
Appeal Decision

Site visit made on 8 June 2020

by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 July 2020

Appeal Ref: APP/D3125/W/19/3241766

Land South of 39 Witney Road, Eynsham, Oxfordshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Steven Sensecall (Steven J Sensecall Ltd, Christopher J Wilmshurst Ltd, Hugh Philip Francis Sherbrooke) against the decision of West Oxfordshire District Council.
 - The application Ref 19/00576/OUT, dated 25 February 2019, was refused by notice dated 24 May 2019.
 - The development proposed is a single residential dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the description of the site location from the appeal form submitted by the appellant, as this is a clearer address than that given on the planning application form.
3. The appeal seeks outline permission with all matters reserved except for access. In so far as the submitted plans and drawings show details of matters other than the access, I have treated those as being purely illustrative.

Main Issues

4. The main issues with this development are its effect on (1) the character and appearance of the area and (2) the living conditions of neighbours to the site.

Reasons

Character and Appearance

5. The proposed dwelling would be set within a residential area within the large village of Eynsham. The proposed dwelling would be accessed via a long shared access drive which currently serves Nos 39, 41 and 41a Witney Road. The proposed dwelling would be set within a plot of undeveloped land to the rear of No 39. It would also be set between the rears of the houses at the end of the cul-de-sac known as Willows Edge, and the rear of newly built houses which are part of West Eynsham Strategic Development Area (SDA).
6. This residential area is characterised by cul-de-sac developments off longer connecting roads. Dwellings are generally characterised as having a frontage

facing onto the road, set behind a front garden. From the information submitted to me this general layout character is incorporated into the SDA scheme.

7. However, the dwellings Nos 39, 41 and 41a are at the end of a long shared driveway and therefore they do not have any public road frontage, being set mainly behind other houses. This does not accord with the prevailing characteristic of the layout in this part of the village. From the historical maps submitted, it seems that these existing houses are on the site of a farmhouse of some sort, which may explain its position set off the main Witney Road. Over time with the development of other dwellings in this area, including the new houses on what would have been adjacent farmland, this small cluster of houses at the end of a long lane appears as an anomaly within its context.
8. The proposed new dwelling would add to this cluster, thereby increasing the number of dwellings in this anomalous location. The new dwelling would appear hemmed in between the dwellings of Willows Edge and those of the SDA. Whilst the site may come under the SDA allocation site, it would have little or no relationship with this development as it would be behind the new houses with access off Witney Road via the long driveway. It would therefore be viewed as an incongruous addition to the area, being a dwelling in a backland location with no street frontage, being part of an existing cluster of dwellings that already is uncharacteristic within the urban layout that surrounds it.
9. The existing dwellings of Nos 39, 41 and 41A are already established due to the history of the site and surrounding development, but the proposed dwelling would be a new addition to add to this uncharacteristic backland site. Indeed, it could be argued that the other existing dwellings in this cluster front onto a parking courtyard, but the new dwelling would not even fit with this arrangement. It would be set behind No 39 so would be in an unusual backland location even within this small cluster of three dwellings.
10. Whilst I acknowledge this is an undeveloped plot of land within a residential built up area, a dwelling in this location would not logically complement the prevailing characteristics of the area. There may be other dwellings in positions which could be described as backland sites, but they are not typical in terms of the layout of this part of Eynsham. There are also some houses off short shared driveways, but these are often part of a wider street scene and are generally very different from the siting arrangement of the proposed dwelling. Furthermore, I note that detached houses on plots of a similar size to this site are evident locally, but this does not address the issue of the siting of the plot.
11. Overall, the proposed dwelling would be in a location that would not accord or be beneficial to the prevailing character of the area, being in an anomalous backland location with no clear relationship with any street scene. There would also be some partial views of the proposed dwelling likely, even with additional landscaping. Therefore, the proposed dwelling would be harmful to the character and appearance of the area, contrary to policies H2, OS2 and OS4 of the West Oxfordshire Local Plan 2018 on the issue of character and appearance. These policies require development to logically complement the existing scale and pattern of development and/or the character of the area, and enhance the character and quality of the surroundings, amongst other things.

Living Conditions

12. The proposal is for a dwelling, which has been indicated to be two storeys, on this plot, which is adjacent to other existing dwellings. The Council states that the proposed dwelling would adversely impact the living condition of the occupiers at No 39 Witney Road to a significant and harmful degree.
13. Whilst if the dwelling were two storeys in this location there is the possibility of some level of overlooking with loss of privacy, together with possible overbearing or adverse impacts to outlook for the neighbours at No 39, this is not clear at this stage. This is an outline application with all matters reserved other than access. The plans of the dwelling are only illustrative.
14. On this basis, it could be, for example, that the proposed dwelling would not be full two storey height and may not have overlooking windows. Until any details of the exact design, scale and layout of the dwelling are available, it is not possible to reach a conclusion that the proposal would be harmful to neighbour living conditions. Indeed, if this outline proposal were approved there would be options available for the appellant to consider to avoid such impacts. I am not persuaded, therefore, that harmful living condition impacts to the occupier of No 39 or any other surrounding dwelling would necessarily follow if this outline proposal was allowed.
15. On this basis, the proposal is in accordance with policies H2, OS2 and OS4 of the West Oxfordshire Local Plan 2018 with regards to living conditions, which require development to be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants, nor harm the use or enjoyment of land and buildings nearby including living conditions in residential properties.

Other Matters

16. The proposal would contribute towards housing supply in West Oxfordshire in an accessible and sustainable location, in a village which is set for significant housing growth. I recognise the economic, social and environmental benefits that the new dwelling would provide, such as the provision towards the economy of the village and providing a home in an accessible location for potential future occupants. However, as the development would be for a single dwelling only, I give this matter modest weight and does not outweigh the harm I have identified.

Conclusion

17. Due to the harm to the character and appearance of the area, considering all matters raised, the appeal should be dismissed.

S Rennie

INSPECTOR