
Appeal Decision

Site visit made on 17 August 2020

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 August 2020

Appeal Ref: APP/D3125/W/20/3252866

Land south of Elmside, Greenacres Lane, Aston, Oxon, OX18 2DQ.

- 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 Mrs Cole against the decision of West Oxfordshire District Council.
 - The application Ref. 19/03403/FUL, dated 15 November 2019, was refused by notice dated 18 March 2020.
 - The development proposed is the erection of a dwelling with associated works.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed dwelling on the character and appearance of the area including the Aston Conservation Area.

Reasons

Background

3. The appeal site comprises part of a mainly open field which lies to the rear of gardens to properties fronting Back Lane on the western fringe of Aston. The Council describes this village as a nucleated, linear low-lying/floodplain settlement in the Thames Vale architectural character area. The site is included in the Aston Conservation Area.
4. From my reading of the relevant Local Plan policies (adopted in 2018) as referred to in the decision notice I note that Aston is recognised as a 'Village' where new residential development can be acceptable in principle subject to the criteria set out in Policy H2; more specific criteria in Policy EH2 concerning landscape character; Policy EH10 related to Conservation Areas, as well as general principles established in Policy OS2.

Effect on character and appearance

5. In the vicinity of the appeal site the properties fronting Back Lane follow the grain of ribbon development and are physically and visually part of the village townscape. However, it was clear at the site visit that there is a distinct change in character at the point where the track of Greenacres Lane turns sharply northwards. The field of the appeal site and the land to the south have an open verdant form and, along with the land to the north, are part of the

- countryside and have a distinctly rural character. The isolated presence of the existing property 'Elmside' does not materially change this overall character.
6. The development of a detached house on the appeal site would fundamentally change this rural character. It would extend the urban form of the village beyond the open and landscaped hinterland of gardens of the Back Lane properties into the generally open, countryside landscape.
 7. I find that in the context of Policy H2 the appeal site constitutes 'undeveloped land adjoining the built up area' and so the fourth bullet point set out in the policy applies. Consequently, for a proposal for housing development to be acceptable there needs to be convincing evidence of an identified housing need as well as compliance with the general principles in OS2.
 8. Of the latter, given my assessment above, the proposal would not complement the existing pattern of development but would be a material incursion beyond the present urban fabric into the countryside landscape character and would harm this and the setting of the settlement. I recognise that the appeal site lies away from the public realm around Back Lane, but the open landscape and rural form of the land around this part of the village is important in establishing and maintaining this character for a wider public benefit.
 9. The proposed dwelling is designed to meet the needs of the appellant's family who are said to have lived and worked in the village since the 1920s and have strong ties to the village. I recognise that the new house would help them meet these personal aspirations, but I cannot attach much weight to this factor in terms of essential housing need and the new house is put forward as a general dwelling without restriction on its occupation.
 10. Overall, I find that the proposal for a new detached house on the appeal site would conflict with rather than accord with the development plan strategy set out in Policies H2, EH2 and OS2, when these are read together, and would substantially harm the character and appearance of the area.
 11. The appellant says that the proposal would be an acceptable form of 'infilling' or 'rounding off'. These terms do not appear relevant in the appropriated part of the development strategy in the Local Plan nor in the national guidance of the National Planning Policy Framework (NPPF). Nevertheless, the proposal does not constitute either infilling or rounding-off as Greenacres Lane does not form a clear building frontage; there is an extensive gap to the footprint of the existing property 'The Old Stables'; and 'Elmside' is too isolated to form a continuous built up area with Back Lane.
 12. The appellant also refers to other recent development locally including two houses that have recently been approved and built elsewhere in Back Lane. I noted the presence of these at my site visit and it appeared to me that the circumstances of these sites were materially different to the appeal proposal particularly as they had a better fit with the grain of frontage development which does not apply to the appeal site. I am therefore not able to place much weight on this new housing development setting a precedent for the appeal scheme.

Effect on the Conservation Area

13. In considering this issue I have had regard to the character and appearance of the conservation area as a heritage asset. The report concerning the

designation of the conservation area in 1998 sets out the historic and architectural significance of the heritage asset, including the settlement character, and highlights that the conservation area includes 'small areas of open land immediately adjacent to the development area and which form important elements of foreground in long views of the settlement'.

14. I find that this description applies to the appeal site although no party has drawn my attention to its presence in actual long distance views. The local open rural form of the appeal site makes a positive contribution to the overall character and appearance of the heritage asset. The loss of the open character of the land on the fringe of the village through the development of the new house would be harmful to this heritage asset. As the proposal would neither preserve or enhance the character or the appearance of the conservation area the statutory test is not met and the proposal would conflict with Policy EH10.
15. In terms of the guidance set out in paragraph 196 of the NPPF it would constitute 'less than substantial harm'. Nevertheless, the guidance in paragraph 193 also stresses that great weight should be given to the conservation of the heritage asset irrespective of the level of harm.

Other matters

16. People making representations on the appeal also raise other objections to the proposal. In terms of the local impact, the proposed house is far enough away from existing houses so as not to have an overbearing effect and potential overlooking could be addressed by conditions. I am also satisfied that the traffic likely to be generated by the use of the dwelling would not have a harmful effect on the safety or flow of traffic on Back Lane and I note that the highway authority did not raise objection to the proposal. The proposal makes reasonable provision for off-road parking and there is no additional requirement to provide garaging. These and other objections raised are not so material to the case that they should have the weight of a main issue.

Planning balance

17. Bringing my conclusions together on the main issues, I have found that the appeal site does not lie within the settlement of Aston but in an area of countryside fringe beyond it. The new dwelling proposed would fundamentally change the open character of the area and would significantly harm this and the setting of the village. This harm means that the proposal does not accord with the development strategy as set out in the Local Plan. The proposal would also harm the heritage asset by resulting in the loss of an open area which contributes positively to the character and appearance of the Aston Conservation Area.
18. These adverse effects have to be balanced with the benefits of the development. The house would make an individual contribution to housing land supply but the Council's evidence shows that the policy requirements on this are being met across the district and locally. The proposal would enable the appellant and her family to live in the village. However, this benefit is mainly personal and limited in extent.
19. There are few public benefits put forward to weigh against the (less than substantial) harm to the heritage asset, the conservation of which commands great weight. Moreover, the environmental harm that would be caused by the

development means that the proposal does not constitute 'sustainable development' as encouraged by the NPPF. Overall, the other factors that apply do not outweigh the harm that would arise and the conflict with the development plan.

Conclusion

20. For the reasons given above I conclude that the appeal should be dismissed.

David Murray

INSPECTOR