



Appeal Decision

Site visit made on 8 February 2023

by Helen Davies MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th February 2023

Appeal Ref: APP/D3125/W/22/3306937

65 Shilton Road, Carterton, Oxfordshire OX18 1EN

- 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 Tom Fletcher of Christchurch Homes Limited against the decision of West Oxfordshire District Council.
 - The application Ref 22/00947/FUL, dated 31 March 2022, was refused by notice dated 19 July 2022.
 - The development proposed is demolition of existing dwelling and associated outbuildings and construction of 4no detached dwellings with associated parking, private gardens and amenity space; and alterations to existing vehicular accesses.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Between the submission of the application subject to this appeal and the decision to refuse it, a separate application¹ determined that prior approval was not required for the demolition of the existing dwelling on site. Subsequent to the refusal, permission² has been granted for 4 dwellings of a different design to be constructed at the site.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the site and the surrounding area.

Reasons

4. The site is located on the edge of Carterton. It consists of a rectangular plot which is predominantly open and set to grass. There is currently a dwelling in one corner of the road frontage, but the rest of the frontage is open and undeveloped. The site adjoins the open countryside to the rear, with dwellings to either side. In this area, the southwestern side of Shilton Road which contains the site, consists of a single line of built form. Dwellings are well spaced and predominantly single or one and a half storeys in height. The existing dwelling on site is two storey, but of a modest height and proportions. Designs are simple with mostly pitched and gabled roof forms. The prevailing layout is of dwellings with generous width but modest depth. The land slopes down away from the road with dwellings being set back from and below the level of the road. This combination of topography and limited height, combined

¹ Reference 22/01651/DEM

² Reference 22/02284/FUL, approved 12th August 2022

with the shallow depth and gaps between dwellings, creates an open and spacious character, where dwellings do not overly dominate the streetscene and views are glimpsed to the open countryside beyond.

5. The other side of Shilton Road has a wider mix of dwellings, including some of two storeys, but still predominantly single and one and a half storeys. The land slopes up away from the road, so dwellings sit above road level and form the start of the main built up area of Carterton, with more dense residential development visible behind them. As such, the northeastern side of Shilton Road contains dwellings which are far more prominent within the streetscene and is of a different character and appearance to the side of the road containing the site. It is therefore appropriate to consider the proposal primarily in the context of the southwestern side of the road within which it would be viewed.
6. The proposal would remove the existing dwelling and construct 4 large, detached dwellings across the full frontage of the site. The proposed dwelling widths and the gaps between them would be commensurate with the established pattern in the area. However, the height to the ridges would be greater than the existing dwelling which is to be demolished. The height to the ridges and eaves would also be greater, albeit to a relatively modest extent, than the dwelling to the northwest of the site, and significantly greater than the dwelling to the southeast. In addition, the depth of each dwelling would be greater than the width, meaning its proportions and orientation would be contrary to the predominant pattern of two storey built form along this linear stretch of Shilton Road.
7. The height to the eaves and ridge would be greater to the rear, to follow the topography. When combined with the depth, this means the dwellings would have two storey built form over a large footprint, resulting in substantial massing, particularly towards the rear. This scale and massing would be disproportionate to the other dwellings on the same side of Shilton Road and would not constitute a logical complement to the existing scale, massing and pattern of development. Although the gaps would be similar, the substantial depth of the dwellings, combined with the height, would limit views between and over the dwellings, to the countryside beyond. This would result in a development lacking the openness and spaciousness which characterises the area.
8. The front elevations would incorporate dormers set just above the eaves. Despite this, the height to the eaves and ridge would give the dwellings an appearance more akin to a two storey dwelling than to a single or one and a half storey dwelling. As such the development would be uncharacteristic of its context and a prominent and incongruous addition to the streetscene.
9. The proposed use of hipped roof elements and flat roof dormers to both the front and sides would be out of keeping with the prevailing design and detailing of the area. While these elements may not, on their own, lead to significant harm, when combined with the elements above it would result in a development that appeared discordant within the streetscene. The incorporation of a section of flat roof at the top of each dwelling, while not characteristic of the area, would not be harmful, given the relative lack of visibility. However, it is a symptom of the overall bulk of the proposed dwellings and has been incorporated out of necessity to reduce ridge heights.

10. As indicated in preliminary matters, permission has been granted for 4 dwellings at the site. Notwithstanding the appellants preference for the appeal scheme which comprises larger dwellings, given the clear intent to develop the site in some form, I consider there is a greater than theoretical possibility that the extant permission would be implemented in the event that this appeal is dismissed. Therefore, the extant permission constitutes a realistic fallback position. Hence, it is appropriate to consider the impact of the proposal subject to this appeal in comparison with the fallback position.
11. A straightforward comparison between the plans for the extant permission and the proposal show a similar setback and spacing between side elevations. However, the proposed dwellings would be deeper, with more mass particularly to the rear, and the height to the ridges and eaves would be higher than the approved scheme. Taken together, this would result in the proposed dwellings having a scale and massing significantly greater than the approved dwellings. These differences outline why the extant permission was considered acceptable and the appeal proposal was not. Therefore, the fallback position does not weigh in favour of the proposal.
12. I note reference to a recent development of three dwellings at 93A Shilton Road. This development features low eaves to the front, with skylights in the roof and the dwellings are of a scale and simple design that is in keeping with the established character and appearance of the dormer bungalows along the southwest side of Shilton Road. The development at No 93A is similar in scale and design to the development that has been granted permission at the appeal site. Given the differences in scale and design, and that each case must be considered on its own merits and impacts, the development at No 93A does not provide support for the proposal subject to this appeal.
13. I conclude that the proposed development would cause unacceptable harm to the character and appearance of the site and the surrounding area. Consequently, it would not comply with Policies OS2 and OS4 of the West Oxfordshire Local Plan 2031 (adopted 2018), which together, amongst other things, seek to ensure that development is well designed and of a proportionate and appropriate scale to its context. The proposal would also be contrary to paragraph 130 of the National Planning Policy Framework (the Framework), which amongst other things, seeks to ensure that development is sympathetic to local character and the surrounding built environment.

Planning balance

14. It is common ground that the Council cannot demonstrate a deliverable five year housing land supply. Therefore, in accordance with the provisions of paragraph 11d and footnote 8 of the Framework, policies which are most important for determining the application are considered to be out of date. The proposal does not impact on areas or assets of particular importance, so in accordance with paragraph 11dii, permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
15. The harm I have identified above is significant and would be long lasting, so I ascribe it substantial weight. The site is in a sustainable location, with good access to services and no flooding or ecology issues have been identified. These are expectations of any good development so are a neutral element in the overall planning balance.

16. In terms of benefits, the proposed 4 dwellings would make a net contribution of 3 dwellings³ towards the supply of housing, in an area with an ongoing under supply. There would also be social and economic benefits arising from the construction period and future spend of occupants giving support to local services and facilities. Notwithstanding this, any construction benefits would be modest and short term and 3 additional dwellings would make a very limited difference to the overall supply of housing across the Council area. In addition, the site has permission for 4 houses of a scale and design considered appropriate to the surrounding context. Therefore, the benefits of providing additional dwellings could be secured without the harms identified above. I can therefore give the benefits of this proposal only limited weight.
17. With the above in mind, and when assessed against the policies in the Framework taken as a whole, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits. Consequently, the paragraph 11d presumption in favour of sustainable development does not apply. The appeal scheme would conflict with the development plan and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with the development plan.

Other Matters

18. I note the lack of any statutory land designations or objections from statutory consultees, and the support of the town council. These factors do not outweigh the harm I have identified.
19. I acknowledge the permitted development rights which would allow the dwellings that have been granted permission to be altered and extended. However, I find it unlikely that all 4 dwellings would utilise the full extent of such rights, post substantial completion, so this does not weigh in favour of the proposal.
20. I have been presented with no substantive evidence which would lead me to conclude that the consented scheme, with smaller dwellings, would be unviable or not in line with market needs.

Conclusion

21. For the reasons given above and taking into account the development plan as a whole and all other relevant material considerations, the appeal is dismissed.

Helen Davies

INSPECTOR

³ Taking account of the 1 dwelling that exists on site currently which is to be demolished and replaced.