



Appeal Decision

Site visit made on 25 February 2020

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th March 2020

Appeal Ref: APP/Q3115/W/19/3242958

Land adjacent to and North West of Cherry Croft Cottage, Kingswood Common RG9 5NB

- 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 Henry and Mrs Katrina Falinski against the decision of South Oxfordshire District Council.
 - The application Ref P19/S2113/FUL, dated 2 July 2019, was refused by notice dated 11 September 2019.
 - The development proposed is the development of a new 4-bedroom family home with parking forecourt (including bicycle and bin store) and associated landscaping. Existing site access retained.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellants have submitted a plan showing the extent of the surrounding common land after my site visit. There would be no prejudice to parties' interests in accepting this plan and it has been considered in my decision.

Main Issues

3. The main issues are the effects of the proposal on (a) the character and appearance of the area, having regard to the Chilterns Area of Outstanding Natural Beauty (AONB), and (b) the living conditions of the occupiers of a neighbouring property, having regard to privacy.

Reasons

Character and appearance

4. The appeal site comprises a parcel of land within a pocket of housing at Kingswood Common. The plot was formerly part of the garden of Cherry Croft Cottage which it is adjacent to. The appeal plot has a brick wall separating it from this neighbouring property whilst on its other side boundary and rear boundary, there is dense woodland. Opposite the entrance to the site, there is another dwelling set back from an unmade road.
5. Kingswood Common comprises mainly detached traditional styled dwellings which are sited within spacious and landscaped plots. Although varied, the dwellings are largely unobtrusive given their design, and siting in large and landscaped plots. The setting of Kingswood Common is wooded and the area

lies within the Chilterns AONB. Such qualities give rise to the area's attractive rural and informal character and appearance. To the rear of the plot, there is a public footpath from which there are limited views of the site due to intervening hedgerow and trees.

6. The proposed two storey dwelling would be simple and contemporary in design, reflecting a pavilion style, and would be against a backdrop of trees. The building would be rectangular in shape, with a flat roof. It would be constructed with a concrete exterior which would be inlaid with fenestration and doors, and timber cladding. The frontage would be mainly timber clad. The cladding would take the form of fine vertically oriented timber whilst the concrete would be smooth and pigmented, similar in appearance to stone ashlar. The materials would be attractive.
7. However, the building would be of considerable bulk due to its size and shape. In this regard, the two storey building would have a significant depth of approximately 22m. There would be little physical articulation to break up this bulk and the rear end of the building would appear cramped in relation to the walled site boundary with the neighbouring property. In this respect, the limited amount of separating space would be visibly out of kilter with the surrounding dwellings which have generally more space to the sides of them.
8. Cladding has been used to screen some of the glazing but there would be still expansive areas of glass, for instance the ground floor openings to the rear and side serving an open plan living/kitchen/dining area. Additionally, there is the side elevation facing the woodland where two of the windows would be of considerable width. Whilst other dwellings in the area have glazed openings, they are generally not as large (due to their traditional design) as those on the appeal dwelling's rear and side elevations, nor are the dwellings in such close proximity to woodland. In the absence of mitigation, such opening would give rise to significant light pollution. In this regard, the National Planning Policy Framework (the Framework) states that decisions should limit the impact of light pollution from artificial light on intrinsically dark landscapes and nature conservation.
9. The Chilterns Building Design Guide 2010 states that it is not necessary for all new designs to be a copy of buildings from previous eras or to utilise only local materials. The proposed dwelling's architectural firm has won awards for its modern schemes, including in the Chilterns. There is a nearby contemporary designed dwelling at Stone House. For the appeal proposal, the sylvan surroundings and plot size provide a basis for an individualistic design. The proposal has also received a positive response from an Architects Panel who considered the design to be innovative.
10. However, the dwelling would not respond positively to, and respect the character of the site nor enhance local distinctiveness by reason of its bulk, cramped nature and light pollution generating quality for the reasons indicated. Many of the identified contemporary schemes within the Design and Access Statement (DAS) have a more varied form, with interlocking and cantilevered elements, which reduce bulk. Comparison with these schemes is made difficult as the DAS provides only limited information on the features of the sites and the surrounding contexts. Nevertheless, they do demonstrate that every proposal has to be considered on its particular planning merits.

11. In 2018, a proposal for the erection of a dwelling and garage on this site was dismissed. This was for a different designed and located dwelling and garage and therefore this dwelling is not directly comparable. Nevertheless, the current proposal would similarly harm the character and appearance of the area and would fail to conserve the Chilterns AONB. The Framework states great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs which have the highest level of protection in relation to these issues. Accordingly, there would be conflict with policies CSEN1 and CSQ3 of the South Oxfordshire Core Strategy (2012) (CS) and policies D1, G2, H4 and C4 of the South Oxfordshire Local Plan 2011 (2006) (LP).

Living conditions

12. The proposed dwelling would flank the property at the Cherry Croft Cottage. However, its first floor windows would mainly face a small private garden serving it and more distantly the frontage garden of the neighbouring property. The windows would not directly face the neighbour's open-air swimming pool and thus, any views from these windows of it would be oblique and distant. For all these reasons, the development would not harm the living conditions of the occupiers of the neighbouring property, having regard to privacy and the proposal would comply with policies D4 and H4 (in respect of living conditions) of the LP.

Planning Balance

13. The proposal would boost housing supply in a district. A lack of five year housing supply (5YHLS) has not been disputed by the Council. Occupants could access a nearby bus stop which offers services to Reading. The appellants' DAS details a number of construction and layout features to create a sustainable dwelling. The appellants would make some provisions to upgrade the track around the development and would implement this by way of the Council suggested conditions. Such considerations would weigh in favour of the proposal.
14. However, the design of the scheme would result in harm to the character and appearance of the area located within an AONB in conflict with CS and LP policies and the Framework. Many of the LP policies have been redacted and it has been indicated that substantial parts of the LP are not compliant with the Framework. However, in terms of character and appearance, no detail has been given of the nature of these inconsistencies and for reasons indicated, the environmental harm would be significant, and it would be permanent. Therefore, the conflicts with policies would be determinative and the proposal would conflict with the development plan taken as a whole.
15. The harm to AONB provides a clear reason for refusing the proposed development under Framework policy. Notwithstanding this, even if I applied the tilted balance test under the Framework, referred to by the previous Inspector, the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole for the reasons given. The presumption of favour of sustainable development would not apply. Material considerations would not be of sufficient weight or importance to determine that the decision should be taken otherwise than in accordance with the development plan and therefore planning permission should be refused.

Conclusion

16. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR