



Appeal Decision

Site visit made on 21 December 2021

by R Walmsley BSc, MSc, MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2022

Appeal Ref: APP/V3120/W/21/3282330

Land at 31 Welford Gardens, Abingdon OX14 2BN

- 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 G Bertram, Gareth Bertram Limited against the decision of Vale of White Horse District Council.
 - The application Ref P21/V1322/FUL, dated 25 March 2021, was refused by notice dated 30 June 2021.
 - The development proposed is erection of a detached single storey one-bedroom dwelling with parking and amenity space.
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Decision

1. The appeal is dismissed.

Main Issues

2. This is the effect of the proposal on the character and appearance of the area and on the living conditions of future occupiers, with particular regard to garden space.

Reasons

Character and appearance

3. The appeal site is within an area that is dominated by frontage properties that are set within plots that are long and have a width that is commensurate with the width of the house which affords a reasonable area of garden front and back. Together with the generous set back of houses from the highway, the area has a relaxed and open character.
 4. The dwelling proposed would not be a frontage property and would be in a small plot compared with the footprint of the house proposed. The development, therefore, would appear incongruous and unduly cramped compared to the more spacious arrangement of surrounding houses. My attention has been drawn to No 11 and No 13a Welford Gardens which are houses that are on small plots. However, these houses are frontage properties within plots of a similar width to the house and with reasonable sized gardens front and back. These houses, therefore, respect the prevailing urban layout and do not compare favourably with the appeal proposal.
 5. The development would introduce residential development behind an existing line of houses which runs contrary to the prevailing pattern of development in the area. There are outbuildings and garages within the vicinity of the site but these outbuildings are ancillary in scale and function to existing properties.
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The proposed dwelling would operate independently of any building and would be much larger in scale than a garage or shed. The proposal therefore, is not commensurate with an outbuilding. I saw no evidence on site and nor is there any evidence before me of dwellings to the rear of frontage properties being part of the existing pattern of development which the development would be in-keeping with.

6. Although views of the property would be limited from Welford Gardens, the house would nevertheless be visible, as well as from surrounding houses. The development, therefore, would have a presence which, given the prevailing pattern of development and my findings above, would be perceived as an unduly dominant and incongruous form of development. The site may have an established residential use, however that is not to say that any form of residential development on it is acceptable. As demonstrated, the form and layout of the development would conflict with its surroundings.
7. The appellant suggests that there is the option of a fallback position of permitted development. However, as the dwelling would not be incidental to a dwellinghouse, it would not fall within the scope of permitted development.
8. And so, for the reasons given, the development would appear cramped and incongruous, out of keeping with the existing pattern of development and therefore harmful to the character and appearance of the area. As such, the development would be contrary to Core Policy 37 of the Local Plan 2031, Part 1 (2016) which, amongst other things, seeks development that responds positively to the site and its surroundings.

Living conditions

9. Core Policy 37 of the Local Plan 2031, Part 1 (2016) emphasises the need for high quality design albeit I agree with the appellant that it does not refer to living conditions and the quality of development in this regard. Nonetheless, the Council also refer me to the National Planning Policy Framework 2021 (the Framework) which seeks development with a high standard of amenity for existing and future users.
10. Occupiers at the first-floor level of the property shown as 31 A & B on the location plan before me would directly overlook a primary area of garden to the house proposed. Given the short distance between the rear elevation of the existing property and this garden, there would be a loss of privacy for future occupiers. As the overlooking would be from first floor level, a boundary fence would not mitigate the harmful effects of overlooking. The appellant suggests that views would be oblique but I cannot see how this would be the case given that the existing first floor window directly overlooks the appeal site.
11. The distance between the rear first floor window to No 31 Welford Gardens and the proposed garden is greater than between 31 A & B and the appeal site. The loss of privacy, therefore, would be less acute. However, in my view, a person sitting in the garden of the appeal property would feel overlooked by residents at No 31. To my mind, this is not the quality of development sought by the Framework.
12. The appellant suggests that a precedent for overlooking is set at No 29 Welford Gardens. However, I am not aware that residents of this property overlook a

neighbouring garden of similar distance or proportion to the appeal proposal for this example to carry weight in favour of the appeal.

13. And so, for the reasons given, the development would be harmful to the living conditions of future occupiers, with particular regard to garden space, contrary to the Framework.

Other Matter

14. The development would provide a one bed residential unit within a well-established and accessible residential area. However, given that the development is for one house, and that the Council can demonstrate a sufficient supply of housing land, the social and economic benefit of the development is limited.

Conclusion

15. The benefits identified do not outweigh the harm to the character and appearance of the area and to the living conditions of future occupiers and therefore the development conflicts with the development plan and the Framework. As a result, the appeal is dismissed.

R Walmsley

INSPECTOR