



Appeal Decision

Site visit made on 22 May 2023

by Rachael Pipkin BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 May 2023

Appeal Ref: APP/D3125/W/22/3293742

141 Queen Emmas Dyke, Witney OX28 4DT

- 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 Dr Jianning Liang against the decision of West Oxfordshire District Council.
 - The application Ref 21/02618/FUL, dated 27 July 2021, was refused by notice dated 24 November 2021.
 - The development proposed is construction of 2 No two-bedroom houses.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - whether the proposed development would provide satisfactory living conditions for future occupants, with particular regard to the provision of outdoor garden space for Unit 2.

Reasons

Character and appearance

3. The appeal site is located within an estate of mixed housing types comprising detached, semi-detached as well as bungalows and two-storey properties. The appeal site itself occupies a prominent corner where the road extends into a limb of the cul-de-sac on which it is located. It has a wide side garden in addition to its rear garden, enclosed by a dense hedge. On the opposite corner, 125 Queen Emmas Dyke, which faces towards the side of the appeal site, is also set in from the corner behind an area of open grass and vegetation. This set in from the highway contributes to the open character of the junction. Generally around the estate, properties are set back from the street behind front driveways and gardens which contributes to the spacious character and local distinctiveness of the area.
4. The appeal property has an extant permission for a single dwelling. The proposal is for a pair of semi-detached properties, designed to be similar to the host property. The proposed houses themselves would not be uncharacteristic in terms of size and design. However, due to the limited size of the plot, they

- would appear unduly cramped within the plot, with Unit 2 appearing particularly close to the pavement.
5. There are examples of properties within the locality that do abut the pavement. However, the appeal scheme differs from these in that the pavement would sweep around Unit 2, close to its rear elevation, emphasising the limited garden size. In the context of the appeal site, the provision of two dwellings in this limited plot would appear out of scale. This would be at odds with the spacious character of the surrounding area. It would also result in some enclosure of the street and loss of the open character at this junction.
 6. Whilst the overall design is not uncharacteristic of other properties, the front doors would be set within the side of a front porch rather than facing the street as is common throughout the area. The reasons for this relate to privacy for the adjoining occupants as well as to address a concern from highways officers in respect of space at the front of the property where off-street parking is proposed. However, this would be at odds with surrounding development and even though a window is proposed to the front elevation of the proposed dwellings, their appearance would be inconsistent, highlighting the cramped nature of the proposal.
 7. My attention has been drawn to some bungalows with front doors within their side elevations. However, properties in a similar style to the proposed semi-detached houses have front doors which face towards the street. I also recognise that within the wider estate there are examples of different porches. However, within the examples submitted, I observe that the doors nonetheless face the street. These do not therefore lead me to a different conclusion about the acceptability of the appeal proposal.
 8. I conclude that the proposed development would harm the character and appearance of the area. It would therefore conflict with Policies OS2 and OS4 of the West Oxfordshire Local Plan 2031 (the Local Plan) and the National Planning Policy Framework (the Framework). Together these require a high quality of design, development to contribute to local distinctiveness and maintain a strong sense of place, to be proportionate and appropriate in scale and to not involve the loss of any features that make an important contribution to the character and appearance of the area. It would also not comply with the guidance set out within the West Oxfordshire Design Guide 2016 (WODG) and the National Design Guide (NDG) which together set out the requirements for a high quality of design that respects local character, taking into account local context.
 9. I have found no specific conflict with Policy H2 of the Local Plan which relates to the delivery and distribution of new homes.

Living conditions

10. Unit 2 would have a rear private garden space of around 50 square metres. This would not be unduly small for a small two-bedroom property as proposed here. However, the garden would be awkwardly shaped, tapering at the rear. Its western boundary would abut the public highway where it would be enclosed by the existing tall hedge in order to provide future occupants with a suitable degree of privacy.

11. Due to its triangular shape, its relationship with the dwelling and the existing hedge, the garden space would feel very enclosed. Furthermore, its irregular shape would reduce the amount of useable space, making it feel cramped. As such, it would not provide a spacious area for sitting out in private, performing a range of outdoor household functions or pursuing domestic leisure activities. It would therefore not provide satisfactory garden space for future occupants.
12. I appreciate that not all occupants would be seeking a large garden. However, for the reasons I have set out, the proposed space would not be suitable for other reasons than its size alone.
13. I conclude that the proposed development would not provide satisfactory living conditions for future occupants. It would therefore conflict with Policy OS4 of the Local Plan which seeks a high quality of design. It would also conflict with the Framework which requires a high standard of amenity for future users. In addition, it would not accord with the guidance set out in the WODG and NDG, which together require consideration to be given to the quality and shape of outside amenity space.

Other Matter

14. The Council can demonstrate a five year supply of deliverable housing land. This has not been challenged by the appellant. The provisions of paragraph 11 d) ii) of the Framework in respect of the tilted balance would not therefore apply. Nevertheless, the provision of two additional market dwellings would be a benefit of the scheme. However, the small scale of the proposal means I can only attribute limited weight to this.

Conclusion

15. The proposed development would be contrary to the development plan and there are no material considerations that outweigh this conflict. Consequently, with reference to Section 38(6) of the Planning and Compulsory Purchase Act 2004, the appeal should be dismissed.

Rachael Pipkin

INSPECTOR