



Appeal Decision

Site visit made on 5 August 2022

by Lewis Condé BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th August 2022

Appeal Ref: APP/Q3115/W/22/3293050

Land off Brasenose Road, Didcot, Oxfordshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr Derek Ray against the decision of South Oxfordshire District Council.
 - The application Ref P21/S5088/PIP, dated 3 December 2021, was refused by notice dated 17 January 2022.
 - The development proposed is described as 'Proposed construction of up to 4 dwellings'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As explained in the Planning Practice Guidance (PPG), the Town and Country Planning (Permission in Principle) (Amendment) Order 2017 (the Order) is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for the proposed development from the technical detail. The scope of the first stage, that is to establish whether a site is suitable in principle for development, is limited to location, land use and amount of development.
3. In respect of residential development, an applicant can apply for permission in principle for a range of dwellings by expressing a minimum and maximum number of net dwellings as part of the application. In this instance, permission in principle has been sought for the erection of a minimum of 1 and a maximum of four dwellings at the appeal site. For the avoidance of doubt, I have determined the appeal on that basis, having regard to the requirements of the Order and the PPG.

Main Issue

4. The main issue is whether the location of the development would be acceptable in principle having regard to the character and appearance of the area, including the effect on trees.

Reasons

Character and Appearance

5. The appeal site comprises a parcel of undeveloped land measuring approximately 0.12 hectares, off Brasenose Road. The site is largely grassed but has a footpath running through it, while a knee-high post and rail fence runs around much of its boundary. The site also contains several trees, which is

- discussed further below. The land is understood to be in private ownership but has highway rights.
6. The appeal site is situated between existing housing development on Brasenose Road to its south, east and north, while housing along Freeman Road is located to the west. The surrounding area is of a suburban residential nature and the adjacent residential properties face onto the appeal site.
 7. Dwellings in the surrounding area vary in scale and appearance, albeit appear to have been built as part of a late 20th century estate, with the appeal site providing a pocket of open space within the otherwise predominantly built-up area. Indeed, the undeveloped nature of the appeal site provides a pleasant area of open greenspace that helps to soften the surrounding built form. It also provides space between the properties either side of the appeal site, offering an appreciable degree of separation and spatial relief for the dwellings, whilst also providing the streetscene with a spacious and open character.
 8. Consequently, I consider the appeal site provides a valuable contribution to the overall quality of the local environment. This is also reflected in the comments of several nearby residents, which indicates the space has public value, particularly in terms of visual amenity.
 9. I acknowledge that this is a permission in principle application, where the technical details are to be agreed at a later stage. However, the proposal would nonetheless change the character of the site through the introduction of built form. Regardless of the final number of dwellings, the proposal would erode the current well established open-space and harmfully diminish the sense of openness and greenery within the street scene.
 10. It is recognised that the proposal is within private ownership and that a stopping up order has been conditionally granted by Oxfordshire County Council. Nevertheless, the site is currently publicly accessible. It is also prominent and makes an important contribution to the pleasant character of the area, thereby providing public amenity value. This contribution would be significantly undermined if the site were to be developed for housing.
 11. The appeal site contains several trees, that are predominantly grouped together at the south-west of the appeal site, along with a small number towards the eastern corner of the site. None of the on-site trees are subject to Tree Preservation Orders (TPO), whilst an arboricultural report commissioned by the appellant, indicates that the trees on site are a mixture of Category B and C classification. Nevertheless, the trees still provide pleasing greenery that provides a degree of visual amenity.
 12. Further trees are also located on an area of adjoining greenspace, close to the appeal site's boundary, such that they could be impacted by the proposed development. This includes a Field Maple (Category A) that is subject of a TPO.
 13. The Council has referred to a previously refused application (ref: P20/S0365/FUL) for the development of 5 dwellings at the appeal site and highlights that the layout of that previous scheme would have necessitated the loss of trees on the site. It is therefore argued by the Council that the current application proposal for up to four dwellings is likely to involve a harmful loss of trees, whilst also impacting on the protected Field Maple, due to its size and proximity to the appeal site. I have only limited details of the previously

refused application. However, the current application is for fewer dwellings and does not provide any indication of the proposed layout or form of development, with these matters reserved for Technical Details Consent (TDC) stage. Additionally, any future layout would not be bound to that of the previous scheme at the site.

14. It is not possible at this stage to foresee the precise nature of future proposed tree works. However, subject to the scale of the development and its detailed design, it is conceivable that a scheme could come forward that does not result in the harmful loss of trees at the site, or suitably mitigates for any such loss. Indeed, given the nature of the application procedure, matters such as the details of trees to be retained, relevant protection measures or additional planting are most appropriately addressed at the TDC stage.
15. Based on the above, I do not consider the current appeal proposal has a demonstrable harmful effect on trees. It therefore does not follow that the proposal is contrary to Local Plan Policies H1, ENV1, ENV5, DES1 and DES2 with specific respect to the impacts on trees. Nevertheless, in principle, I find that the loss of openness, through the introduction of built form on the appeal site would cause significant and demonstrable harm to the character and appearance of the area. Consequently, the proposed development would conflict with policies STRAT3, H1, DES1 and DES2 of the South Oxfordshire Local Plan 2011-2035 (adopted 2020) (the Local Plan). Together, amongst other matters, these policies seek to ensure that development respects its local context, is designed to reflect the positive features of the area, and avoids the loss of important open space of public value.

Other Matters

16. From my site visit, it seemed that the appeal site is unlikely to be heavily utilised for recreational activity. This is due to its rather limited scale, lack of facilities and the presence of other nearby recreational open space. However, this does not prevent the open space being of public value. Indeed, it has been highlighted that the appeal site is deemed to have an important public value in terms of the visual amenity that it provides. Similarly, the fact that local residents did not purchase the land when it was available at auction does not demonstrate that the site has a lack of public value.
17. The appellant refers to pre-application advice obtained from the Council, which suggests that the site would be suitable in principle for residential development. The pre-application advice pre-dates the adoption of the Council's Local Plan. Despite this, the applicable policy considerations appear to remain fundamentally similar.
18. However, as the pre-application advice indicates, whilst the Council's development plan policies support the principle of new residential development within the built-up areas of Didcot, this remains subject to several other policy criteria. The Council's advice also made it clear that the policy considerations would include the impacts of development on open space of public value, as well as requiring development not to adversely affecting the character of the area. For reasons outlined above, I have found that the development of up to four dwellings at the site would harm the character and appearance of the area. Therefore, I do not accept that this site is suitable in principle for the residential development proposed.

Conclusion

19. For the reasons given above, having regard to the development plan and all other material considerations, I conclude that the appeal should be dismissed.

Lewis Condé

INSPECTOR