



Appeal Decision

Site visit made on 16 August 2023

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 14 September 2023

Appeal Ref: APP/Q3115/W/23/3318566

Kingsley House, Crowsley Road, Shiplake, Oxfordshire RG9 3LU

- 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 and Mrs Stewart against the decision of South Oxfordshire District Council.
 - The application Ref P22/S2790/FUL, dated 26 July 2022, was refused by notice dated 13 February 2023.
 - The development proposed is the alteration and refurbishment of existing building containing 4 flats to create 6 flats (2 x 3 Bed, 2 x 2 Bed, 2 x 1 Bed) with associated car parking, landscaping, and alterations to driveway to provide passing places.
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Decision

1. The appeal is allowed and planning permission is granted for alteration and refurbishment of existing building containing 4 flats to create 6 flats (2 x 3 Bed, 2 x 2 Bed, 2 x 1 Bed) with associated car parking, landscaping, and alterations to driveway to provide passing places at Kingsley House, Crowsley Road, Shiplake, Oxfordshire RG9 3LU in accordance with the terms of the application, Ref P22/S2790/FUL, dated 26 July 2022, subject to the following 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 Rev PL2; PA 02 Rev PL3; PA 03 Rev PL3; PA 05 Rev PL1; PA 07 Rev PL2; PA 08 Rev PL1; P1028 01 Rev B and 0853 1.1 Rev A with provisional tree planting proposals 10.10.22.
 - 3) Prior to the commencement of development, with the exception of any demolition, a full surface water drainage scheme based on full infiltration unless evidenced exhausted, including details of the size, position and construction of drainage works, shall be submitted to, and approved in writing by, the Local Planning Authority. The drainage scheme shall be designed to accommodate a 1 in 100 year storm + 40% CC and shall be implemented in accordance with the approved details prior to the occupation of the development hereby approved.
 - 4) Prior to the commencement of development, with the exception of any demolition, a full foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position, and construction of the drainage scheme. Thereafter the scheme as approved shall be implemented prior to the occupation of the development hereby approved.

- 5) 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 shall include the following:
- A specification of any pruning or tree surgery works to any trees to be retained, to prevent accidental damage by construction or demolition activities;
 - 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 British Standard BS 5837 "Trees in relation to design, demolition and construction", and details of the timing and duration of its erection;
 - 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;
 - The means of demolition of any existing site structures, and of the re-instatement of the area currently occupied thereby;
 - 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'.
 - 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;
 - 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 within Arboricultural Association Guidance Note 12 "The use of cellular confinement systems near trees" and in accordance with current industry best practice; and is appropriate for the type of roadway required in relation to its usage.
 - 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.

Thereafter the development shall be carried out in accordance with the approved details with the agreed measures being kept in place during the entire course of development.

- 6) The development hereby approved shall be implemented in accordance with all of the ecological mitigation, compensation and enhancement measures stated in section 5 of the Bat Survey Report (Ecology By Design Ltd, 27/09/2022, Project Code: EBD001666). All ecological compensation and enhancement features shall be provided on site prior to the occupation of the development hereby approved.
- 7) Except in the case of any building work hereby permitted, no change in the levels of the land shall take place unless in accordance with a detailed scheme which shall have been submitted to and approved in writing by the Local Planning Authority before any development commences on site. The scheme shall include details of existing and proposed ground levels.
- 8) No external lighting shall be installed on the site other than in accordance with details, which have first been submitted to and approved in writing by the Local Planning Authority. Details shall include location of the external lights and product specification.
- 9) The external surfaces of the development hereby permitted shall be constructed in the materials shown on the approved plans.
- 10) Prior to the occupation of the development hereby approved, the landscaping scheme as shown on the approved plan 0853 1.1 Rev A with provisional tree planting proposals 10.10.22 shall be implemented and thereafter be maintained in accordance with the approved scheme. In the event of any of the soft landscaping so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, replacement planting, as the case may be, of a 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.
- 11) Prior to the occupation of the development hereby approved, the parking and turning areas shall be provided in accordance with the approved plan PA-03, Rev PL3 and shall be constructed, laid out, surfaced, drained and completed to be compliant with sustainable drainage (SuDS) principles, and shall be retained unobstructed except for the parking of vehicles associated with the development at all times.
- 12) The private driveway improvement works shown on drawing no. PA-03, Rev PL3 shall be implemented in full before the first occupation or in accordance with a programme of implementation agreed in writing with the Local Planning Authority.
- 13) Prior to first occupation, all carbon reduction energy efficiency measures shall be implemented in accordance with the Energy Statement hereby

approved and a Verification Report shall be submitted to the Local Planning Authority and approved in writing. The Verification Report shall demonstrate (with photographic evidence) that the energy efficiency measures have been implemented. These measures shall be retained and maintained as such thereafter in accordance with the Energy Statement and Verification Report.

- 14) Prior to the occupation of the development hereby approved, an Electric Vehicle Charging Point shall be installed for each dwelling and thereafter retained as such.
- 15) Details of any external heating or energy generation system to be used in the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to installation.
- 16) Prior to the occupation of the development hereby approved, waste storage facilities shall be provided in accordance with the details shown on drawing PA-08 Rev PL1. Thereafter, the waste storage shall be retained as approved.
- 17) Prior to the occupation of the development hereby approved, cycle parking facilities shall be provided in accordance with the details shown on drawing PA-08 Rev PL1. Thereafter, the cycle parking shall be retained as approved.

Preliminary Matters

2. The appellant has submitted two proposed landscape plans with the same reference number. One is annotated to show provisional tree planting proposals and it is that plan that I have taken into account in the determination of the appeal. For the avoidance of doubt the provisional tree planning proposals are dated 10.10.22 and I have used that date to identify the correct plan in Condition 2.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site comprises a residential plot on the edge of Lower Shiplake comprising an existing large brick and tile dwelling that has been converted into four flats. The appeal site is connected to Crowsley Road by a long private driveway which leads to a large area of hardstanding used for parking in front of the building. Properties along Crowsley Road are typically detached houses on spacious plots. There is an abundance of trees and vegetation located along the driveway and surrounding the appeal property, including to the front and within the wider area and the area around the appeal site has a countryside appearance. Overall, the appeal site can be described as being within a green, sylvan, very low density residential area within and surrounded by countryside which makes a positive contribution to the character and appearance of the area. This is consistent with the description of the area contained within the Shiplake Villages Neighbourhood Plan 2011-2035 (SVNP).

5. The proposal involves the conversion of the appeal property to increase the number of flats by two, although the number of bedrooms would not increase. There would be limited building work involved to the existing structures and any works to the existing buildings themselves would have no harmful impact on the character and appearance of the area.
6. I observed that the existing drive, although being single car width is wide enough to comfortably allow the introduction of the proposed passing spaces as well as accommodating the other proposed improvements including modest widening and junction improvements without having an unacceptable impact on existing trees. Bearing in mind the comprehensive nature of the proposed planting and landscape proposals, the appropriate measures to protect existing trees and vegetation and the use of the suitable materials, I am satisfied that the proposed alterations to the existing driveway would be compatible with this sensitive location. Further, although I accept that there would be a modest increase in the use of the driveway due to the increase in flats, this would not be so significant as to result in an unacceptable intensification that would cause harm. Consequently, the proposed alterations to the driveway would not be harmful to the existing character and appearance of the area.
7. As outlined, there is an existing area of hardstanding in front of the appeal property which already accommodates parking spaces to serve the existing flats. The proposal would involve the introduction of a more structured parking arrangement and some modest alterations to that part of the drive in front of the appeal property to provide improved vehicular circulation. Although, the proposal would result in the loss of some trees, shrubs and hedges, I am satisfied that the proposal would not result in the loss of any that are of high value. Further, the proposal would result in a significant programme of landscaping including the planting of suitable replacement trees that would adequately compensate for any trees, shrubs, or hedges that would be removed. Consequently, I am satisfied that the proposal would preserve and where necessary replace trees and would not harmfully diminish the existing open wooded appearance.
8. Further, the proposed parking spaces would be incorporated within a coherent and structured landscaping scheme which would involve the introduction of yew boundary hedging, shrub planting and new trees. Consequently, the proposed new parking area would not have an urbanising impact, but rather would sit comfortably within this setting and would maintain the open landscape character and would not lead to cumulative erosion of character and identity.
9. I therefore conclude that the proposal would not have an adverse impact on the character and appearance of the area and would therefore comply with policies DES1 and DES2 of the South Oxfordshire Local Plan 2011-2035 adopted December 2020 and policies SV7, SV8, SV15 SV23 and SV24 of the SVNP. Among other things these seek to ensure that development is of a high quality design that respects the existing rural landscape setting of the area, preserves distinctive separation between Shiplake Cross and Lower Shiplake, demonstrates that the positive features of any special character area have been incorporated into the design of any new development so that the proposal is compatible and in keeping with the character of that area and that any development should avoid the unacceptable loss of, or damage to existing trees or woodlands.

Other Matters

10. I acknowledge that many neighbouring residents have expressed concern about the impact the proposal would have on the local road network. However, the additional traffic generated from the proposal would be modest and would not result in an unacceptable increase in traffic congestion. The improvements to the driveway would ensure that there is no harm to highway or pedestrian safety. Further, the proposal would provide sufficient car parking spaces and I am satisfied it would not result in parking overspilling onto surrounding roads. Nor would the need for additional refuse bins to serve future residents, even if left at the end of the driveway on collection days, result in unacceptable harm.
11. I have taken account of the fact that despite the Local Highway Authority (LHA) not objecting to the proposal, the Council has indicated that given that a local transport plan has been updated which led to the LHA recommending refusal of an application less than 100 metres away, it follows that if a review was undertaken of this proposal this would also result in a recommendation for refusal. Although I note that the LHA has explained that the local transport plan was not raised in this case because it was not adopted at the time, I am not aware that a detailed further review has been undertaken or that the LHA has changed its recommendation and now objects to this proposal. Further, the proposals are materially different as the recent application is for a new detached dwelling rather than two additional flats within an existing development with no additional bedrooms. The other proposal subject of the more recent application also resulted in the LHA raising highway safety concerns. As a result, a subsequent recommendation of the LHA to refuse an entirely separate scheme on a different site does not alter my view in relation to this appeal which for the avoidance of doubt I consider would be acceptable in highway and transport terms.
12. The proposal would not result in an unacceptable increase in noise and disturbance nor would the headlights of cars shining into neighbouring properties have an unacceptably harmful impact. Consequently, the proposal would not unacceptably harm the living conditions of local residents.

Conditions

13. I have had regard to the conditions suggested by the Council and amended and reordered them as necessary in the interests of precision and clarity, as well as to comply with advice in the Framework and Planning Practice Guidance (PPG). It is necessary to impose some pre-commencement conditions and the appellant has confirmed that they agree to such conditions.
14. A condition is needed to secure compliance with the approved plans and documents, for the avoidance of doubt and in the interests of proper planning. It is necessary to attach pre-commencement conditions requiring the approval of surface and foul water drainage schemes to ensure that appropriate drainage is in place and that the development does not increase flood risk on or off-site. To ensure the adequate protection of trees it is necessary to impose a pre-commencement condition requiring the submission and implementation of an arboricultural method statement and tree protection plan. To protect important species on the site it is necessary to impose a condition to ensure the implementation of appropriate ecological measures.

15. Conditions controlling changes to the site levels and the use of external lighting are required in the interest of neighbouring living conditions and in the interest of the appearance of the proposal. Conditions requiring that materials accord with those specified on the approved plans and provision of landscaping are also necessary in the interest of the appearance of the scheme and the surrounding area.
16. It is necessary to attach a condition requiring the provision of parking and turning facilities and improvements to the access driveway in the interests of highway and pedestrian safety. Conditions requiring the provision of carbon reduction measures as well as the installation of electric vehicle charging points are reasonable and necessary on sustainability grounds. Further, a condition requiring the submission and approval of details of any external heating or energy generation system is necessary in the interests of sustainability and in the interest of the appearance of the scheme.
17. In the interests of sustainable transport, it is necessary to attach a condition requiring the provision of cycle parking facilities. It is also necessary to attach a condition requiring the provision of waste storage facilities to ensure the appropriate management of waste on the site.

Conclusion

18. For the reasons given above, I conclude that the proposal would accord with the development plan, and therefore the appeal is allowed.

S Rawle

INSPECTOR