



Appeal Decision

Site visit made on 20 January 2020

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 January 2020

Appeal Ref: APP/V3120/W/19/3240069

Land Adjacent To No 2 Bellamy Close, Southmoor, Abingdon OX13 5AB

- 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 N Holes (Eagle One Homes) against the decision of Vale of White Horse District Council.
 - The application Ref P19/V1923/FUL, dated 7 August 2019, was refused by notice dated 14 October 2019.
 - The development proposed is detached dwelling with access and parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) the effect on the living conditions of the occupiers of 5 Southmoor Gardens (No 5) in respect of privacy, and (ii) the effect on the character and appearance of the area.

Reasons

Living conditions

3. The appeal site adjoins No 5's back garden with a close-boarded fence along the boundary. Ground floor windows to the rear of No 5 face towards the site and the proposed dwelling would include 2 first floor windows that would face towards No 5. The proposed bathroom window would be obscure glazed, but the other window would serve a bedroom and would be clear glazed.
4. No 5 has no first floor rear windows. Nevertheless, by virtue of being at first floor level and its position in relation to the boundary, the proposed bedroom window would allow direct views over the fence into No 5's rear ground floor windows. These views would allow a degree of overlooking that is not currently possible from ground level due to the screening effect of the fence. The rear of No 5 is clearly seen from the roadside pavement in Bellamy Close. As the proposed bedroom window would be closer to No 5 compared to the pavement, I am not persuaded that separation distances would mitigate the overlooking towards No 5's windows.
5. It is common in residential areas for there to be a degree of inter-visibility between properties. However, the proposed bedroom window would introduce direct and clear views into No 5's windows and consequently lead to significant overlooking and subsequent loss of privacy.

6. The proposal would not harm the living conditions of the occupiers of any property other than No 5 and I note that no objection has been made by No 5's owners. However, these factors fail to address the harm I have identified.
7. For the reasons outlined above, I conclude that the development would significantly harm the living conditions of the occupiers of No 5 by reason of loss of privacy. Consequently, and in this regard, the development would be contrary to policy DP23 of the Vale of White Horse Local Plan 2031 Part 2 Detailed Policies and Additional Sites document adopted 2019, the Vale of White Horse Design Guide Supplementary Planning Guidance 2015 (DG) and the Framework. These all aim, amongst other things, to create places with a high standard of amenity for occupiers of property.

Character and appearance

8. Bellamy Close is a residential road, characterised by detached houses set back from the highway behind grass verges, front gardens and other open spaces. Whilst not designated as being an area with special character, roadside vegetation and a sense of openness help create a pleasant environment.
9. The proposed dwelling would be set back from the road and consistent with the established building line. It would also be set off the side boundaries and positioned some distance from the houses on either side due to intervening gardens. The rear of the site is narrower than general plot sizes in the area, but its frontage is wider and so the development plot would not appear uncharacteristically narrow in the street scene. By being close to and in front of the house, the proposed parking space would be similar to other off-road parking facilities nearby. For these reasons, the proposed dwelling would not appear unduly cramped in the street scene.
10. The site is smaller in area than nearby properties, although the depth of plots is not readily apparent in views from the street. The proximity of the proposal to Southmoor Garden properties would be mainly hidden from the road due to the screening effect of the proposed dwelling as well as existing and proposed planting. As such, the relatively small size of the appeal site would not be obvious in the street scene.
11. The proposed house would be smaller than the general size of properties in Bellamy Close. However, it would follow key characteristics of nearby housing by being detached, 2 storeys high with a pitched roof and set back from the road. Consequently, the proposal would not appear as an incongruous form of development in the street scene.
12. For these reasons, I conclude that the development would not cause harm to the character and appearance of the area. Consequently, and in this regard, it would accord with policy CP37 of the Vale of White Horse District Council Local Plan 2031 Part 1 Strategic Sites and Policies document 2016 (LP1), the DG and the Framework. These all aim, amongst other things, to ensure that development responds positively to its surroundings and reinforces local identity.

Other Matters

13. The proposal would provide appropriate internal and external space for future occupiers and would be acceptable in terms of accessibility to services, highway

safety, drainage and effect on trees. Acceptability in these regards is a neutral factor in my assessment.

14. The proposal would result in a more efficient use of land as well as add to the housing stock and mix of residential units in the area. However, as the proposal is for a single unit, any benefits are modest and do not outweigh or override the significant harm that would be caused to the living conditions of the occupiers of No 5.
15. Due to the identified harm, the proposal would fail to provide a high standard of amenity for occupiers of No 5 and so would not represent sustainable development. As such, the proposal fails to benefit from the presumption in favour of sustainable development as set out under LP1 policy CP4.
16. I note the Parish Council is supportive of the proposal. However, this support fails to address the harm I have identified in respect of the first main issue.

Conclusion

17. Whilst the proposal would be acceptable in terms of its effect on the character and appearance of the area, the significant harm that would be caused to the living conditions of occupiers of No 5 is the overriding consideration. The proposal would conflict with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.
18. For these reasons, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR