



Appeal Decision

Site visit made on 10 January 2022

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 February 2022

Appeal Ref: APP/Q3115/W/21/3269055

Land rear of 44 Kennylands Road, Sonning Common RG4 9JT

- 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 Mr Steve Davies of T A Fisher & Sons Ltd against the decision of South Oxfordshire District Council.
- The application Ref P20/S4571/FUL, dated 7 December 2020, was refused by notice dated 1 February 2021.
- The application sought planning permission for erection of 25 dwellings together with associated landscaping, and public open space with access to the site from Kennylands Road, situated between nos. 42 and 44, without complying with conditions attached to planning permission Ref P20/S0626/FUL, dated 29 September 2020.
- The conditions in dispute are Nos 1, 2, 8, 9, 13, 16 and 17 which state as follows:

- 1) That the development hereby approved shall be carried out in accordance with the details shown on the following approved plans, except as controlled or modified by conditions of this permission.

LP - Location Plan

CP C- Context Plan

101 D - Site Layout proposed

19.03 - 100 D Site Plan Levels and Cycle Parking

74101 E - Landscape Proposal

102 A - Floor plans & Elevations Plot 1

103 B - Floor plans & Elevations Plots 2 & 3

104 B - Floor plans & Elevations Plots 4 & 5

105 A - Floor plans & Elevations Plots 6 & 7

106 A - Floor plans & Elevations Plots 8 & 9

107 A - Floor plans & Elevations Plots 10 & 11

108 B - Floor plans & Elevations Plots 12 & 13

109 B - Floor plans & Elevations Plots 14 & 15

110 A - Floor plans & Elevations Plot 16

111 A - Floor plans & Elevations Plot 17

112 A - Floor plans & Elevations Plot 18

113 A - Floor plans & Elevations Plot 19

114 A - Floor plans & Elevations Plot 20

115 A - Floor plans & Elevations Plot 21

116 B - Floor plans & Elevations Plot 22

117 B - Floor plans & Elevations Plot 23

118 A - Floor plans & Elevations Plot 24

119 A - Floor plans & Elevations Plot 25

122 C - Garage floor plans & elevations

4963.001 C Access Arrangements

MMA15393-001 Street Lighting Design

Reason: To secure the proper planning of the area in accordance with Development Plan policies.

- 2) The development shall be constructed in accordance with the levels shown on drawing number 19.03-100 Rev D approved under condition 1 above.

Reason: To ensure a satisfactory form of development in accordance with Policies CSEN1 and CSQ3 of the South Oxfordshire Core Strategy 2027 and Policies G2, C4, D1, D4 and H4 of the South Oxfordshire Local Plan 2011.

- 8) Prior to the first occupation of any dwelling hereby approved, the parking and turning areas to serve that dwelling shall be constructed in accordance with the approved plan 2018/P0025/101/D and shall be constructed, laid out, surfaced, drained and completed to be compliant with the sustainable drainage (SuDS) details approved in association with Condition 22, and shall be retained unobstructed except for the parking of vehicles associated with the development at all times.

Reason: In the interests of highway safety and in accordance with Policies G2, D2, H4, T1 and T2 of the South Oxfordshire Local Plan 2011.

- 9) The development shall be constructed in accordance with the details of cycle parking as shown on drawing number 19.03-100 Rev D included in the approved plans list in condition 1 above.

Reason: To encourage the use of cycles as a means of transport in accordance with Policies G2, D2, H4 and T2 of the South Oxfordshire Local Plan 2011.

- 13) The scheme shown on the plan entitled Landscape Proposals drwg no 741 01 Rev E listed in condition 1 above shall be implemented prior to the first occupation or use of development and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub or equivalent number of trees or shrubs, as the case may be, of a species first approved by the Local Planning Authority, shall be planted and properly maintained in a position or positions first approved in writing by the Local Planning Authority.

Reason: To help to assimilate the development into its surroundings in accordance with Policies CSEN1 and CSQ3 of the South Oxfordshire Core Strategy 2027 and Policies G2, C9 and D1 of the South Oxfordshire Local Plan 2011.

- 16) The tree protection details as shown on the approved tree protection plan 208- 06/G contained within the Arboricultural Method Statement dated 10 September 2020 shall be put in place prior to any on site works including demolition and thereafter retained in situ for the duration of development construction.

Reason: To safeguard trees which are visually important in accordance with Policies CSEN1 and CSQ3 of the South Oxfordshire Core Strategy 2027 and Policies G2, C9, D1 and H4 of the South Oxfordshire Local Plan 2011.

- 17) The biodiversity mitigation and enhancement measures in Biodiversity Mitigation and Enhancement Plan (Revision 2, 23/04/2019) approved on 17/6/19 under application P19/S0909/DIS and Landscape Proposals drwg no 741 01 Rev C received 19/9/19 and Landscape Management Plan 741KYLDSTAFLDSrev dated 14.10.19 approved on 16/10/19 under application number P19/1369/DIS shall be developed on site and retained in accordance with the approved details. All mitigation and enhancement measures should be delivered prior to the final occupation of the relevant phase.

Reason: To ensure the enhancements for habitats and species on the site are delivered in accordance with Policy CSB1 of the South Oxfordshire Core Strategy 2027, Policies G2, C6 and H4 of the South Oxfordshire Local Plan 2011 and Paragraphs 170 and 175 of the NPPF (2018).

Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework ('the Framework') was published subsequent to the Council issuing its decision on the application. The parties have had an opportunity to comment on the implications for the appeal.
3. The parties have provided a Statement of Common Ground during the appeal process. This confirms that there has been no change to the drainage strategy which was agreed as part of application ref. P20/S0626/FUL. The Council does not wish to pursue the second refusal reason in relation to the impact on retained trees. No party would be prejudiced if I proceeded on this basis.
4. The banner heading above sets out those conditions identified for amendment on the application form. The principal change would be to condition no. 1 which lists the approved plans. The other amendments to condition nos. 2, 8, 9, 13, 16 and 17 would be consequential as they reference specific plans.

Background and Main Issue

5. Permission was originally granted for a development of 25 dwellings on the site under reference P18/S2631/FUL. The scheme was subsequently amended under planning application reference P20/S0626/FUL and that permission has been implemented. At the time of my site visit, most of the dwellings were occupied, with only Plots 16 to 19 yet to be completed. These units were at various stages of construction. The proposed amendments relate to the design of the roadway between these remaining plots. The main issue is whether the amended layout would constitute high quality design in accordance with Policy DES1 of the South Oxfordshire Local Plan 2011-2035 (SOLP).

Reasons

6. The approved scheme takes the form of a T-shaped cul-de-sac extending off Kennylands Road and behind properties on the main road frontage. The northern leg of the cul-de-sac terminates between Plots 1 and 2 of the development, with an area of grass and trees providing a landscaped buffer to the edge of the site. The southern leg stops well short of the site boundary, with a shared driveway serving Plots 16 to 19. The surfacing of this driveway would be block paving to differentiate it from the tarmac road.
7. Under the appeal proposal, the roadway between Plots 16/17 and 18/19 would also be surfaced in block paving. However, it would have a straighter alignment, with a 4.1 m wide carriageway and 1.8 m wide footway along its western side. Both would extend to existing hedging on the boundary of the site. Surface treatments are often used to give a sense of street hierarchy, with tarmac roads and pavements giving way to shared surfaces serving individual

houses or small groups of dwellings. The proposal would represent a hybrid arrangement and this would fail to contribute to the clear hierarchy of streets sought by Policy DES1 viii) of the SOLP. Furthermore, the truncated section of road and footway beyond Plot 18 would appear visually incongruous, particularly in comparison with the approved scheme whose layout is more informal and provides opportunity for soft landscaping, not dissimilar to the area of land between Plots 1 and 2.

8. It is contended that the proposed layout revisions would provide the potential for a future link to the land to the south of the site. SOLP Policy DES1 requires that proposals are designed to take account of possible future development in the local area. It states that where development sites are located adjacent to sites that have a reasonable prospect of coming forward in the future, integration with the neighbouring site should form part of the proposal's design. Guidance within the South Oxfordshire Design Guide Supplementary Planning Document (2016) reflects this aspect of policy.
9. I have no information regarding the likelihood of planning permission being granted for development of the adjacent site. The land was not allocated or subject to a planning application at the time of the officer report being written. Nevertheless, it seems to me that the layout approved under P20/S0626/FUL would not physically prevent a connection being made into neighbouring land. Until such time as that connection is required, the approved layout would contribute to a high quality, well designed housing scheme with an appropriate balance of hard and soft landscaping.
10. I acknowledge that the proposed layout alterations would only be visible from within the scheme itself. Existing boundary hedging means that there is no visual relationship with the adjoining countryside. However, the amendments would harm the design of the development overall. The proposal conflicts with paragraph 135 of the Framework which seeks to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme.
11. The appellant has highlighted examples of local housing developments where roads terminate adjacent to a boundary. I have considered these, but none is directly comparable to the scheme before me. The stubs of road in each case provide the option to connect to adjoining land but they also have a clear purpose within the layout, whether that is to provide a turning head or to serve individual properties, driveways or parking areas. By contrast, the additional section of road and footway being proposed under the appeal scheme would read as being unnecessary and contrived.
12. Accordingly, I conclude that the proposal would not constitute the high quality design sought by Policy DES1 of the South Oxfordshire Local Plan. Notwithstanding the arguments put forward, there are no reasons to justify a decision otherwise than in accordance with the development plan.

Conclusion

13. For the reasons given above I conclude that the appeal should be dismissed.

Robert Parker

INSPECTOR