



Appeal Decision

Site visit made on 24 October 2022

by Lewis Condé BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 January 2023

Appeal Ref: APP/Q3115/W/22/3301463

**Acorn House, Sotwell Street, Brightwell-Cum-Sotwell, Wallingford
OX10 0RG**

- 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 Miss S Garvey against the decision of South Oxfordshire District Council.
 - The application Ref P21/S2917/FUL, dated 25 June 2021, was refused by notice dated 21 April 2022.
 - The development proposed is 'Demolition of existing property and the erection of a new replacement dwelling'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal upon the living conditions of neighbouring occupiers of the dwelling known as 'Maitland', with regard to outlook and light.

Reasons

3. Acorn House is a detached bungalow, set significantly back from its front boundary in an elevated position above Sotwell Street. The surrounding area is largely residential in nature, with nearby properties comprising predominantly of detached dwellings, set back from the highway, in sizeable plots. The scale and appearance of dwellings in the vicinity of the appeal site varies significantly.
4. Acorn House lies immediately to the west of a two-story dwelling 'Maitland'. The dwellings sit parallel to one another and both lie near to their shared boundary. The rear elevation of Maitland includes ground and first floor clear glazed windows close to the boundary with the appeal site. These appear to be the primary windows serving their respective habitable rooms.
5. The proposed replacement dwelling would continue to extend a similar distance beyond the rear elevation of Maitland as the existing building. Additionally, its position in relation to the shared boundary would be much alike. However, the proposed dwelling's height and mass near the boundary would be significantly increased in comparison with that of the current dwelling.
6. The proposed dwelling would incorporate low eaves and a partial hipped roof arrangement near the boundary with Maitland. Despite this, it will still introduce a two-storey element that shares a close relationship with the

neighbouring property. The overall scale of the proposal, the extent that it would project beyond the rear elevation of Maitland, together with its close relationship with the neighbouring property, would result in a significant overbearing impact and sense of enclosure to Maitland. The most adverse impact would be to the rear ground floor living room, located near the shared boundary, which would experience a significant loss of outlook and light.

7. The garden patio serving Maitland, near to the appeal site's boundary, would also experience a greater sense of enclosure and loss of light through overshadowing by the proposed development. However, Maitland is served by a large rear garden and its patio further extends away from the boundary with the appeal site. As such, I do not consider the loss of light to the adjacent garden area to be significantly harmful.
8. The appellant has previously secured planning permission for a sizeable single storey extension to the existing dwelling at the site. I understand that the permission remains extant and I consider it to therefore offer a genuine fallback option. The fallback scheme would extend far further along the boundary with Maitland than the current proposal. Nevertheless, given its significantly lower height, the fallback scheme would not create such a harmful, dominant sense of enclosure, or loss of light, compared to the current proposal.
9. Overall, the proposed development would result in significant harm to the living conditions of the occupiers of 'Maitland', in terms of outlook and loss of light to an adjacent habitable room. The proposal is therefore contrary to policy DES6 of the South Oxfordshire Local Plan 2011 – 2035 (adopted 2020). The policy seeks for development to avoid significant adverse impacts on the amenity of neighbouring uses, including with respect to dominance, visual intrusion and loss of daylight or sunlight. It is also in conflict with the National Planning Policy Framework in respect of its requirements for developments to create places with a high standard of amenity for existing and future users.

Other Matters

10. Acorn House contains windows in its existing eastern elevation that face towards Maitland. This includes a bedroom window that, due to the current boundary treatment, has partial views through to the neighbouring property, particularly its adjacent outdoor patio area. The proposed development contains no such windows in its eastern elevation. It therefore would offer improved privacy to the occupiers of Maitland compared to the existing situation. Be that as it may, I do not find this potential benefit would outweigh the harm the proposal would cause in terms of loss of outlook.
11. The appeal site is located outside of, but adjacent to, the Brightwell-cum-Sotwell Conservation Area (CA). The CA contains an array of historic buildings constructed of traditional materials, whilst it has a pleasant, verdant, and tranquil quality which contributes positively to its significance. The proposed development would result in a building that has higher quality aesthetics than the existing dwelling at the site. However, I find that the uplift in appearance would only provide a very modest benefit to the setting of the CA. This would again not outweigh the adverse impacts of the appeal proposal.
12. Whilst the appeal scheme may accord with various other development plan policies, including those in relation to the principle of development, access, parking, and ecology, this is to be expected of new development proposals.

13. I find no to disagree with the Council that the proposal would not cause harm to the living conditions of neighbouring residents to the west, nor would it result in a harmful loss of privacy to neighbouring residents.

Conclusion

14. For the reasons outlined above, the appeal proposal is contrary to the adopted development plan, while no material considerations that justify a departure from the adopted policy have been identified. Accordingly, the appeal is dismissed.

Lewis Condé

INSPECTOR