
Appeal Decision

Site visit made on 25 January 2022

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2022

Appeal Ref: APP/D3125/W/21/3281049

31 Manor Road, Ducklington, Oxfordshire OX29 7YD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Edmunds against the decision of West Oxfordshire District Council.
 - The application Ref 21/01860/OUT, dated 6 May 2021, was refused by notice dated 15 July 2021.
 - The development proposed is a two bed dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is made in outline with all matters reserved for separate consideration. As such, the site plan and street scene plans are submitted on an illustrative basis. In determining the appeal, I have taken into account that there may be alternative ways of developing the site. Nevertheless, in relation to some matters the appellant has referred to the illustrative plans. Accordingly, I have specified in my decision those areas where I have given the illustrative plans particular consideration.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. Manor Road is a residential street comprising single and two storey dwellings dating from the latter part of the 20th Century. Despite some variation in building type near the appeal site, coherence is derived from the pattern of development. This includes the slightly angled orientation of dwellings relative to the road, broadly regular spacing between buildings and an open aspect to the frontage. This results in a spacious character and appearance to the sub-urban street scene, which is enhanced by the softening presence of areas of lawn, hedgerows and trees.
5. 31 Manor Road is a semi-detached two storey house situated on a corner of the road that exhibits the characteristics outlined. The appeal site forms the western part of its grounds and mostly comprises garden land with some domestic outbuildings. The combination of the limited built form, areas of

- grass, boundary hedgerow and prominent tree at the corner of the site make a positive contribution to the spacious and green qualities of the street scene.
6. The proposal would subdivide the grounds of No.31 and would create a site that tapers towards the rear. The limited width of the site would restrict the realistic options for siting an additional dwelling. On that basis, the siting shown on the illustrative site plan gives a good indication of the likely layout. The illustrative design approach broadly seeks a continuation of the scale and orientation established by the dwellings at 31-33 Manor Road, but in a detached form.
 7. Nevertheless, such a development would not successfully integrate with or complement the established pattern of development for the following reasons. Firstly, to be of a comparable width whilst also respecting the set back to the road, towards the northern part of the plot the proposed dwelling would need to extend across the full width of the site. Consequently, and as illustrated on the indicative site plan, the north western corner of the building would be likely to be directly adjacent to the side boundary. I cannot agree with the appellant that the distance to the footpath shown on the illustrative siting would mirror the space retained to the side of 29 Manor Road opposite. Rather, the development would erode the existing sense of space and give the additional built form an immediate and jarring presence in the street scene.
 8. Furthermore, although it is stated that the tree, hedgerow and grass to the front would be retained, due to the likely proximity of the flank elevation to the boundary, there would be only limited opportunities for meaningful planting to the side. Consequently, this would be likely to give a non-principal side elevation unwarranted prominence.
 9. In addition, the gap between the proposed detached dwelling and No.31 would be markedly narrower than the more generous spacing generally seen between detached or pairs of semi-detached dwellings in the vicinity.
 10. The result of these factors would be that the additional dwelling would appear cramped and harmful to the prevailing pattern of development. Moreover, given its location on a corner of the road, it would have an obvious stark presence in the street scene which would exacerbate the degree of harm. This would conflict with the general guidance in the West Oxfordshire Design Guide 2016, Supplementary Planning Document, which emphasises the importance of evaluating and responding to the context of development sites.
 11. Furthermore, largely due to the physical constraints of the space available, I am not convinced that an alternative design to that illustrated would surmount my concerns. Consequently, the proposal would have a discordant effect, unsympathetic to the local character and appearance of the area. This would be contrary to paragraph 130 d) of the National Planning Policy Framework which states that planning decisions should ensure that developments establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live.
 12. The appellant highlights two residential developments nearby¹, namely an end of terrace dwelling at 9A Tristram Road (Site A) and a detached bungalow off

¹ Drawing no. 9092/03 and photographs

Sealham Road (Site B). I am not provided with the full details that led up to permission being granted in either case, which inhibits a meaningful comparison with the appeal proposal. Nevertheless, I was able to observe both developments at my site visit. Having done so, I am not persuaded that the development at Site A would provide an appropriate design cue for the appeal site as there are clear differences in the surrounding distinctive terraced context. Site B concerns a larger and differently shaped plot to the appeal site and is less obtrusive as it is not located on a corner.

13. Additionally, both examples are separated from the appeal site by intervening development such that they would not easily be seen in contiguous views with it. Hence, the examples carry little weight in favour of the proposal. In any event, I have determined the proposal on its own merits, an approach which the appellant advocates².
14. Therefore, I find that the proposal would be harmful to the character and appearance of the area. This would conflict with some of the general principles applicable to all development set out in policy OS2 of the West Oxfordshire Local Plan 2031, September 2018. Amongst other matters, this includes that development should form a logical complement to the existing pattern of development and character of the area.

Other matters

15. Reference is made to the acceptability of the proposal in terms of parking and highway safety, flood risk and the likely impact on the living conditions of nearby residents. Be that as it may, these are factors that would generally be necessary to make the proposal compliant with other local and national planning policies. Therefore, the absence of harm in these respects is not sufficient to outweigh the harm caused to the character and appearance of the surrounding area that I have identified.
16. However, there would be a small benefit arising from the provision of an additional modest dwelling in a reasonably accessible location, as it would contribute towards the overall housing supply. There would also be associated economic benefits connected with its construction and the activity of future occupants. These benefits attract limited weight in favour of the proposal in the overall planning balance.

Planning Balance and Conclusion

17. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise³. The limited weight given to the benefits of the proposal would not justify my determining the development other than in accordance with the adopted development plan. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

Helen O'Connor

Inspector

² Page 2, Appellant's Statement of Case

³ Section 38(6) Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.