



Appeal Decision

Site visit made on 28 June 2022

by Emma Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21ST July 2022

Appeal Ref: APP/D3125/W/22/3291451

Windyridge, Crawley Road, Whitney OX29 9TG

- 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 M Meagher against the decision of West Oxfordshire District Council.
 - The application Ref 21/02593/FUL, dated 5 July 2021, was refused by notice dated 8 December 2021.
 - The development proposed is to demolish existing dilapidated bungalow and replace with a new detached dwelling. Existing garage to remain in situ.
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Decision

1. The appeal is dismissed.

Main Issue

2. The effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal site is located in an area of open countryside, it comprises a detached single storey dwelling with rooms in the roof space. It has an attached garage and a single storey outbuilding to the rear. The immediate area is predominantly agricultural and associated development, with scattered dwellings. Openness prevails both at the appeal site and the wider area, contributing positively to an undeveloped rurality, reflective of the largely unspoilt and thus high quality of the countryside. Whilst not elevated in the sense of being sat on a hill per se, the existing dwelling does find itself on a slightly raised ground level relative to the wider landscape. However, the modest scale and height of the existing dwelling, as well as nearby planting, makes it recessive as a feature.
4. Amongst other things, Policy H6 of the West Oxfordshire Local Plan 2031 (LP) supports the replacement of existing dwellings subject to them being of a reasonable scale relative to the original and provided the character and appearance of the surrounding area is not eroded. The supporting text reinforces this by explaining that such should create a positive addition to the landscape. Whilst not defined in the policy, reasonable in its ordinary meaning of the word is taken to mean 'not excessive'. Based on the evidence before me the original building has already been significantly altered and extended to what is now the appeal property. The proposed 5 bedroom two-storey dwelling would be considerably greater in height, scale and footprint than the building as originally constructed. I find that it would therefore be excessive when

compared to the original dwelling and as such would not be of a reasonable scale.

5. The site lies within the Wychwood Uplands Landscape Character Area and is identified in the West Oxfordshire Landscape Assessment (WOLA) as having an '*attractive and unspoilt, rural character*'. The WOLA identifies factors that potentially threaten landscape quality in these areas, including the visual intrusion of prominent structures and suburbanisation of rural settlements and roads.
6. The proposed dwelling would be of a simple form and contemporary design, including large sections of glazing to the front and rear elevations. It would however be of considerable bulk and mass when compared to the original, even the existing, dwelling. Taking this and surrounding land levels into account, it would be visible above surrounding planting, it would appear as a visually prominent feature in the otherwise rural surroundings, eroding and thus unacceptably diminishing the quality of its open character.
7. The proposal would, for the above reasons, be harmful to the character and appearance of the area. It would accordingly conflict with the aims of LP Policies H6, OS2, OS4 and EH2, as well as advice in the Framework. Together, these policies and guidance, amongst other things, aim to ensure development is of high quality design that would respect landscape character.

Other Matters

8. The fact that the new dwelling would be energy efficient is a laudable approach but would not, in itself, be sufficient to reduce the harm I have found. Furthermore, no substantive evidence has been submitted to demonstrate that the existing dwelling could not achieve high levels of sustainability and energy efficiency if appropriate measures were taken. I am also aware that there are areas in which the proposed development would be acceptable, but this would be a lack of harm in each case which, by definition, cannot be used to weigh against harm.
9. Whilst there would be some economic benefits during construction, these would be time limited. Given that there would be no net gain in the number of residential units on the site, I consider that any long-term economic benefits in terms of additional residents who would support local services and facilities is likely to be limited.
10. It has been suggested that a condition could be imposed to require the demolition of the garage and detached outbuilding, should it be considered that this would make the proposal acceptable. Even if it was considered that this would address the harm identified, I must consider the proposal as submitted, the appeal process should not be used to evolve a scheme in the interests of not prejudicing the ability of main or other parties to make comment.
11. I have no reason to believe that the site, which comprises a generous plot accommodating the existing detached dwelling, which itself is not insubstantial, is under-utilised, or that the proposed replacement dwelling is necessary to make it such. The replacement of a detached family home with another would therefore offer only limited benefit in terms of a more optimal use of the site.

Conclusion

12. The appeal scheme would conflict with the development plan. There are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance therewith. The appeal should therefore be dismissed

Emma Worley

INSPECTOR