



Appeal Decision

Site visit made on 21 January 2020

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 February 2020

Appeal Ref: APP/Q3115/W/19/3240184

Dragonsfield Annex, Dragonsfield, Mill Street, Stanton St John OX33 1HQ

- 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 D Baldwin against the decision of South Oxfordshire District Council.
 - The application Ref P18/S3336/FUL, dated 5 October 2018, was refused by notice dated 4 June 2019.
 - The development proposed is change of use from ancillary dwelling to separate dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from ancillary dwelling to separate dwelling at Dragonsfield Annex, Dragonsfield, Mill Street, Stanton St John OX33 1HQ in accordance with the terms of the application, Ref P18/S3336/FUL, dated 5 October 2018, and the plans submitted with it, 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 separate dwelling hereby approved shall only be occupied whilst the parking area as shown on the plans submitted with the application is provided and whilst this and the other external areas within the site defined by a red line on the application plans are available for the sole use of the occupiers of the approved dwelling.

Procedural Matters

2. The description of development in the header and decision above is taken from the Council's decision notice and appeal form rather than the application form. As it succinctly describes the proposal, I am satisfied it forms an appropriate basis on which to determine this appeal.
3. Part F of the appeal form states the reason for the appeal is that the Council refused permission to vary or remove a condition. However, it is clear from the submissions that the Council determined the application on the basis it sought planning permission for the development described above. Adopting a different approach to the Council's may cause prejudice or injustice to interested parties, so I have proceeded on the basis that the appeal is against the refusal of planning permission for the development as described.
4. The appellant indicates that Dragonsfield Annex (the Annex) is occupied by a person who is also renting part of Dragonsfield. As the evidence indicates the

Annex is not being used as a separate dwelling, I have carried out my assessment on the basis that the change of use has not commenced.

Main Issues

5. The main issues are (i) whether acceptable living conditions for the future occupiers of the proposed dwelling would be provided in terms of the quality of external space, and (ii) the effect on the character and appearance of the area, including Stanton St John Conservation Area (CA).

Reasons

Living conditions

6. The main door and windows of the Annex face towards a courtyard between it and Dragonsfield. The site includes part of the courtyard next to the Annex as well as an adjacent strip of grassed land leading along the boundary with Hill Side. The courtyard part of the site would be used for parking and the grassed area would provide garden.
7. Policy D3 of the South Oxfordshire Local Plan 2006 (LP) states that an outdoor garden should be provided with all new dwellings and that private outdoor sitting areas should not be overlooked. Whilst most of the external space to serve the proposed dwelling would be visible from Dragonsfield and Hill Side, a part of the site closest to the Annex would be more private due to the screening effect of existing vegetation. Furthermore, there would be scope for future occupiers to increase privacy through additional screening if they so wished. As such, the proposal would include an appropriate private outdoor sitting area.
8. The proposed garden would be unusually narrow and long, and so would have a sense of being hemmed in. Nevertheless, it would be close to the proposed dwelling and could be used for activities such as gardening and drying clothes, as well as for sitting out. The telegraph pole guideline that crosses the site is above head height and so would not undermine the quality of the garden. It is unlikely residential activities at Hill Side would generate noise levels that would unduly affect the garden's tranquillity.
9. A planning permission relating to the Annex¹ is subject to a condition that prevents separate occupation due to inadequate standards of amenity and privacy. Also, a previous planning appeal² was dismissed to change the use of the Annex to a separate dwelling, although it is noteworthy that this proposal included no associated external space. As it would include a parking and garden area of an appropriate quality to serve the needs of future occupiers, it would not be inconsistent with these previous decisions to find the proposal acceptable in respect of this main issue.
10. For these reasons, I conclude that the proposal would provide acceptable living conditions for the future occupiers of the proposed dwelling in terms of the quality of external space. As such, and in this regard, it would accord with policies D3, D4 and H4 of the LP as well as the National Planning Policy Framework (the Framework) which aim, amongst other things, to ensure development provides a high standard of amenity for occupiers of property. CS

¹ Council ref no P15/S1939/HH.

² APP/Q3115/W/18/3201466

policies CS1 and CSS1 are referred to in the Council's refusal reasons but contain no provisions specifically relevant to this main issue.

Character and appearance

11. The CA is characterised by stone buildings interspersed with vegetation. As a stone building near to the road, the Annex contributes positively to the CA. I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA in my assessment.
12. The proposed garden would be largely screened from the road by vegetation and buildings and so any incongruity in respect of its shape or size would not be readily apparent. Domestic paraphernalia on external parts of the site would be largely screened and, in any case, would be in keeping with the residential area. An access on Mill Street would prevent the adjoining orchard from becoming inaccessible as a result of the proposal. As such, the development would have no detrimental effect on the character and appearance of the area.
13. For these reasons, I conclude the proposal would not harm, but would preserve, the character and appearance of the CA and the locality. As such, and in this regard, it would accord with policy CSR1 of the South Oxfordshire Core Strategy 2012 (CS) and the Framework. These aim, amongst other things, to protect local character and distinctiveness. CS policies CS1 and CSS1 are referred to but contain no provisions specifically relevant to this main issue.

Other Matter

14. There is no dispute to the Council's claim that it can demonstrate a satisfactory housing land supply. Even so, housing targets are minimum figures and the proposal would help meet the Framework's aim to boost the supply of housing. Therefore, the housing land supply situation does not alter my conclusion.

Conditions

15. I have considered the planning conditions forwarded by the Council having regard to the tests set out in the Framework. As I have proceeded on the basis that the development has not commenced, I attach a condition that requires commencement within 3 years. No details of any development are shown on the plans and therefore a drawing condition is unnecessary. The proposed parking area is already in place and so there is no need for a condition requiring the approval of surfacing and drainage details. However, a condition is imposed that requires the retention of the parking and garden areas to ensure adequate living conditions for future occupiers.
16. No clear reason has been provided as to why conditions that remove permitted development rights are required. As such, the suggested conditions in this regard would be contrary to paragraph 53 of the Framework and so have not been imposed.

Conclusion

17. For these reasons, I allow the appeal as set out in the formal decision above.

Jonathan Edwards

INSPECTOR