



Appeal Decision

Site visit made on 16 August 2023

by E Pickernell BSc MSC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16.10.2023

Appeal Ref: APP/D3125/W/23/3314206

Land adjoining 2 Park Farm Place, Northmoor OX29 5BF

- 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 O McGovern against the decision of West Oxfordshire District Council.
 - The application Ref 22/01748/FUL, dated 14 June 2022, was refused by notice dated 29 September 2022.
 - The development proposed is the erection of detached single-storey dwelling with access, parking and amenity space.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Neither the appellant, nor a representative were present to provide access to the site during my site visit. Nevertheless, I was able to see the site clearly and as such I have proceeded with the appeal on this basis.

Main Issues

3. The main issues are:
 - The effect of the development on the character and appearance of the area, and
 - Whether the location of the development is suitable having regard to flood risk.

Reasons

Character and appearance

4. The appeal site comprises an irregular shaped parcel of land located between 2 Park Farm Place and Park Farm House. Its eastern boundary is defined by a high close boarded fence and gate which fronts Park Farm Place. The site contains the remains of structures associated with the previous use of the wider site as a research facility and is largely overgrown.
5. Most of the dwellings in Park Farm Place are part of a relatively recently constructed development of dwellings which are mixed in form but share a similar palette of materials. The frontages of these dwellings are generally open in character with unfenced parking areas and generous landscaping. The buildings align with the road and the design and layout of these properties gives the area a degree of consistency and a spacious, semi-rural character.

The properties adjacent to Standlake Road are mixed in character, comprising detached and semi-detached dwellings which align with the road. These are set well back from the road within well landscaped plots which sit comfortably in this countryside location.

6. The proposed bungalow would be constructed off the existing wall which forms part of the northern boundary of the appeal site. It would be primarily seen within the context of the properties to the south as the site is separated from Park Farm House by high boundary treatment and it would face towards the new development. The proposed bungalow would be positioned on an east-west axis, meaning it would be at a skewed angle in relation to the road. This would be at odds with the regular layout of dwellings to the south of the site which are square to Park Farm Place, resulting in an incongruous appearance.
7. Whilst the appeal site is not dissimilar in size to some of the plots within Park Farm Place, its tapering nature combined with the angled footprint of the proposed dwelling and its side-facing orientation would result in a contrived and cramped form of development which would be out of keeping with the well planned, spacious nature of the adjacent development. Furthermore, the design of the proposed dwelling, notably its wide span combined with the shallow pitched roof and projecting gables would result in a squat appearance. This would fail to respond to the local character and context of the surrounding area where single storey buildings tend to have more steeply pitched roofs.
8. Whether or not previous permissions included development on the appeal site, and even if the landscaped area arose as a combination of accidental factors, the conditions on the planning permission of the implemented scheme require most of the appeal site to be landscaped. The effect of the landscaping would be to link the new planting within Park Farm Place to the existing tree belt along Standlake Road, softening and enhancing the appearance of the development, and assimilating it into its countryside location. Further, fenced or not the undeveloped nature of the site provides Park Farm Place with a spacious setting.
9. For these reasons the proposal would harm the character and appearance of the area. It therefore conflicts with Policies OS2, OS4, H2 and EH2 of the West Oxfordshire Local Plan 2031 (Adopted September 2018) (LP) which together and amongst other things require that development achieves a high standard of design, does not result in the loss of important areas of open space, respects and enhances the character of the area and contributes to local distinctiveness including that of the countryside. It also conflicts with the West Oxfordshire Design Guide 2016 which seeks to ensure that development takes account of the character of the area and context of the site. Furthermore, it would also conflict with relevant paragraphs of the National Planning Policy Framework (the Framework) which require that development achieves a high standard of design and is sympathetic to local character.
10. There is limited evidence before me which demonstrates the comparative levels of biodiversity for the existing situation, the approved scheme and the appeal scheme. However, I am satisfied that, were I minded to allow the appeal a suitably worded condition could secure the provision and retention of a scheme of measures which would ensure that the biodiversity of the site was enhanced. In this respect and subject to the above mentioned condition, the proposal would accord with Policies OS2 and OS4 of the LP insofar as they seek to

ensure biodiversity is enhanced. However, the absence of concern and conflict with Policies in this respect does not justify the harm otherwise identified.

Flood risk

11. Policy EH7 of the LP requires that flood risk will be managed using the sequential, risk-based approach, set out in the Framework. The Framework requires that inappropriate development should be avoided in areas at risk of flooding by directing development away from areas at highest risk. It sets out a sequential test to steer new development to areas with the lowest risk of flooding. Where this is not possible, the Framework sets out an exception test.
12. The appeal site is near to the River Windrush and the River Thames. The Environment Agency Flood Map for Planning shows that the site lies wholly within Flood Zone 3, which has a high probability of flooding. West Oxfordshire Strategic Flood Risk Assessment (November 2016) also identifies that part of the site lies within Flood Zone 3b (functional floodplain).
13. The planning application was accompanied by a site specific Flood Risk Assessment (FRA) which states that based on the ground levels, the site is within Flood Zone 1. However, the information within the FRA does not provide levels across the whole site. Furthermore, it shows that some areas adjacent to the site are at or below the ground level which defines Flood Zone 3b in this area (64.51 metres Above Ordnance Datum). Therefore, I cannot be certain that parts of the appeal site do not fall within Flood Zone 3a and/or 3b and in the absence of conclusive evidence to the contrary I consider the appeal site falls, at least partially, within these flood zones.
14. The proposal is for a dwelling which is classed as 'more vulnerable' within annex 3 of the Framework. Table 2 of the Planning Practice Guidance ('Flood risk vulnerability and flood zone 'incompatibility'') makes it clear that 'more vulnerable' development should not be permitted in Flood Zone 3b. It is therefore clear that as a matter of principle the development is inappropriate in Flood Zone 3b. In Flood Zone 3a an exception test is required, however such a test has not been provided by the appellant and as such it has not been demonstrated that the development would pass the exception test.
15. For these reasons the location of the development is not suitable having regard to flood risk. The proposal therefore conflicts with Policies OS2 and EH7 of the LP which amongst other things, seek to manage flood risk to ensure that development is not at risk of flooding or likely to increase the risk of flooding elsewhere. It also conflicts with relevant paragraphs of the Framework which require that development is avoided in areas at highest risk of flooding.

Planning Balance

16. The Council is unable to demonstrate a five-year supply of deliverable housing sites. In such circumstances paragraph 11 d) of the Framework indicates that where the Policies which are most important for determining the application are out-of-date, permission should be granted unless the application of Policies in the Framework to protect areas or assets of particular importance provides a clear reason for refusing the proposal. This includes areas at risk of flooding. As such, the presumption in favour of sustainable development does not apply.
17. The Framework seeks to significantly boost the supply of homes and the proposal would make a small contribution to housing supply and mix in the

area. It would also provide short term and long term economic benefits through employment during the build process and increased expenditure in the local area. However, given the limited scale of the development I attach minor weight to these benefits. The proposal would make more efficient use of the land, however given this would result in the loss of an area approved for landscaping I attach little weight to this benefit.

18. Although I have had regard to the benefits arising from the proposed development, they do not outweigh the harm I have found to the character and appearance of the area and with regard to flood risk, to which I attach significant weight.

Conclusion

19. For the reasons given above, the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework, that would outweigh that conflict. Therefore, the appeal is dismissed.

E Pickernell

INSPECTOR