



Appeal Decision

Site visit made on 29 March 2022

by Helen Davies MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Wednesday 20 April 2022

Appeal Ref: APP/V3120/W/21/3287340

Poplar Corner, Lower Wootton, Wootton Village, Boars Hill, Oxford OX1 5JL

- 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 Mohammed Sadiq against the decision of Vale of White Horse District Council.
 - The application Ref P21/V1360/FUL, dated 7 May 2021, was refused by notice dated 20 October 2021.
 - The development proposed is described as "Removal of existing dwelling house, garage and greenhouse. Construction of development of two semi-detached 3-bed dwellings and one detached 4-bed dwelling with ancillary driveways; parking areas. Vehicular access from Wootton Village to be widened".
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Decision

1. The appeal is allowed and planning permission is granted for "Removal of existing dwelling house, garage and greenhouse. Construction of development of two semi-detached 3-bed dwellings and one detached 4-bed dwelling with ancillary driveways; parking areas. Vehicular access from Wootton Village to be widened", at Poplar Corner, Lower Wootton, Wootton Village, Boars Hill, Oxford OX1 5JL, in accordance with the terms of the application, Ref P21/V1360, dated 7 May 2021, subject to the conditions in the attached schedule.

Preliminary Matters

2. The site has extant planning permission, granted on 1 July 2020 under application reference P20/V0176/FUL, to remove the existing dwelling and construct two detached dwellings, along with ancillary works and widening of the access. During my site visit it was evident that construction of a detached dwelling in the eastern part of the site was at an advanced stage, but the existing dwelling had not been demolished. This appeal proposal would change the previously approved detached dwelling in the western part of the site to two semi-detached dwellings. There is no question that the extant permission could be implemented, and indeed already has been partially implemented, so represents a realistic fallback position. Therefore, the focus of this appeal is on any different effect that would result from the two semi-detached dwellings and a detached dwelling which are proposed under this appeal, when compared to the previously approved two detached dwellings.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the site and the surrounding area.

Reasons

4. The site is located on a corner, where the road known as Wootton Village meets the B417/Lamborough Hill. On the opposite side of Lamborough Hill to the site is a community centre and playing fields, with a parade of shops and a public house nearby. On the same side of the road, and along the Wootton Village road, the area is predominantly residential. Dwellings are mainly set within generous plots but are of various sizes, styles and orientations giving the surroundings a relatively mixed character and appearance. Due to its corner location, the site is viewed within the context of both Lamborough Hill and the Wootton Village road.
5. Until the previously approved scheme was commenced, the site contained one relatively modest two storey detached dwelling, set in a relatively large plot bounded by mature trees and established hedges. As such the site contributes to the spacious and verdant character of the area.
6. The proposal subject to this appeal would result in the demolition of the existing dwelling and construction of a detached dwelling and two semi-detached dwellings. In comparing the proposed semi-detached dwellings to the previously approved detached dwelling, the size and location of the footprint would be very similar, but there would be an increase in two storey built form, area of hard standing and site density. However, the style, scale, height and massing of the proposed development would not be out of keeping with the mixed context of the surrounding area. Whilst there would obviously be no space between the semi-detached dwellings, the gardens to the rear and sides would be relatively generous and broadly in keeping with the spacious plots which characterise the area. Sufficient space would be available to incorporate suitable landscaping and to largely retain the existing boundary vegetation.
7. The proposal would include a fence to divide the gardens of the semi-detached dwellings, but this would have limited visual impact from outside of the site, particularly given the existing screening at the site boundaries. Any additional domestic paraphernalia, vehicular movements, and waste management activity generated by three dwellings, over and above that which would be generated by the two dwellings previously approved, would be modest.
8. On balance, the proposal subject to this appeal would not result in any significant harm to the existing spacious, loose-knit and verdant character and appearance of the area. Nor would it have a significantly different impact than the development which has previously been approved.
9. I conclude that the proposal would not cause any unacceptable harm to the character and appearance of the site and the surrounding area. Consequently, the development would comply with Policy CP37 of the Vale of White Horse District Council Local Plan Part 1 Strategic Sites and Policies, Policies DG1 and DG3 of the Wootton and St Helen Without Neighbourhood Plan 2019, and the Vale of White Horse District Council Design Guide Supplementary Planning Document. Together, amongst other things, these seek to ensure that new development is of a high quality design that responds positively to the site and its surroundings as well as respecting local character and distinctiveness. Furthermore, it would accord with the National Planning Policy Framework which seeks to secure well designed places, as well as boosting the supply of homes in sustainable locations which make effective use of land.

Other Matters

10. Interested parties have raised concerns regarding parking, pedestrian and highway safety and construction traffic. The highways liaison officer raised no objection, and the Council consider the proposal acceptable with regard to these matters, subject to suitable conditions being imposed. On the basis of the information provided, I agree with the Council on these matters.
11. A neighbour has stated that a first floor window in the north elevation of proposed semi-detached dwelling 1, would overlook their property. The Council consider the proposal acceptable in this regard. Noting the separation distance between this window and neighbouring dwellings, and that the small window would serve a landing, I agree with the Council that adequate privacy would be maintained. There is therefore no necessity to impose a condition requiring this window to be fixed and obscure glazed. Other windows are considered below.
12. Questions have been raised regarding trees already removed from the site, as well as whether the detached dwelling already under construction is in accordance with the previously approved plans. These are matters which the Council may choose to look at but are not for consideration under this appeal.

Conditions

13. The Council have suggested a list of condition outlines, which the appellant has been made aware of and raised no objection to. I have considered the suggested condition list and reordered and added detail and specification to them as necessary, in the interests of precision and clarity in order to comply with advice in the Planning Practice Guidance.
14. As development has commenced on the eastern detached dwelling, I have not attached a time condition for overall commencement. Accordingly, some of the time triggers for conditions are linked to commencement of the construction of the semi-detached dwellings hereby approved, rather than commencement of the overall development.
15. A condition specifying the approved plans is necessary to provide certainty. In the interests of the character and appearance of the site and surrounding area, conditions are necessary to ensure that appropriate materials are used in the dwellings and suitable boundaries are implemented. Character and appearance are also maintained through conditions which protect retained trees and hedges in an area recognised for its verdant character; secure the implementation and maintenance of hard and soft landscaping; and secure suitable storage for bicycles and management of refuse and recycling.
16. Conditions have also been used to secure appropriate arrangements for construction traffic management, site access and on-site parking and turning, including preventing the erection of a boundary in the shared turning area. These are necessary to ensure the development maintains highway safety, both during construction and subsequent occupation of the dwellings. Conditions have also been applied in order to ensure the implementation of suitable surface and foul water drainage systems.
17. As with the previously approved scheme, to safeguard the privacy and living conditions of neighbouring occupants, it is necessary for a condition to be attached to ensure the implementation of fixed and obscure glazing and prevent any additional windows being added to the first floor of the southern

elevations of dwellings 2 and 3. This is because these elevations face towards neighbouring dwellings at relatively close quarters.

18. Finally, whilst the Council suggest in their report that outbuildings would be an issue, their list of proposed conditions does not address this matter. Having considered the size and location of the outside spaces, I do not consider it necessary to remove permitted development rights for outbuildings.

Conclusion

19. For the reasons given above and taking into account the development plan as a whole and all other matters raised, I conclude that the appeal should be allowed.

Helen Davies

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 1916 p200A; 1916 p205A; 1916 p206A; 1916 p207A; 1916 p208A; 1916 p209A; 1916 p210A; 1916 p211A; 1916 p212A; 1916 p219C; 1916 p220C; 1916 p222B; 1916 p223B; Tree Survey May 2021; Arboricultural Impact Assessment May 2021.
- 2) No development related to the semi-detached dwellings hereby approved shall take place until an arboricultural method statement is submitted to and approved in writing by the Local Planning Authority. The arboricultural method statement shall outline how retained trees and hedges will be protected during the construction period, and shall include the following:
 - (a) A specification of any pruning or tree surgery works to any trees to be retained, to prevent accidental damage by construction or demolition activities;
 - (b) The specification and location of temporary tree protective fencing and any ground protection required to protect all retained trees in accordance with the current edition of BS 5837 "Trees in relation to design, demolition and construction", and details of the timing and duration of its erection;
 - (c) The definition of areas for the storage or stockpiling of materials, temporary on-site parking, site offices and huts, mixing of cement or concrete, and fuel storage;
 - (d) The means of demolition of any existing site structures, and of the reinstatement of the area currently occupied thereby;
 - (e) The route and method of installation of drainage or any underground services in the vicinity of retained trees; Consideration will be made to avoid siting of utilities and service runs within the Root Protection Area (RPA) of all trees to be retained. Only where it can be demonstrated that there is no alternative location for the laying of utilities, will encroachment into the RPA be considered. Methodology for any installation works within the RPA will be provided and must be in compliance with the current edition of NJUG 'Guidelines for the planning and installation and maintenance of utility apparatus in proximity to trees'.

- (f) The details and method of construction of any other structures such as boundary walls and patios in the RPA of retained trees and how these relate to existing ground levels;
- (g) The details of materials and method of construction of any roadway, driveway, parking, pathway or other surfacing within the RPA, which is to be of a 'no dig' construction method, in accordance with the principles of Arboricultural Practice Note 12 "Through the Trees to Development", and in accordance with current industry best practice; and is appropriate for the type of roadway required in relation to its usage.
- (h) Provision for the supervision of any works within the root protection areas of trees to be retained, and for the monitoring of continuing compliance with the protective measures specified, by an appropriately qualified arboricultural consultant, to be appointed at the developer's expense and notified to the Local Planning Authority; and provision for the regular reporting of continued compliance or any departure there from to the Local Planning Authority.

The development shall be carried out in accordance with the approved details, with the agreed measures being kept in place for the duration of the construction works.

- 3) No development related to the semi-detached dwellings hereby approved shall take place until, a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The approved CTMP shall be implemented for the duration of the construction works.
- 4) Notwithstanding the submitted plans, no development related to the semi-detached dwellings hereby approved shall take place until a detailed scheme for the surface water drainage of the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved surface water drainage scheme has been implemented and it shall be retained thereafter.
- 5) Notwithstanding the submitted plans, no development related to the semi-detached dwellings hereby approved shall take place until a detailed scheme for the foul water drainage of the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved foul water drainage scheme has been implemented and it shall be retained thereafter.
- 6) No hard landscaping works shall take place until a detailed scheme has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the approved hard landscaping scheme has been implemented and it shall be retained thereafter.
- 7) No soft landscaping works shall take place until a detailed scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all planting, including trees and shrubs to mitigate for any agreed losses. The approved soft landscaping scheme shall be implemented no later than the first planting and seeding season following occupation of the development. Thereafter, the soft landscaped areas shall be maintained for a period of 5 years. Any trees or shrubs which die or become seriously damaged or diseased within 5 years of planting shall be replaced in the next planting season with other of a similar size and species.

- 8) The internal and external boundaries of the site shall be in accordance with a detailed scheme which has been submitted to and approved in writing by the Local Planning Authority. The approved boundaries for each dwelling shall be implemented prior to the occupation of that dwelling, and the approved boundaries for the whole site shall be implemented prior to the occupation of the last dwelling. The approved boundaries shall be retained thereafter.
- 9) The development shall not be occupied until access arrangements and visibility splays have been implemented in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The approved details shall be retained thereafter.
- 10) The development shall not be occupied until the parking and turning areas have been implemented in accordance with the approved plans and shall be constructed so as to prevent surface water discharging onto the highway. The visitor parking areas shall be clearly marked. The parking and turning areas shall be retained thereafter.
- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order with or without modification) no boundary or any other obstruction shall be erected within the shared turning area as set out on the approved plans.
- 12) The development shall not be occupied until provision for cycle storage and parking on the site has been implemented in accordance with the approved plans. The provision shall be retained thereafter.
- 13) The development shall not be occupied until provision for storing domestic refuse and recycling materials on the site has been implemented in accordance with the approved plans. The provision shall be retained thereafter.
- 14) The exterior of the dwelling hereby permitted shall be constructed in the materials specified on the approved plans.
- 15) Notwithstanding any details shown on the approved plans, the first-floor windows in the south elevation of dwellings 2 and 3 shall be installed with obscured glass and shall be fixed shut, apart from a top-hung opening vent, and shall be retained as such thereafter.
- 16) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows, other than those expressly authorised by this permission, shall be constructed at first-floor in the south elevation of dwellings 2 or 3.

*****End of Conditions*****