



Appeal Decision

Site visit made on 14 June 2023

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2023

Appeal Ref: APP/Q3115/W/22/3310171

Sheringham House, Crowmarsh Hill, Crowmarsh Gifford, Wallingford, Oxfordshire OX10 8BG

- 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 Fraser Curtis against the decision of South Oxfordshire District Council.
 - The application Ref P22/S2233/FUL, dated 11 June 2022, was refused by notice dated 27 September 2022.
 - The development proposed is described as "Existing garage and dwelling retained, demolish rear single storey extension. Proposed two storey single dwelling C3".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council have confirmed that reference to the South Oxfordshire Design Guide 2016 in the reason for refusal is an error and that it should have referred to the Supplementary Planning Document Joint Design Guide 2022 (Joint Design Guide), which is referenced in the officer's delegated report. An opportunity has been given for the parties to comment on its significance for the appeal. I have determined this appeal on the basis of the development plan, supplementary planning guidance and national policy in place at the time of making my decision.

Main Issues

3. The main issues are:
 - i) the effect of the proposed development on character and appearance of the surrounding area, with particular regard to the Chilterns Area of Outstanding Natural Beauty (AONB); and
 - ii) the effect upon the living conditions of the neighbouring occupiers of Sheringham House with particular regard to light and outlook.

Reasons

4. The proposed dwelling would be positioned behind an established boundary fence, which runs parallel with the A4074, within a gap between existing dwellings. Its spacing would be broadly similar to that established by the adjacent properties, including its proximity to the boundaries. Whilst visible from the adjacent highway it would be viewed in the context of existing built

- development and would not be unduly prominent in the streetscene or out of character in terms of density of built development.
5. Whilst the design and fenestration of dwellings in the locality vary the proposed dwelling would be orientated differently to the prevailing pattern of development in the immediate area. The positioning of windows would result in an unbalanced visual appearance to the majority of elevations of the proposed dwelling. The proposed dwelling would be wider than others in the locality, and its roof pitch would be squat in comparison to nearby dwellings. For these reasons, the proposed dwelling would not be reflective of the prevailing scale, bulk, mass or character of development in the locality.
 6. The majority of dwellings in the surrounding area are of a traditional brick and tile construction, however, adjacent to the site is a substantial building of a black wooden clad finish, similar to that of the proposed dwelling. I also observed other buildings constructed of similar materials in the locality of the appeal site. Accordingly, the proposed external finish, including the use of cladding, would be acceptable and precise details of such could be conditioned if I were to allow the appeal.
 7. I note the appellants' argument that the appeal site is set back from the highway with a grass verge thus reducing its prominence, and that the appeal site does not currently enhance the AONB. Its contribution to the AONB may be somewhat limited due to its surrounding suburban context, set behind an established fence, nevertheless, the protection of the landscape and scenic beauty of the AONB applies across the whole of its designation. As I find the proposed dwelling would have an incongruous appearance, at odds with its surroundings, the proposed development would fail to conserve the landscape and scenic beauty of the AONB.
 8. The appellant refers to other development within the locality that he considers comparable to the appeal before me in terms of bulk and impact from the streetscape. From the limited information available to me I do not consider the schemes to be comparable due to their site context, design and development type. In any event, I have determined this appeal on its own merits.
 9. For the above reasons, I find the proposed development would harm the character and appearance of the surrounding area, with particular regard to the Chilterns AONB. Accordingly, I find conflict with Policies DES1, DES2 and ENV1 of the South Oxfordshire Local Plan adopted 2020 (SOLP) and Policy CRP4 of the Crowmarsh Neighbourhood Plan (NP). Amongst other things, these policies require high quality design that responds positively to and reflects the character and appearance of the area, having regard to materials, scale, height, mass and the existing pattern of development. The proposal would also be contrary to guidance contained within the Joint Design Guide which states that the scale, height and massing of proposed development should be considered in relation to its surrounding context, including adjoining buildings, the general pattern of heights in the area, the streetscape and urban grain. The proposal is also contrary to the aims of the National Planning Policy Framework (the Framework) which seek high quality design.

Living Conditions

10. The proposal includes the removal of the existing annex extension to Sheringham House, which if I were to allow the appeal could be secured by

condition. Although, the proposed dwelling would be located south of Sheringham House, given the intervening space between the two properties there would not be significant overshadowing, nor loss of daylight or sunlight such that it would materially harm the living conditions of the occupiers of the existing dwelling. Due to the separation distances achieved between the two buildings the proposed dwelling would also not unacceptably harm the outlook from this neighbouring property or appear overbearing to the occupiers.

11. Accordingly, I find that the proposed dwelling would provide acceptable living conditions for the neighbouring occupiers of Sheringham House with particular regard to light and outlook. The proposal would therefore comply with Policy DES6 of the SOLP which seeks for development to avoid significant adverse impacts on the amenity of neighbouring uses, including with respect to dominance, visual intrusion and loss of daylight or sunlight. It would also comply with the Framework in respect of its requirements for developments to create places with a high standard of amenity for existing and future users.

Other Matters

12. The Framework glossary states that previously developed land excludes land in built-up areas such as residential gardens. As such, the site does not constitute previously developed land. Nevertheless, the principle of a dwelling on the site is not disputed by the Council. Having regard to the policies of the SOLP I have no reason to disagree.
13. The proposed dwelling is designed such that it would not result in a loss of privacy, through overlooking, to the occupiers of adjacent dwellings. It would also provide for satisfactory living conditions for future occupiers of the proposed dwelling. The proposed dwelling would be accessed off Crowmarsh Hill, utilising the existing access to Sheringham House. Subject to the inclusion of conditions regarding parking, I am satisfied that the proposal would be acceptable in this regard. Accordingly, as the proposed development would be satisfactory on these matters the proposal would make efficient use of the land and would not represent an over-development of the site. However, these are neutral factors in my consideration of the appeal.
14. I note the concerns of the appellant regarding some difficulties in the engagement of the Council in determining the application. However, I can only deal with the planning merits of the case.

Planning Balance

15. I have had regard to the energy statement, which formed part of the application, and accept that in addition to private benefits there are public benefits from the inclusion of energy efficiency measures within the proposed development. The move to renewable technologies is clearly a national priority and the measures incorporated within the proposed development would impact positively on air quality, as well as reducing the use of fossil fuels associated to domestic energy production.
16. The appellant refers to the existence, and retention of, a large buffer zone to the west of the appeal site to the highway, comprising a grass verge and public path. However, this is outside of the appeal site. Nevertheless, I note the appellants case that the proposal would have ecological benefits, through the provision of increased planting resulting in habitats and fauna on site which

would add to this vegetated corridor. Whilst such on-site measures could be conditioned if I were to allow the appeal, these are modest benefits which do not outweigh the identified harm to the character and appearance of the area and AONB.

17. The proposal would provide social and economic benefits associated with the delivery of a new dwelling and is subsequent occupation.
18. I have had regard to the benefits of the proposed development, however, individually and cumulatively, these benefits would be limited and would not outweigh the harm identified to the character and appearance of the area and AONB.

Conclusion

19. Having considered all the policies drawn to my attention, the conflict I have identified with the above local plan policies leads me to conclude that there is conflict with the development plan as a whole. There are no material considerations of sufficient weight, including the Framework, to indicate a decision other than one in accordance with the development plan. The appeal is therefore dismissed.

R Gee

INSPECTOR