
Appeal Decision

Site visit made on 7 September 2020

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 October 2020

Appeal Ref: APP/G3110/W/20/3254807

1 Pullens Lane, Oxford OX3 0BX

- 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 Grange Mill Developments Ltd against the decision of Oxford City Council.
 - The application Ref 19/03223/FUL, dated 6 December 2019, was refused by notice dated 11 June 2020.
 - The development proposed is demolition of existing dwellinghouse and garage/annex. Erection of 3 x dwellinghouses, creation of new access, modification of existing access and associated operations.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council made its decision prior to adoption of the Oxford Local Plan 2036 (OLP). Those policies of the Oxford Local Plan 2001-2016, Oxford Core Strategy 2026 and Sites and Housing Plan 2011-2026 referenced on the decision notice have been superseded. My determination of this appeal has regard to this altered policy context.

Main Issues

3. The main issues are:
 - a) whether the proposal would preserve or enhance the character or appearance of the Headington Hill Conservation Area and the settings of other heritage assets, notably the Central Conservation Area and Grade II* listed Headington Hill Hall;
 - b) whether the proposal would make efficient use of land; and
 - c) the effect of the development on biodiversity.

Reasons

Heritage assets

4. The Headington Hill Conservation Area covers a large swathe of gently rising land to the east of Oxford city centre. Pullens Lane runs through the centre of the designation, linking Headington Road with Jack Straw's Lane. This part of

the Conservation Area is characterised by large Victorian houses, some now occupied by educational institutions, set within generous, well landscaped plots. The wide spacing of buildings and verdant setting gives the area a tranquil, rural quality which belies its location within an urban area.

5. The appeal site is located towards the southern end of Pullens Lane. It comprises a detached 1960s house and garage set within a sizeable plot containing extensive amounts of unmanaged and overgrown vegetation, including numerous trees. The dwelling, which is visible from the lane through the site entrance, is of limited architectural merit and has a neglected appearance. Its demolition would not be harmful to the Conservation Area.
6. The proposed development would comprise a series of 3 large detached houses arranged in a row facing towards the lane. The houses have been individually designed to provide variety and with appropriate materials and architectural detailing they have the potential to be attractive. However, the buildings would fill their relatively narrow plots and they would be set much closer together than is the case elsewhere in Pullens Lane. The juxtaposition of dwellings, with no opportunity for significant tree planting in between, would be suburban in character and discordant with the prevailing loose knit pattern of development in the lane.
7. The Council is concerned that the density of built form would be visible from the Central Conservation Area, from where Headington Hill forms a green wooded backdrop in views out of the city centre. However, the modest 2-storey form and the retention of trees towards the rear of the site would ensure that the building outlines are hidden, or at least substantially broken up, in long views from the west. Supplemental tree planting along the rear boundary would provide further reinforcement long term. The development would be screened from short and medium distance vantage points on the footpath alongside the Pullens Lane allotments and from the Clive Booth Student Village.
8. The most significant visual impacts would be from Pullens Lane itself. The site frontage presently comprises dense vegetation; this is unmanaged but it has a naturalistic quality which contributes positively to the distinctive rural character of the lane. The proposal is to remove this for a distance of approximately 60 m and to replace it with new hedging. Such extensive removal of vegetation would erode the distinctive verdant quality of the lane, with no assurance that the replacement planting would achieve the same effect. Moreover, the proximity of dwellings to one another and the predominance of buildings and hard surfacing over greenery would be clearly visible to users of the lane, not only during the period when the replacement hedging is establishing but also through the new vehicular accesses once the planting is mature.
9. Concerns have been raised regarding the impact on the setting of Headington Hill Hall. However, the site is some distance from this Grade II* listed building and there are intervening buildings and a screen of tall conifers, meaning that there is no intervisibility. The appeal site does not make a significant positive contribution to the setting of the listed building and as such the development would not harm the significance of this heritage asset.
10. Notwithstanding the lack of any demonstrable harm to the settings of Headington Hill Hall and the Central Conservation Area, I conclude that the proposal would fail to preserve or enhance the character or appearance of the Headington Hill Conservation Area. It would be contrary to OLP Policies DH1 and DH3 and

Policies CIP1, CIP4 and GSP4 of the Headington Neighbourhood Plan 2017-2032 (HNP) insofar as these policies seek development which responds to local character and distinctiveness and protects the significance of heritage assets.

Efficient use of land

11. Consistent with the National Planning Policy Framework, OLP Policy RE2 states that permission will only be granted where development proposals make efficient use of land. The policy stipulates that proposals must make best use of site capacity, in a manner compatible with the site itself, the surrounding area and broader considerations of the needs of Oxford. The detailed policy criteria indicate, amongst other things, that opportunities for developing at the maximum appropriate density must be fully explored; and built form and site layout must be appropriate for the capacity of the site.
12. The site is allocated for residential development under OLP Policy SP53. The policy was amended before adoption of the local plan to make reference to site capacity, requiring a minimum of 11 homes to be delivered. The Council explains that this number is derived from the HELAA¹ but does not provide any further information regarding the methodology for the calculation. Notwithstanding this, I can find no grounds for the criticism that the figure is arbitrary. The site capacity forms part of a newly adopted development plan and it links back to the local plan evidence base for meeting Oxford's housing requirement.
13. The appellant argues that the proposal represents the best opportunity to deliver much needed family housing in a manner which takes account of the site constraints. There is no dispute that family homes are needed in the city. However, there is a wider need to achieve housing numbers and I am not satisfied that every attempt has been made to maximise the density on this site. It would be theoretically possible to propose smaller homes and/or units within larger building(s) which resemble more closely the prevailing character of large Victorian houses. The appellant's evidence does not satisfactorily demonstrate that such options have been considered and relies upon a crude analysis of plot ratios to justify the layout chosen. Comparisons have been made with an earlier, refused, application for a care home, but these are unhelpful as each scheme must be considered on its merits and it does not follow that the proposal is acceptable simply because it represents a reduction in built footprint.
14. Although the appeal scheme would lead to a net increase of 2 dwellings on the site, it would not provide a significant boost to housing supply. The failure of the proposal to make efficient use of land, in the context of a finite supply of development land within Oxford, brings it into conflict with OLP Policy RE2. The evidence presented does not persuade me that a departure from the minimum homes requirement set out within Policy SP53 would be justified.

Biodiversity

15. The submitted Ecological Impact Assessment describes the site as a mixture of scrub, scattered trees and semi-improved grassland. These provide suitable habitat for foraging and commuting bats, badger, nesting birds, reptiles and hedgehog. However, there are no local records or survey findings to suggest the presence of protected species. Although there is a badger sett on the site, the evidence indicates that this is a subsidiary sett which is no longer in use.

¹ Housing and Economic Land Availability Assessment

16. A Biodiversity Impact Assessment (BIA) calculation carried out for the site concludes that there would be an overall loss of 0.2 biodiversity units. However, this conclusion is inconsistent with Appendix 4 of the document which shows a net loss of 2.0 units. This loss can be attributed to the removal of scrub habitat as part of site clearance.
17. The appellant contends that measures such as the provision of bat roost units and bird boxes on newly constructed buildings and retained trees would provide species specific enhancement at the site and offset the loss in biodiversity units. These measures are impossible to quantify in biodiversity unit terms but given the anomaly in the BIA calculation I do not consider that adequate mitigation or compensation would be achieved.
18. The plans show that much of the site would need to be cleared to facilitate the development. A large number of trees would be retained, and the Conservation Area location means that the Council would retain control over these, where they are over the prescribed size. However, much of the site would become domestic garden. The appellant states that new house occupiers would be given guidance on 'how to garden in a wildlife friendly manner'. It is unlikely that this measure would be effective beyond the first occupier, but in any event I am not convinced that the development would retain any significant foraging and commuting opportunities for wildlife, including any badgers which may still be resident in the main sett.
19. OLP Policy SP53 requires applicants to assess the biodiversity value of the Pullens Lane site and demonstrate how harm will be avoided, mitigated or compensated. OLP Policy G2 states that development that results in a net loss of sites and species of ecological value will not be permitted. The policy stipulates that compensation and mitigation measures must offset the loss and achieve an overall net gain for biodiversity. Whilst I acknowledge the practical difficulties in achieving full policy compliance on this site, the proposal does not go far enough in seeking to ensure that sufficient useable habitat remains after development.
20. I note that the opportunity exists within Policy G2 to identify appropriate offsite locations/projects for improvement. The appellant has offered a commuted sum payment in this regard, but since there is no s106 unilateral undertaking before me to secure this it cannot be taken into account.
21. Accordingly, I conclude that the proposal would conflict with OLP Policies G2 and SP53 and HNP Policy GSP3 in respect of the need to protect biodiversity.

Other Matters

22. The previous application for a 55-bed care home was refused partly on the grounds that it would lead to an inappropriate level of traffic generation which would fail to preserve the character and appearance of the Headington Hill Conservation Area. The appellant has argued that an 11 unit residential scheme would have similar impacts. Even if this were the case, I have not seen any compelling evidence to persuade me that the traffic impacts would be so severe as to warrant a refusal of permission.

Planning Balance and Conclusion

23. There needs to be a trade-off between providing much needed housing, making the best use of land and the site constraints in terms of the impacts on the Conservation Area and biodiversity. In my judgement, the proposal gets the

balance wrong. The public benefits arising from the provision of 3 family homes (a net increase of 2), and the modest economic gains that would bring, would not outweigh the harm that would arise to the character and appearance of the Headington Hill Conservation Area and biodiversity interests.

24. The proposal would conflict with the development plan taken as a whole and there are no material considerations that would justify a decision otherwise than in accordance with the development plan. Accordingly, for the reasons given above and having regard to all other matters raised, including the various representations of support from residents and community groups, I conclude that the appeal should be dismissed.

Robert Parker

INSPECTOR