



Appeal Decision

Site Visit made on 16 August 2021

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st August 2021

Appeal Ref: APP/V3120/W/21/3276096

Land at 23 High Street, Steventon, Abingdon OX13 6RZ

- 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 Gareth Bertram on behalf of John Charles Property Investments Ltd against the decision of Vale of White Horse District Council.
 - The application Ref P21/V0131/FUL, dated 8 January 2021, was refused by notice dated 23 March 2021.
 - The development proposed is demolition of the existing buildings and the erection of a single building comprising a four-bedroom dwelling with parking and amenity space.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing buildings and the erection of a single building comprising a four-bedroom dwelling with parking and amenity space at Land at 23 High Street, Steventon, Abingdon OX13 6RZ in accordance with the terms of the application, Ref P21/V0131/FUL, dated 8 January 2021, subject to the conditions set out at the end of this decision.

Applications for costs

2. An application for costs was made by Mr Gareth Bertram on behalf of John Charles Property Investments Ltd against Vale of White Horse District Council. That application is the subject of a separate Decision.

Preliminary Matters

3. Amended plans¹ were submitted during the planning application process, which the Council did not accept because its concerns in a character and appearance context were not adequately allayed. Nevertheless, the modifications in question are relatively minor and do not radically evolve the scheme. Particularly when noting that the amendments have had the effects of simplifying the scheme and of reducing floorspace, I am content that no party with a potential interest in the outcome of this appeal is prejudiced by me accepting the amended plans for determination purposes.
4. A revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021. The main parties to this appeal have had the opportunity to comment upon any relevance of this to the outcome of the appeal.

¹ 004 and 005, both dated 12 March 2021

Main Issue

5. The effect upon the character and appearance of the area.

Reasons

6. The appeal site is comprised, for the most part, of an approximately square shaped parcel of land that is both setback from and accessed via High Street. It contains an existing brick-built building topped with interconnecting pitched roof elements. The pattern of development along High Street tends to be linear with small-sized outbuildings and open grassed land often in place to the rear.
7. The main parties agree that a 2016 planning permission² to convert, extend and change the use of the existing building to create a three-bedroomed detached dwelling has been implemented, which is an important material consideration. Indeed, the principle of constructing a detached one and a half storey dwelling has been established at the site and the 2016 permission offers a fallback position that attracts considerable weight.
8. Whilst the proposed dwelling would be set further forward upon the site when compared to the existing building (in either its present guise or as permitted to be converted and extended), its height, footprint, form and general appearance would not be dissimilar. The extent of glazing and wooden cladding now proposed is not excessive, and I have no obvious reason to resist the use of light-coloured render to the building's elevations. The permitted and proposed schemes, when compared, would have a similar effect upon the character and appearance of the area. I also find that the proposed dwelling would not appear as over-prominent when viewed from High Street.
9. An October 2020 appeal decision³ has been brought to my attention, which relates to the same site and to the intended erection of a building that would have contained four one-bedroomed apartments. That building had been proposed to be of greater volume with more complicated fenestration when compared to either the proposal that is now before me or the scheme permitted in 2016. Thus, particularly when noting that flatted units were then under consideration as opposed to a dwellinghouse, the October 2020 decision is not of significant relevance to my considerations here.
10. For the above reasons, the proposal would not cause harm to the character and appearance of the area. The scheme accords with Core Policy 37 of the Local Plan 2031 Part 1 (adopted December 2016) in so far as this policy sets out that all new development will be required to be of high-quality design that responds positively to the site and its surroundings.

Other Matters

11. The proposal would preserve the character and appearance of the Steventon Conservation Area (the CA). This is most particularly due to the scheme's limited scale and to the site being set away from the CA's boundary. No 19 High Street is Grade II listed and its significance as a designated heritage asset is drawn, in part, from its historic origins and architectural detailing. Whilst development would be brought forward within this listed building's setting, it

² P16/V1295/FUL

³ APP/V3120/W/20/3256556

would not adversely affect the ability for the asset to be viewed and appreciated and would not cause harm to any features of special architectural or historic interest.

12. The proposal accords with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conditions

13. The Council has suggested a list of conditions that the appellant has had the opportunity to comment upon and which I have considered against advice in the Framework and Planning Practice Guidance. As a result, for consistency and clarity purposes, I have amended and built upon the Council's suggestions. Also, I have only imposed pre-commencement conditions where agreed to in writing by the appellant. In the interests of certainty, a condition specifying the suite of approved plans is required.
14. In the interests of protecting the character and appearance of the area, conditions securing the use of external-facing materials as depicted upon the approved elevations and the submission and implementation of a hard and soft landscaping scheme are both reasonable and necessary.
15. In the interests of highway safety, a condition securing that the intended vehicular access (including visibility splays) and parking/turning arrangements are implemented and retained is reasonable and necessary. Due to their intended setback location, it is not necessary to secure details of how parking/turning areas are to be constructed to prevent surface water discharging on to the highway. To suitably promote sustainable transport choices, a further condition securing the submission of details to ensure the delivery of secure and covered cycle storage is also reasonable.
16. In the interests of guarding against flood risk and of ensuring the proper management of surface water at the site, a condition requiring the submission and implementation of a surface water drainage scheme is reasonable and necessary. Furthermore, a foul water drainage scheme is also necessary to secure in the interests of maintaining water quality and of guarding against flood risk.
17. In the interests of protecting the living conditions of local occupiers, a condition controlling the permitted hours of demolition and construction work is required. Notwithstanding the busy nature of High Street, I do not consider it either reasonable or necessary to require the submission of a Construction Traffic Management Plan. Indeed, the proposal is for a single dwelling and would not realistically lead to a high number of movements by large construction vehicles. Also, the site contains areas that would logically be used for storage, parking and manoeuvring purposes. Thus, the potential for a safe and well-functioning local highway network to be prejudiced by the construction phase of development is minimal.
18. The Framework sets out that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. The Council has suggested that, in the event the appeal be successful, various rights related to development within the curtilage of a dwellinghouse be removed. In the interests of protecting the character and appearance of the area, when noting the simple composition of the site's existing building,

restrictions are reasonable to put in place with respect to enlargements, improvements and alterations falling under Class A and to roof additions/alterations falling under Classes B and C.

19. I do not consider it reasonable or necessary to withdraw the future use of permitted development rights falling under Class D (porches). This is because such additions would necessarily be positioned at low level and have a minimal visual impact at this site. Furthermore, the site is tightly defined such that limited opportunities would avail for outbuildings to be erected. Indeed, the Order dictates that such buildings are limited to a single storey and placed behind the dwelling's principal elevation. There is thus not a need to withdraw rights falling under Class E. As a further note, I see no obvious need (in a living conditions context) to condition that any particular window opening be obscure-glazed.

Conclusion

20. For the above reasons, the appeal is allowed subject to conditions.

Andrew Smith

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 001 dated 17 December 2020 (except for the superseded roof layout depicted on the Block Plan); 002 dated 17 December 2020; 003 dated 17 December 2020; 004 dated 12 March 2021; 005 dated 12 March 2021.
- 3) No development shall commence until a surface water drainage scheme based on sustainable drainage principles, including details of the size, position and construction of drainage works, has been submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation of the development hereby permitted, the scheme shall be implemented in full accordance with the approved details.
- 4) No development shall commence until a foul water drainage scheme, including details of the size, position and construction of drainage works, has been submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation of the development hereby permitted, the scheme shall be implemented in full accordance with the approved details.

- 5) Prior to the first occupation of the development hereby permitted, full details of the bike storage depicted upon approved plan 001 (which shall be of covered and secure specification) shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in full accordance with the approved details prior to first occupation.
- 6) Prior to the first occupation of the development hereby permitted, a scheme of hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the approved scheme. 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.
- 7) Prior to the first occupation of the development hereby permitted, the vehicular access, parking/turning area and vehicular visibility splays shall be provided as depicted upon approved plan 001. The parking/turning area shall at all times be used solely for the purposes of parking or manoeuvring vehicles and visibility splays at the site's access to the highway shall be maintained free from obstructions to vision.
- 8) The external surfaces of the dwelling hereby permitted shall be constructed in full accordance with the material details depicted upon approved plan 005.
- 9) No demolition or construction works shall take place outside the hours of 0730 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays. Works shall not take place at any time on Sundays or Bank Holidays without the prior written approval of the Local Planning Authority.
- 10) Notwithstanding the provisions of Part 1, Classes A, B and C of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no enlargements/additions, improvements or alterations shall be carried out without the specific grant of planning permission by the Local Planning Authority.