



Appeal Decision

Site visit made on 5 April 2022

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 June 2022

Appeal Ref: APP/Q3115/W/21/3284171

31 Acremead Road, Wheatley, Oxford OX33 1NZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr Mark Keely of Keely Construction against the decision of South Oxfordshire District Council.
 - The application Ref P20/S3719/RM, dated 28 September 2020, sought approval of details pursuant to conditions Nos 1, 3, 4, 5, 7, 8, 9, 10, 11 and 12 of a planning permission Ref P18/S3781/O, granted on 8 November 2019.
 - The application was refused by notice dated 26 July 2021.
 - The development proposed is described as 'demolish existing dwelling and construction of 4 detached dwelling houses with new private access drive. (outline planning application with all matters reserved). As amended by revised drawings for plots 1 and 3 submitted on 13 March 2019.'
 - The details for which approval is sought are: details of access, appearance, landscaping, layout, scale, tree protection scheme, construction traffic and environmental management plan, external materials and floor slab levels, boundary treatments, parking and foul and surface water drainage.
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Decision

1. The appeal is allowed and the reserved matters are approved, namely the access, appearance, landscaping, layout and scale, details submitted in pursuance of condition No 1 of planning permission Ref P18/S3781/O dated 28 September 2020 and subject to the conditions detailed in the attached schedule.

Preliminary Matters

2. As described above, outline planning permission was granted for four dwellings on the site in 2019. The principle of residential development of the site has therefore been established and are not matters before me. The reserved matters application, which is the subject of this appeal, seeks approval for the proposed access, layout, scale, appearance and landscaping of the proposed development.
3. Notwithstanding the description of development in the banner heading above, the arguments made by the main parties relate only to condition 1 of P18/S3781/O. In that context, and as section 79(1) of the TCPA 1990 as amended enables me to deal with the application as if it had been made to me in the first instance, my decision focusses only on that condition (rather than the broader terms in which the application has been made by the appellant and referenced by the Council). For clarity therefore, and given I have insufficient information before me to be able to be sure the requirements of the other

conditions have been satisfied, my decision does not discharge conditions 3, 4, 5, 7, 8, 9, 10, 11 and 12 of P18/S3781/O.

Main Issues

4. The main issues are;

- The effect of the proposed development on the character and appearance of the area; and
- The effect of the proposed development on the living conditions of nearby residents, with particular regards to outlook and privacy.

Reasons

Character and Appearance

5. Acremead Road is a predominantly residential suburban area characterised by evenly spaced detached dwellings set back from the road behind front gardens and parking areas. The properties vary in their individual design characteristics and form; however, many properties are finished in render and buff and red brick. The road has a pleasant spacious green environment, with most properties bound to the front by hedgerows. The appeal site is a single dwelling situated on a large plot. The existing dwelling is set back from the road behind a front garden and mature hedgerow. As such the appeal site contributes positively to the spacious verdant character and appearance of the area.
6. The proposed development would replace the existing single dwelling and introduce four detached units. The proposed dwellings would utilise the existing access, which would be improved. Two dwellings would be located to the front of the site and two dwellings to the rear.
7. The proposed development would be read as infilling along Acremead Road. Whilst the density of the site would increase, the dwellings would be set back from the highway behind a garden area and hedgerow, ensuring that the area's spacious green character would remain. Existing trees adjacent to the highway would also be retained and existing and proposed additional landscaping would complement the character and appearance of the area. Additionally, in public views the layout of houses set behind garden areas with modest gaps between them would complement the existing pattern of development. And would not appear as a cramped form of development
8. The existing dwelling is single storey and the proposed development would introduce four two storey dwellings. I note from the appellants submission and the Committee Report that the indicative measurements contained within the outline planning application detailed dwellings with a higher ridgeline than the proposed scheme. Whilst single storey dwellings adjoin the site to the south, two storey dwellings are located opposite and to the north of the site. As such, the introduction of two storey dwellings would be in keeping with the character and appearance of the area.
9. The proposed dwellings are modern in their design and appearance. However, during my site visit I noted that dwellings along Old Road were being refurbished to a similar appearance to that proposed. Additionally, the use of render echoes nearby materials, ensuring that the development complements the material palette of the area. Although stating that the proposed dwellings

do not take physical or visual clues from the surroundings, the Council did not provide specific examples that might draw me away from my own understanding of the local character. In contrast, I have found that the design of the proposed dwellings would accord with the main characteristics of local residential areas.

10. The appeal scheme would therefore not be harmful to the character and appearance of the area. As such, it would comply with the South Oxfordshire Local Plan (2020) (LP) Policies DES1 and DES2 which seek, amongst other things, to ensure that development is of a high quality design that responds positively to the site and its surroundings. The proposal also complies with paragraphs 130 of the National Planning Policy Framework (the Framework) which seek good design sympathetic to local character.

Living Conditions

11. The appeal site slopes from north to south, with neighbouring two storey dwellings along Old Road to the north being at a higher level, and adjoining single storey dwellings along Acremead Road to the south being at a lower level. As such, the proposed development would be at an elevated position in relation dwellings on Acremead Road and their associated rear gardens.
12. The Council have raised a particular concern with regards to the overbearing impact of the proposed development on the occupiers of dwellings to the south and west due to their scale and elevated position.
13. As part of the proposal the slope of the site would be reduced and submitted sectional drawings detail that the biggest reduction in height would be to the rear of the site. As such, Plots 3 and 4, located to the rear of the appeal site, would be located at a lower level than adjoining dwellings to the west. Whilst the roofs of Plots 3 and 4 would be visible from the adjoining dwellings, their set down combined with the introduction of a 1.8 metre boundary fence and hedgerow planting would ensure that Plots 3 and 4 would not have an overbearing impact on the outlook from dwellings to the west of the appeal site.
14. With regards to dwellings to the south, no windows apart from a single roof light are proposed in the side elevations of Plots 2 and 3. Additionally, the side of the proposed dwellings would be located at least 12 metres from the rear elevation of dwellings to the south. A 1.8 metres fence would also be provided as a boundary treatment between existing and proposed dwellings. As such, whilst the proposed development would be located at an elevated position, considering that lack of openings and the distance maintained between existing and proposed dwellings there would be no potential to overlook gardens or habitable rooms of neighbouring dwellings to the south.
15. The sectional drawings detail that the proposed dwelling at Plot 2 would be located at a level approximately one metre higher than existing dwellings to the south. Due to the proposed change in gradient of the site, Plot 3 would be located at a similar level to existing dwellings to the south. Whilst the existing dwelling is single storey in nature, the proposed dwellings would be located at least 12 metres away. Additionally, a 1.5 storey element of the proposed dwellings would be located closer to its southern boundary, therefore reducing its bulk and massing.

16. Currently the appeal site has tall overgrown boundary features, and this would undoubtedly change with the introduction of four dwellings. Nevertheless the distance between existing and proposed dwellings, the provision of a 1.8 metre boundary fence, and the 1.5 storey element being closest to the boundary, would ensure that the proposed development would not appear overly dominant and would not be likely to have an overbearing effect on the outlook from neighbouring properties, or their garden.
17. The proposal would comply with LP Policies DES1 and DES6 which see, amongst other things, to ensure that development does not have a significant adverse impact in relation to loss of privacy, dominance or visual intrusion.

Other Matters

18. Three parking spaces per dwelling would be provided as part of the proposed development which, according to the Council's Highways Officer, would exceed the minimum requirement for parking standards. I also saw during my site visit, that there were no parking restriction on Acremead Road, which is a straight road with good visibility in this location, with limited on street parking. The road was also wide enough for two cars to pass, as such, should a vehicle park on the highway there would be sufficient room for vehicles to manoeuvre around it.
19. Whilst some trees would be lost as part of the proposed development, the mature trees to the site frontage would be retained and additional planting in the form of new trees, shrubs and hedgerows would be provided. I consider that this is sufficient to mitigate the loss of trees.
20. In relation to biodiversity, in particular bat habitats, my attention has been drawn to the outline planning permission. The Council, in their Committee Report, note that the outline permission required development to be undertaken in accordance with a biodiversity survey submitted at that time. Additionally, it required that all dwellings had a sparrow terrace and two integrated cavity bat boxes were provided. These are detailed on the elevational drawings submitted with the reserved matters. As such, I consider that there would be no harm to biodiversity.

Conditions

21. The Council has provided a list of conditions, which I have assessed in regard to the advice provided in the Planning Practice Guidance (PPG). I consider that the condition regarding landscaping is necessary in order to protect the character and appearance of the area. Conditions regarding access visibility and car parking are required in order to ensure a safe access, drainage and parking. I have altered the wording of some conditions in order to ensure they comply with the PPG. The appellant has had sight of the conditions and agree to their imposition.

Conclusion

22. The appeal scheme would accord with the development plan. The appeal should therefore, subject to the conditions in the schedule below, be allowed.

Tamsin Law

INSPECTOR

Schedule of Conditions

- 1) The approved reserved matters shall be carried out in accordance with the following approved plans and documents: 20-017/M/001, 20-017/P/002 Rev E, 20-017/P/003 Rev E, 20-017/P/004 Rev D, 20-017/P/005 Rev C, 20-017/P/010 Rev D, 20-017/P/011 Rev B, 20-017/P/012 Rev C, 20-017/P/013 Rev C, 20-017/P/014 Rev D, 20-017/P/015, 20-017/P/016 Rev A, 20-017/P/040 Rev C, 20-017/P/041, 20-017/P/050 Rev E and 20-017/S/002.
- 2) Prior to the first occupation of the dwellings hereby permitted, visibility splays measuring 2.4 metres by 43 metres shall be provided to each side of the access hereby permitted. The splays shall not be obstructed by any object, structure, planting or other material with a height exceeding or growing above 0.9 metres as measured from carriageway level.
- 3) Prior to the first occupation of the development hereby permitted, the parking and turning areas shall be provided in accordance with the approved plan 20-017/P/014 Rev D and shall be constructed, laid out, surfaced, drained and completed to be compliant with sustainable drainage (SuDS) principles, and shall be retained unobstructed except for the parking of vehicles associated with the development at all times.
- 4) The landscaping scheme as shown on plan 20-017/P/050 Rev E shall be carried out in the first planting season following the occupation of the first dwelling or completion of the development, whichever is sooner. Any trees or plants which die, are removed or become severely damaged or diseased within 5 years of planting will be replaced in accordance with the approved plans.