



Appeal Decision

Site visit made on 6 May 2022

by Lewis Condé BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd June 2022

Appeal Ref: APP/Q3115/W/21/3288703

Waterstone House, Section of A415 running through Burcot, Burcot, Abingdon, OX14 3DN

- 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 A Stewart against South Oxfordshire District Council.
 - The application Ref P21/S2551/FUL, dated 27 May 2021 was refused by notice dated 26 November 2021.
 - The development proposed is described as 'Works of demolition, extension, alteration and conversion of the existing storage building to form a self-contained dwelling'.
-

Decision

1. The appeal is allowed and planning permission is granted for works of demolition, extension, alteration and conversion of the existing storage building to form a self-contained dwelling at Waterstone House, Burcot, Abingdon, OX14 3DN in accordance with the terms of the application, Ref P21/S2551/FUL, dated 27 May 2021, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are:
 - Effect of the proposal on the character and appearance of the area; and
 - Whether the proposal would provide adequate living conditions for future occupiers of the proposed dwelling, with specific regard to amenity space.

Reasons

Character and Appearance

3. The appeal property forms one half of a single storey former agricultural building. The building is understood to have formally been used as a stable, but more recently for domestic storage purposes. The barn is divided by a central party wall on an east to west axis. It is the southern section of the barn that the appeal relates to, with the remainder of the barn being in alternative ownership.
4. The appeal building is positioned to the rear of dwellings located on the south side of the A415 Abingdon Road. The site is accessed via a private drive, off Abingdon Road, that also serves a small number of residential properties. The private road provides the appeal site with a sense of seclusion from the public realm. The site's position is therefore rather private in nature and has a

tranquil and verdant character, being located amongst mature trees and vegetation.

5. The surrounding area is predominantly residential in nature. Properties vary in their style, age and form, while there is also significant contrast in their scale. To the north and east the built form tends to be closer-knit, consisting of primarily semi-detached properties, as well as some terraced. Larger, mainly detached properties, set within generally more sizeable plots, are found immediately to the south of the appeal site, as well as to the west.
6. Despite the plot size not closely reflecting its immediate neighbours, the proposal would not detract from the character and appearance of the area. Due to the site's position, it is not readily apparent from public vantage points. Accordingly, the proposed dwelling's smaller curtilage would not be particularly appreciable. While as indicated, the surrounding built form is mixed in scale and character.
7. Furthermore, whilst the proposal would result in an alternative use, the existing building on the site and its plot size are an already established part of the area's character. From a physical perspective, the proposal would not significantly alter this arrangement. Indeed, the proposed scheme would reduce the current building's footprint and it would therefore fit more comfortably on the site and not appear cramped in nature.
8. Likewise, the intended location of the amenity space to the side of the proposed dwelling, and the adjacent car parking space, would not cause harm to the visual amenity of the street scene. This is again due to the existing context of the site, alongside its lack of prominence from public vantage points.
9. For the reasons outlined above, the proposed development would not have a harmful effect on the character and appearance of the area. Accordingly, the development does not conflict with Policies DES1 or DES2 of the South Oxfordshire District Council Local Plan 2011 - 2035 (adopted December 2020) ('Local Plan'). Together these policies, amongst other matters, seek for new development to be of a high quality design that respects its local context and surroundings.

Living Conditions of Future Occupiers

10. The proposed garden would be small in comparison to that of its immediate neighbours. However, whilst not expansive, the garden would be serving a one-bedroom property, as opposed to larger residential dwellings nearby. Additionally, it is not contested by the main parties that the quantum of amenity space would significantly exceed the Council's identified minimum standards for a one-bedroom dwelling. Therefore, the size of the outdoor space proposed is deemed suitable.
11. In terms of its quality, the proposed amenity space would be located mainly to the west of the dwelling, immediately off its living space and accessed via patio doors or a separate side door. It thereby shares a logical relationship to the internal space of the building and is convenient to access for its potential users.
12. The amenity space would comprise both a patio and an area of soft landscaping. The garden would be light given its orientation and relationship to neighbouring properties. Laurel hedging is shown on the submitted plans as a proposed boundary treatment around much of the amenity space including the

patio. This would provide the garden with a degree of privacy albeit the space would not be entirely enclosed. Despite this, the location of the proposed amenity space is such that it would remain sufficiently private. This is due to the distance and orientation of the proposed amenity space in relation to neighbouring dwellings, particularly their windows, and also the secluded nature of the site.

13. The proposed parking space would be closely related to the main garden area. However, it is an open parking space as opposed to a garage building. The amenity space is also sufficiently sized, such that the parking of a vehicle would not dominate or have a significantly overbearing impact on it. A planning condition, requiring approval of the detailed design of the parking space, could provide the opportunity to further integrate the parking alongside the amenity space, for example via the inclusion of additional landscaping measures. The appellant has indicated a willingness to accept such a condition.
14. A third party has raised that it holds a right of way across the appeal site. It is claimed that this would impinge on the potential future occupiers' ability to enjoy use of the garden. However, the appellant disputes these claims. Insufficient information has been provided to demonstrate that such a right of access exists, or the extent of this right. In any case, this is a legal matter between the relevant parties, as such, I have given it limited consideration in my determination of the appeal.
15. Overall, the proposed amenity space is of a sufficient size, would be well screened, light and private. It is also located in a tranquil setting. It would therefore offer a pleasant, informal area that could be used for sitting out or enjoying.
16. Accordingly, the size and quality of the proposed amenity space would provide adequate living conditions for any future occupiers of the appeal proposal. The appeal scheme therefore does not conflict with Policy DES5 of the Local Plan that seeks for suitable private outdoor amenity space to be provided for all new dwellings.

Other Matters

17. The appeal site is located in the Green Belt. However, the Council did not refuse the application based on its effects on the Green Belt. I concur with the Council officer's report that the development would not amount to 'inappropriate development' within the Green Belt as defined at paragraph 149g) and 150d) of the National Planning Policy Framework (the Framework). This is due to the existing site context and the proposed development resulting in an overall reduction in scale of the appeal building. Consequently, the development would not conflict with the purposes of the Green Belt outlined at paragraph 138 of the Framework.
18. References have been made by a third party to the historic Burcot House Estate and that the appeal proposal would not be in accordance with the vision for the Estate's development. However, no detailed evidence has been provided to substantiate this. In any case, for the reasons outlined above, I consider that the proposal will not harm the character or appearance of the area.
19. Reference has also been provided to the planning history for an adjacent development site, including an appeal scheme that was dismissed, in order to

justify refusal of the current proposal. I do not have full details of the proposed developments at the neighbouring site. However, the context would appear to be entirely different, in that the neighbouring proposals would involve the development of a greenfield site within the Green Belt, whereas, the current appeal relates to the conversion of an existing structure.

20. Concerns raised regarding the precise building process and potential damage to third party property are a private matter between the parties involved and have had no bearing on my consideration of the planning merits of the proposal.
21. I have also considered the various other concerns raised by interested parties, including potential impacts relating to parking and highway safety, issues relating to the structural safety of the building, rights of access, neighbours' amenity, whether the site should be considered a non-designated heritage asset, an emerging neighbourhood plan, and a perceived lack of demand for the proposal. However, none of the other matters raised outweigh or alter my conclusion on the main issues.

Conditions

22. The Council has provided draft conditions, if the appeal was to be allowed. I have undertaken some minor editing and reordering of the conditions proposed by the Council in the interests of precision and clarity.
23. A condition specifying the approved plans is necessary to provide clarity and in the interest of certainty and proper planning. A condition that the development is undertaken in accordance with the materials specified is necessary in the interest of the appearance of the development.
24. Conditions relating to the approval of surface water and foul water drainage details are necessary in the interest of providing satisfactory drainage infrastructure and minimising flood risk.
25. A condition requiring further details of the parking space is necessary in the interest of highway safety and to ensure that a satisfactory form of development emerges. Additionally, a condition requiring the installation of an electric vehicle charging point is reasonable and necessary on sustainability grounds and to comply with Policy DES8 of the Local Plan.
26. The removal of permitted development rights in relation to the enlargement of the proposed dwelling, additions or other alterations to its roof, and preventing the erection of building or structures incidental to the enjoyment of the dwellinghouse is deemed reasonable and necessary. This is to safeguard the living conditions of neighbouring residents, future occupiers of the proposed dwellings.

Conclusion

27. For the reasons set out above, and having had regard to all other matters raised, the proposal would not have an unacceptable effect on the character and appearance of the area or the living conditions of future occupiers. As such, it would comply with the development plan and the Framework. The appeal is therefore allowed.

Lewis Condé

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan - drawing no. P100; Block plan - drawing no. 21/0106/BPP1(A) - A4; and Proposed Plans and Elevations - drawing no. 21/0106/P2(C) - A3.
- 3) The development hereby permitted shall only be constructed in the materials specified on the plans hereby approved.
- 4) No development shall commence, with the exception of demolition works, until a full surface water drainage scheme, including details of the size, position and construction of drainage works, has been submitted to, and approved in writing by, the Local Planning Authority. The drainage scheme shall be designed to accommodate a 1 in 100 year storm + 40% CC and shall be implemented in accordance with the approved details prior to the occupation of the development hereby approved.
- 5) No development shall commence, with the exception of demolition works, until a full foul water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme, all coupled with calculations to evidence this. Thereafter the scheme as approved shall be implemented prior to the occupation of the development hereby approved.
- 6) No development shall commence, with the exception of demolition works, until a detailed plan showing provision of a car parking space has been submitted to and approved in writing by the Local Planning Authority. The detailed car parking plan shall accord with the District Council's adopted car parking standards and be laid out, surfaced, drained and completed in compliance with sustainable drainage (SuDS) principles prior to the first occupation of the dwelling. Thereafter, the car parking space shall be retained unobstructed except for the parking of vehicles associated with the development at all times.
- 7) The dwelling shall not be occupied until an Electric Vehicle Charging Point has been installed.
- 8) Notwithstanding the provisions of Classes A, B, C, D and E of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or the equivalent provisions of any order revoking and re-enacting that Order), there shall be no extension or roof alteration to the dwelling hereby permitted and no ancillary buildings or structures shall be erected within the curtilage of the dwelling.

End of Conditions