



Appeal Decision

Site visit made on 22 August 2023

by O Marigold BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 September 2023

Appeal Ref: APP/V3120/W/23/3318482

Whitwick, Grosvenor Road, Oxford OX2 9AX

- 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 Simon Funnell, Leywood Estates Ltd against the decision of Vale of White Horse District Council.
 - The application Ref P21/V3123/FUL, dated 1 November 2021, was refused by notice dated 11 November 2022.
 - The development proposed is demolition of existing building comprising dwellinghouse and self-contained flat; erection of 3no. 5-bed detached dwellings, each with parking, private amenity space, bin and bicycle storage. Improvements to vehicular access from Grosvenor Road.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council's second reason for refusal refers to Policy G2 of the North Hinksey Neighbourhood Plan (NP), made May 2021. However, from the evidence before me, I understand that this is a typographical error, which should refer to Policy GS2. The appellant has also referred only to Policy GS2 and so I am satisfied that no party would be prejudiced by my determining the appeal on this basis.

Main Issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of the area, and
 - biodiversity within the site.

Reasons

Character and Appearance

4. The site consists of a two-storey dwelling with a self-contained flat, within a large garden. It lies within the Harcourt Hill estate. As identified in the Character Area Assessment of the North Hinksey Neighbourhood Plan (NP), made May 2021, the area is a green and leafy private estate surrounded by open spaces, containing predominantly very large family homes, often behind high boundary treatments.
5. Most dwellings within the estate, on Harcourt Hill, Vernon Avenue and Stanton Road, tend to be set well back from their respective roads. Despite some exceptions, such as High Quarry and Tivoli, and Lincoln House and Pembroke House on Harcourt Hill, they generally have varied and individual designs

providing interest. External materials also vary between dwellings including brick, render and stone. Nevertheless, they also have a generally linear, regular pattern that follows the alignment of the road. This includes the dwellings approved at the former Greenacre¹ on Stanton Road and on Harcourt Hill².

6. Properties on Grosvenor Road also have individual designs but are positioned in a looser, more irregular pattern. Some, such as Long Views or that being built at New Barn³ are within relatively small plots. Even so, these and other properties have large gaps between each of the dwellings themselves. Development here is largely confined to one side of the road, with many properties looking onto the adjacent meadow within the Green Belt, with its attractive views over the countryside and towards Oxford.
7. These features, together with the unmade, track-like nature of the road itself give Grosvenor Road a very low density and countryside-edge character. The existing two-storey building at Whitwick is focused in one corner of the site, giving the property a large garden on a falling gradient and making it one of the largest plots on the estate. The site boundaries have tall, thick trees and hedgerows. As such, the site contributes positively to the distinctive semi-rural feel of Grosvenor Road.
8. The proposal would demolish the existing property and erect three dwellings. The new dwellings would be two-storey in height and sited in an informal layout, set back from the road. The density and plot coverage of the proposal would not be dissimilar to other parts of the estate, and it would have wider overall plot widths than the average. However, such arithmetical calculations do not necessarily reflect the visual effects of the proposal, nor the importance of the gaps between dwellings hereabouts.
9. The proposed dwellings on Plots 2 and 3 would largely fill the width of their respective plot. As a result, despite their contrasting orientations and irregular plot shapes, the visual and spatial gap between the built form of the dwellings would be small. The space between Plots 1 and 2 would also be relatively narrow and largely filled with a garage. As such, notwithstanding the falling gradient, they would together read as a continuous and appreciable mass and length of built development. For these reasons, the proposal would appear excessively urbanised and dense for Grosvenor Road, harming the distinctive character of this part of the estate.
10. Vegetation on the boundaries of the site may limit views of the proposal, particularly in summer when in full leaf, including when viewed from the meadow. However, the relatively limited space between the proposed dwellings and the plot boundaries would limit the degree of landscaping that could take place. The space necessary for the additional vehicular accesses, parking and turning areas would reduce the verdant character of the site, as would the likely desire of future occupiers to take advantage of the views over the countryside and so limit front landscaping. These aspects of the proposal would further undermine and diminish the semi-rural character of the site and its surroundings.

¹ PINS reference APP/V3120/A/12/2175458

² LPA references P18/V2968/FUL and P03/V1650

³ LPA reference P22/V0470/FUL

11. Further details or a variation of the proposed external materials could be secured by a planning condition. Nevertheless, the proposal is for each dwelling to be constructed of the same external materials of red brick, vertical timber boarding, grey metal spandrel panels and blue/black slate roofs. Furthermore, they would have similar design features, such as their roof pitches.
12. The roofs are intended to reflect the topography of the site, and the contrasting positions of the dwellings would result in differing light falls on roof and wall surfaces. Even so, and across the three dwellings, the proposal would have a degree of uniformity that would harmfully conflict with the varied designs and external materials of properties locally.
13. For the reasons given above, the proposal would have a harmful effect on the character and appearance of the area. As such, it would be contrary to Policy CP37 of the Vale of White Horse Local Plan Part 1 (LPP1), adopted December 2016, and NP Policy HS1. These require that the proposal responds to and enhances the site and surroundings, reinforces local distinctiveness and uses an appropriate design and materials. The proposal would be well below the minimum density required by LPP1 policy CP23 and NP Policy HS3. However, the policies also seek to avoid an adverse effect on the character of the area. As this would be the case here, the proposal would conflict with these policies.
14. For the reasons I have already given, the proposal would also conflict with the Council's Joint Design Guide Supplementary Planning Guidance, adopted June 2022. Amongst other things, this requires that the proposal reflects the site context and setting, and that materials are inspired by the local vernacular. The proposal would similarly conflict with the National Planning Policy Framework (the Framework), including for development that is visually attractive and sympathetic to its surroundings and maintains the prevailing character and setting of the area, including residential gardens.

Biodiversity

15. LPP1 Core Policy 46 relates to the conservation and improvement of biodiversity, and states that a net loss of biodiversity will be avoided. The appellant's Technical Note on Biodiversity Net Gain (TN) finds that, without mitigation, the proposal would result in a small net loss of biodiversity. There is no requirement that this loss is compensated for on-site, and the TN identifies options for mitigation.
16. A financial contribution could be made to an offsetting provider, by means of a planning obligation through a s106 agreement, but this is not before me. A condition to require the submission of a biodiversity off-setting certificate was recommended by the Council's Officers at application stage, but I have few details of the certification process, or how such a condition would meet the requirements of the Planning Practice Guidance. Alternatively, land elsewhere could provide a replacement site for nature conservation, but no such land or any agreement to secure its use has been identified to me.
17. Instead, the appellant's Ecological Enhancement Plan (EEP) proposes measures to enhance the value of the proposal for biodiversity within the appeal site. These would include soft landscaping, bat and bird boxes, hedgehog domes and log piles. However, there is no dispute that some of these measures would not count towards reducing net loss when undertaking the metric assessment.

18. Alternative measures to those proposed within the EEP could be sought through a planning condition. However, in the absence of these details, I cannot be satisfied that sufficient measures to ensure no net loss would be achievable, given the constraints of the site. The length of time since the ecology survey was undertaken further adds to my concerns about the ecological information available to me.
19. For these reasons, I cannot conclude that the proposal would not have a harmful effect on biodiversity within the site. As such, it would be contrary to LPP1 Core Policy 46 as well as NP Policy GS2, which requires an active increase in biodiversity where practical. It would similarly conflict with the requirement in the Framework for minimising impacts on biodiversity.

Other Matters

20. The proposal would contribute towards housing land supply in the District on a site within a settlement. The Framework gives great weight to the benefits of using suitable sites within existing settlements for homes. However, having regard to Framework paragraph 69, for the reasons given above, I consider that the site would not be suitable for the proposal. The proposal would be built to high environmental standards, although I have little to suggest that the design of the dwellings would be outstanding or innovative.
21. Construction of the proposal would make a positive economic contribution to the area, as would its occupiers, socially and economically. The proposal would also make efficient use of land, on a site that could be delivered quickly. However, these benefits would be limited because of the size of the proposal, being for only three dwellings.

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