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# Appeal Decision

Site visit made on 13 June 2023

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 27 June 2023**

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**Appeal Ref: APP/V3120/W/23/3315916**

**Gateways, Harcourt Hill, Oxford OX2 9AS**

- 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 Siriwat Pinsiranon against the decision of Vale of White Horse District Council.
  - The application Ref P22/V2220/FUL, dated 15 September 2022, was refused by notice dated 5 December 2022.
  - The development proposed is demolition of existing house and erection of two detached dwellings.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are the effect of the proposal on:
  - the character and appearance of the area, including trees, and
  - the living conditions of the occupiers of the dwelling at Southfield in respect of light and outlook.

## Reasons

### *Character and Appearance*

3. Harcourt Hill is a predominantly residential area, with many dwellings being large, detached properties. Although of varying designs, most dwellings are set well back from the road behind a clear building line and within generously proportioned gardens. This pattern of development gives the area a pleasant, verdant and spacious appearance. The appeal site is a detached dwelling within a large garden and so broadly reflects its surroundings.
4. The proposal would involve demolishing the existing dwelling and erecting two detached dwellings. The site would be divided into two plots of narrower widths, with both proposed dwellings fronting the road. As such, the proposal differs considerably from the earlier refused and dismissed proposals<sup>1</sup>, which involved creating an additional dwelling further back within the site's deep rear garden.
5. However, the proposed dwellings would each be tall with extensive roofscapes. Each dwelling would largely fill its respective plot width at appreciable height.

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<sup>1</sup> PINS references APP/V3120/W/20/3253915 and APP/V3120/W/21/3270765

In contrast to many others nearby, the proposed dwellings would be sited relatively close together, with little gap between them, and with front gardens of limited size. The relatively large depth of the proposal would be visible from Stanton Road. For these reasons, the proposal would appear as a large mass of built form across the site, giving a cramped and over-developed form that would fail to reflect the spacious characteristics of its surroundings.

6. The proposed attached garages would be positioned well forward of the existing building line, with blank facades facing the road. As such, they would add to the intrusive and incongruous appearance of the proposal. The overall density of development would remain low, but such a calculation includes the long gardens and so does not therefore reflect the harmful impact that the proposal would have on the street scene.
7. My attention has been drawn to two dwellings at Field Gate nearby. This was previously a single plot, which was smaller than the appeal site. It has now been subdivided to form two dwellings<sup>2</sup> and so has some similarities with the proposal.
8. However, these dwellings are positioned further back into the site than the proposal, and so better reflect the prevailing building line. Furthermore, the dwellings at Field Gate have a lower storey height, utilising roof space for the first-floor accommodation, rather than the much greater mass of the proposed dwellings. They also have garages that directly face the road, in contrast to the proposal. As such, the development at Field Gate is not directly comparable to the proposal and so does not justify the harm it would cause.
9. There are mature trees on and around the site, and hedging along its boundaries. Parts of the proposal, in particular the front garages, would be close to these trees and vegetation. The trees have been shown on the plans, based on a topographical survey.
10. However, no detailed arboricultural information such as a tree survey and impact assessment complying with BS5837:2012 has been provided. Despite the appellant's intentions, any survey and assessment may well show that the proposal would have a significant effect on the trees and necessitate amendments to the proposal. Therefore, a planning condition cannot be relied upon to resolve the impact on trees.
11. In the absence of this information, I cannot be satisfied that the proposal would not have a harmful effect on the trees. They are not subject to a Tree Preservation Order but, given their size and prominent location, they make a positive contribution to the sylvan street scene. As such, reduction or removal of the trees to accommodate the proposal is likely to have a harmful effect on the appearance of the area.
12. For the reasons given above, the proposal would harm the character and appearance of the area, including trees. As such, it would be contrary to policies CP37 and CP44 of the Vale of White Horse Local Plan Part 1 (LPP1) adopted December 2016. These require that the proposal responds positively to the site and its surroundings including its scale, height and massing, and safeguards trees and hedgerows that contribute to the area.

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<sup>2</sup> LPA reference P18/V2968/FUL

13. For similar reasons, the proposal would conflict with policies HS1 and HS2 of the North Hinksey Neighbourhood Plan, made May 2021, that new housing should reflect the existing green character of the area, enhance the streetscape and not be excessively tall. The proposal would similarly conflict with the requirement of the National Planning Policy Framework (the Framework), that development is visually attractive and sympathetic to its surroundings.

#### *Living Conditions*

14. Immediately adjacent to the site is Southfield, a detached two-storey dwelling. There is a gap between Southfield and the side boundary with the appeal site. This gap is wide enough to accommodate Southfield's garage and the proposal would also be set away from the shared boundary to some extent. The proposed garage serving Plot 1 would only have a single storey and so its effect on the front garden and front elevation of Southfield would be limited.
15. However, the core of the proposed dwelling on Plot 1 would have 2.5 storeys in height, including an extensive roofscape. The large height and scale would result in an appreciable mass of built form extending well beyond the rear elevation of Southfield. Further information about finished floor levels could be provided by condition, but the higher level of the proposal would only add to its impact on Southfield.
16. As a result, the proposal would have a dominating and intrusive impact on the occupiers of Southfield when viewed from their rear windows and garden. The relatively close proximity of the proposal would also result in an overshadowing effect on the rear garden at Southfield. Whilst the garden might be large, the part closest to the house may well be used frequently by its occupiers. As such, the proposal would adversely affect their living conditions.
17. The side boundary between the two sites is currently formed by tall, dense vegetation. However, even with this and further landscaping, the screening effects of the vegetation cannot be relied upon to ensure the living conditions of occupiers, particularly in winter months when foliage is reduced. Nor can its survival in the long term be guaranteed.
18. Whilst some impact on neighbouring properties may be inevitable, for the reasons given above, I consider that the effect of the proposal on the living conditions of the occupants of Southfield would be particularly significant. I understand that planning permission has been granted to extend Southfield, but few details of this have been provided to me. I have considered the effects of the proposal on the current situation.
19. Accordingly, the proposal would harm the living conditions of the occupiers of the dwelling at Southfield, in respect of light and outlook. It would therefore conflict with Policy DP23 of the Vale of White Horse Local Plan Part 2, adopted October 2019, which requires that proposals should not have significant adverse impacts on neighbouring uses in respect of dominance or visual intrusion, or loss of light. For similar reasons, it would also conflict with the Council's Joint Design Guide Supplementary Planning Guidance (adopted June 2022) that proposals should not give rise to unacceptable impacts on adjacent occupiers.

## **Other Matters**

20. The proposal would contribute towards housing land supply in the District on a site within a settlement, that could be delivered quickly. Construction of the proposal would make a positive economic contribution to the area, as would its occupants both socially and economically. The proposal would also be built to high environmental standards. However, these benefits would be limited because of the small size of the proposal, being for only two units of accommodation.
21. Local residents state that land not within the control of the appellant would be required to access the site, and that the certificate of ownership has been served incorrectly. However, as I am dismissing the appeal, this is not a matter that I need to consider further.

## **Planning Balance and Conclusion**

22. For the reasons given, I have found conflict with the Development Plan as a whole. The material considerations in this case do not indicate a decision other than in accordance with the Development Plan. This leads me to conclude that the appeal should be dismissed.

*O Marigold*

INSPECTOR