



Appeal Decisions

Site visit made on 16 June 2021

by Christopher Miell MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2021

Appeal A:

Appeal Ref: APP/V3120/W/21/3271143

Land adjoining No 38 Barrow Road, Shippon OX13 6JF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Oxford Homes (Aston) Limited against the decision of Vale of White Horse District Council.
- The application Ref P20/V0348/FUL dated 4 February 2020, was refused by notice dated 6 January 2021.
- The application sought planning permission for proposed 4no. dwellings and works there to without complying with conditions attached to planning permission Ref P16/V3165/FUL, dated 24 August 2017.
- The conditions in dispute are Nos 2 and 6 which state that:
No 2: That the development hereby approved shall be carried out in accordance with the details shown on the following approved plans, 17269-200-001, 3118.302 B, 3118.303 C, 3118.304 E, 3118.301 E, 3118.305 C and 3118.306, except as controlled or modified by conditions of this permission.
No 6: No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include hard surfacing materials, schedules of new trees and shrubs to be planted (noting species, plant sizes and numbers/densities), the identification of the existing trees and shrubs on the site to be retained (noting species, location and spread), boundary treatments, any earth moving operations and finished levels/contours, and an implementation programme.
- The reasons given for the conditions are:
No 2: To secure the proper planning of the area in accordance with Development Plan policies.
No 6: To ensure the implementation of appropriate landscaping which will improve the environmental quality of the development (Policy CP44 of the adopted Local Plan 2031 Part 1).

Appeal B:

Appeal Ref: APP/V3120/W/21/3271137

Land adjoining No 38 Barrow Road, Shippon OX13 6JF

- 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 Oxford Homes Limited against the decision of Vale of White Horse District Council.
- The application Ref P20/V0369/FUL, dated 4 February 2020, was refused by notice dated 6 January 2021.
- The development proposed is erection of 2 no. dwellinghouses with associated operations.

Decision

1. Appeal A is allowed and planning permission is granted for 4no. dwellings and works there to at land adjoining No 38 Barrow Road, Shippon OX13 6JF in accordance with the application Ref: P20/V0348/FUL, dated 4 February 2020, without compliance with condition Nos 2 and 6 previously imposed on planning permission Ref: P16/V3165/FUL, dated 24 August 2017, and subject to the schedule of conditions attached to this decision.
2. Appeal B is allowed and planning permission is granted for the erection of 2 no. dwellinghouses with associated operations at land adjoining No 38 Barrow Road, Shippon OX13 6JF in accordance with the terms of application Ref: P20/V0369/FUL, dated 4 February 2020, subject to the schedule of conditions attached to this decision.

Background

3. The appeal site is an undeveloped parcel of land to the north of Barrow Road, situated within the settlement of Shippon. On 24 August 2017, the Council granted planning permission, Council Ref: P16/V3165/FUL, for the erection of four dwellings at the appeal site with vehicular access off Barrow Road.

Legislative Changes

4. The Business and Planning Act 2020 (the 'BPA') received Royal Assent on 22 July 2020. The BPA introduces a series of urgent, mostly temporary measures intended to help businesses, particularly in the hard-hit hospitality and construction sectors, recovery from the disruption caused by the coronavirus pandemic.
5. Section 17 of the BPA inserts Section 93A (automatic extension) and 93B (Additional environmental approval) into the Town and Country Planning Act 1990 (the TCPA). Under Section 93A of the TCPA, unimplemented planning permissions with time limits for implementation which were due to lapse between 19 August 2020 (when the provisions came into force) and 31 December 2020 are extended to 1 May 2021. This happens automatically, with no requirement to obtain Additional Environmental Approval.
6. In this instance, condition No 1 of imposed on planning permission Ref: P16/V3165/FUL required the development to be implemented not later than 24 August 2020. However, this time limit was extended to 1 May 2021 by virtue of the provisions of Section 93A of the TCPA.
7. The appellant explains that the planning permission was implemented in March 2021 when trench foundations were dug at the site. However, several local residents question whether all of the pre-commencement conditions have been properly discharged. To this regard, the Council confirm within their statement¹ that all pre-commencement conditions have been discharged, and, given that trench foundations have been excavated at the site, they agree that the planning permission has been implemented. Based on the evidence before me, which included my site observations of the trench foundations, I agree that the original planning permission has been implemented.

¹ Paragraph 3.2 of the Council's Statement of Case

8. Given that the original permission is extant, it follows that there is no time limit on when an application can be made under Section 73 of the TCPA for the development of land without complying with conditions subject to which a previous planning permission was granted. Consequently, I am satisfied that Appeal A can proceed by virtue of Section 78 of the TCPA.

Procedural Matters

Plan clarifications

9. In respect of Appeal B, the applicant submitted amended plans to the Council before the determination of the planning application. The amended plans reduced the number of proposed dwellings at the site from three to two and altered the design and appearance of the development. For the avoidance of doubt, I have determined the appeal on the basis of the amended plans. For this reason, I have used the description of development from the appeal form within the banner heading above and my formal decision.
10. The appellant has submitted section drawings as part of the appeal process. The plans were provided to the local planning authority by the appellant as part of the appeal process. In addition, some local residents have made written representations about the section drawings as part of the appeal process. However, there is no evidence to demonstrate that formal consultation was undertaken with other interested parties in respect of the section drawings. It is important that I determine this appeal on the basis of what was considered by the local planning authority, and on which interested people's views were sought. For the avoidance of doubt, I have not had regard to the section drawings as part of the determination of the respective appeals.

Great Crested Newts

11. The Council's Countryside Officer (the 'COO') explains that there are confirmed records of Great Crested Newts ('GCN') 185m to the east of the appeal site and there are ponds within 150m. The COO also confirms that Council records show GCN to the north west of the site. The COO explains that GCN regularly disperse up to 250m from occupied ponds but can travel much further.
12. A preliminary ecological appraisal² (the 'PEA') was submitted with the respective planning applications to assess the impact of the proposed development on GCN. The COO disagreed with the applicant's methodology because the survey work that was carried out to inform the assessment was conducted at the wrong time of the year. Accordingly, the COO recommended that planning permission could only be granted if the applicant agreed to enter into the District Licence Scheme (the 'DLS'). Adherence with the DLS is secured via a number of planning conditions, the wording of which is agreed by Natural England.
13. As part of the respective appeals, the appellant submitted additional ecological information³, which concludes that eDNA for GCN was not detected in the samples submitted for analysis. On that basis, the appellant's ecologist concludes that there will be no impact on the GCN or its habitats. Accordingly, he recommends that a licence from Natural England would not be required⁴.

² Preliminary Ecological Appraisal by United Environmental Services Ltd (Ref: UES03140/01) Dated: October 2020

³ DNA Analysis Report by Fera – Dated: 30 April 2021

⁴ Email from Edward Bodsworth MA (Cantab) PhD MCIEEM of Windrush Ecology Ltd – Dated: 4 May 2021

14. The additional information has been reviewed by the COO and they state that there is a now enough robust information to conclude that GCN are likely absent from a pond located at No 2 White House Close and significant impacts on GCN, which would require a mitigation licence from Natural England, are unlikely. On that basis, they explain that the imposition of planning conditions related to the DLS are no longer required to make the development lawful.
15. Notwithstanding the above, representations submitted by a local resident challenge the findings of the appellant's ecological reports. In particular, they argue that an established pond within their garden was not included within the GCN survey. However, no substantive information has been provided about the pond, including whether or not it would provide a suitable habitat for GCN.
16. In the absence of any such information, there is no substantive reason before me why I should not rely upon the expert technical evidence prepared by a suitably qualified ecologist, which has been agreed by the COO. Accordingly, in respect of both appeals, the impact of the development upon protected habitats and species does not fall to be considered as a main issue.

Application for costs

17. In respect of Appeal A, an application for costs was made by Oxford Homes (Aston) Limited against Vale of White Horse District Council. This application is the subject of a separate Decision.
18. In respect of Appeal B, an application for costs was made by Oxford Homes Limited against Vale of White Horse District Council. This application is the subject of a separate Decision.

Main Issue

19. In respect of both appeals, the main issue is the effect upon the character and appearance of the area, including the setting of nearby listed buildings.

Reasons

20. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
21. The National Planning Policy Framework (the 'Framework') advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 193 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and, the more important the asset, the greater the weight should be. In this instance, the designated heritage assets relating to this appeal are The Old Manor, No 35 Barrow Road⁵, Church Farmhouse and attached outbuildings⁶ and a stable building approximately 15m north west of Church Farmhouse and attached outbuildings⁷, all of which are Grade II listed buildings.

⁵ Historic England List Entry Number: 1048300

⁶ Historic England List Entry Number: 1182723

⁷ Historic England List Entry Number: 1048304

22. Paragraph 194 of the Framework states any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
23. The appeal site is an undeveloped parcel of land located on the northern side of Barrow Road. The site is surrounded by a variety of types of residential development to the north, east and west with The Old Manor and other stone buildings situated immediately to the south of the site on the other side of Barrow Road. The site frontage along Barrow Road is marked by a stone wall, which is overgrown in places by ivy and other vegetation.
24. The density of the surrounding development is typically low, and most buildings occupy generous plots, which typically feature spacious gardens with mature trees and soft landscaping. Overall, Barrow Road has a verdant semi-rural character which contributes positively to the local distinctiveness of the area.
25. The Shippon Character Area⁸ (the 'CA') forms part of the Wootton and St Helen Without Neighbourhood Plan (the 'NP'). The CA explains that "the views of note in Shippon are of the open fields south and west of Barrow Road, which are wide and panoramic in places. There are also views across the green spaces within the built area to the north side. These views are important to sustaining the rural sense of place of Shippon, which is becoming increasingly urban and is increasingly affected by traffic". Views looking northwards across the appeal site from Barrow Road are identified as a 'major view' within the CA.
26. Policy SS4 of the NP states where development is otherwise acceptable within the neighbourhood area development proposals should take account of, and respond in a positive way to, the locally important vistas. This includes the 'major view' over the appeal site from Barrow Road, as identified by the CA.
27. The Old Manor is located to the south of the appeal site on the opposite side of Barrow Road, whilst Church Farmhouse and its attached outbuildings and the stable building are sited to the east of the site. The stable building is situated within close proximity to the site boundary and views of the side elevation of the stable building with the undeveloped appeal site in the foreground are readily visible from Barrow Road.
28. Church Farmhouse is located approximately 20m from the eastern boundary of the appeal site and the front elevation of the property faces Faringdon Road. Given the intervening distance between the appeal site and Church Farmhouse, and, the extensive screening provided by a mature walnut tree, which is protected by a tree preservation order ('TPO') and sited along the eastern boundary of the site, only glimpse views of the rear elevation of Church Farmhouse with its attached outbuildings are available from the appeal site.
29. The openness of the appeal site contributes to the semi-rural setting of the surrounding listed buildings. Nevertheless, on my site visit I observed that the sense of openness has been partially compromised by the modern housing situated to the north of the appeal site.
30. Appeal A seeks permission to alter the layout of the approved development, which would have the effect of repositioning all four units in the north western part of the site away from the site boundary with Barrow Road. The proposed

⁸ Page 71 of the NP

- dwellings would be sited around a central courtyard with a staggered block of four garages positioned near to the northern boundary. Vehicular access would remain off Barrow Road and the Council explain that the areas of wall which are to be realigned and rebuilt are the same as that in the approved scheme.
31. As part of the proposed development, the design and appearance of the dwellings would materially change, but the architectural style of the properties, which has been informed by agricultural barns within the local area, would be consistent with the approved plans. However, under the revised proposals the site levels would remain as existing and the proposed dwellings would no longer be set down by approximately 1m, which is the case for the approved development.
 32. The proposed changes to the approved layout sought by Appeal A would result in a large area of undeveloped land at the front of the appeal site. Appeal B seeks planning permission to erect a pair of two-storey semi-detached dwellings on the eastern part of this parcel of land, which would utilise the same access from Barrow Road, as per the approved development.
 33. The design and appearance of the proposed dwellings under Appeal B would be consistent with the four units proposed under Appeal A. In total, if both of the proposed developments were undertaken, it would result in the construction of six dwellings at the appeal site. This would be an increase of two dwellings, when compared to the approved development.
 34. Despite the increase in the number of dwellings when compared to the approved development, if six dwellings were to be constructed at the appeal site in the manner proposed by Appeal A and Appeal B, I consider that the overall density of the development would be broadly consistent with the surrounding residential development. Moreover, the layout of the development and spacious plot sizes would be in keeping with the prevailing pattern of development and the local area's semi-rural character. In particular, the proposed dwellings would face side on to Barrow Road, which would be consistent with the historic layout of Church Farmhouse with its attached outbuildings and the stable building.
 35. Furthermore, in respect of both appeals, the proposed dwellings would be located away from the site boundaries, which are nearest to the surrounding listed buildings. In respect of Appeal A, the block of four dwellings would be sited at the rear of the site and a significant area of soft landscaping, which would include a mix of new tree planting, would be provided at the front of the dwellings. The significant degree of separation between the proposed dwellings and the provision of a large area of soft landscaping would maintain the semi-rural setting of the Old Manor.
 36. In respect of Appeal B, the pair of semi-detached dwellings would be located away from the eastern boundary and the existing walnut tree would remain, which would continue to provide a significant degree of intervening screening between the proposed dwellings and Church Farmhouse with its attached outbuildings. In addition, owing to the position and orientation of the proposed dwellings, views of the side elevation of the stable building would remain readily visible from Barrow Road. Whilst the existing foreground view would change from undeveloped land to garden land associated with Units 5 and 6, the absence of significant built form within these spaces, in addition to the retained walnut tree, would retain the semi-rural setting of the stable building.

37. The site plan for Appeal B shows that the proposed garage block for Units 5 and 6 would be sited near to the boundary with the listed stable building. However, the garage block would be a small scale, single storey building, which would be of a traditional design and appearance in-keeping with the local vernacular. By virtue of its scale and positioning away from Barrow Road, I am satisfied that it would not compete with the stable building for prominence, nor would it have a detrimental impact upon the semi-rural setting of the listed building.
38. Overall, by virtue of its sensitive layout, which includes appropriate separation distances between the proposed dwellings and the site boundaries which are nearest to the surrounding listed buildings, I consider that the development of the site with up to six dwellings in the cumulative manner proposed by Appeal A and Appeal B, would preserve the semi-rural setting of the surrounding listed buildings.
39. In addition to the above, the design and appearance of the proposed dwellings would be of a high quality and would respond positively to the local vernacular of Shippon, whereby buildings are typically two storey detached houses, terraced cottages and converted farm buildings with stone and brick exteriors under slate and tiled roof forms.
40. The Council and several local residents have expressed concern that the ridge heights of the proposed dwellings would be materially higher when compared to the ridge heights of the dwellings approved by the original permission. This would primarily occur because the site levels are no longer proposed to be lowered in respect of both appeals.
41. Whilst I accept that the ridge heights of the proposed dwellings would be higher than those of the dwellings which could be built pursuant to the extant permission, this in and of itself does not equate to harm. On my site visit, I observed that the roofscape of the surrounding area featured a wide variety of roof forms with differing ridge heights. When viewed in this context, and having regard to the layout of the proposed residential blocks, I consider that the ridge height and roof form of the proposed dwellings, as proposed by Appeal A and Appeal B, would successfully assimilate into the existing townscape.
42. In respect of Appeal A, the Council have raised concerns about the acceptability of the proposed works to the northern boundary wall, whereby the existing 0.9m high stone wall would be repaired and a 0.9m timber fence would be erected above the wall. In combination, the proposed boundary treatment would be approximately 1.8m high.
43. I disagree with the Council's position on this matter. The works to reinstate and repoint the existing northern boundary wall would ensure that the historic wall would be retained, this would ensure that the boundary wall would be in-keeping with the other historic walls, which are proposed to be retained as part of the development of the appeal site. Moreover, the construction of a fence above the stone wall is necessary to safeguard the privacy of the occupiers of the proposed dwellings and the occupiers of the adjoining neighbouring properties to the north. I consider that the retention of the stone wall with a 0.9m high fence above, would be preferable to the construction of either a new boundary wall or a timber fence at 1.8m high.

44. In conclusion, Appeal A and Appeal B, when considered on their individual merits and cumulatively as a comprehensive six-unit development would have an acceptable effect upon the character and appearance of the area. Accordingly, and, for the reasons set out above, I find that Appeal A and Appeal B, when considered on their individual merits and cumulatively as a comprehensive six unit development, would have a neutral impact upon and thus preserve the setting of the nearby Grade II listed buildings.
45. As such, I find that Appeal A and Appeal B would accord with Policies CP37 and CP39 of the Vale of White Horse District Council – Local Plan 2031 Part 1: Strategic Sites and Policies, Policies DP36 and DP38 of the Vale of White Horse District Council – Local Plan 2031 Part 2: Detailed Policies and Additional Sites and Policies DG1 and DG2 of the NP, which collectively require new development to be of a high quality design that responds positively to the site and its surroundings, including the style, design and nomenclature of surrounding buildings; and to conserve and, where possible, enhance the significance of heritage assets, including the setting of listed buildings. Accordingly, the proposal would be consistent with Chapter 16 of the Framework.
46. In addition, I find that Appeal A and Appeal B would be consistent with advice contained within Principles DG78 and DG79 of the Vale of White Horse District Council: Design Guide Supplementary Planning Document, which, amongst other things, advises that new development should respond to traditional forms and cluster around a central space in a varied manner; and reflect the scale of the existing dwellings within the locality.
47. I am cognisant that Appeal A and Appeal B, when considered either individually or cumulatively as a comprehensive six unit development, would result in development on land that forms part of a locally important vista, as identified by Policy SS4 of the NP. To this regard, the development would conflict with Policy SS4 of the NP.
48. However, given the appellant's fall-back position, whereby they have extant planning permission for the erection of four dwellings at the site, it is likely that development will occur on this parcel of land regardless of the outcome of Appeal A and Appeal B. If this development were to occur, the locally important vista would significantly change.
49. Given that the original planning permission has been implemented, I afford significant weight to this fallback position as a material consideration. Moreover, I have found that the development of the site with up to six dwellings would be in keeping with the prevailing pattern of development and preserve the semi-rural setting of the surrounding listed buildings. These are material considerations that outweigh the conflict with Policy SS4.

Other Matters

50. Local residents argue that the local area's housing need will be met by planned development elsewhere. However, no substantive evidence has been provided to demonstrate that this would be the case. Moreover, I have not been directed to any local policy that seeks to restrict the supply of new housing.
51. The Council have concluded that the respective proposals would not have a detrimental impact upon neighbouring occupiers. Given the separation

distances between the proposed dwellings and the neighbouring properties, I agree with the Council's assessment.

52. Surface water drainage was previously dealt with by a planning condition in respect of the original permission and I see no reason why it would be inappropriate to follow this course of action in respect of both appeals; especially as substantive evidence has not been provided to demonstrate that the respective proposals could not address current policy expectations.
53. The County Council's Highway Liaison Officer has assessed the respective proposals and raised no objection. I have no reason to disagree with the County Council in respect of this matter and I am content that the drawings demonstrate that there would be adequate space for parking and turning at the site, including for large vehicles.
54. Foul and surface water drainage were previously dealt with by planning conditions in respect of the original permission and I see no reason why it would be inappropriate to follow this course of action in respect of both appeals; especially as substantive evidence has not been provided to demonstrate the scheme could not address current policy expectations.
55. Concern has been expressed that some existing trees were removed from the site before the application was submitted. Moreover, some local residents state that there was a lack of community engagement by the appellant prior to the submission of the respective planning applications. Whilst this may or may not be the case, I have considered the respective appeal proposals on their individual planning merits only and have concluded that they would be acceptable for the reasons set out above.
56. A Local resident has expressed concern about the effect of the development upon the protected walnut tree near to the eastern site boundary. The submitted arboricultural documents demonstrate that the tree would be protected during the construction of the development. Substantive evidence is not before me which demonstrates that I should not rely on the conclusions of the report, which was prepared by a suitably qualified arboriculturist and reviewed by the Council's Forestry Officer. Compliance with these documents would be secured as part of an approved plans list condition.
57. Post construction, the walnut tree would continue to be protected the existing TPO and future owners of the protected tree must not carry out, or cause or permit the carrying out of, any of the prohibited activities without the written consent of the local authority.
58. Local residents explain that bats and barn owls are present within the local area. The PEA submitted with the respective applications explains that there are no buildings on the appeal site which could be used by roosting bats. Moreover, it explains that all trees on site were subject to a full ground level tree assessment of their potential to support roosting bats. It was found that the majority of the trees do not contain suitable roosting features and have been assessed as having negligible potential to support roosting bats. In terms of birds, it was found that areas of scrub and the trees on site could support breeding birds in the spring and summer.
59. The PEA sets out mitigation and enhancement measures that are to be undertaken as part of the development and could be secured by a planning

condition in respect of both appeals. Substantive evidence is not before me that demonstrates I should not rely on the conclusions of the report, which was prepared by a suitably qualified ecologist and reviewed by the Council.

Conditions

Appeal A: APP/V3120/W/21/3271143

60. The Planning Practice Guidance (the 'PPG') makes clear that decision notices for the grant of planning permission under Section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged.
61. In this instance, the main parties have confirmed that all the pre-commencement conditions from the original planning permission have been discharged and the Council has put forward a list of suggested conditions in respect of the current proposal. The suggested conditions have not been opposed by the appellant.
62. I have considered the conditions against the tests as laid out in paragraph 55 of the Framework. In the interests of precision, where necessary, I have amended the wording of the conditions. In respect of the plans list condition, I have listed the approved plans, as it is necessary that the development is carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty.
63. Where I have amended the wording of the conditions, I have had regard to advice contained within the PPG, which explains that "In granting permission under section 73 the local planning authority may also impose new conditions – provided the conditions do not materially alter the development that was subject to the original permission and are conditions which could have been imposed on the earlier planning permission".
64. Three of the suggested conditions are related to the DLS, which the COO has confirmed are no longer necessary to make the development lawful. Therefore, I have not imposed these conditions. However, in the interests of ecology, I have imposed a condition which requires the development to be undertaken in accordance with the mitigation and enhancement measures set out within the PEA.
65. In respect of the boundary treatments, several local residents have pointed out an error on the proposed site plan drawing⁹, whereby an annotation explains that the existing 2m high stone wall along the eastern boundary of the site will be retained as part of the development. On my site visit, I observed that the existing stone wall was not 2m high along the eastern boundary. Accordingly, in the interests of precision, I have amended the suggested wording of the landscaping condition to require full details of the eastern boundary wall to be submitted to and agreed in writing by the Council.

Appeal B: APP/V3120/W/21/3271137

66. The Council have suggested 18 conditions which I have considered against the tests as laid out in paragraph 55 of the Framework. In the interests of consistency and precision, I have amended the wording of some of the

⁹ Dwg No: 18.72.P1.05 REV:E

conditions. Three of the suggested conditions are related to the DLS, which the COO has confirmed are no longer necessary to make the development lawful. Therefore, I have not imposed these conditions.

67. However, in the interests of ecology, I have imposed an additional condition which requires the development to be undertaken in accordance with the mitigation and enhancement measures set out within the PEA.
68. Planning permission is granted subject to the standard three-year time limit condition. It is necessary that the development is carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty.
69. In the interests of the character and appearance of the area and to preserve the setting of the surrounding listed buildings, it is necessary to impose conditions relating to materials, including fenestration colour, landscaping, boundary treatments, external lighting, site levels and ridge heights. For these reasons, it is reasonable and necessary to withdraw permitted development rights for development within the curtilage of a dwellinghouse.
70. In respect of the boundary treatments, several local residents have pointed out an error on the proposed site plan drawing¹⁰, whereby an annotation explains that the existing 2m high stone wall along the eastern boundary of the site will be retained as part of the development. On my site visit, I observed that the existing stone wall was not 2m high along the eastern boundary. Accordingly, in the interests of precision, I have amended the suggested wording of the landscaping condition to require full details of the eastern boundary wall to be submitted to and agreed in writing by the Council.
71. To safeguard trees at the appeal site, it is necessary to impose a condition which requires the development to be carried out in accordance with the tree protection measures set out within the submitted arboricultural documents.
72. In the interests of highway safety, it is necessary to impose a condition relating to the vehicular access and maintenance of visibility splays onto Barrow Road. I have also imposed a condition to ensure that parking areas are constructed, prior to the occupation of the dwellings and retained as such thereafter. Similarly, I have imposed a condition which withdraws permitted development rights and requires the approved garage and carport accommodation to be retained for the parking of motor vehicles. I have imposed conditions relating to surface and foul drainage, as explained above.

Conclusion

73. For the reasons outlined above, and taking into account all other matters raised, I conclude that Appeal A should be allowed.
74. For the reasons outlined above, and taking into account all other matters raised, I conclude that Appeal B should be allowed.

Christopher Miell
INSPECTOR

¹⁰ Dwg No: 18.72.P1.08 REV:B

SCHEDULE OF CONDITIONS: APPEAL A – APP/V3120/W/21/3271143

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans and documents, except as controlled or modified by conditions of this permission:

18.72.S1.02 – Location Plan
18.72.P1.07 REV:B – Proposed Main Entrance Details
18.72.P1.05 REV:E – Proposed Site Plan
1872-P2.02 REV:A – Plots 1 and 2: Floor Plans and Elevations
1872-P2.03 REV:B – Plots 3 and 4: Floor Plans and Elevations
18.72.P2.06 REV:B – Proposed Window and Door Details
18.72.P2.07 REV:B – Proposed Window and Door Details
18.72.P2.11 REV:A – Proposed Garage Floor Plans and Elevations
Schedule of Materials REV:D
Tree Survey Report prepared by Venners Arboriculture (Document Ref: To support P20/V0348/FUL S73 Application for 4 Plots Revised with new layout July 2020),
- 2) Notwithstanding any details on the approved plans, prior to installation, the colour of the joinery (windows and doors) shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.
- 3) The external surfaces of the development hereby permitted shall be constructed in accordance with materials set out in approved document 'Schedule of Materials Rev D'.
- 4) The development shall be carried out in accordance with the ridge level details shown on approved drawings 1872-P2.02 REV:A and 1872-P2.03 REV:B and the ground level details shown on approved drawing 18.72.P1.05 REV:E.
- 5) Prior to the commencement of any drainage works relating to this permission, a detailed scheme for the foul water drainage of the development shall be submitted to and approved in writing by the Local Planning Authority. The foul water drainage scheme shall take account of the approved tree protection measures set out within condition No 7. No dwelling hereby permitted shall be occupied until the approved foul water drainage works have been completed in accordance with the approved details.
- 6) Prior to the commencement of any drainage works relating to this permission, a detailed scheme for the surface water drainage of the development shall be submitted to and approved in writing by the Local Planning Authority. No surface water shall be discharged to public network in accordance with the details approved under discharge of condition application P20/V0986/DIS. The scheme shall take account of the approved tree protection measures set out within condition No 7. No dwelling hereby permitted shall be occupied until the approved surface water drainage works have been completed in accordance with the approved details.
- 7) No site clearance or construction work shall take place until the tree protection measures have been implemented in accordance with the details approved within the Tree Survey Report prepared by Venners Arboriculture

(Document Ref: To support P20/V0348/FUL S73 Application for 4 Plots Revised with new layout July 2020), including the Aboricultural Method Statement and Tree Protection Plan.

Thereafter, the development shall be implemented in accordance with the approved details. The tree protection measures shall be retained in position until the development is completed. The areas within the approved protective fencing shall remain undisturbed during the course of the works.

- 8) No part of the development hereby permitted shall be first occupied until the vehicular access and visibility splays have been constructed in accordance with the details shown on the approved plans. Thereafter, the visibility splays shall be permanently maintained free from obstruction to vision.
- 9) No dwelling hereby permitted shall be occupied until the works to the boundary wall along Barrow Road have been completed in accordance with the approved drawing 18.72.P1.07 REV:B and the stone samples approved under discharge of condition application P20/V09863/DIS.
- 10) Notwithstanding the details shown on approved drawings 18.72.P1.05 REV:E 18.72.P1.07 REV:B, no dwelling hereby permitted shall be occupied until an updated landscaping plan including the following details has been submitted to and approved in writing by the local planning authority.
 - i. The size of proposed trees to be planted;
 - ii. That any planting within the root protection areas of retained trees shall be done by hand;
 - iii. That the ground levels within the root protection areas of retained trees shall remain as existing and not be changed; and
 - iv. The details of the eastern boundary wall, including any proposed works.

Any approved works to the eastern boundary wall, shall be implemented within 12 months of the first occupation of the development.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 11) No dwelling shall be occupied until the approved car parking spaces have been constructed, surfaced and marked out, as shown on approved drawing number 18.72.P1.05 REV:E. The parking spaces shall thereafter be kept available at all times for the parking of vehicles.
- 12) If external lighting is to be used within the development, prior to installation full details of the external lighting shall be submitted to and approved in writing by the local planning authority. Any such development shall be carried out in accordance with the approved details.

- 13) Notwithstanding the provisions of Schedule 2, Part 1, Class A the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that order with or without modifications), the garage/carport accommodation forming part of the development shall be retained for the parking of motor vehicles at all times and shall not be adapted to be used for any other purpose.
- 14) Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, C, D and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that order with or without modifications), there shall be no extension or alteration to any of the dwellings hereby permitted and no ancillary buildings or structures shall be erected within the curtilage of any dwelling without the prior grant of planning permission.
- 15) The development hereby permitted shall be carried out in accordance with the recommended mitigation and enhancement measures set out in Section 4 of the supporting Preliminary Ecological Appraisal (UES dated 22 October 2020). The works shall be implemented as approved prior to the first occupation of the development and the ecological enhancements retained thereafter.

***** END *****

SCHEDULE OF CONDITIONS: APPEAL B – APP/V3120/W/21/3271137

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents, except as controlled or modified by conditions of this permission:

18.72.S1.01 – Location Plan
18.72.P1.07 REV:B – Proposed Main Entrance Details
18.72.P1.08 REV:B – Proposed Site Plan
18.72.P2.06 REV:B – Proposed Window and Door Details
18.72.P2.07 REV:B – Proposed Window and Door Details
18.72.P2.08 REV:A – Plots 5 and 6: Floor Plans and Elevations
18.72.P2.11 REV:A – Proposed Garage Floor Plans and Elevations
Schedule of Materials REV:D
Tree Survey Report prepared by Venners Arboriculture (Document Ref: New application for two cottages. Revised with a new layout July 2020 to support P20/V0369/FUL)
- 3) Notwithstanding any details on the approved plans, prior to installation, the colour of the joinery (windows and doors) shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.
- 4) The external surfaces of the development hereby permitted shall be constructed in accordance with materials set out in approved document 'Schedule of Materials Rev D'.
- 5) The development shall be carried out in accordance with the ridge level and ground level details shown on approved drawing 18.72.P1.08 REV:B.
- 6) Prior to the commencement of any drainage works relating to this permission, a detailed scheme for the foul water drainage of the development shall be submitted to and approved in writing by the Local Planning Authority. The foul water drainage scheme shall take account of the approved tree protection measures set out within condition No 8. No dwelling hereby permitted shall be occupied until the approved foul water drainage works have been completed in accordance with the approved details.
- 7) Prior to the commencement of any drainage works relating to this permission, a detailed scheme for the surface water drainage of the development shall be submitted to and approved in writing by the Local Planning Authority. No surface water shall be discharged to public network in accordance with the details approved under discharge of condition application P20/V0986/DIS. The scheme shall take account of the approved tree protection measures set out within condition No 8. No dwelling hereby permitted shall be occupied until the approved surface water drainage works have been completed in accordance with the approved details.
- 8) No site clearance or construction work shall take place until the tree protection measures have been implemented in accordance with the details

approved within the Tree Survey Report prepared by Venners Arboriculture (Document Ref: New application for two cottages. Revised with a new layout July 2020 to support P20/V0369/FUL), including the Arboricultural Method Statement and Tree Protection Plan.

Thereafter, the development shall be implemented in accordance with the approved details. The tree protection measures shall be retained in position until the development is completed. The areas within the approved protective fencing shall remain undisturbed during the course of the works.

- 9) No part of the development hereby permitted shall be first occupied until the vehicular access and visibility splays have been constructed in accordance with the details shown on the approved plans. Thereafter, the visibility splays shall be permanently maintained free from obstruction to vision.
- 10) No dwelling hereby permitted shall be occupied until the works to the boundary wall along Barrow Road have been completed in accordance with the approved drawing 18.72.P1.07 REV:B and the stone samples approved under discharge of condition application P20/V09863/DIS.
- 11) Notwithstanding the details shown on approved drawings 18.72.P1.07 REV:B and 18.72.P1.08 REV:B, no dwelling hereby permitted shall be occupied until an updated landscaping plan including the following details has been submitted to and approved in writing by the local planning authority.
 - i. The size of proposed trees to be planted;
 - ii. That any planting within the root protection areas of retained trees shall be done by hand;
 - iii. That the ground levels within the root protection areas of retained trees shall remain as existing and not be changed; and
 - iv. The details of the eastern boundary wall, including any proposed works.

Any approved works to the eastern boundary wall, shall be implemented within 12 months of the first occupation of the development.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 12) No dwelling shall be occupied until the approved car parking spaces have been constructed, surfaced and marked out, as shown on approved drawing number 18.72.P1.08 REV:B. The parking spaces shall thereafter be kept available at all times for the parking of vehicles.
- 13) If external lighting is to be used within the development, prior to installation full details of the external lighting shall be submitted to and approved in writing by the local planning authority. Any such development shall be carried out in accordance with the approved details.

- 14) Notwithstanding the provisions of Schedule 2, Part 1, Class A the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that order with or without modifications), the garage/carport accommodation forming part of the development shall be retained for the parking of motor vehicles at all times and shall not be adapted to be used for any other purpose.
- 15) Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, C, D and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that order with or without modifications), there shall be no extension or alteration to any of the dwellings hereby permitted and no ancillary buildings or structures shall be erected within the curtilage of any dwelling without the prior grant of planning permission.
- 16) The development hereby permitted shall be carried out in accordance with the recommended mitigation and enhancement measures set out in Section 4 of the supporting Preliminary Ecological Appraisal (UES dated 22 October 2020). The works shall be implemented as approved prior to the first occupation of the development and the ecological enhancements retained thereafter.

***** END *****