
Appeal Decision

Site visit made on 28 July 2020

by S Shapland BSc (Hons) MSc CMILT MCIHT

an Inspector appointed by the Secretary of State

Decision date: 8 September 2020

Appeal Ref: APP/Q3115/W/20/3245849

10 Wayside Green, Woodcote, Reading RG8 0QJ

- 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 Ms Nicola Richards against the decision of South Oxfordshire District Council.
 - The application Ref P19/S2307/FUL, dated 19 July 2019, was refused by notice dated 31 October 2019.
 - The development proposed is erection of a 2 bed house and a 3 bed house with landscape garden and private parking (as amended by plans received 19 August 2019 reducing the proposed four bedroom property to a three bedroom property).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of the development is taken from the Council's decision notice. Prior to the Council's decision the application was amended by agreement with the appellant to reduce the number of bedrooms in one of the proposed dwellings from 4 to 3, and revised plans were submitted. I have determined the appeal on this basis.

Main Issues

3. The main issues are the effect of the proposal on;
 - the character and appearance of the area, including the Chilterns Area of Outstanding Natural Beauty and trees; and
 - the living conditions of neighbouring occupiers of No.10 Wayside Green, with particular regard to light and outlook.

Reasons

Character and appearance

4. The appeal site comprises a two storey four bedroom house located at the end of a cul-de-sac in an established residential area of the village of Woodcote. The appeal site is within the Chilterns Area of Outstanding Natural Beauty (AONB). The curtilage for the dwelling currently wraps around the end of the cul-de-sac, given the current dwelling a large expansive side garden. When viewed from the cul-de-sac, the street is framed with dwellings on either side, set back from the street frontage and within large plots. The side garden of the

- appeal site appears as a large area of undeveloped land, and provides a pleasing expansive verdant area at the end of this residential cul-de-sac.
5. The appeal proposal is for the construction of two new dwellings within this undeveloped garden space. House 1 would be a three bedroom dwelling located directly adjacent to the existing residential dwelling. This would require the demolition of an existing conservatory. House 2 would be a smaller two bedroom dwelling and would be located to the south of the existing cul-de-sac, with a new access to be taken directly from the end of the cul-de-sac.
 6. Policy CSR1 of the South Oxfordshire Core Strategy (CS) pertains to housing in villages, and states that in larger villages there is no limit to infill development, subject to proposals being suitably designed. Furthermore, Policy H10 of the Woodcote Neighbourhood Plan (NP) states that allocations for small residential development on infill will be supported, subject to a number of exceptions. This includes, amongst other things, ensuring the proposals are well designed, and not inconsistent with the character of the locality. It is not disputed between the parties that the proposals constitute infill development and from my observations on site I see no reason to disagree on this particular point.
 7. Whilst the cul-de-sac is residential in appearance, the appeal proposal would introduce considerable built form into a verdant expansive part of this streetscape. Furthermore, the close proximity of House 1 with its attached garage adjacent to the existing dwelling would result in a cramped form of development, which is not in keeping with the more expansive plots within the cul-de-sac.
 8. The proposal would significantly reduce the available garden space of the existing dwelling, and would result in a pattern of development which is not in keeping with surrounding plots in the locality. Furthermore, House 2 would have a very small rear garden, with the majority of the outdoor space comprising a side garden. This is a layout form which is not common in the locality, and would contrast with the established form of this residential area. The proposal would therefore result in overdevelopment to this part of the cul-de-sac, and be of a design which harms the character and appearance of the wider street scene.
 9. It was evident from my site visit that the appeal site has a variety of trees and vegetation of varying age and maturity. A number of these trees are not indicated on the submitted plans to be retained and no arboricultural reports have been submitted. Whilst none of these trees have the benefit of any Tree Protection Orders, this does not mean that they do not have value. From my site visit it was apparent that these trees provide a positive contribution to the street scene and the established character of the cul-de-sac.
 10. Whilst the appellants statement of case indicates that existing relevant trees within the site are to be retained, this is not apparent from the evidence submitted as part of the appeal. The ability to assess fully the impact on the trees on the site is determinative to the acceptability or not of the proposal.
 11. As the appeal site is located within an AONB, Section 85 of the Countryside and Rights of Way Act 2000 requires that I have regard to the purpose of conserving and enhancing the natural beauty of AONB's. Furthermore, Paragraph 172 of the National Planning Policy Framework (the Framework)

specifies that great weight must be given to conserving and enhancing landscape and scenic beauty of these areas.

12. Whilst I have found that the appeal proposal would harm the character and appearance of the area, the site is relatively well contained within an existing residential development. As such the impact of the proposal would be localised to the vicinity of the appeal site and would not harm the wider AONB. As such the proposal would conserve the beauty of the AONB and does not conflict with Policy CSEN1 of the CS or paragraph 172 of the Framework.
13. Consequently, I find that the proposal would harm the character and appearance of the area. It would conflict with Policies H10 and D1 of the NP, Policies CSQ3 and CSR1 of the CS and Saved Policies G2, H4, D1 and D3, of the South Oxfordshire Local Plan 2011 (LP). Together these policies seek, amongst other things that infill development is well designed and is consistent with the character of the locality. There is also conflict with Policy C9 of the LP which seeks, amongst other things that landscape features are not lost as a result of development.

Living conditions

14. The appeal proposal would introduce a dwelling with minimal separation distance to the existing property. There are a number of windows from habitable rooms which would face the appeal site, including two ground floor windows. One of these windows would now have almost no separation from the flank wall of the proposed garage for House 1. Given the number of windows which would face this dwelling, the close proximity would create a considerable feeling of enclosure leading to overbearing within the existing dwelling. This would be to the detriment of the living conditions for occupiers of No.10 in terms of their outlook.
15. The windows on the first floor of No.10 which would face House 1 are the only windows which serve these bedrooms. The minimal separation distance would likely reduce the amount of light which these rooms currently receive, which would further compound the feeling of overbearing in these rooms. The appellant contends that any harm could be ameliorated through the use of permitted development rights to relocate the positions of the windows. However, I have been presented with no details of where these potential windows could be placed, or whether they would sufficiently mitigate the harm that I have identified. In any event, no mechanisms have been put to me which would secure the relocation of the windows of No.10.
16. Accordingly, I find that the proposal would significantly harm the living conditions of neighbouring occupiers of No.10 in respect of light and outlook. This is contrary to Saved Policy D4 of the LP, which seeks amongst other things, that development is designed to ensure it does not unacceptably harm the amenities of neighbouring properties.

Other matters

17. The provision of 2 new dwellings, which would provide a limited contribution to the local housing supply. The appellant contends that the proposal would bring significant economic benefits through the generation of construction employment. However, these benefits would only be temporary during the construction of the proposal. I recognise that future occupiers would provide a

minor economic benefit by utilising existing services and facilities in the local area. However, these benefits do not outweigh the significant harm I have identified above.

18. I note that interested parties have raised concerns in respect of parking for the proposed dwellings. Policy T8 of the NP states that for new homes one space for each bedroom should be proposed, unless otherwise justified having regard to site-specific circumstances. The appeal site is only proposing 2 car parking spaces for each dwelling, and as such there is a technical breach of this policy. Furthermore, the proposal would reduce the available parking for the current residential dwelling to a single space. I note that no concerns have been raised by the Highway Authority and therefore the Council in this respect. Given that I have found the appeal unacceptable for other reasons I do not need to reach a conclusion on this particular issue.
19. Concerns have been raised in respect of the current waste water infrastructure and whether it could handle additional loadings from two new dwellings. I have been presented with no cogent evidence that such a problem exists in this location, and the Council has not raised any concerns in respect of this.
20. It has been put to me that the introduction of two dwellings in this location would unduly harm the privacy of adjoining properties by introducing a degree of overlooking. Concerns have been raised that this overlooking would impact both properties on Beech Lane as well as No.4 Wayside Green. Whilst House 1 would face the garden of No.4, there would be a good degree of separation distance from the proposed dwelling and this garden. There is a degree of overlooking currently experienced between No.10 and No.4, and whilst the proposal may introduce a small degree of overlooking, this is not substantial and would not unduly harm privacy.
21. The rear elevation of House 2 would face the properties of Beech Lane. However, no windows are proposed on this elevation of this property with the bedrooms being served by skylights. As such I do not find this would introduce unacceptable levels of overlooking to harm privacy. I note that the Council did not raise any concerns in respect of loss of privacy.

Conclusion

22. For the reasons give above, the appeal is dismissed.

S Shapland

INSPECTOR