



Appeal Decision

Site visit made on 29 September 2020

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 November 2020

Appeal Ref: APP/Q3115/W/20/3255382

2A, road running through Littleworth, Littleworth, Oxford OX33 1TR

- 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 Neil Marriott against the decision of South Oxfordshire District Council.
 - The application Ref P19/S2814/FUL, dated 4 September 2019, was refused by notice dated 12 June 2020.
 - The development proposed is erection of dwelling with associated access and landscaping works.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of dwelling with associated access and landscaping works at 2A, road running through Littleworth, Littleworth, Oxford OX33 1TR in accordance with application P19/S2814/FUL, dated 4 September 2019 subject to the conditions set out in the Schedule to this decision.

Application for costs

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

Main Issues

3. The main issues are:
 - The effect of the proposed development upon the character and appearance of the area;
 - Whether the proposed development would provide satisfactory living conditions for future occupiers; and
 - The effect of the proposed development upon highway safety.

Reasons

Character and appearance

4. The appeal site comprises the side garden of a detached dwelling located within the settlement of Littleworth. The neighbouring road is elevated above the site and sweeps round it through the village. The site is located at the end of a run

of properties and is partially screened by the height of the road, embankment and planting resulting in a well contained plot.

5. The proposed dwelling would have a similar scale to neighbouring properties sitting in a large plot. It would successfully integrate into the area and the street scene and whilst it would be visible from within the surrounding area, I find that this would not harm the character and appearance of the area. The proposed parking area and driveway in front of the dwelling would not be an uncommon feature in the area and would not give the impression of an unduly cramped development.
6. As such, I conclude that the proposed development would not harm the character and appearance of the area. It would accord with Policy CSQ3 of the South Oxfordshire Core Strategy (2012) (CS) which, amongst other things, requires new development to respond positively to and respect the character of the site and its surroundings. It would accord with Policies G2, D1, D3 and H4 of the South Oxfordshire Local Plan (2011) (LP) which, amongst other things, seek to protect the district's settlements from adverse developments; for new development to respect existing settlement patterns; good quality site and building design and well-designed external areas and new housing that is in keeping with its surroundings and does not adversely affect the character of the area.
7. It would also accord with Policies H1 and H2 of the emerging Wheatley Neighbourhood Plan (NP) which, amongst other things, requires development proposals to complement, enhance and reinforce local distinctiveness and to make a positive contribution to the character and appearance of the neighbourhood area.

Living conditions for future occupiers

8. At the time of my visit I observed low levels of traffic passing the site through the village. Whilst a snapshot in time it is evident there is not a constant flow of traffic throughout the entire day. Consequently, there is no substantive evidence to indicate that future occupiers would be adversely affected by noise and nuisance from passing traffic.
9. There is mature landscaping along the road edge. However, the site receives a good amount of daylight and sunlight. Most of the rooms proposed in the front of the dwelling would have a dual aspect providing natural light throughout the day. Taking this into account and the position of the proposed dwelling I find occupiers would benefit from satisfactory outlook.
10. As such, I conclude that the proposed development would provide satisfactory living conditions for future occupants and would accord with Policy D1 of the LP, which amongst other things, requires good quality building and site design and Policy H1 of the NP which, amongst other things, requires development proposals to provide high quality internal and external living space.

Highway safety

11. The main road through the village due to its winding nature, pinch points and parked cars limits the speed of vehicles travelling through it.
12. Notwithstanding the Council's comments the submitted swept path diagram indicates that a medium or large family car would be able to manoeuvre within

and enter and exit the site safely. Irrespective of the angle of the car leaving the site it is evident that adequate visibility in both directions can be achieved.

13. A vehicle turning left out of the site would swing onto the opposite side of the road, but this would only be during turning and for a very short distance. Taking this into consideration and given the low number and low speed of traffic using the road there is unlikely to be conflict with oncoming traffic.
14. Based on my observations during my site visit, the evidence before me and taking into account the advice of the Highways Officer I am satisfied that the proposed development would not adversely affect highway safety. It would therefore accord with Policies T1 and T2 of the LP which, amongst other things, require new developments to provide safe and convenient access to the highway network and for the provision of loading, unloading, circulation and turning space and the parking of vehicles in accordance with the Council's maximum parking standards.
15. The proposed development would also accord with Policy P1 of the emerging NP which, amongst other things, requires parking provision to deliver innovative and attractive arrangements that complement the character of the area.

Other Matters

16. There is no substantive evidence to indicate that the proposed development would increase the risk of flooding in the area, undermine the stability of the embankment or that it would adversely affect bats and wildlife.
17. Whilst I note that a previous application was refused and an appeal dismissed on the appeal site in 2002, this was some time ago and considered against a different planning policy context. In any event every appeal must be considered on its own merits.
18. Taking into account the modest scale of the development it is unlikely to result in significant levels of construction traffic and direct access is available from the road. Moreover, the construction period is likely to be short. As such, I am satisfied that the construction works would not unduly harm the living conditions of nearby occupiers or highway safety.

Conditions

19. The Council has suggested 15 conditions in the event that the appeal was to be allowed. I have considered these, in light of the National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG). In the interests of precision, clarity and brevity I have reworded some conditions suggested by the Council.
20. In addition to the standard three-year time limit condition for implementation; it is necessary to specify the approved plans in the interests of certainty.
21. In the interests of ecology, a condition for a construction exclusion zone and working statement is imposed. For similar reasons it is also necessary to prevent the installation of outdoor lighting on the northern elevation of the dwelling.
22. In the interests of water sustainability, a condition requiring the details of a surface water and foul water drainage scheme has been imposed.

23. Conditions for a land contamination report for the identification and remediation of any potential contamination within the site is necessary in the interests of the health and safety of future occupants.
24. In the interests of highway safety conditions relating to the vehicular access, parking and circulation areas, car port and visibility splays have been imposed. The Council has suggested a condition for offsite highway works. However, as this work is covered by other legislation I do not consider it reasonable to impose such a condition.
25. The Council has suggested a condition requiring the development to be carried out in accordance with the materials specified on the plans. However, as the development must be carried out in accordance with the approved plans it is not necessary to impose the condition.
26. In the interests of protecting the living conditions of both future and existing neighbouring occupiers a condition for the bathroom window to be fitted with obscure glazing has been imposed.

Conclusion

27. For the reasons set out above the appeal succeeds.

B Thandi

INSPECTOR

Schedule of conditions

- 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: Location Plan Drawing Number PA100; Proposed Plans and Elevations Drawing Number PA02 Revision C; Site Access Visibility Splays Drawing Number 8190391/6101; Swept Path Analysis Private Car Drawing Number 819391/6201 Revision A.
- 3) Prior to commencement of the development a construction exclusion zone (CEZ) and working method statement to avoid impacts on the nearby watercourse shall be submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved details for the duration of the construction of the development.
- 4) Prior to the commencement of the development details of the surface water drainage scheme and foul water drainage scheme shall be submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved details and maintained thereafter for the lifetime of the development.
- 5) No development shall commence until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site.
- 6) No development shall take place where following the risk assessment land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority before the development is occupied.
- 7) The building shall not be occupied until a means of access for vehicles shall have been constructed in accordance with the approved plans. The access shall be retained thereafter for the lifetime of the development.

- 8) The development shall not be occupied until the parking and turning areas and car port have been laid out and completed in accordance with Drawing Number PA02 Revision C. These areas shall always thereafter be kept available for those purposes for the lifetime of the development.
- 9) The visibility splays shown on Drawing Number 8190391/6101 shall not be obstructed by any object, structure, planting or other material with a height exceeding or growing above 0.9 metres as measured from carriageway level.
- 10) The development hereby permitted shall not be occupied until the bathroom window in the south west elevation has been fitted with a minimum of level 3 obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing shall be retained thereafter for the lifetime of the development.
- 11) No external lighting shall be installed on the northern elevation of the proposed development.