
Appeal Decision

Site visit made on 23 June 2020

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 June 2020

Appeal Ref: APP/V3120/W/19/3243022

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 of Eagle One Homes against the decision of Vale of White Horse District Council.
 - The application Ref P19/V1040/FUL, dated 26 April 2019, was refused by notice dated 4 July 2019.
 - The development proposed is a detached dwelling with access and parking.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the Council made its decision the Vale of White Horse District Council Local Plan 2031, Part 2, Detailed Policies and Additional Sites (LP2) has been adopted in October 2019. This replaces saved policies in the Vale of White Horse Local Plan 2011, July 2006 and therefore, policies DC9 and DC5 as cited in the refusal reasons on the decision notice are no longer in force. The policies in the Vale of White Horse District Council Local Plan 2031, Part 1, Strategic Sites and Policies, December 2016 (LP1) remain part of the development plan. As both parties have had the opportunity to refer to the LP2 as part of the appeal process, I am satisfied that neither party would be prejudiced by this change in policy circumstances.

Main Issues

3. The main issues are the effect of the proposal on:
 - The character and appearance of the area;
 - The living conditions of the occupiers of 5 Southmoor Gardens having particular regard to privacy, and;
 - Highway safety having regard to parking provision.

Reasons

Character and appearance

4. Bellamy Close is a residential road comprising detached dwellings dating from the latter part of the 20th Century. Most properties have a broadly rectangular

footprint with either the widest elevation facing towards the street, or alternatively are gable fronted properties. In both cases dwellings tend to be set back from the street with an open aspect to the front garden. The similar form, ridge and eaves heights and palette of materials gives coherence and identity to the area. Overall, this results in a pleasant, spacious, suburban character.

5. The appeal site is described as vacant land¹ and I observed it to be a relatively even, grassed area devoid of built form and smaller than most of the residential plots nearby. As such, it makes a modest positive contribution to the open spacious qualities of the street scene.
6. The footprint of the proposed dwelling would be squarer than most of the dwellings in the road. Combined with its height, this would result in a boxier form than the prevailing established housing. In addition, a projecting gable would extend across half of the front elevation, a feature that, notwithstanding the alteration to No.1 Bellamy Close, does not appear to generally derive from the surrounding simpler roof forms in evidence.
7. Furthermore, as illustrated on the proposed site layout² the position of the dwelling would be closer to Bellamy Close than Nos 2 and 8 either side. This would make the dwelling more prominent in the street scene thereby exacerbating the differences in proportion and form outlined. This would be evident from Bellamy Close as well as in some views from Faringdon Road. Taken together, the development would pay insufficient attention to some of the key characteristics of nearby housing and consequently, would have a discordant effect, unsympathetic to the local character and appearance of the area.
8. I accept that, despite the restricted width of the site, the additional dwelling would maintain sufficient space between it and the built form either side. Nevertheless, this, even together with the use of suitable materials, would not be sufficient to fully overcome the harm to the street scene identified.
9. The appellant highlights that the area does not contain listed buildings, nor is it within a conservation area. Be that as it may, it does not follow that it is devoid of character worthy of protection. Moreover, paragraph 127 c) of the National Planning Policy Framework (the Framework) states that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting. This is reinforced by guidance in the Vale of White Horse Design Guide Supplementary Planning Document, 2015 (SPD). This states that it is important that the design of buildings and in particular their form, proportions, roofscape and overall appearance is borne from the place and therefore contributes positively to the character of the existing settlement³.
10. Reference is made to a recent appeal decision⁴ for a detached dwelling at the site in which the Inspector did not find harm to the character and appearance of the area, which is of considerable relevance to the proposal. Nevertheless, the scheme before that Inspector proposed a gable fronted dwelling with a different footprint and proportions. Accordingly, as it is notably different from

¹ Paragraph 2.1 Planning, Design and Access Statement

² Drawing 1911/04

³ SPD Section 5 Building design, p104

⁴ Reference APP/V3120/W/19/3240069

the proposal before me in these regards, it attracts limited weight. In any event, I have considered the proposal on its own merits.

11. Therefore, I find that the proposal would be harmful to the character and appearance of the area. As such, it would conflict with Core Policy 37 of the LP1 which requires new development to achieve high quality design that, amongst other matters, responds positively to the site and its surroundings.

Living conditions

12. The proposed dwelling would have two bedroom windows in the first floor rear elevation which would face towards the recently constructed dwelling at 5 Southmoor Gardens. Although No 5 has rooflights, it does not contain upper floor windows in the rear elevation. It also has windows at ground floor level. The proximity and orientation of the two bedroom windows would allow for an unreasonable degree of inter-visibility with the ground floor windows of No 5. In addition, they would directly overlook the rear garden area which, given its relative privacy and proximity to the dwelling, the occupiers are likely to use for outdoor seating. This would be to an extent that would compromise the privacy of the occupiers of No 5 in an area where they might reasonably anticipate greater levels of seclusion. Consequently, it would be unacceptably harmful to their living conditions.
13. This is reinforced by the guidance in the SPD, whereby Principle DG64: Privacy advocates that an adequate distance between facing habitable rooms helps people to feel comfortable in their own homes. I accept that the term 'adequate distance' suggests some flexibility and that Fig 5.59 of the SPD, showing a separation distance of 21m, serves as an illustration. Nevertheless, this does not dispense with the need to demonstrate how privacy will be maintained, especially where the separation distance would be below 21m, such as in this case. The absence of an objection from the occupiers of No 5 is insufficient in this regard.
14. Furthermore, the findings of the Inspector in the recent appeal decision⁵ found a broadly similar separation distance relating to one bedroom window and an obscure glazed window to be inadequate mitigation for the level of overlooking. Given that the proposal relates to two clear glazed bedroom windows it would have a greater impact. As such, this weighs significantly against the proposal. Consequently, the development would fall short of providing a high standard of amenity for existing and future users as stipulated by paragraph 127 f) of the Framework.
15. Accordingly, the proposal would, due to the resultant degree of overlooking, cause unacceptable harm to the living conditions of the occupants of No 5. Therefore, it would be contrary to Development Policy 23 of the LP2. This, amongst other things, seeks to prevent development that would have a significant adverse impact on the living conditions of neighbours due to loss of privacy.

Highway safety

16. Two parking spaces are shown on the Proposed Site Layout plan⁶ but it is not shown that their dimensions meet the Highway Authority's minimum

⁵ Reference APP/V3120/W/19/3240069

⁶ Drawing No 1911/04

requirements⁷. Nevertheless, there is little before me to show that the Council has an adopted minimum parking requirement of two vehicle spaces for a three bedroom house. The parking area is likely to be able to support one off street parking space that meets the required dimensions, the details of which could be secured by condition.

17. Furthermore, the appeal site is reasonably close to local facilities and public transport so as to provide some choice as to means of travel. Overall, it is not shown that the provision of one off-street parking space in this location would be inadequate. Even if some on-street parking were to occur in Bellamy Close, there is little to suggest this would compromise highway safety. The acceptability of one parking space is reinforced by the subsequent comments of the Highway Authority⁸.
18. On this basis, I find no conflict with Development Policy 16 of the LP2 which requires development to make adequate access provision.

Other matters

19. The proposal would contribute an additional dwelling to the overall supply and housing mix in a reasonably accessible location, thereby making more efficient use of the land. Whilst these benefits weigh in favour of the proposal, given the relatively modest scale of the development, their extent is not significant and so they attract limited weight.

Conclusion

20. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise⁹. Although, I have found no harm in terms of highway safety, the proposal would conflict with the development plan and national policy in relation to the other main issues identified. No compelling reasons have been shown to justify my determining the development other than in accordance with the adopted development plan.
21. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

Helen O'Connor

Inspector

⁷ Local Highway Authority Consultation response dated 10.6.19

⁸ Email dated 5 December 2019, Appendix 2 of Appellant's Appeal Statement

⁹ Section 38(6) Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.