



Appeal Decision

Site visit made on 5 November 2024 by E Street BSc (Hons)

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2025

Appeal Ref: APP/V3120/W/24/3347990

134 Cumnor Hill, Oxford, Oxfordshire OX2 9PH

- 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 Paul Topping against the decision of Vale of White Horse District Council.
 - The application Ref is P24/V0325/FUL.
 - The development proposed is described as “erection of detached part single part 2 storey dwelling house with home workshop. Erection of bin and bike stores/energy hub building. Car parking provision. Improved visibility splays to existing vehicular access. Landscaping of the site”.
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Decision

1. The appeal is allowed, and planning permission is granted for development described as “erection of detached part single part 2 storey dwelling house with home workshop. Erection of bin and bike stores/energy hub building. Car parking provision. Improved visibility splays to existing vehicular access. Landscaping of the site” at 134 Cumnor Hill, Oxford, Oxfordshire OX2 9PH in accordance with the terms of the application, Ref P24/V0325/FUL, subject to the conditions set out in the attached schedule.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. The National Planning Policy Framework 2024 (the Framework) was published prior to this decision. Having reviewed the changes, I am satisfied that the substantive matters thereof do not affect those of the appeal’s main issues. Proceeding without further consultation with the main parties would not therefore prejudice their respective cases. I have accordingly referred to the most recent version of the Framework in my findings.

Main Issue

4. The main issue is the effect of the proposed dwelling on the character and appearance of the area.

Reasons for the Recommendation

5. The appeal site is the rear garden of 134 Cumnor Hill (No 134). The existing dwelling is set within a row of bungalows. Types and scales vary on both

Cumnor Hill and Chawley Lane which also includes some commercial units. The appeal site grouping is set back from the main road with elongated gardens which get smaller towards the east. There are instances of rearward development of Cumnor Hill which are viewed in the wider context of the area. These features lend a pleasant consistency to the locality which contributes positively to the character and appearance of the area.

6. The overall design of the proposed dwelling has not been raised as an issue by the Council and I have no reason to disagree. The concern surrounds the proposed siting and other general principles. The proposed dwelling would be set to the rear of the existing property which would be marginally viewed from Cumnor Hill by virtue of the access. The appeal site land slopes downwards which resultantly means the new dwelling would be seen as sitting lower than No 134 and would sit in line with 8 Chawley Lane (No 8). As a result of this, the gaps between buildings would be retained which would reinforce the area's consistency.
7. Back land development is discouraged where it would undermine character. However, as per Policy DBC1 of the Cumnor Neighbourhood Plan (CNP) this is subject to maintaining such formed by common plot shapes, sizes, orientation and building to plot ratios. The formation of the new residential curtilage to the rear of the existing property would be proportionate and commensurate with the surrounding plots sizes and shapes. The resultant plot size and ratio to No 134 would still be comparable to the surrounding plots and general character. In addition, the siting and the scale of the new dwelling would be relative to the surrounding buildings and not detract from the prevailing feel of the area. The orientation of the new dwelling would sit harmoniously with the surrounding dwellings even with the access being on Cumnor Hill.
8. Whilst Chawley Lane and Cumnor Hill differ in their character and natural progression, due to their close proximity and wider surroundings, the two roads in combination still contribute to the prevailing character of the area, notwithstanding the small number of surrounding long plots and open gardens. Nevertheless, the one additional rear dwelling would sit comfortably with both the dwellings on Chawley Lane and Cumnor Hill and would not erode the established and consistent low-density nature of the area.
9. With these matters in mind, the proposal would not cause harm to the character and appearance of the area. It would therefore comply with Policies DBC1 and DBC3 of the Cumnor Neighbourhood Plan 2021, Policy CP37 of the Vale of White Horse District Council Local Plan 2019 and Paragraph 135 of the Framework which together seek to ensure that development proposals are of a high-quality design and standard, amongst other things.

Other Matters

10. The Council have undertaken a balance of benefits against the harm of the proposal akin to that set out by Paragraph 11 of the Framework. In this instance whilst the Framework suggests to positively look at providing new housing, there is no indication that the Council's supply is lacking which is supported by an up-to-date Housing Land Supply document. Nevertheless, they found that the harm outweighed the benefits of the proposal. Hence their decision. I have, in any event, found that the scheme would be acceptable against the development plan. As such, and even if the Council were in a

situation that directed me towards paragraph 11, it would not affect the outcome of the appeal.

Conditions

11. The Council suggested a number of conditions which I have considered in the light of the advice in the Framework and Planning Practice Guidance. In some cases, I have made edits for clarity and enforceability. I have set out the standard time limit condition and referred to the approved plans for enforcement purposes. These show the materials which would be suitable so there is no need for a further condition.
12. It is necessary to ensure that the pre-commencement conditions surrounding foul water drainage and surface water drainage are applied to ensure that the development would not exacerbate the risk of flooding in nearby locations. In the interest of living conditions to neighbouring occupiers and due to the land level changes, it is appropriate to ask for the details of the ground levels of the site to ensure that the development would not give rise to unacceptable harm to the occupiers, and it is necessary to establish existing ground levels. For practical reasons, these conditions need to be set out as pre commencement.
13. Given the location of the development and to ensure compliance with the relevant policy of the development plan, a condition relating to biodiversity enhancements should be applied. In the interests of highway safety, conditions surrounding car parking spaces, visibility splays, turning spaces and bicycle parking should be applied. Details should be agreed and implemented before the dwellings are occupied and are reasonable and necessary for the proper functioning of the development. The details surrounding the landscaping scheme and the boundary treatments are to be supplied prior to the first occupation of the dwelling in the interests of both visual amenity and living conditions for the neighbouring occupiers. The refuse storage is also to be provided prior to the occupation to ensure that appropriate measures are in place for the residing occupiers.
14. The Council have recommended a condition limiting access to the roof; however, this would not be necessary since a separate permission would be required to use it as a balcony. I have not deemed any other conditions necessary for this development.

Conclusion and Recommendation

15. For the reasons set out above, the appeal scheme would comply with the development plan. I therefore recommend it be allowed, subject to the conditions set out.

E Street

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed, and planning permission is granted, subject to the conditions set out below.

John Morrison 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 the following approved plans: 105-00-098 P3, 105-00-100 P3, 105-00-101 P3, 105-00-102 P3, 105-00-130 P3, 105-00-131 P3, 105-00-141 P3, 105-00-142 P3, 105-00-143 P3, 105-00-144, P3, 105-00-145 P3, 105-00-160 P1, L101-001 A
- 3) Prior to the commencement of development, a scheme for the management and disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented prior to the first occupation of the development hereby permitted.
- 4) Prior to the commencement of development, details of the existing ground levels of the site and the proposed slab levels of the new dwelling shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 5) Prior to any development taking place above slab level, details (including specification, position, height, orientation) of a scheme of biodiversity enhancements to be provided, shall be submitted to, and approved in writing by the Local Planning Authority. The scheme shall be designed in conjunction with a suitably qualified ecologist and bird/bat boxes shall be integrated into the fabric of the development. A minimum of one integrated bird box and one integrated bat box shall be provided onsite. Development shall be implemented in accordance with the approved details and completed prior to the first occupation of the development hereby permitted.
- 6) Prior to the first occupation of the dwelling hereby permitted, car parking spaces shall be constructed, surfaced, and marked out on the site in accordance with a scheme which shall be submitted to and approved in writing by the Local Planning Authority. The parking spaces shall be kept permanently free of any obstruction and retained thereafter.
- 7) Prior to the first occupation of the dwelling hereby permitted, visibility splays shall be provided in both directions in accordance with a scheme which shall first have been submitted to and approved in writing by the Local Planning Authority. Such splays shall be designed to ensure there is no obstruction to vision above 0.9 metre in height relative to the centre line of the adjacent carriageway over the whole of each visibility splay area. Thereafter, the visibility splays shall be permanently maintained free from obstruction to vision.
- 8) Prior to the first occupation of the dwelling hereby permitted, a turning space to enable motor vehicles to enter the site, turn around and leave in a forward direction shall be constructed in accordance with a detailed scheme which shall first have been submitted to and approved in writing by the Local Planning Authority. The turning space shall be constructed to prevent surface water discharging onto the highway. Thereafter, the turning space shall be kept permanently free of any obstruction to such use.

- 9) The hard and soft landscaping works shown on the plans hereby approved shall be implemented prior to the first occupation of the dwelling hereby permitted. Thereafter, the landscaped areas shall be maintained for a period of 5 years. Any trees or shrubs which die or become seriously damaged or diseased within 5 years of planting shall be replaced by trees and shrubs of similar size and species to those originally planted.
- 10) The bicycle parking shown on the plans hereby approved shall be implemented prior to the first occupation of the dwelling hereby permitted and retained thereafter.
- 11) The boundary treatments shown on the plans hereby approved shall be erected prior to the first occupation of the dwelling hereby permitted and retained thereafter
- 12) The refuse storage shown on the plans hereby approved shall be erected prior to the first occupation of the dwelling hereby permitted and retained thereafter.