



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: 26 May 2023

Appeal Ref: APP/D3125/W/22/3294071

Park Lane House, Park Lane, Long Hanborough, Witney OX29 8JU

- 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 and Mrs McGovern against the decision of West Oxfordshire District Council.
 - The application Ref 21/03865/FUL, dated 30 November 2021, was refused by notice dated 18 January 2022.
 - The development proposed is for a replacement dwelling (modifications to previously approved scheme, ref: 20/01937/FUL).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area, including upon the setting of the Cotswold Area of Outstanding Natural Beauty (AONB).

Reasons

3. The appeal site lies on the edge of the village of Long Hanborough, at the northern end of linear residential development fronting Park Lane. The site is relatively large, extending north and west beyond where Park Lane ends and becomes a public right of way (PROW) which runs along its north-eastern boundary. This PROW leads across agricultural fields, and the appeal site forms part of the transition from the semi-rural character of the residential development along Park Lane into the more rural landscape and the open countryside beyond the village.
4. The site occupies an elevated position along the edge of the Evenlode Valley, which lies within the Cotswold AONB. The land slopes away to the north-east and north-west, offering views across the river valley to the north, although these site boundaries partially enclosed by mature trees and hedgerows. The surrounding landscape is characterised by arable farming, with some pasture and woodland found within the Lower Evenlode Valley. Development is visible within the setting of the AONB, predominantly as a long linear strip atop the ridge formed by Main Road to the south of the AONB. However, some limited dispersed development, including the appeal property, is also visible amongst vegetation within the wider landscape.
5. As the site lies a short distance to the south-west of the AONB, it forms part of its setting. Although the site is more open on its western boundary where it

opens out to views across the valley, the existing dwelling is not prominent. The boundary vegetation and the absence of significant built development contributes to the rural character of the area and the setting of the AONB.

6. Policy H6 of the West Oxfordshire Local Plan 2031, adopted 2018 (the Local Plan) allows replacement of existing permanent dwellings provided, amongst other things, the character and appearance of the surrounding area is not eroded and the replacement building is of a reasonable scale relative to the original building. There is no definition of 'reasonable scale'. However, it seems to me that this is a matter of planning judgment based on site-specific characteristics and context as well as a comparison between the original building and what is proposed.
7. The appeal site benefits from an extant planning permission¹ for the replacement of the existing two-storey dwelling with a new dwelling and a detached garage building. Whilst this is a valid fallback position, for the purposes of assessment in terms of Policy H6, the original building is the existing two-storey dwelling. This was granted planning permission² in 1959 and would have been constructed sometime thereafter. I note that this property was enlarged with a two-storey extension granted approval³ in 1991.
8. The proposed replacement dwelling would occupy a large footprint, centrally positioned within the site. The building would be varied in height, comprising a central two-storey section, with additional accommodation within the roofspace and substantial pitched roof single-storey wings to the north and south property. A separate detached, pitched roof garage / studio building would be positioned opposite the house, separated from it by a parking and turning area.
9. The proposed dwelling would be significantly larger than the original building in terms of its footprint, scale and volume. The Council's calculations indicate it would possibly have a footprint some 14 times larger. Even taking into account the enlarged size of the original dwelling that currently occupies the site, the proposed dwelling would be significantly larger. As such, it would not be of a reasonable scale relative to the original building.
10. The approved replacement dwelling would also be considerably larger than the original dwelling and, according to the Council's submissions, three times as large as the existing dwelling on the site. It has nevertheless been found acceptable by the Council in the context of Policy H6. However, the Council has explained that this was only allowed on balance, taking into account the size of the plot, and following negotiation to reduce its overall size.
11. The appeal proposal seeks to enlarge the approved dwelling through the addition of a 'leisure' wing to the southern elevation, extension of the north wing, addition of second floor accommodation and reconfiguration of entrance and basement accommodation. Enhanced landscaping is also proposed. The Council has indicated that it would be some 10m wider than the approved scheme (southwest-northwest) and a maximum of 9m deeper. This represents a significant increase in the overall size of the approved dwelling. Thus, even if I were to base my assessment on the approved scheme, it would not be of a

¹ Council Ref: 20/01937/FL

² Council Ref: W588/59

³ Council Ref: 1086/91

- reasonable scale relative to this building. It would therefore not comply with this requirement of Policy H6.
12. I turn now to consider the effect of the proposed larger property on the character and appearance of the surrounding area, its landscape and the setting of the AONB.
 13. The appellant has submitted a Landscape and Visual Impact Assessment (LVIA). This identifies seven viewpoints of the appeal site, all but one of which are considered to have high sensitivity both as landscape and visual receptors. The LVIA adopts the approved scheme as the baseline. Whilst the reasons for this are on the basis that the approved dwelling could be built out, the extent of change nonetheless needs to be considered in the context of the existing dwelling.
 14. The LVIA establishes that the greatest magnitude of change that would occur would be from Main Road, which is considered to be less sensitive, with a low-medium magnitude of change from viewpoints to the north-west and west of the appeal site. Due to the topography of the landscape, the proposed dwelling would only come into view from further down the slopes of the valley. It concludes that the visual impact from these viewpoints would be slight adverse with a neutral residual impact.
 15. From my own observations on site, I concur with the LVIA in terms of where the proposal would be seen from and the sensitivity attributed to these receptors. I saw that the existing dwelling is visible in a gap between the perimeter vegetation when viewed from the north-west. However, it is viewed against a backdrop of trees and vegetation, which were all in leaf and in this context, the house was not prominent. The approved scheme would be visible in the same views towards the site due to its size and the use of local Cotswold natural stone which is lighter in colour than the red brickwork of the existing house. It would therefore be more prominent than the existing dwelling which has already been accepted by the Council.
 16. The appeal proposal would substantially increase the width of the north-west elevation of the approved building through the addition of a substantial southern 'leisure' wing. Whilst single-storey it would have a sizeable gable end, increasing its overall height and prominence. This would be considerably more prominent than the existing dwelling. It would also be more visible, as a larger and wider building, than the approved dwelling.
 17. The LVIA suggests that with the existing trees and vegetation on site and an enhanced landscaping scheme, the proposed building would be screened. However, in winter months, when trees are not in leaf, the proposed building would be much more visible and prominent within the landscape. This screening could not therefore be relied upon.
 18. I recognise that within views from the north-west, the houses fronting Main Road are clearly visible, more so than the appeal site. However, these form a distinctive cluster and are evidently part of a settlement. The existing dwelling is visible in the same views although relatively unobtrusive. The significant increase in size and prominence of the proposed dwelling on the site would draw the eye. This would result in a sense of development extending beyond the settlement and further around the valley edge. This would adversely affect views from the north-west which form part of the setting of the AONB.

19. The appellant has suggested that the design of the proposed building is an improvement on the approved scheme. However, design matters did not form part of the reason for refusal. The design adds an additional wing to the house which would provide some symmetry to the north-western elevation. The building would also use an appropriate palette of materials and detailing, characteristic of the surrounding area. However, these do not overcome the harm that would arise from the substantial size of this building within the landscape and setting of the AONB.
20. I conclude that the proposal would harm the character and appearance of the area, including the setting of the AONB. It would therefore conflict with Policy H6 of the Local Plan as referred to above as well as Policies OS2, OS4, EH1 and EH2. These policies together require new development to respect the landscape character of the locality, conserve its intrinsic character and quality and to give great weight to conserving the natural beauty, landscape and countryside within the setting of the AONB. It would also conflict with the National Planning Policy Framework which requires development within the setting of AONBs to be sensitively located and designed to avoid or minimise adverse impacts.

Other Matters

21. The proposal would give rise to some limited economic benefits during the construction phase. It would also deliver some limited biodiversity gains dependent on updating the preliminary ecological assessment. It has been suggested that the proposal will improve the appearance of the site. However, the approved scheme would deliver similar benefits, I therefore give these limited weight. They do not outweigh the harm that would arise from the proposal.

Conclusion

22. 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