



Appeal Decision

Site visit made on 1 May 2024

by E Pickernell BSc MSC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th JULY 2024

Appeal Ref: APP/Q3115/W/23/3326754

**Sires Lodge, Long Wittenham Road, North Moreton, Didcot, Oxfordshire
OX11 9BH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Ross Robertson against the decision of South Oxfordshire District Council.
 - The application Ref is P22/S4178/FUL.
 - The development proposed is the demolition of an existing dwelling and outbuilding and erection of a replacement dwelling, associated garage, minor alteration to existing access and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of an existing dwelling and outbuilding and erection of a replacement dwelling, associated garage, minor alteration to existing access and landscaping at Sires Lodge, Long Wittenham Road, North Moreton, Didcot, Oxfordshire, OX11 9BH in accordance with the terms of the application, Ref P22/S4178/FUL, and the plans submitted with it, subject to conditions in the attached schedule.

Preliminary Matters

2. Since the determination of the application the Government published a revised National Planning Policy Framework (the Framework) in December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by my taking this approach. Where I have referred to the provisions of the Framework below, I have done so with numbering from the revised version.
3. The second reason for refusal relates to the requirements of Policy DES10 of the South Oxfordshire Local Plan 2011 – 2035 (adopted December 2020) (LP) which relates to energy efficiency. The appellant has submitted a revised energy statement with the appeal. The Council have now stated that they no longer have a concern in this regard. Based on the evidence before me, I see no reason to disagree.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area, including the North Wessex Downs National Landscape.

Reasons

5. The appeal site comprises the existing Sires Lodge and its generous garden. It is one of a small number of generally large properties laid out in a loose-knit arrangement adjacent to Long Wittenham Road and Sires Hill, outside of any settlement, in the open countryside.
6. The site is located within the North Wessex Downs National Landscape (NL) and I have a duty under section 85 (1) of the Countryside and Rights of Way Act 2000 to have regard to the purpose of conserving and enhancing the natural beauty of the National Landscape. The special qualities of the NL include a mosaic of open and wooded areas. The area surrounding the appeal site comprises open arable fields, pockets of woodland and hedgerows and the scattered development sits comfortably in this context.
7. The north and western boundaries of the appeal site are mostly defined by mature vegetation which largely conceals the existing dwelling from many vantage points. The existing house is mostly 1.5 storeys high with single storey elements and has a relatively sprawling footprint. Despite its size it is not overly prominent in the landscape and sits comfortably within this rural setting.
8. Although the footprint of the proposed dwelling would be large, its mass would be broken down by the provision of lower elements to the sides of the building, recessed from the frontage. At two storeys in height the central section of the proposed dwelling would be taller than the existing building. However much of the accommodation would be provided within 1 and 1.5 storey sections to the side of the main building and at basement level. As such the building would not appear bulky or overly tall in comparison with either the existing building or other two storey development in the locality.
9. The proposed building would not be excessively scaled in the context of the overall size of the plot and generous front and rear gardens would remain. Therefore, the building would not appear cramped, or the plot overdeveloped.
10. The overall style and appearance of the proposed building would be traditional. Although it is relatively grand in design it would not be jarring or inappropriate in this rural location. Given the presence of an existing building on the site with relatively generous amounts of glazing, I am not convinced that the proposed glazing would result in a significant increase in light-spill.
11. The proposed replacement dwelling would be larger and taller than the existing dwelling and would occupy a position further west in the site. In some closer and middle-distant views towards the site, particularly from the north and west, parts of the building would be more visible above the boundary hedge than the existing building. However, given the distance of the proposed dwelling from the road the building would not be imposing or excessively prominent in these views. Furthermore, the building would be viewed within the established landscaped setting of the site which would soften its appearance. The overall character of the view would remain a domestic dwelling in a well-landscaped plot.
12. From other vantage points including from Wittenham Clumps, glimpses of the proposal may be possible, however the full extent of the building would not be visible. Interceding trees, buildings and landscape features would be significantly more prominent in views towards the site and the proposed

dwelling would be somewhat recessive in this context. Therefore, the proposal would not result in harm to the landscape character of the area.

13. The North Wessex Downs AONB (now NL) Position Statement (PS) states that replacement dwellings should be of a scale and location that does not result in the new dwelling being particularly larger or higher than the existing. The proposal conflicts with this advice. However, no justification is given for this requirement and in this instance the increase in size does not result in harm to the character and appearance of the area. Therefore, I give only limited weight to this advice.
14. I conclude that the proposal would conserve the natural beauty of the NL and would have an acceptable effect on the character and appearance of the area. It therefore accords with Policies ENV1, DES1, DES2 and H18 of the South Oxfordshire Local Plan 2011 – 2035 (adopted December 2020) (LP) and paragraph 182 of the Framework. Together these seek to ensure that development is of a high-quality design and conserves or enhances the natural beauty of the landscape and responds to local character.

Other Matters

15. Interested parties have raised concerns in relation to the effect of the proposal on the living conditions of the occupiers of the neighbouring property with regard to overlooking. The windows in the proposed side elevation which would face White Lees House are on the ground floor and there is a generous distance between the two dwellings. Therefore, I am satisfied that the proposal would not result in unacceptable living conditions for the occupiers of the neighbouring dwelling.

Conditions

16. I have undertaken some minor editing and rationalisation of the conditions proposed by the Council in the interests of precision and clarity. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interests of certainty.
17. Conditions requiring details of materials and the provision of soft landscaping are necessary to ensure an acceptable appearance is achieved. A condition regarding the implementation of the measures included in the Energy statement are necessary to ensure the carbon reduction targets outlined in Policy DES10 of the LP are achieved.
18. Conditions requiring the provision of surface and foul water drainage are necessary to ensure proper drainage of the site and proper treatment of foul water. Conditions requiring the provision of the works to the access and the parking and turning area are required in the interest of highway safety.
19. A condition requiring the provision of an Arboricultural Method Statement and Tree Protection Plan are necessary to ensure trees are safeguarded from development. I note that the Arboricultural information submitted with the appeal was described as preliminary and as such this condition is necessary. A condition requiring the implementation of the measures outlined in the ecology report are necessary to ensure protection and enhancement of ecology on the site. A condition requiring the demolition of the buildings is necessary to ensure

parts of the existing structures are not retained in addition to the approved dwelling.

20. The Council suggested a condition requiring the provision of an electric vehicle charging point. However, I have not imposed this condition because this is a requirement of S1 of the Building Regulations and is therefore unnecessary.
21. Conditions removing permitted development (PD) rights have been suggested. Paragraph 54 of the Framework states that planning conditions should not be used to restrict national PD rights unless there is clear justification for doing so. In this case I see no such justification and therefore these conditions would not be reasonable or necessary.

Conclusion

22. For the reasons given above, I conclude that the proposal would accord with the development plan, when read as a whole, and the Framework. Therefore, the appeal is allowed.

E Pickernell

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos:
 - 22-J3939-06 A proposed front and rear elevations
 - 22-J3939-07 A proposed side elevations
 - 22-J3939-05 B proposed basement plan
 - 22-J3939-03 B Proposed first floor plan
 - 22-J3939-02 B proposed ground floor plan
 - 22-J3939-04 Proposed first floor plan
 - 22-J3939-01 A Proposed site layout
 - 22-J3939-14 Proposed street scene
 - 22-J3939-10 Proposed driveway gates and piers
 - 22-J3939-LP101 Location Plan
 - 22-J3939-09 Existing elevations
 - 22-J3939-08 Existing floor plans
 - Tree Protection Plan November 2022
 - Tree Constraints Plan November 2022
 - Arboricultural Impact Assessment November 2022
- 3) No development above slab level shall take place until samples of all external facing materials have been submitted to and approved in writing

- by the local planning authority in writing. The development shall be carried out in accordance with the approved sample details.
- 4) 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.
 - 5) Prior to the construction of any development above slab level a scheme for the landscaping of the site, including the planting of live trees and shrubs, shall be submitted to and approved in writing by the Local Planning Authority. These details shall include schedules of new trees and shrubs to be planted (noting species, plant sizes and numbers/densities), the identification of the existing trees and shrubs on the site to be retained (noting species, location and spread), any earth moving operations and finished levels/contours, and an implementation programme. The scheme shall be implemented prior to the first occupation or use of the development hereby approved and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub or equivalent number of trees or shrubs, 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.
 - 6) Prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved.
 - 7) Prior to the commencement of development, a full foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved.
 - 8) Prior to occupation of the dwelling hereby permitted the proposed means of access onto Long Wittenham Road is to be formed and laid out and constructed strictly in accordance with the local highway authority's specifications and all ancillary works specified shall be undertaken.
 - 9) Prior to the first occupation of the development hereby approved, the parking and turning areas shall be provided in accordance with the approved plan 22-J.3939-01 Rev A 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.
 - 10) The development hereby approved shall be implemented strictly in accordance with the measures stated in the Conclusions and

Recommendations of the Ecology Letter report (AAe Environmental Consultants, November 2022). All faunal enhancement features shall be provided as approved prior to the first use of the development.

- 11) 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 must include the following:

- (1) A specification of any pruning or tree surgery works to any trees to be retained, to prevent accidental damage by construction or demolition activities;
- (2) 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 BS 5837 "Trees in relation to design, demolition and construction", and details of the timing and duration of its erection;
- (3) The definition of areas for the storage or stockpiling of materials, temporary onsite parking, site offices and huts, mixing of cement or concrete, and fuel storage;
- (4) The means of demolition of any existing site structures, and of the reinstatement of the area currently occupied thereby;
- (5) 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'.
- (6) 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;
- (7) 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.

(8) 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.

- 12) Those buildings shown to be demolished on the plans hereby approved shall be demolished, and any demolished material which is not to be utilised in the new development shall be removed from the land, before the commencement of any construction works. This provision shall apply unless an alternative scheme for the phased demolition of the buildings and removal of materials is first submitted to and approved in writing by the Local Planning Authority.

END OF SCHEDULE