



Appeal Decision

Site visit made on 23 August 2022

by Nichola Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 September 2022

Appeal Ref: APP/Q3115/W/22/3295348

Land at 4 Ernest Road, Didcot OX11 8QH

- 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 M L King against the decision of South Oxfordshire District Council.
 - The application Ref P21/S2637/FUL, dated 27 April 2021, was refused by notice dated 1 November 2021.
 - The development is a proposed new dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for proposed new dwelling at land at 4 Ernest Road, Didcot, OX11 8QH in accordance with the terms of the application, Ref P21/S2637/FUL, dated 27 April 2021, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are:
 - a.) the effect of the proposal on the character and appearance of the area;
 - b.) the effect of the proposal on the living conditions of the occupiers of neighbouring properties 2a and 2b Ernest Road with particular regard to outlook; and
 - c.) whether the proposal would provide satisfactory living conditions for the future occupiers with particular regard to levels of privacy.

Reasons

Character and Appearance

3. 4 Ernest Road is a semi-detached property, set within a varied street scene of single and two storey dwellings which are set back from the road. Neighbouring properties 2a and 2b Ernest Road are smaller infill semi-detached dwellings which are set back further in the plot than other dwellings within the street. Consequently, Ernest Road has a varied and spacious character. The appeal site is irregular in shape and rear amenity space is set at an angle to the host and neighbouring dwellings, wrapping around the rear boundaries of 2, 2a and 2b Ernest Road. The site borders Edmonds Court to the rear. Edmonds Court is a cul de sac which accommodates 2 modern blocks of flats, car parking areas and single storey blocks of garages. Buildings here are varied in scale, massing and design. There is a small amount of landscaping within the Court. Consequently, the area has a varied and functional character which differs from

that of Ernest Road. The rear elevations of the appeal property and neighbouring dwellings can be seen above the rear boundary treatment from Edmonds Court.

4. The proposed dwelling would be located to the rear of the site with access from Edmonds Court and would span the entire width of the site. The proposed dwelling would be of a modern design and single storey in height with a staggered roof form and would differ in design, scale and materials from other buildings within the surrounding area. However, noting my observations of the character of Edmonds Court, this does not make the proposal unacceptable as it would be read in the context of the varied character of the area and furthermore would not appear dominant within the street scene. The dwelling would not be visible from, or affect the character and appearance of, the site frontage at Ernest Road. Furthermore, whilst the proposed dwelling would occupy the entire width of a small plot and would allow for limited opportunities for landscaping to the site frontage, this would not be inconsistent with the aforementioned character of Edmonds Court and would not detract from the functional character of the area.
5. For the above reasons I find that the proposed dwelling would not cause material harm to the character or appearance of the area. Therefore, there would be no conflict with the aims of policies STRAT3, DES1 and DES2 of the South Oxfordshire Local Plan 2011-2035 (2020) (the LP), which, among other things, seek to ensure that new development is of a high quality design which reflects local character.

Living conditions of neighbouring occupiers

6. The proposed dwelling would be located close to the rear boundaries of 2a and 2b Ernest Road. However, only the roof of the proposed dwelling would be visible above the existing boundary treatment from the private rear gardens of these properties. Furthermore, the roof would be lowest at the site boundaries, minimising the height and massing of the building when seen from neighbouring properties. Consequently, the proposed dwelling would not be overbearing or appear oppressive in nature when viewed from 2a and 2b Ernest Road. Additionally, assessing the scheme against the existing and proposed site circumstances show that the changes would not result in significant shading effects which would harm the living conditions of the occupants of these dwellings and would not afford opportunities for overlooking and any associated loss of privacy.
7. For this reason, I find no conflict with those aims of LP Policy DES6 which seeks, among other things, to ensure that proposals do not result in significant adverse impacts on the amenity of neighbouring uses.

Living conditions for the future occupiers

8. The proposed dwelling would be provided with a small rear garden which would be set at an angle to the host and neighbouring properties. First floor rear windows of 2a and 2b Ernest Road would overlook the windowless side elevation of the proposed dwelling. The location and orientation of these windows would afford limited opportunities for overlooking of the proposed amenity space. However, first floor rear windows to 2 Ernest Road would be afforded direct views of the proposed private amenity space and such a degree of overlooking would go beyond reasonable levels. Consequently, future

occupiers of the proposed dwelling would experience inadequate standards of privacy and unacceptable living conditions. This would conflict with the aims of LP Policy DES5 which seeks, among other things, to ensure that new dwellings are provided with adequate private amenity space and that this space should not be overlooked by adjacent habitable rooms.

9. The appellant has suggested a landscaping condition which would provide boundary planting to mitigate against any overlooking from neighbouring dwellings. The PPG advises that conditions can enable development to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects. I am satisfied that the plot has the capacity to accommodate a suitable landscaping scheme, and, if implemented and maintained as set out in the suggested condition, this would provide the future occupants with amenity space which would not experience unreasonable levels of overlooking. Consequently, subject to this landscaping condition, I find that the proposal would not conflict with those aims of LP Policy DES5, and future occupants would be provided with adequate private amenity space and satisfactory living conditions.

Other Matters

10. A range of other matters have been raised by interested parties. These include noise from the proposed dwelling; disturbance from rainfall on the roof; loss of fruit trees; loss of garden space for the host dwelling; loss of biodiversity; the impact on tree roots to a neighbouring garden; the carbon footprint of the proposed dwelling and the lack of affordable housing. I have been presented with no substantive information which would lead me to conclude that the development would result in unacceptable harm in relation to these matters and I have no reason to disagree with the Council's assessment that the proposal does not amount to a harmful impact in these regards.
11. I have also taken account of the representations of the Town Council and those nearby regarding the traffic resulting from the development and the loss of on street parking in Edmonds Court. I note that the Local Highway Authority raised no objections to the proposal, commenting that the proposal is unlikely to have a significant adverse impact on the highway network. I have no reason to take a different view. Therefore, I find no harm in this regard.
12. I have carefully considered the comments made by interested parties regarding the Council's notification process, the future maintenance of the side of the building, the effect of the application and appeal on their wellbeing and the appellant's reference to the permitted development 'fallback position'. Nonetheless I have determined this appeal on its planning merits, and these are matters which do not affect my findings on the main issues.

Conditions

13. I have had regard to the conditions suggested by the Council and the appellant in their statement of case, on which both parties have had the opportunity to comment. Where necessary I have made revisions to some of the conditions put to me to ensure that they meet the tests in the Framework and PPG, without altering their fundamental aims. The appellant has confirmed agreement to any pre-commencement conditions in their statement of case.

14. Planning permission is granted subject to the standard three year time limit condition for implementation. In addition, it is necessary to specify the approved plans in the interest of certainty. In the interest of the character and appearance of the street scene, a condition is necessary to control the external materials of the development. Conditions relating to visibility splays and the construction of the access and parking areas are necessary in the interests of highway and pedestrian safety. A condition relating to surface water drainage is necessary in the interests of pollution and flooding.
15. In the interests of amenity, a condition is necessary for landscaping. A condition relating to the provision of a bird box is necessary in the interests of biodiversity. I have imposed the suggested conditions relating to energy efficiency measures and an electric car charging point in order to support more sustainable living, in accordance with those aims of LP Policies DES10 and TRANS5.

Conclusion

16. For the above reasons, having considered the development plan as a whole along with all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions below.

Nichola Robinson

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 drawings: 1043.G.1, 1043.G.2, 1043.G.3, 1043.G.4, 1043.G.7 and 1043.G.8.
- 3) Prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved.
- 4) Prior to the commencement of development a detailed plan showing provision for one car parking space for the proposed dwelling to be accommodated within the site, shall be submitted to and approved in writing by the Local Planning Authority and such parking facilities shall be laid out, surfaced, drained and completed to be compliant with sustainable drainage (SuDS) principles in strict accordance with the approved details prior to the first occupation of the development hereby permitted. Thereafter the car parking space shall be retained unobstructed except for the parking of vehicles associated with the development at all times.
- 5) Prior to occupation of the dwelling hereby permitted the proposed means of access onto Edmonds Court is to be formed and laid out and constructed strictly in accordance with the local highway authority's specifications and all ancillary works specified shall be undertaken.
- 6) Prior to the first occupation of the dwelling visibility splays measuring 2.0 metres by 2.0 metres shall be provided to each side of the access and the visibility

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.

7) Prior to the first occupation of the dwelling hereby approved, a scheme to provide an Electric Vehicle Charging Point shall be submitted to and approved in writing by the Local Planning Authority. The Electric Vehicle Charging Point shall be implemented prior to the occupation of the development and thereafter retained as such.

8) Prior to first occupation, all carbon reduction energy efficiency measures shall be implemented in accordance with the Energy Statement hereby approved and a Verification Report shall be submitted to the Local Planning Authority and approved in writing. The Verification Report shall demonstrate (with photographic evidence) that the energy efficiency measures have been implemented. These measures shall be retained and maintained as such thereafter in accordance with the Energy Statement and Verification Report.

9) The exterior of the development hereby permitted shall only be constructed in the materials specified on the planning application forms hereby approved or in materials which shall previously have been approved in writing by the Local Planning Authority.

10) One bird box shall be erected onsite in a suitable location and retained on site in perpetuity.

11) Prior to the construction of any development above slab level a scheme for the landscaping of the site, including the planting of live trees and shrubs, shall be submitted to and approved in writing by the Local Planning Authority. These details shall include schedules of new trees and shrubs to be planted (noting species, plant sizes and numbers/densities) and the identification of any existing trees and shrubs on the site to be retained (noting species, location and spread). The scheme shall be implemented prior to the first occupation or use of the development hereby approved and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub or equivalent number of trees or shrubs of a species already approved by the Local Planning Authority, shall be planted and maintained in a position or positions as previously approved in writing by the Local Planning Authority.