



Appeal Decision

Site visit made on 2 May 2023

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 June 2023

Appeal Ref: APP/Q3115/W/22/3303921

Land adjacent to Maple Cottage, Peppard Hill, Peppard Common, Henley on Thames RG9 5ES

- 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 Mrs Kulveer Nakhwal against the decision of South Oxfordshire District Council.
 - The application Ref P22/S0143/FUL, dated 11 January 2022, was refused by notice dated 12 May 2022.
 - The development proposed is described as the 'erection of new dwelling with associated landscaping, tree works and parking provision.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted an energy statement¹ with the appeal. The Council is satisfied that this statement addresses the fourth reason for refusal, which related to achieving carbon reductions. The Council therefore do not wish to contest this issue.
3. In addition, a statement from Highway Planning Ltd² is submitted as part of the appeal submissions. The additional submitted information does not include any alterations to the proposed scheme which interested parties may have wished to comment on.
4. Amended plans were submitted during the application increasing the parking space dimensions, adding windows the south elevation of the proposed property and reducing the height of the boundary walling entering the site. For clarity, I am considering the appeal on the basis of these amended plans.

Main Issues

5. The remaining main issues in this case are:
 - the effect of the proposed development on the character and appearance of the surrounding area including on the amenity value of protected trees; and
 - the effect of the proposed development on highway safety.

¹ Energy Statement, Land adjacent Maple Cottage, Peppard Hill, Peppard Common, by bluesky Unlimited. 23rd May 2022

² Dated April 2023

Reasons

Character and appearance

6. The appeal site lies close to the junction of Peppard Hill, Hillcrest Lane and Stoke Row Road within the settlement of Peppard Common. It currently comprises land next to Maple Cottage, a large modern two storey dwelling.
7. Peppard Hill extends out of the centre of Peppard Common, and has a wooded verdant character provided by the roadside and near to road trees and hedgerows, befitting of the transition from the settlement into the wider surrounding countryside.
8. The surrounding properties are largely substantial two-three storey detached dwellings set back from the highway, however there are semi-detached dwellings (Apple Trees and Gate Cottage) which are located near to the highway, in addition to a detached front garage projecting close to the highway.
9. Whilst the proposed detached property would sit within a smaller plot than the current immediately surrounding properties, it would be similar to that of Apple Trees and Gate Cottage nearby. In addition, the appellant points to an extant planning permission for 5 dwellings³ on the land sited next to Maple Cottage, Maple House and Holly Trees. The submitted plan extract shows a pair of semi-detached dwellings and a terrace of three. In the context of these existing and approved smaller dwellings and plots, the proposed property would not appear incongruously sized, nor cramped within its boundaries and surroundings.
10. Given the orientation of the proposed dwelling, a side elevation would be angled towards the highway. However, when travelling from the south the side elevation would be obscured by a retained tree on the pavement. In addition, there would be some set back from the road retained which would not appear incongruous in the context of the mixed building line in the vicinity. As such, I am satisfied that the orientation and position of the proposed dwelling would sit comfortably within the street scene.
11. However, the proposed development would require the removal of two trees protected by a Tree Preservation Order (TPO 02/2010). These are recently replanted due to previous damage and the removal of the previously established trees on the site.
12. As such, whilst at present these young trees contribute little to the surroundings, the Council's submitted statement shows dated pictures of the site from 2009 and 2011 and illustrates that the trees previously resulted in substantial landscaping. Whilst one roadside tree remains, in the absence of the mature trees sited centrally on the wider site, there is a clear visual gap in the rhythm of trees along this side of the road.
13. Mature trees in this location would also obscure the properties along Hillcrest Lane when travelling from the north. In addition, they would also help break up and soften the bulk of built mass presented by Maple Cottage and its two immediate neighbours which are sited close together, and I note that the planning approval of these three dwellings⁴ set aside the appeal site specifically

³ Application reference P17/S1322/FUL

⁴ Application reference P14/S0134/MM

for landscaping. As such, tree height and stature on this site are important in the wider context of the surroundings.

14. I acknowledge that the recent development on this part of Peppard Hill, particularly on its western side, has eroded the original sylvan character of the surroundings to a degree. However, I consider that it is important to the area's character to avoid the further loss of important landscaping.
15. The trees made a significant and positive contribution to the visual amenity of the area (as recognised by its inclusion in the TPO) and there is no evidence before me to suggest that the replacement specimens need to be removed in the interest of their health or with regards to impact upon a neighbouring property for example.
16. Replacement tree planting is proposed by the appellant, however, the planting area proposed (T2 and T3) to the front of Maple Cottage already contains significant planting which the Council set out was secured through the landscaping schemes of the previous development. Additional planting in this location, if possible given the limited space, would not have a similar impact upon the wider visual amenity of the area given that the gap in coverage would remain and not therefore adequately compensate for the loss of the TPO trees. This is also the case for the additional two trees proposed on the rear boundary (T1) and in the southern corner of the site (T4), in addition to new shrub and hedgerow planting.
17. As such, I conclude that the proposed development and loss of these protected trees would harm the character and appearance of the surrounding area. Accordingly, the proposal conflicts with the requirements of DES1, DES2 and ENV1 Policies of the South Oxfordshire District Council Local Plan 2035 2020 (LP) which requires high quality design which, amongst other matters, respects and enhances existing local character and protects or enhances features that contribute to the nature and quality of the landscape, including trees. There is also conflict with the advice set out in the supplementary planning document 'South Oxfordshire Design Guide' 2016 which seeks to ensure that local context is respected, and trees are valued. These policies and this advice conform with the local character and tree protection goals of the National Planning Policy Framework (the Framework) and National Planning Policy Guidance.

Highway Safety

18. The proposal seeks the construction of a two-bedroom residential dwelling. Two parking spaces will be provided, and the existing access to the three neighbouring dwellings (Maple Cottage, Maple House and Holly Trees) would be utilised.
19. Given the siting of the proposed dwelling and the two parking spaces, it is likely that some manoeuvring would be required in order to enter and exit in a forward gear. However, despite the proximity of the junction with the main highway (B481), this would involve manoeuvring on the access driveway to the other neighbouring dwellings, rather than onto the B481.
20. The access way is only used by the three existing dwellings and there would be limited movements likely to occur from the occupation for the proposed single new 2 bed dwelling. In addition, I consider that the manoeuvring required into the two parking spaces would be simple and limited. The parking spaces are

located in close proximity to the junction between the access way and the B481 and I acknowledge the Council's concerns regarding the visibility splays of the parking spaces. However, I observed that the tight nature of the access and the existing splays would mean that the speed of cars turning into or out of it would be low. In addition, the width of the access and road means that there is space for two cars to pass by each other.

21. Whilst there would be good visibility of the parking space to the side of the property (identified by the Council as space 2), I acknowledge that visibility of a car parked in the space in front of the house (identified as space 1) would be partly obscured by the access/boundary wall and fence. Were I minded allowing the appeal, a condition limiting the height of the wall and vegetation adjacent to parking space 1 (and retained as such), as suggested by the Council, would ensure acceptable visibility of this space. Notwithstanding this, should there be any conflict with cars manoeuvring into or out of either proposed parking spaces (in a forward or reverse gear), there is space for a returning car to wait without overhanging the main carriageway or pavement.
22. As such, I am satisfied that required manoeuvring would not result in an unacceptable increase in the potential for conflict between separate drivers, or between drivers and pedestrians. I therefore find no conflict with LP Policy TRANS5 which seeks to ensure that development would not be prejudicial to highway and pedestrian safety.

Other Matters

23. There would also be some short-term economic benefits arising from the construction process. Economic and social benefits are also likely to arise from the occupation of the new dwellings. However, given the quantum of development in this case, such benefits would be modest.
24. I acknowledge that the development would make efficient use of land as supported by part 1 (i) of LP Policy DES1 and the proposal would result in an additional unit of accommodation which would contribute to addressing the Government's broader objective of significantly boosting the supply of homes. As a smaller 2 bed unit, the proposal would be of a size that contributes towards the identified needs of the Borough in a location with good access to services and facilities.
25. The appellant points to compliance with various other Local Plan Policies. However, compliance with the development plan in these respects, including matters relating to carbon reductions, is a neutral matter.
26. There is a disagreement between the parties regarding the Council's position regarding their five year housing land supply. The appellants point to recent appeal decision⁵ in which the Inspector concluded that the Council could demonstrate 4.74 years housing land supply (in addition to later decisions referring to this appeal). The Council have provided a statement in which they set out why they disagree with my colleague's conclusions.
27. Even if there were a minor shortfall as the appellant suggests and, having regard to Framework footnote 8, Framework paragraph 11d) applies, the harm to character and appearance of the surrounding area, including on the amenity value of protected trees, is a matter that attracts significant weight against the

⁵ Appeal reference APP/Q3115/W/22/3296061

scheme. I have taken full account of all the matters advanced in support of the proposal. However, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of the development, which attract limited weight in favour of the scheme.

Conclusion

28. The proposal is contrary to the development plan as a whole and there are no other material considerations of sufficient weight to indicate a decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

B Phillips

INSPECTOR