



Appeal Decision

Site visit made on 28 September 2020

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2020

Appeal Ref: APP/V3120/W/20/3255431

19 Mill Road, Marcham, Oxfordshire OX13 6NZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Oscar Pelka against Vale of White Horse District Council.
 - The application Ref P20/V1083/FUL, is dated 1 May 2020.
 - The development proposed is wheelchair accessible two bed detached bungalow for inclusive communities.
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Decision

1. The appeal is dismissed and planning permission is refused.

Application for costs

2. An application for costs was made by Mr Oscar Pelka against Vale of White Horse District Council. This application is the subject of a separate Decision.

Main Issue

3. Mindful of the Council's putative reason for refusal the main issue is the effect of the proposed development upon the character and appearance of the area.

Reasons

4. The appeal site comprises the front garden of a semi-detached dwelling located on the edge of the village. Whilst the host property and No 17 front Mill Road the rear gardens of properties from Priory Lane to No 17 back onto Mill Road. These elongated gardens are largely free of development and domestic paraphernalia. This arrangement and the position and spacing between houses along the road combined with generous grass verges contribute to the open and verdant character of the area.
5. I acknowledge that the site is located within the built-up area of the village. However, the proposed development forward of No 19 in its front garden would appear as an incongruous feature within the street scene. Its position would fail to integrate with existing development in the area and would diminish the positive contribution the garden makes to the area's character and appearance. The resultant spatial relationship would appear unduly cramped and not typical of dwellings along Mill Road undermining its spacious and verdant character.
6. Whilst there is no defined building line along Mill Road the site does not have the characteristics of an obvious vacant plot as there is no built up frontage

along this section of the road and due to the substantial separation between the site and the properties fronting Mill Road.

7. The appellant contends that neighbouring properties benefit from permitted development rights under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). I acknowledge that permitted development rights pertaining to outbuildings and structures may well exist.
8. However, I find that the merits of a new dwelling and a domestic outbuilding are not comparable including in terms of use, appearance, comings and goings and associated paraphernalia. Moreover, there is no substantive evidence before me to indicate that such outbuildings and structures would have an equal or greater adverse impact on the character and appearance of the area. In any event, it is incumbent upon me to assess the merits of the proposal before me. I therefore afford this limited weight in coming to my decision.
9. I acknowledge that the proposed development would be a "lifetime home", meeting a specialist need and incorporating renewable energy and other green technologies. I also note that it would meet minimum space standards and its design would not be out of keeping with the area. However, these factors individually or cumulatively do not outweigh the harm that I have identified in relation to character and appearance.
10. Whilst I have given the appellant's personal circumstances careful consideration, I am mindful of the advice contained in the Planning Practice Guidance that in general, planning is concerned with land use in the public interest. It is probable that the proposal would remain long after the current personal circumstances cease to be material. For these reasons, I find that this factor is not sufficient to outweigh the harm that I have identified.
11. I conclude that the proposed development would adversely affect the character and appearance of the area contrary to Policy 37 of the Vale of White Horse District Council Local Plan Part 1: Strategic Site and Policies (2016) which, amongst other things, requires new development to respond positively to the site and its surroundings and to reinforce local identity and to create a distinct sense of place through high quality townscape and landscaping that physically and visually integrates with its surroundings. It would also be contrary to guidance set out in the Vale of White Horse District Council Design Guide (2015).
12. It would also not accord with paragraphs 127 and 130 of the National Planning Policy Framework, which amongst other things, requires decisions to ensure that developments function well and add to the overall quality of the area; are sympathetic to local character and history, including the surrounding built environment and landscape setting and state that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

Other Matters

13. I note the appellant has made reference to previous planning applications for buildings forward of dwellings in the area. Based on the limited information before me I am not aware of the individual circumstances behind their development. In any event every appeal must be considered on its own merits,

as I have done. The examples provided do not justify the harm that I have identified in relation to the main issue.

14. The conduct of the Parish Council, the Council and the Highways Officer does not fall within the scope of this appeal. Neither, do the actions of the Council with regard to an Article 4(2) Direction. As such, they have not influenced my decision.

Conclusion

15. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR