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# Appeal Decision

Site Visit made on 29 October 2021

**by James Blackwell LLB (Hons) PgDip**

**an Inspector appointed by the Secretary of State**

**Decision date: 30 November 2021**

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**Appeal Ref: APP/Q3115/W/21/3278513**

**Old Telephone Exchange, Church Road, Benson, Wallingford OX10 6SF**

- 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 & Mrs Amanda Walker against the decision of South Oxfordshire District Council.
  - The application Ref P20/S2712/FUL, dated 25 July 2020, was refused by notice dated 12 April 2021.
  - The development proposed is described on the application form as replacing 2 existing brick former telephone exchange buildings with new one bedroom residential dwelling, with live work studio above, re-using the existing access and parking area.
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## Decision

1. The appeal is allowed and planning permission is granted for replacing 2 existing brick former telephone exchange buildings with new one bedroom residential dwelling, with live work studio above, re-using the existing access and parking area at Old Telephone Exchange, Church Road, Benson, Wallingford OX10 6SF in accordance with the terms of the application, Ref P20/S2712/FUL, dated 25 July 2020, subject to the conditions set out in the Schedule to this decision.

## Preliminary Matters

2. Since determination of the planning application, the 2019 iteration of the National Planning Policy Framework (Framework) has been superseded. The main parties have had the opportunity to comment on the changes. I have therefore determined this appeal with regard to the current version, published in July 2021. I have also had regard to the Benson Neighbourhood Plan (2018) in my decision.

## Main Issues

3. The main issues are:
  - the effect of the proposed development on the character and appearance of the area;
  - whether or not the proposed development would afford future occupiers acceptable living conditions; and
  - the effect of the proposed development on highway safety.

## Reasons

*Character and Appearance*

4. The appeal property currently comprises two separate brick single-storey buildings, which were historically used as a telephone exchange. They were unused at the time of my site visit and have evidently been vacant for some time. The existing buildings are sited away from the road, and at present are largely screened from view by mature trees along the front of the site. The property borders a local library to its east, and the car park and associated green space to the library provide a spacious and open backdrop to the appeal site. The wider area is predominantly residential in nature, with nearby dwellings varying significantly in terms of size, appearance and architectural style. Whilst this does not in itself suggest that any development in this location would be acceptable, it does indicate that the area is able to accommodate some variety.
5. The new dwelling would be sited in a similar position to the existing buildings on the site, and would cover a similar footprint. Whilst its ridge height would be marginally taller, the front facing curvature of the roof means the dwelling would still be perceived as a single-storey property within the street scene. In terms of size and scale, the impact of built form would therefore not be materially different from the current position. The use of sympathetic boundary treatments, including the proposed railings to the rear and side, would also mean that the open backdrop to the site would be retained, thereby ensuring the dwelling would not appear unduly cramped or “hemmed in”.
6. Whilst the appearance of the dwelling would be unique to the surroundings, the wide variety of architectural styles in the vicinity of the appeal site means that the dwelling would assimilate properly with the street scene, without appearing overly prominent or incongruous. Moreover, the proposed brickwork and other external materials would echo the palette of materials used in the existing buildings, thereby complementing the prevailing character of the site and the contribution it currently makes to the wider area. This would be the case with or without the trees which currently screen much of the site’s frontage. As such, were the trees ever to be removed in future, I do not consider that the greater visibility of the proposed building from the road would be to the detriment of the street scene.
7. For these reasons, I am satisfied that the development would complement the character and appearance of the area. It would be consistent with the relevant elements of policies DES5, DES6 and H1 of the South Oxfordshire Local Plan 2011 – 2035 (adopted 2020), which together seek to direct residential development to the most appropriate locations, whilst ensuring high quality design is achieved which responds well to local character and avoids undue visual intrusion.

### *Living Conditions*

8. As mentioned above, the appeal site is bordered to the south and east by the car park and gardens of the local library, which provides a spacious and open backdrop. Whilst the new dwelling would be sited close to these boundaries, the use of boundary railings would ensure that this sense of openness is retained, without creating any undue sense of enclosure. Even if more opaque boundary treatments were erected in future, given that much of the fenestration on the southern elevation is sited towards the highest points of the proposed building, any sense of enclosure would not unduly impinge on the internal living conditions of the property.

9. Whilst the trees in and around the site would impede natural light within the new dwelling to a degree, on balance I consider that the combination of the high vaulted ceiling, tall window along the dwelling's southern elevation and the windows on its northern and western elevations would together ensure that the bulk of the internal living space would benefit from adequate levels of natural light. Whilst I acknowledge that views from the bedroom window would look out over the adjacent car park, the library's opening hours mean that the car park is unlikely to be occupied in the early mornings, evenings or during the night, when a bedroom would typically be used, thereby limiting potential for adverse overlooking.
10. In terms of outdoor space, the proposed dwelling would benefit from a courtyard garden to its front, which would be enclosed by a 1.4m high wall with additional trellis on top. These boundary treatments would ensure that future occupiers could enjoy this space with sufficient levels of privacy, with the trees to the front providing an additional and attractive buffer between the dwelling and the road. Whilst the tree canopy may encroach slightly over this space at certain times of the year, I do not consider that this would be to such extent that it would be problematic. In my view, the canopy would contribute positively to the sense of privacy and intimacy within the courtyard.
11. Living conditions would be commensurate with the particular nature of the proposal and its surrounding context. Any future occupiers would make an informed decision in deciding to reside here and, in my view, may readily accept any perceived limitations in terms of space and outlook as the corollary for living in this location. I am therefore satisfied that the proposed development would provide acceptable living conditions for future occupiers. The proposal would be consistent with Policies DES5 and DES6 of the South Oxfordshire Local Plan 2011 – 2035 (adopted 2020). Together, these Policies require residential development to provide sufficient levels of outdoor amenity space, whilst safeguarding the living conditions of both its own and any neighbouring occupiers.

#### *Highway Safety*

12. Planning permission granted in connection with the appeal property in 1986 authorised use for the storage of materials. Since this time, I understand that the site has only been used (albeit intermittently) for commercial purposes. There is no evidence before me to suggest that the earlier permission was subject to any limitations in respect of intensity of use or vehicular movements. Irrespective of the degree of recent usage, the authorised use of the site could therefore give rise to various comings and goings, including vehicular movements. Any impact of the proposed development on traffic movements to and from the site should therefore be assessed against this authorised use.
13. Indeed, the existing dropped kerb facilitates such access. Whether or not it is used at present, use of the access in connection with a renewed commercial use would therefore be physically possible and lawful. In that context, the proposed one-bedroom dwelling would likely generate between 3–4 trips per day. There is nothing to suggest that this would be inconsistent with the level of traffic generation associated with a small-scale commercial premises. When considered against the lawful or established use of the site, any additional intensity of vehicular use would therefore be broadly neutral.

14. I acknowledge the site is located close to the junction of Church Road, the B4009 and Castle Square. There are representations before me attesting to this being a relatively busy section of the highway network, consistent with the function of the B4009 as a central route through Benson. However, in light of the above and in the absence of robust evidence regarding safety issues in this location, I am not persuaded that the scheme would have an unacceptable impact on the road network.
15. Moreover, whilst the parking arrangement would potentially necessitate vehicles reversing out on to the road, the drawings demonstrate that adequate visibility splays would be provided which would enable approaching vehicles to come safely to a stop in such circumstances. Indeed, on my site visit I was able to observe that drivers do appear to adopt a cautious approach in and around this junction, no doubt on account of the highway layout and number of accesses spurring off Church Road.
16. For these reasons, I am satisfied that the development would not lead to an unacceptable impact on highway safety in the vicinity of the appeal site. The development would be consistent with Policy TRANS5 of the South Oxfordshire Local Plan 2011 – 2035 (adopted 2020), which seeks to safeguard highway safety through the provision of safe and convenient access. The development would also be consistent with the provisions of the Framework, which is clear that planning permission should only be refused on highway grounds if a proposed development would have an unacceptable impact on highway safety or else the cumulative impacts on the road network would be severe.

### **Other Matters**

17. With reference to paragraph 195 of the Framework, the appeal site falls within the surrounding context in which the Benson Conservation Area is experienced (BCA). The character and appearance of the BCA derives in large part from the distinctive linear arrangement of historic properties and monuments along Castle Square and High Street, attesting to the origins of the settlement and its evolution over time. As such, whilst the BCA can be experienced from the appeal site, on account of its small scale and limited visibility (owing to the boundary trees), the site itself contributes little to the historic integrity of the BCA. Moreover, in terms of siting, scale, design and boundary treatments, I have concluded that the visual impact of the proposal would be limited when compared to that which is already present and acceptable in terms of character and appearance. I therefore find that the proposal would preserve the character or appearance of the BCA by virtue of an acceptable change to its setting.
18. Whilst I note the concerns of local residents in respect of highway safety, as highlighted above, any impact of the development must be considered against the authorised use of the site, and the theoretical trip generation that could arise from such use. When assessed in this way, the impact of the development would be acceptable. On a similar theme, sufficient levels of parking to serve a single bedroom dwelling would be provided on-site, so any extant issues with on-street parking should not be unacceptably exacerbated. Concerns relating to the proposed studio use would be a matter for the Council to monitor, and where necessary enforce.
19. In terms of no. 34 Church Road, the proposed dwelling would occupy a similar footprint to the existing buildings. The scale of built form experienced internally

and from the garden of no. 34 would therefore not be materially different, and should not give rise to any overbearing impact. Given the vaulted ceiling over the main bulk of the living space, views from the tall window on the southern elevation of the proposed dwelling would only be possible at ground floor level. Moreover, the second window on the southern elevation would be sited on the eastern side, which means only oblique views towards no. 34 would be possible. As such, the proposed development should not lead to any unacceptable degree of overlooking.

### **Conditions**

20. To ensure the new dwelling integrates properly with the surrounding area, I have included a condition requiring samples or details of external materials to be submitted to and approved by the Council in writing.
21. To safeguard the trees to be retained as part of the development throughout construction, a scheme for their protection must be submitted to and approved by the Council prior to commencement (a condition to which the appellant agrees).
22. To ensure satisfactory provision for drainage is factored into the development, details of surface water and foul water drainage must be submitted to and approved by the Council. These are also agreed pre-commencement requirements so that the relevant drainage proposals can be properly accommodated as part of the development.
23. Visibility splays must be provided and maintained at each side of the access prior to occupation to safeguard highway safety in the immediate vicinity of the appeal site. To secure the provision of on-site parking, this must be provided prior to occupation.
24. To secure provision of the carbon reduction measures proposed, these must be implemented prior to occupation of the development and subsequently evidenced to the Council through submission and approval of a verification report.
25. Finally, a condition restricting new or additional windows within the dwelling through permitted development rights is justified in this instance, as it will allow the Council to properly consider any potential effect on neighbouring amenity before any such changes are made. In imposing conditions, I have had regard to the tests in the Framework and Planning Practice Guidance, and have amended the wording of some proposed by the Council (without altering their objectives).

### **Conclusion**

26. For the reasons given above, and having considered the development plan as a whole, the approach in the Framework (2021), and all other relevant material considerations, the appeal should be allowed.

*James Blackwell*

INSPECTOR

## **SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 1) The development hereby permitted shall be carried out in accordance with the following approved drawings: 20 TECB SLP 01 Rev A (Site Location Plan); 20 TECB PP 02 Rev D (Proposed Plans & Block Plan); and 20 TECB PE 03 (Proposed Section and Elevation).
- 2) No development shall commence above slab level until samples or details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved samples or details and retained thereafter.
- 3) Prior to the commencement of development (including any demolition works or site clearance), a protected area shall be designated for all existing trees which are shown to be retained, and the trees shall be protected in accordance with a scheme for protection that shall first have been submitted to and approved in writing by the local planning authority. The approved tree protection measures shall be implemented and retained throughout the period of construction.
- 4) Prior to the commencement of development, a surface water drainage scheme, which includes details of the size, position and construction of the drainage works, shall be submitted to and approved in writing by the local planning authority. The drainage scheme shall be implemented in accordance with the approved details prior to occupation of the development hereby permitted.
- 5) Prior to the commencement of development, a foul water drainage scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of the size, position and construction of the drainage scheme. The scheme shall be implemented as approved prior to occupation of the development hereby permitted.
- 6) Prior to occupation of the development hereby permitted, visibility splays measuring no less than 2 metres by 2 metres shall be provided at each side of the access. Once implemented, the visibility splays shall thereafter be retained without obstruction by any object, structure, planting or other material which exceeds 0.6 metres in height when measured from carriageway level.
- 7) Prior to occupation of the development hereby permitted the approved car parking space shall be constructed, laid out, surfaced, drained and completed in accordance with a specification which must first be submitted to and approved in writing by the local planning authority. The car parking space shall be retained thereafter without obstruction for the parking and manoeuvring of motor vehicles.
- 8) Prior to occupation of the development, the carbon reduction energy efficiency measures set out in the Sustainability Statement (Ref 21004 and dated 12 January 2021) shall be implemented in accordance with the

details set out therein, and a Verification Report (together with photographic evidence) demonstrating that these measures have been implemented shall be submitted to and approved in writing by the local planning authority by that juncture also. The approved measures shall be retained and maintained thereafter in strict accordance with the Sustainability Statement and the approved Verification Report.

- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or of any statutory instrument revoking or re-enacting that Order with or without amendment), the insertion of any new or additional windows in the dwelling (which are not already shown on the approved drawings) as described in Schedule 2, Part 1, Class A of the Order, shall not be undertaken.