
Appeal Decision

Site visit made on 9 June 2020

by JP Longmuir BA (Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th July 2020

Appeal Ref: APP/Q3115/W/20/3246057
25 Croft Way, Woodcote, Reading RG8 0RS

- 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 Croft Way (OSIT) Ltd against the decision of South Oxfordshire District Council.
 - The application Ref P19/S2513/FUL, dated 1 August 2019, was refused by notice dated 20 December 2019.
 - The development proposed is demolition of detached brick garage and construction of a new three bedroomed bungalow with a double pitched roof to the rear of 25 Croft Way.
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of detached brick garage and construction of a new three bedroomed bungalow with a double pitched roof at the rear of 25 Croft Way, Woodcote, Reading RG8 0RS in accordance with the terms of the application, Ref P19/S2513/FUL, dated 1 August 2019, subject to the conditions in the schedule attached at the end of this Decision.

Application for costs

2. An application for costs was made by Croft Way (OSIT) against South Oxfordshire District Council. This application is the subject of a separate Decision.

Preliminary Matter

3. The Council has made reference to the Emerging South Oxfordshire Local Plan. This is not part of the adopted development plan as it is yet to progress through the examination stage. The policies do reflect the approach in the current adopted plan and I afford them limited weight.

Main Issue

4. The main issue is the effect of the proposal on the living conditions of the occupiers of 25 and 27 Croft Way in respect of noise and disturbance.

Reasons

5. The site is within the built-up environs of Sonning Common, which is a large village, close to Reading. The South Oxfordshire Core Strategy December 2012, policy CSS1 does allow for the principle of development in such locations. The

Council accept the principle of development and the issue in dispute is the proposal in its site specific context.

6. Croft Way is a well-established residential cul-de-sac and the site is at the end by the turning head. The site is part of a back garden of the existing bungalow number 25 and its parking/turning has now been provided at the front.
7. The brick garage referred to in the description above has been demolished. A gravel drive leads to the side of the house into the rear garden. The proposed bungalow would be to the rear of number 25, set within its own domestic grounds. A newly erected fence of approximately 1.5m high delineates their respective boundaries.
8. The rear elevation of number 25 would obliquely face the proposed dwelling, there are facing windows from habitable rooms, but the fence would provide privacy. The new dwelling would have no windows initially on the first part of this facing elevation and the windows thereafter would not serve habitable rooms.
9. The neighbour to the east is number 23 Croft Way. However, the prospective boundary has very mature vegetation which would screen the proposed bungalow. The neighbour to the north is number 27 Croft Way. This dwelling is sufficiently distanced from the proposed bungalow so that reasonable privacy is maintained.
10. The Council's decision notice also expresses concern about the new access road which would be between numbers 25 and 27. The former has a largely blank gable on that elevation except for some high-level conservatory glazing and the boundary is continued thereafter by the fence. Consequently, their living conditions would not be significantly affected.
11. The facing elevation of number 27 has an entrance door, and two windows which the Council state serves a kitchen and bathroom. There is also an intervening garage, with a hedge forming the boundary. The proposed access would be adjacent to much of its side boundary. However, it is reasonable to assume that cars using the access would be slow because it is only a short section and therefore resulting noise should be low. Moreover, it is proposed to change the gravel surface to a resin bound material, which would be less disturbing. The submitted plan indicates the replacement of the hedge with a close boarded fence, rising up to 1.8m to the rear, which would have benefits for noise limitation as well as offering screening particularly as number 27 is at a lower level.
12. The Council also express concern about the impact on a bedroom at the front of number 27. However, that window faces the turning area at the end of the cul-de-sac which is more likely to have greater movements and impact than the new access and driveway to the front of number 25. I note that number 29 expressed concern at the planning application stage in terms of lighting and disturbance at night. However, this dwelling is further distanced than number 27 and would be protected by the new fence.
13. The Council's decision notice also is concerned about the width of the access in relation to living conditions. However, as I saw on my site visit its width would comfortably accommodate even a commercial vehicle. The drive would only serve one dwelling and its length is short and therefore passing places are not

necessary. Consequently, there would not be disturbance attributable to its width.

14. The Council's decision notice also refers to the cramped nature of development in the context of impairing living standards. The submitted plans show that the new dwelling and number 25 would have ample garden space. The juxtapositions of plots and the intervening boundary fence also suggest that much of this space should not be overlooked.
15. I therefore conclude that the proposal would not harm the living conditions of 25 and 27 Croft Way. Saved policy H4 of the South Oxfordshire Local Plan (SOLP), 2011, specifically mentions 'backland' development and states that it should not create privacy or access problems. Policy EP2 seeks to avoid noise and vibration disturbance. Policy H10 of the Woodcote Neighbourhood Plan 2013-2027, May 2014, resists 'backland' development where the access would be harmful to living standards and the area. The Emerging South Oxfordshire Local Plan policy (ESOLP) H16 is similar to H4 above, in that 'backland' development should not create problems of noise or disturbance to neighbours, whilst ESOLP policy DES 6 seeks to avoid noise and disturbance, again similar to policy EP2 above.

Other matters

16. The appeal site is located within the Chilterns Area of Outstanding Natural Beauty (AONB). The Parish Council expressed concern that the proposal would be harmful to the character and appearance of the area. In my judgement, as a development within a residential area, the proposal would not encroach into the countryside or appear out of place while the siting to the rear of the frontage and low height would minimise its prominence from public viewpoints. Accordingly, giving great weight to conserving and enhancing the landscape and scenic beauty of the AONB, I consider that the proposal would not be harmful to the character and appearance of the area.
17. The Council has provided other policies which did not feature in the decision notice: CS1, CSS1, CSR1, CSQ3, CSEN1, of the South Oxfordshire Core Strategy, December 2012, as well as policies G2, D1, D2, D3, D4, D5 and D10 of the SOLP which seek to promote sensitive design, respect for the landscape, response to site constraints in general, avoid disturbance by accesses, ensure safe access, waste provision, outdoor space, privacy and living standards. The proposal would comply with these policies.

Conditions

18. Conditions have been suggested by both parties which I have assessed against the tests in paragraph 55 of the Framework. Conditions regarding commencement time and carrying out the development in accordance with the approved plans are necessary to provide certainty. The removal of permitted development rights is necessary in this particular case due to the proximity of the neighbouring dwellings extensions and changes to the dwelling could impair living conditions. The re-surfacing of the drive is necessary to reduce noise, so is also conditioned for approval, with the suggested SUDs requirement removed as this may hinder the aforementioned aim. The hedge between numbers 23 and 25 is necessary to respect living conditions and is worded to allow a general start to construction but prevent works in that vicinity. For similar reasons the boundary with 27 is shown as fenced on the submitted

plans and is necessary prior to the most intensive stages of construction. Additional landscaping would help ensure a satisfactory appearance and replace the lost vegetation which is relevant to this proposal. Similarly, a levels condition is necessary to confirm the resultant height of the dwelling. The materials are specified on the plans and thus a condition is unwarranted.

Conclusion

19. I therefore conclude that the appeal should be allowed subject to the conditions in the following schedule.

John Longmuir

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site location Plan 1902 001, Existing Site Plan 1902 002, Proposed Site Plan 1902 003C, Proposed Plans 1902 004A, Proposed Elevations 1902 005A, Proposed Visualisations 1902 006A, Proposed Site Section 1902 007, Proposed Ancillary Buildings 1902 008 and Topo Survey RT/319/0438/0001.
- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order), no development as described in Schedule 2, Part 1, Class A and Class E of the Order, shall be undertaken and additionally no window, door or other openings other than those shown on the approved plans, shall be inserted in the eastern elevation, without obtaining planning permission from the Local Planning Authority.
- 4) Prior to the first occupation of the development hereby approved, the parking, turning area and means of access onto Croft Way shall be provided in accordance with drawing no. 1902 003C. All of the access driveway surface shall be finished in materials first submitted to and approved by the Local Planning Authority and shall be maintained as such thereafter.
- 5) The existing hedge separating 25 Croft Way and the neighbouring 23 Croft Way shall be retained. Protection measures shall be submitted to and approved in writing by the Local Planning Authority. The approved protection measures shall be implemented prior to the any works south of the parking and turning area and shall be kept in place during the remainder of the development. Thereafter its management shall be detailed in the scheme required by condition 7.
- 6) The entire boundary of the appeal site with 27 Croft Way shall be fenced in accordance with the submitted site plan 1902 003 prior to the commencement of any of the walls to the form the dwelling. It shall be retained as such thereafter.

- 7) A scheme for the landscaping of the site, including the planting of live trees and shrubs, shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of any walling. The scheme shall be implemented prior to the first occupation or use of the development hereby approved and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub or equivalent number of trees or shrubs, as the case may be, of a species first approved by the Local Planning Authority, shall be planted and properly maintained in a position or positions first approved in writing by the Local Planning Authority.
- 8) No development above the ground floor level of the dwelling hereby approved shall commence until full details of the finished floor levels of the proposed dwelling in relation to existing ground levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels.

-----End of conditions schedule-----