



Appeal Decision

Site visit made on 4 January 2021 by Ben Phillips Bsc MSc MRTPI

Decision by R C Kirby BA(Hons) DipTP MRTPI

An appointed by the Secretary of State

Decision date: 29 January 2021

Appeal Ref: APP/D1325/W/20/3260268

The Bungalow, Eynsham Road, Sutton OX29 5RZ

- 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 Steve Long against the decision of West Oxfordshire District Council.
 - The application Ref 20/00943/FUL, dated 7 April 2020, was refused by notice dated 29 May 2020.
 - The development is described as a proposed new dwelling within the residential curtilage of The Bungalow.
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Decision

1. The appeal is dismissed

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues in this case are the following:
 - Whether the appeal site is suitably located for a new dwelling having regard to local and national planning policy;
 - The effect of the design of the proposed development on the character and appearance of the area; and
 - The effect that the proposed dwelling would have on the living conditions of the host dwelling, with particular regard to noise, disturbance and privacy.

Reasons for Recommendation

Location

4. The appeal site is located on the approach into the settlement of Sutton. The appeal site is the garden area of 'The Bungalow', which, along with its annex building, is the final dwelling on the eastern side of Eynsham Road leading north out of the settlement.
5. The West Oxfordshire Design Guide (2016) refers to Sutton in the context of the larger Stanton Harcourt in terms of character. However, although Stanton Harcourt is identified as a Village within the settlement hierarchy contained in

Table 4b of the West Oxfordshire Local Plan 2031 (2018 (LP), Sutton is not identified. Accordingly, and in the absence of evidence to demonstrate otherwise I consider that Sutton falls under the definition of small villages, hamlets and open countryside for the purposes of the LP. Moreover, I observed on my site visit that the settlements of Stanton Harcourt and Sutton are separate in that there is no clear unbroken built up connection.

6. LP Policy OS2 sets out that development within small villages, hamlets and open countryside will be limited to that which requires and is appropriate for a rural location and which respects the intrinsic character of the area.
7. Whilst there is dispute between the parties as to the location of the appeal site, it is not necessary, given my findings above, to determine whether the appeal site is located within the settlement of Sutton or the open countryside because the limited development considered acceptable in both areas is the same, as set out in Policy OS2 of the LP.
8. Moreover, the same criteria for residential development applies regardless of whether the appeal site is located in a small village, hamlet or open countryside, for the purposes of LP Policy H2. In this regard, the proposed new independent dwelling does not correspond with any of the circumstances considered acceptable by LP Policy H2. This is broadly consistent with the aims of the National Planning Policy Framework (Framework) which sets out that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs.
9. Furthermore, I observed that Sutton did not have services and facilities to meet the day to day needs of the intended future occupiers of the new dwelling. Whilst there are more facilities and services in Stanton Harcourt, these are limited and are not within a convenient and safe walking distance from the appeal site. It has not been demonstrated that there are any safe and suitable opportunities for walking and cycling to this village, or that there are practical public transport options which the future occupiers could use. Accordingly, the intended future occupiers of the new dwelling would be likely to have a high reliance on a private motor vehicle to access day to day services. Once in their cars there would be a high probability that they would be likely to travel further afield where there are a greater range of services and facilities. Consequently, the support that would be given by occupiers of the new dwelling to maintaining the vitality of the community would be unlikely to be discernible.
10. I note the suggestion that the proposal would replace the annexe accommodation that has previously been granted planning permission on the site. However, there is no mechanism before me to secure this. Moreover, such accommodation does not fall foul of the residential development considered acceptable in small villages, hamlets and the open countryside. This matter does not weigh in favour of the appeal proposal.
11. In light of the foregoing, I conclude that the location of the appeal site is not suitable for a new dwelling because of the conflict with the settlement hierarchy objectives of LP Policies OS2 and H2, and the sustainable transport objectives of LP Policies T1 and T3, which seek to ensure that development is located where there would not be a reliance on the private car. These policies are in broad accordance with the Framework which requires that housing in rural areas is located where it will enhance or maintain the vitality of rural

communities, and that the natural and built environment is protected and enhanced, including moving to a low carbon economy.

12. The Council's decision notice makes reference to LP Policy EW10 which seeks to ensure development in the area is focused in the identified rural service centres and larger villages. This appears to be an overarching strategic policy which I consider is not directly relevant to the proposal before me.

Design

13. The existing bungalow property and its separate annex are single storey in nature. The properties opposite the appeal site are two storey semi-detached dwellings, and further towards the village core are large detached dwellings. There is therefore a mix in scale and character in terms of architecture in the immediate street scene and area, in addition to plot sizes.
14. The proposed dwelling would be a taller than the host bungalow, with first floor accommodation. However, its modest scale and traditional cottage style design would not appear incongruous in the surrounding mixed architectural context. Moreover, the mix of slate and Cotswold stone with brick detailing as proposed would be appropriate. The plot size and garden area proposed would not appear out of keeping with the mixed scale of properties in the vicinity.
15. In light of the foregoing, the proposal would not harm the character and appearance of the area. There is no conflict therefore with the requirements of LP Policy OS4 which requires development to be of a high quality which responds positively to and respects the character of the site and its surroundings. There is therefore also no conflict with the similar requirements of the Framework, West Oxfordshire Design Guide (2016) or the National Design Guide.

Effect on Living Conditions

16. The proposed dwelling would be sited on the southern side of the existing host dwelling and its annex and would be served by the existing access off Eynsham Road sited on the northern side of the main property. The plans show that the access to the new dwelling would run in front of, and in close proximity to the front elevation of The Bungalow across its front garden.
17. The existing frontage of the host property is obscured from the road by the roadside vegetation providing a private and sheltered garden space. The use of the new access way would be likely to cause disturbance to the occupiers of this property especially late at night or early in the morning from both the noise of vehicles and glare from headlights.
18. Furthermore, the use of the access, particularly by pedestrians, would lead to a marked loss of privacy to the occupiers of the host property through possible overlooking of the front elevation windows. This would make the rooms served by these windows less pleasant to use as a result.
19. Given my findings, I conclude that the proposal would have a harmful effect on the living conditions of the occupiers of the host property due to noise, disturbance and loss of privacy. The proposal would therefore conflict with the protection of living conditions aims of LP Policies OS2 and OS4.

Other Matters

20. The appeal site is located near to the Stanton Harcourt and Sutton Conservation Area (CA). No detail is provided regarding this designation; however, it is evident that its significance lies with its special architectural and historic interest. Given the limited scale of the proposed dwelling and mixed surrounding architecture, subject to conditions securing the appropriate materials proposed, I find that the proposed development would preserve the setting of the CA, in accordance with paragraph 194 of the National Planning Policy Framework (the Framework).
21. It is noted that the dwelling would be constructed in an 'eco-friendly' manner utilising many green technologies. Whilst this does carry some weight, it does not outweigh the harm found with regards to the location of the development and impact on living conditions. The appellant also sets out that there would be sufficient parking space provided, however, this would be expected of any well-designed development and is not in a matter which weighs in favour of the proposal.

Recommendation

22. For the above reasons and having regard to all other matters raised, I recommend that the appeal should be dismissed.

B Phillips

APPEAL PLANNING OFFICER

Inspector's Decision

23. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

RC Kirby

INSPECTOR