



Appeal Decision

Site visit made on 3 December 2019

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 December 2019

Appeal Ref: APP/Q3115/W/19/3237089

7 Hillary Way, Wheatley, Oxford OX33 1UY

- 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 P O'Brien against the decision of South Oxfordshire District Council.
 - The application Ref P19/S1009/FUL, dated 15 March 2019, was refused by notice dated 19 July 2019.
 - The development proposed is subdivision of existing garden to provide plot. Demolition of existing garage structure and replacement erection of new detached 2 bed single storey bungalow dwelling. Retention of 2no off street parking spaces utilising existing highway access to Roman Road. Secure cycle storage and bin enclosures.
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Decision

1. The appeal is allowed and planning permission is granted for subdivision of existing garden to provide plot. Demolition of existing garage structure and replacement erection of new detached 2 bed single storey bungalow dwelling. Retention of 2no off street parking spaces utilising existing highway access to Roman Road. Secure cycle storage and bin enclosures at 7 Hillary Way, Wheatley, Oxford OX33 1UY in accordance with the terms of the application, Ref P19/S1009/FUL, dated 15 March 2019, subject to the following 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: 16-008/S/001; 16-008/P/301; and 16-008/P/302.
 - 3) No development shall progress beyond slab level until details of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted, including the walls, roof, windows and doors, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall only be carried out in accordance with the approved details.
 - 4) Prior to the first occupation of the development hereby permitted, the existing means of access onto Roman Road, shall be improved and laid out and constructed in accordance with the local highway authority's specifications and all ancillary works specified shall be undertaken.
 - 5) The vision splays shown on drawing No 16-008/P/301, shall not be obstructed by any object, structure, planting or other material with a

height exceeding or growing above 0.9 metres as measured from carriageway level.

- 6) Prior to the first occupation of the development hereby permitted, the parking area shall be provided in accordance with the details shown on drawing No 16-008/P/301 and the hard surface shall be constructed so that it is porous. The parking area shall thereafter be retained unobstructed except for the parking of vehicles associated with the development.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. Roman Road consists of single and 2 storey properties of varying architectural styles. The rear gardens of Nos 1, 3, 5, 7 and 9 Hillary Way directly adjoin Roman Road and the boundary with the highway largely consists of a mixture of fencing and vegetation, which provides some enclosure to this part of Roman Road. However, the appeal site has a large garage/store building served by a vehicular access from Roman Road, which has given rise to a sizeable gap in the frontage.
4. The appeal scheme proposes to replace the existing garage/store building with a single storey dwelling. The proposed dwelling would be positioned on a similar footprint to the existing garage/store and it would be designed with mono-pitched and flat roof sections, which would provide a contemporary appearance.
5. The siting of the proposed development would be similar to a previous proposal, which was dismissed at appeal (Ref. APP/Q3115/W/17/3172261). The Inspector for that appeal observed that this part of Roman Road has an enclosed appearance as a result of the tall fencing and hedging. He commented that the proposal would result in an incongruous gap to an otherwise fully enclosed part of Roman Road, which would be harmful to the visual cohesiveness of the street scene.
6. Nevertheless, the appearance of the frontage on Roman Road has changed since the date of the previous appeal decision. The officer's report states that a lawful development certificate was granted for the construction of a new garage with attached store and highway access on 8 March 2018 (Ref P18/S0138/LDP). The tall mature hedging that previously demarked the appeal site boundary with Roman Road has been removed and a large garage/store has been constructed, which is served by a new vehicular access. Consequently, whereas the frontage was previously fully enclosed, there is now a sizeable gap which provides views of a large garage/store building and a vehicular access.
7. Taking the existing site characteristics into account, the appeal scheme would not create a gap in the Roman Road frontage because a gap already exists. The siting and size of the proposed single storey dwelling would be comparable to the existing garage/store building and therefore the additional visual impact on the surrounding area would be limited. Furthermore, the appeal site currently has a gravelled driveway which could be used for car parking and so the

additional visual impact arising from the proposed 2no on-site parking spaces would be minimal.

8. Furthermore, the contemporary design of the proposed dwelling would provide an acceptable appearance and would be compatible with the neighbouring buildings in the area, which display varied architectural styles. The proposed dwelling would provide a higher standard of design and appearance than the existing garage/store building.
9. For the reasons given above, I conclude that the proposed development would not adversely affect the character and appearance of the area. The proposal would therefore comply with Policy CSR1 of the South Oxfordshire Core Strategy (adopted December 2012) and saved Policies H4 and D1 of the South Oxfordshire Local Plan 2011 (adopted January 2006), which, amongst other things, seek to ensure a high standard of design and ensure that new development does not adversely affect the character of an area. The proposed development would also accord with Chapter 12 of the National Planning Policy Framework, which, amongst other things, seeks well-designed buildings.

Other Matters

10. I have had regard to the representations submitted by the Parish Council and local residents, which, in addition to the above main issue, raise concerns including: misuse of planning laws; the proposed development would make road safety worse; impact of construction traffic; impact on drainage system; and, a hedge needs to be maintained as part of the deeds.
11. The Council previously granted a lawful development certificate for the garage/store building and vehicular access on to Roman Road and there is no evidence before me to suggest that the existing development is unlawful. As discussed above, the appearance of the appeal site has changed since the date of the previous appeal decision and the current appeal scheme must be assessed having regard to the existing site characteristics.
12. The Highway Authority has raised no objection to the proposed development and it has commented that vehicular traffic and speeds are relatively low. There is no substantive evidence before me to indicate that the proposal would worsen highway safety. Construction traffic is likely to be low given that the proposal is for one dwelling and this is not sufficient grounds to withhold planning permission. There are powers in legislation, including the Highways Act 1980, to deal with matters such as obstruction and mud deposits in the highway.
13. The proposed development would not have a significant impact on drainage infrastructure given its small-scale nature. This matter would be addressed through building regulations. Issues relating to deeds are a civil matter, which is not within my jurisdiction.
14. The Council's appeal statement has referred to Policies H1 (Design and Character Principles), P1 (Parking Provision), and H4 (In-fill and Self-Build Dwellings) of the draft Wheatley Neighbourhood Plan. The Council states that publicity on the draft Plan concluded on 18 October 2019 and therefore it has limited weight at this stage. These policies have not been adopted and so they do not have the same statutory force accorded to adopted policies under s38(6) of the Planning and Compulsory Purchase Act 2004. In respect of the

matters that are relevant to the appeal, the emerging policies do not significantly change the approach from those in the adopted plan and so they do not have any significant bearing on my decision.

Conditions

15. The Council has suggested 5 conditions which I have considered against the Framework and the advice in Planning Practice Guidance, amending where necessary in the interests of precision. I am satisfied that all of my conditions are necessary, relevant and reasonable to make the approved development acceptable.
16. In addition to the standard time limit condition, I have imposed a condition requiring the development to be carried out in accordance with the approved plans as this provides certainty.
17. In addition to the conditions suggested by the Council, I have imposed a condition to require the further approval and implementation of external materials. This is to ensure that the proposed development would maintain the character and appearance of the area.
18. Conditions requiring the provision of unobstructed visibility splays, and for the parking area to be provided in accordance with the details shown on drawing No 16-008/P/301, are necessary in the interests of highway safety and to minimise off-site flood risk.
19. The Council and the Highway Authority have also requested a condition to require the existing means of access onto Roman Road to be improved, laid out and constructed in accordance with the Highway Authority's specifications. The Highway Authority has raised concerns that the existing dropped kerb has used loose material on the highway. This condition is necessary in the interests of highway safety.

Conclusion

20. For the reasons given above, and having had regard to all matters raised, I conclude that the appeal should be allowed.

C Osgathorp

INSPECTOR