



Appeal Decision

Site visit made on 31 January 2022

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 February 2022

Appeal Ref: APP/D3125/W/21/3280808

1 Four Winds, Wards Road, Chipping Norton OX7 5BU

- 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 Les Burton of Randell Burton Architects against the decision of West Oxfordshire District Council.
 - The application Ref 20/03474/FUL, dated 18 November 2020, was refused by notice dated 12 February 2021.
 - The development proposed is demolition of the existing 3 dwellings and the erection of 6 new dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The above site address is taken from the application form. However, it would be more accurate to describe the site as 1, 2 and 3 Four Winds as the red line boundary encloses all three properties. Nos 1 and 2 have been demolished and therefore the Council is not defending the third refusal reason in relation to the impact on protected and priority species.
3. The appeal site lies outside of the Chipping Norton Conservation Area. The Council is satisfied that there would be no adverse impact on heritage assets and advises that the reference on the decision notice to Policy BD1 of the Chipping Norton Neighbourhood Plan was included in error.
4. During my site inspection, and with the permission of the householders, I was able to make an assessment from 2 Lodge Terrace and 49 Rowell Way.

Main Issues

5. The main issues are:
 - a) the effect of the proposal on the character and appearance of the area; and
 - b) the effect on the living conditions of the occupiers of 1, 2 and 3 Lodge Terrace and 49 Rowell Way, with particular regard to outlook and daylight.

Reasons

Character and appearance

6. The application site comprises a rectangular parcel of land on the north side of Wards Road, opposite the entrance to Kingstone Court. The site was formerly

occupied by a terrace of three bungalows. Two of these bungalows have been demolished, with only one property remaining. Planning permission has previously been granted (Ref 17/03161/FUL) to replace the two demolished properties with a pair of semi-detached dwellings. The officer report suggests that this permission is extant.

7. The site is enclosed on all sides by residential development. To the west, and running perpendicular to the road, is Lodge Terrace, a terrace of ten Victorian cottages. To the north and east lies a modern housing estate on Rowell Way. Wards Road contains a mix of housing, including some relatively recent detached and semi-detached properties on its south side, leading up to the site.
8. The proposal is to redevelop the site with a scheme of six dwellings, comprising a terrace of four houses and a semi-detached pair. The dwellings would be constructed of natural stone with slate roofs and painted timber windows. These materials would reflect existing development within Wards Road.
9. However, the layout and mass of development would be much less sympathetic to the local character. The new buildings would span the full width of the site, with a small gap in between and minimal space to the side boundaries. This layout would contrast markedly with nearby developments, notably on the south side of Wards Road and on Rowell Way, where the buildings have more generous spacing to accommodate single-storey garaging and driveways. The garages to the side of properties provide a degree of visual relief, modulating the built form and reducing the impact of parked cars. By contrast, the appeal scheme would appear cramped with negligible soft landscaping and a street frontage dominated by vehicles, hard surfacing and refuse/recycling bins.
10. Policy H2 of the West Oxfordshire Local Plan 2031 (WOLP) is supportive of new housing on previously developed land within the built up area, provided that proposals comply with the general principles set out in WOLP Policy OS2 and any other relevant policies in the plan. The general principles seek, amongst other things, to ensure that development is of a proportionate and appropriate scale to its context; and forms a logical complement to the existing scale and pattern of development and/or the character of the area. WOLP Policy OS4 sets out an overarching requirement for high quality design which respects the architectural character of the locality and contributes to local distinctiveness.
11. I acknowledge the presence of Lodge Terrace adjacent to the site, and other terraced forms of development within Chipping Norton. The former is part of the immediate site context and it is an efficient use of land. However, it does not reflect the prevailing character and density of development in the locality and is not a template to be followed. The appeal scheme would not reflect the predominant characteristics of the neighbourhood and for this reason I conclude that it conflicts with the aforementioned development plan policies.

Living conditions

12. The cottages in Lodge Terrace back onto the appeal site, with Nos 1, 2 and 3 being most affected by the appeal scheme. These properties have modest rear gardens which are set slightly below the level of the site. From these amenity spaces, and from windows within the cottages themselves, existing residents would have an outlook onto the unrelieved side gable of the westernmost plot in the scheme. The building would be oppressive, its scale and proximity having a deleterious effect on the enjoyment of the gardens and sitting out areas.

Whilst I note that the same properties would be affected by the approved scheme, the dwellings in that case would be set back from the boundary by several metres, thereby reducing the impact to an acceptable level.

13. No 49 Rowell Way lies immediately to the east of the site. This property faces north and presents a flank elevation onto the site, with a pathway separating the dwelling from the boundary. No 49 has a number of ground floor windows facing onto the site. Some of these are small secondary openings serving a lounge and conservatory, whereas two others serve a kitchen and dining area. The larger of the two windows is the primary source of light to this room, with an outlook over the roof of 3 Four Winds towards sky. The siting and proximity of the proposed easternmost plot would have a detrimental impact on the occupants of No 49 by reducing their outlook and levels of daylight, and generally increasing the sense of enclosure.
14. Accordingly, I conclude that the proposal would have an unacceptable adverse impact on the residents of 1, 2 and 3 Lodge Terrace and 49 Rowell Way. There would be conflict with Policies OS2 and OS4 of the WOLP insofar as these seek to ensure that development does not harm the use or enjoyment of land and buildings nearby including living conditions in residential properties. Given that Policy H2 requires compliance with the general principles in Policy OS2, there would also be a conflict with this policy.

Planning Balance and Conclusion

15. The appellant does not provide any substantive evidence to support the claim that there is a housing shortfall within the District. Figures published by the Council indicate that the authority is able to demonstrate in excess of 5 years of deliverable housing sites, with the Housing Delivery Test showing healthy rates of delivery. There is nothing in the written evidence to persuade me that the presumption in favour of sustainable development set out in paragraph 11 (d) of the National Planning Policy Framework should be engaged.
16. Nevertheless, the Government's objective is to significantly boost the supply of housing. Consequently, the proposal for 3 additional dwellings on the appeal site is a benefit to be taken into account, together with the associated boost to the economy arising from construction activity and consumer spending by new residents. However, the benefits of the scheme would be relatively modest and they would not outweigh the harm to the character and appearance of the area and the living conditions of neighbours. These matters give rise to a conflict with the development plan taken as a whole and there are no material considerations to indicate a decision otherwise than in accordance with the development plan.
17. For the reasons given above I conclude that the appeal should be dismissed.

Robert Parker

INSPECTOR