The Planning Inspectorate

Appeal Decision

Site visit made on 7 July 2020

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date:06 October 2020

Appeal Ref: APP/Q3115/W/20/3252165
Land adjacent to 105 Queensway, Didcot OX11 8SN

- 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 Mr Alan Salmon against the decision of South Oxfordshire District Council.
- The application Ref P20/S0412/FUL, dated 14 January 2020, was refused by notice dated 27 April 2020.
- The development proposed is the erection of one additional dwelling.

Decision

1. The appeal is allowed and planning permission is granted for the erection of one additional dwelling at land adjacent to 105 Queensway, Didcot OX11 8SN in accordance with the terms of the application, Ref P20/S0412/FUL, dated 14 January 2020, subject to the following conditions on the attached Schedule A.

Application for costs

2. An application for costs was made by Mr Alan Salmon against South Oxfordshire District Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is whether surface water can be acceptably disposed from the development site.

Reasons

4. The proposed dwelling would be attached to the side of a dwelling at 105 Queensway which is at a junction with Abbott Road. The application plan details permeable surfacing for parking and rear pedestrian access way, and a potential area for surface water attenuation tanks on the frontage. An email dated 3 March 2020 details a further alternative, a pond within the garden. The application form indicates the use of sustainable drainage system and soakaways.

5. Amongst other matters, policy EP1 of the South Oxfordshire Local Plan (LP) 2011 requires development to have no adverse flooding and contamination impacts. LP policy EP6 requires developers, where practicable, to demonstrate that the surface water management system on any development accords with sustainable drainage principles and has been designed as an integral part of the development layout. Furthermore, this policy states that the system

should effectively mitigate any adverse effects from the surface water run-off and flooding on the people, property and the ecological value of the local environment.

6. During the application process, the underlying ground conditions was identified to be clay substrata which would restrict the effectiveness of infiltration measures, such as permeable hard surfacing and soakaways. This was confirmed by the Council's engineer in an email response dated 3 March 2020 based on a scoping of the site. However, the geology has also been identified as Upper Greensand Formation – Calcareous Sandstone and Siltstone, based on the British Geology website 2020, in the appeal by the appellant.

7. Surface water drainage hierarchy (SWDH) principles detail consideration of infiltration, waterbody and surface water drain measures to be assessed in this priority. Only after these options have been discounted, will a connection to a sewer be considered. For this proposal, there are no options for waterbody and surface water drain, as confirmed by the highway authority. There is some confusion over whether disposal of a surface water to a sewer is being considered. The email correspondence between the Council and its Flood Risk and Drainage Engineer suggests sewers contrary to what is indicated in the application form before me.

8. However, the appellant has proposed potential flood attenuation tanks which could be used for the controlled release of surface water, if the identified infiltration measures above are not fully effective. Alternatively, a pond is suggested within the garden. The Council has also not shown that consent by the relevant sewer public utility company would not be granted and there is no evidence that consents have been turned down. Furthermore, the SWDH does not exclude a sewer connection, only if other alternatives have not been discounted. The commentary on the diameter of the sewer pipe does not indicate whether this is too restricted for this area, taking into account only one dwelling is proposed. Additionally, existing surface water flooding by the opposing parties, including the Council, has not been demonstrated.

9. Therefore, there is no reason why a planning condition requiring the approval and implementation of suitable drainage measures could not be imposed for this scale of development. Such a condition could require the applicant to assess the use of a sustainable drainage systems. Such a condition would meet all the tests of paragraph 55 of the National Planning Policy Framework for all the reasons given above.

10. In summary, the evidence demonstrates that a satisfactory drainage solution can be found for this development comprising a single dwelling. Accordingly, the proposal would comply with policies EP1 and EP6 of the LP.

Other matters

11. The dwelling would take the form of an extension to an existing semi-detached dwelling to form a terrace. This would be in keeping with the established pattern of development in the area that is of predominantly terraced and semi detached dwellings. Within this densely built-up context, a new dwelling would be in keeping with the character and appearance of the area and the loss of greenspace (a garden) would be acceptable.

12. The Abbott Road vehicular access would be widened to accommodate parking both for the proposed dwelling and No 105. The proposal would not generate significant vehicle movements due to its two bedroom nature. The highway authority, a statutory consultee on highway matters, has raised no objection to the proposal. For all these reasons, there would not be an unacceptable impact on highway safety and the residue cumulative impacts on the road network would not be severe.

13. The private outdoor space provision for the new and the existing dwelling at No 105 would be less than indicated by the South Oxfordshire Design Guide. However, the guide is guidance only and the provision would be adequate given the bedroom size of the dwelling. There would be a widened area of hardstanding for vehicle parking to the rear of No 105. However, there is already an existing parking area here and given the built-up nature of the area, this would not be visually intrusive or its use detrimentally noisy to neighbours. There would also be adequate separation between the dwelling and neighbouring properties to avoid any significant loss of outlook or privacy to residents.

Conditions

14. Suggested conditions have been considered in light of the advice contained in Planning Practice Guidance. Some have been amended, shortened and amalgamated in the interests of clarity and precision taking into account the guidance.

15. For the avoidance of uncertainty and to allow for applications for minor material amendments, a condition is necessary specifying the approved drawings. In the interests of character and appearance of the area, a condition is necessary setting out the requirements for external materials. To ensure adequate drainage, a condition is necessary requiring the implementation of approved surface water drainage measures, taking into account sustainable water drainage principles. In the interests of highway safety, a condition is required to ensure an access visibility splay and adequate vehicle parking. To encourage non-private vehicle modes of transport, a planning condition is necessary to require cycle parking facilities.

Conclusion

16. For the reasons given above and having regard to all other matters raised, this appeal is allowed.

Jonathon Parsons

INSPECTOR

Schedule A

1) The development hereby permitted shall begin not 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: 01, 02, 03, 04 and 05 Rev A.

3) No development shall take place above damp proof course until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.

4) No development hereby permitted shall take place until surface water drainage works have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority, an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, and the results of the assessment shall have been provided to the local planning authority. The approved drainage works shall be implemented prior to the occupation of the permitted dwelling and maintained in accordance with the approved details.

5) The vision splay shown on the approved plan 05 Rev A shall not be obstructed by any object, structure, planting or other material with a height exceeding or growing above 0.6 metres as measured from carriageway level.

6) Prior to the first occupation of the development hereby permitted, the parking and turning areas shall be provided in accordance with the approved plans. These areas shall thereafter be kept available at all times for the parking and turning of vehicles.

7) The dwelling hereby permitted shall not be occupied until cycling parking facilities have been laid out in accordance with details shown on drawing 05 Rev A. These facilities shall thereafter be kept available for the parking of bicycles.