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## Appeal Decision

Site visit made on 28 January 2020

**by Jonathan Manning BSc (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 06 February 2020**

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**Appeal Ref: APP/V3120/W/19/3237453**

**Land off Steventon Road, East Hanney, Wantage, OX12 0HP**

- 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 Lagan Homes against the decision of Vale of White Horse District Council.
  - The application Ref P19/V0846/FUL, dated 4 April 2019, was refused by notice dated 10 July 2019.
  - The development proposed is erection of 1 no. dwelling.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. Since the application was determined the Council has adopted the Vale of White Horse Local Plan 2031 Part 2, which has superseded the remaining saved policies of the Vale of White Horse Local Plan, 2011. I have taken this into account in reaching my decision.

### Main Issues

3. The main issues of the appeal are the effect of the proposal on the character and appearance of the area and whether the proposal would lead to the unacceptable loss of public open space.

### Reasons

#### *Character and appearance*

4. The appeal site is located within a newly built development of residential properties and currently forms part of a grassed area of open space. The proposed dwelling would be located adjacent to several other properties at the northern end of the wider housing site. The proposed dwelling would be accessed off an existing driveway currently serving four detached properties. I observed that the existing dwellings in the immediate vicinity are all orientated to face onto the open space, which forms a key point of focus in this part of the wider development and is described as a 'village green' by the Council.
5. The proposed dwelling would be two-storeys in height and in terms of scale, bulk, massing and architectural style would be consistent with the existing dwellings. However, the proposed dwelling's siting and orientation would be different to that of the existing dwellings, as its main elevation would not face onto the open space. It is evident to me that great care has been taken to

provide an attractive public realm with the open space as the key focal point. The proposed dwelling would protrude into this area and due to its siting and orientation would appear at odds with the existing pattern of development. It would not, in my view, appear as part of the original development as suggested by the Appellant. On this basis, I consider that the proposal would appear as an incongruous feature in an otherwise carefully designed and attractive street scene.

6. For these reasons, I consider that the proposal would cause harm to the character and appearance of the area. This would run contrary to Policy CP37 of the Vale of White Horse Local Plan 2031 Part 1 (LP Part 1), which amongst other things, seeks to ensure that all new development is of high quality design and physically and visually integrates with its surroundings.
7. I accept the Appellant's view that there would continue to be a good level of overlooking and surveillance over the open space from the other properties. Further, I acknowledge the contents of the Appellant's 'Building for Life 12' assessment. However, these matters do not overcome my above concerns.

#### *Open space*

8. The Appellant's Statement of Case sets out that the appeal site forms part of an area of land proposed as open space, which has not been completed and therefore, should not be considered as existing open space. However, I observed at the time of my site visit that the open space was accessible, has been laid with grass, includes benches to sit on and although there was some pooling of water, it otherwise appeared useable for local residents. This is supported by a representation made by a local resident to the appeal consultation that states the space is already being used as a play area by children and pets. I understand that the open space is also secured through a Section 106 Agreement associated with the original development. Given all of this, I consider that the appeal site should be considered as existing public open space and Policy DP33 of the Vale of White Horse Local Plan 2031 Part 2 (LP Part 2) is of relevance to the proposal.
9. Policy DP33 sets out that the development of existing open space will only be permitted in a number of specific circumstances. There is no substantive evidence before me to demonstrate that the proposal meets any of those circumstances. Consequently, the scheme conflicts with Policy DP33 of the LP Part 2.
10. The Appellant asserts that there are a set of unique circumstances in this case. I understand that the position in relation to flood risk has altered and the appeal site now officially lies within flood zone 1. It is suggested that this has removed a key site constraint and had this been the case when the original development was being designed, a dwelling would have been sought on the appeal site.
11. Further, the Appellant has set out that the original development provided more open space than was required and there would still be a policy compliant level of open space after the loss of the appeal site and therefore the objectives of Policy DP33, which requires new major development to make provision for open space that is 15% of the residential area, would not be conflicted.

12. However, even if I was to give the benefit of the doubt to the Appellant and considered such matters outweighed the identified conflict with Policy DP33, it would not address or overcome my concerns with regard to the harm that would be caused to the character and appearance of the area by the proposed dwelling.

*Other matters*

13. The proposal would make a very modest contribution to housing land supply and would provide some minor economic benefits. However, I consider such benefits do not either individually or in combination outweigh the identified harm to the character and appearance of the area and the associated development plan conflict.
14. I acknowledge that the Council officer's recommendation report set out that the planning application should be approved. However, this view was not shared by the members of the planning committee. Notwithstanding such matters, I am required to consider the proposal de novo and I have determined the appeal on its individual merits.
15. Interested parties have raised a large number of other concerns. However, as I am dismissing the appeal on other grounds, such matters do not alter my overall conclusion and have therefore not had a significant bearing on my decision.

**Conclusion**

16. For the reasons set out above and having regard to all other matters raised, the proposal conflicts with the development plan when considered as a whole. There are no material considerations that individually or in combination outweigh the identified harm and associated development plan conflict, the appeal is therefore dismissed.

*Jonathan Manning*

INSPECTOR