



Appeal Decision

Site visit made on 18 April 2023

by Helen Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 June 2023

Appeal Ref: APP/V3120/W/22/3310186

Land to rear of 21 Mill Road, Marcham, Abingdon OX13 6NZ

- 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 Willow Spring Homes Ltd against the decision of Vale of White Horse District Council.
 - The application Ref P22/V1269/FUL, dated 20 May 2022, was refused by notice dated 27 September 2022.
 - The development proposed is a new dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a new dwelling at Land to rear of 21 Mill Road, Marcham, Abingdon OX13 6NZ in accordance with the terms of the application, Ref P22/V1269/FUL, dated 20 May 2022, subject to the conditions set out in the attached schedule.

Main Issues

2. The main issues are:
 - whether the site is an appropriate location for housing; and
 - the effect of the proposal on the character and appearance of the area.

Reasons

Location of development

3. The appeal site is located to the rear of a semi-detached dwelling at 21 Mill Road (No 21), Marcham. The site is a flat triangular shaped plot of land that is bounded by Priory Lane to its north-east. Access to the site is from Mill Road and to the side of No 21.
4. Policy CP3 of the Vale of White Horse District Council Local Plan 2031 Part 1, Strategic Sites and Policies (2016) (Local Plan), identifies Marcham as a larger village. Policy CP3 states that larger villages are defined as settlements with a more limited range of employment, services and facilities. Unallocated development will be limited to providing for local needs and to support employment, services and facilities within local communities.
5. Policy CP4 of the Local Plan sets out how the housing need will be met by allocated and unallocated sites. Part of the housing need is to be supplied by small windfall or unallocated sites and these contribute to maintaining the Council's five year supply of housing. Policy CP4 states that there is a presumption in favour of sustainable development within the existing built area

- of larger villages. Development outside of the existing built area of these settlements will be permitted where it is allocated by the Local Plan or has been allocated within an adopted Neighbourhood Development Plan or future parts of the Local Plan. This development must be adjacent, or well related, to the existing built area of the settlement or meet exceptional circumstances set out in the other policies of the Development Plan and deliver necessary supporting infrastructure.
6. The Local Plan does not define the settlement boundary for Marcham and does not refer to a transitional area between the village and the countryside beyond. Accordingly, the question of whether a development would be located outside of the existing built area of the settlement is a matter of planning judgement.
 7. The appeal site is a plot of land that lies to the rear of No 21. Due to the triangular shape of the appeal site, it is enclosed by existing built form to its north and west, with an access driveway to Marcham Abbey to its east. To the south of the site is countryside.
 8. Given the compact and enclosed nature of the site, it has a logical relationship with its immediate built form surroundings. Thus, the proposal would be physically joined to the existing urban development, rather than being experienced as part of the rural context beyond.
 9. Furthermore, the southern boundary of the site is fenced and runs along the same boundary line as No 21. This gives it a strong edge to the adjoining field. Therefore, in my judgement, the site forms part of the developed area of Marcham and the southern boundary of the site forms the edge of the village.
 10. The Council suggest that the site is a former paddock. However, the appellant's evidence indicates that the site has historically formed part of the cultivated garden for No 21, albeit a certificate of lawfulness to prove its use is not before me. Whilst the site does have a semi-rural appearance, for the reasons given above, I find that its enclosed form does not resemble open countryside. Furthermore, the proposal would be of modest scale and would not protrude harmfully into open countryside.
 11. Consequently, given the proximity and arrangement of existing built form, the proposal would be visually contained and would form part of and be well related to the existing built area of the settlement.
 12. In addition, the proposed dwelling would be located within the settlement of Marcham where a range of essential services and facilities, including schools, village shop and post office can be found. Therefore, the site's accessibility to essential services and facilities is good, and the way they would be accessed by future occupant's is unlikely to be significantly different to nearby residents.
 13. As such, the proposal would accord with Policies CP3 and CP4 of the Local Plan. Amongst other things, these policies focus new development within a sustainable pattern of development and settlement hierarchy, and generally secure sustainable development in line with national policy.

Character and Appearance

14. The predominant character of the area is of a semi-rural appearance with the majority of houses having clearly defined boundaries with front and rear gardens. Dwellings are mainly single and two-storey, constructed from

traditional materials, such as stone, facing or painted brick, with plain roof tiles.

15. The Council consider that the proposal would be harmful to the character and appearance of the area and the setting of the village due to its detached nature and siting. However, as explained above, the proposal would be positioned adjacent to existing residential development and would be enclosed by existing built form on several of its sides.
16. Therefore, the proposal would not appear prominent in views from outside the site, due to the site's flat topography and partial screening from existing built form. In addition, the development would be of small scale that would be proportionate to its surroundings, and the existing mature vegetation along the roadside boundary would help obscure views from Priory Lane. Whilst there would be views from the south of the site, the impact would be moderate and would be mitigated by the provision of new landscaping on the site.
17. Consequently, the proposed dwelling would be seen within the context of the existing residential buildings. Given the siting and scale of the development and its immediate residential context, I find that there would be no adverse impacts to the character and appearance of the area or the setting of the village.
18. Turning to the proposed external materials, given the proposed use of timber cladding combined with the more traditional facing brickwork, the materials would not look out of keeping within its semi-rural surroundings.
19. Therefore, the proposal would accord with Policy CP37 of the Local Plan. Amongst other things, this policy seeks to ensure new development demonstrates high quality design that responds positively to the site and its surroundings.

Other Matters

20. I acknowledge that there were a number of representations, including those by Marcham Parish Council in respect of the proposal, which in addition to the main issues included concerns relating to biodiversity, parking issues, flood risk and drainage issues. However, given my findings above, and the suggested conditions provided by the Council, I have found no justification to dismiss the appeal or the benefits associated with the provision of one new dwelling.
21. Highway safety has been cited as a concern, but the Council and the relevant highway authority have raised no objection, subject to appropriate conditions which are included in the schedule. I have no reason to form a different view.
22. Concerns have been raised regarding vehicular access to the site from Priory Lane. However, the plans show that access to the site would be from Mill Road.
23. The appeal site is located near to the Grade II* Listed Building 'Marcham Abbey'. The Council has raised no objection to the proposal in respect of the effect it would have on the Grade II* Listed Building. Based on the evidence before me and the observations I made during my site visit, I also find the proposed development would have no effect on the setting or significance of this heritage asset. This is a neutral effect and thus carries no weight in favour of the proposal.

24. Whilst the proposal would be located near to the boundaries of neighbouring properties, there would be sufficient distances between the appeal site and the neighbouring properties. Therefore, the proposal would not result in an overbearing impact or loss of privacy to neighbouring residents.
25. My attention has been drawn to a previously approved scheme at 1 Priory Lane. However, full details of this case are not before me. I do not know the planning circumstances that led to this approval or its specific relationship to the site. In any event, I have determined this appeal on its own merits.
26. I note the concerns raised that granting permission to this proposal would set a precedent for other sites to come forward. However, I have determined this appeal on its own individual merits with regard to its site-specific characteristics.

Planning Balance

27. The appeal site is situated in a sustainable location and occupants of the proposed development would have reasonable access to a range of services and facilities in Marcham and use of sustainable modes of transport. The proposed 3-bedroom dwelling would make an important windfall contribution to the local housing supply. It would also provide work-from-home space which would assist in limiting the need to travel by private car. Taken together, these benefits of the proposal would attract substantial weight.
28. The proposal constitutes a sustainable form of development within the meaning of the National Planning Policy Framework (Framework). Therefore, having regard to the provisions of the development plan and all material considerations, I conclude that planning permission should be granted.

Conditions

29. The Council has suggested conditions which I have considered, making amendments where necessary in the interests of clarity and consistency, and to ensure compliance with the tests contained in the Planning Practice Guidance and paragraph 56 of the Framework.
30. In the interests of certainty, I have imposed the relevant conditions concerning the timescales for the commencement of the development, and the approved plans. A materials condition is appropriate to ensure that those used are in keeping with the area.
31. A condition requiring an Arboricultural Method Statement is necessary in the interests of visual amenities of the area. This is worded as a pre-commencement so that the approved statement is implemented prior to ground disturbance.
32. A condition relating to hard and soft landscaping has been imposed to ensure the satisfactory appearance of the development. I have also imposed a condition to ensure the adequate drainage of the site and to avoid flooding.
33. Conditions relating to visibility splays and parking are necessary for highway safety reasons.
34. A condition is imposed for the provision of an Air Source Heat Pump in the interests of protecting residential amenities.

35. A condition relating to the control of noise and dust is required to protect the living conditions of neighbouring occupiers and for the purposes of highway safety throughout the development works.

Conclusion

36. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be allowed.

Helen Smith

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 plans:
 - PA-01 Location Plan RevPL2
 - PA-02 Existing and Proposed Block Plan RevPL3
 - PA-03 Proposed Site Plan RevPL1
 - PA-04 Proposed Floor Plans RevPL1
 - PA-05 Proposed Elevations RevPL1
 - PA-07 Proposed Access & Visibility Plan RevPL1
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no: PA-05 Proposed Elevations RevPL1.
- 4) Prior to the commencement of any site works or operations, including demolition and site clearance relating to the development hereby permitted, an Arboricultural Method Statement and accompanying Tree Protection Plan shall be submitted to and approved in writing by the Local Planning Authority. The Arboricultural Method Statement must include the following:
 - a. A specification of any pruning or tree surgery works to any trees to be retained, to prevent accidental damage by construction or demolition activities;
 - b. The specification and location of temporary tree protective fencing and any ground protection required to protect all retained trees in accordance with the current edition of BS 5837 "Trees in relation to design, demolition and construction", and details of the timing and duration of its erection;
 - c. The definition of areas for the storage or stockpiling of materials, temporary on-site parking, site offices and huts, mixing of cement or concrete, and fuel storage;
 - d. The means of demolition of any existing site structures, and of the re-instatement of the area currently occupied thereby;
 - e. The route and method of installation of drainage or any underground services in the vicinity of retained trees. Consideration will be made to avoid siting of utilities and service runs within the Root Protection Area (RPA) of all trees to be retained. Only where it can be demonstrated that there is no alternative location for the laying of utilities, will encroachment into the RPA be considered. Methodology for any installation works within the RPA will be provided and must be in compliance with the current edition of NJUG 'Guidelines for the planning and installation and maintenance of utility apparatus in proximity to trees.'
 - f. The details and method of construction of any other structures such as boundary walls in the RPA of retained trees and how these relate to existing ground levels;
 - g. The details of materials and method of construction of any roadway, driveway, parking, pathway or other surfacing within the RPA, which is to be of a 'no dig' construction method, in accordance with the principles of

Arboricultural Practice Note 12 "Through the Trees to Development", and in accordance with current industry best practice; and is appropriate for the type of roadway required in relation to its usage.

- h. Provision for the supervision of any works within the RPA of trees to be retained, and for the monitoring of continuing compliance with the protective measures specified, by an appropriately qualified arboricultural consultant, to be appointed at the developer's expense and notified to the local planning authority, prior to the commencement of development; and provision for the regular reporting of continued compliance or any departure there from to the local planning authority.
- 5) Before the development is first occupied or brought into use details of both hard and soft landscape works, including planting of trees, hedges and shrubs, shall be submitted to and approved in writing by the local planning authority. These details shall include schedules of new trees, hedges and shrubs to be planted (noting species, plant sizes and numbers/densities), the identification of the existing trees, hedges and shrubs on the site to be retained (noting species, location and spread), any earth moving operations and finished levels/contours, and an implementation programme. The landscaping works shall be carried out in accordance with the approved details before any of the development is first occupied. The scheme shall be managed and/or maintained in accordance with the approved scheme.

In the event of any of the trees, hedge plants or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree, hedge plant or shrub or equivalent number of trees, hedge plants or shrubs, as the case may be, of species first approved by the local planning authority, shall be planted and properly maintained in a position or positions first approved in writing by the local planning authority.

- 6) Prior to the commencement of development, details of a scheme for foul water drainage and surface water drainage shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be completed before the development is first occupied and thereafter maintained as such.
- 7) Prior to the commencement of development, details of vehicular access to the site from Mill Road shall be submitted to and approved in writing by the local planning authority. Such details shall include visibility splays in both directions. The access and visibility splays shall be provided prior to the occupation or use of the new development and, thereafter, the visibility splays shall be permanently maintained free from obstruction to vision.
- 8) Prior to the use or occupation of the new development, 2 car parking spaces shall be constructed, surfaced, drained and marked out on the site in accordance with a scheme which shall first have been submitted to and approved in writing by the local planning authority. The parking spaces shall be constructed to prevent surface water discharging onto the highway. Thereafter, the spaces shall be kept permanently free of any obstruction to such use.
- 9) Prior to its installation, details of the provision and siting of an Air Source Heat Pump shall be submitted to and approved in writing by the local planning

authority. The approved details shall be implemented and completed before the development is first occupied and thereafter maintained as such.

- 10) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
- a. The means of access for construction traffic.
 - b. Parking provision for site operatives and visitors.
 - c. The loading and unloading of plant and materials.
 - d. The storage of plant and materials used in construction / demolition works.
 - e. A scheme for the recycling / disposal of waste resulting from construction / demolition works.
 - f. Details of dust and noise suppression to be used during the construction phase.
 - g. A report identifying any asbestos and documenting its safe removal.
- The approved Construction Method Statement shall be adhered to throughout the construction period for the development.