obscured glazing shall be retained thereafter.

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