



Appeal Decision

Site visit made on 14 January 2025

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 January 2025

Appeal Ref: APP/V3120/W/24/3349454

19 Hids Copse Road, Cumnor Hill, Oxford, Oxfordshire OX2 9JJ

- 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 David Black against the decision of Vale of White Horse District Council.
 - The application Ref is P23/V2833/FUL.
 - The development proposed is conversion of existing garage and pool building and creation of a new parking area.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of existing garage and pool building and creation of a new parking area at 19 Hids Copse Road, Cumnor Hill, Oxford, Oxfordshire OX2 9JJ in accordance with the terms of the application, Ref P23/V2833/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. In the interests of clarity, rather than taking the site address above from the original application form, it is taken from the appeal form which is consistent with the Council's decision notice.
3. A revised National Planning Policy Framework (Framework) was published on 12 December 2024. The main parties were given the opportunity to comment on the implications of this policy change in relation to the appeal. Any comments provided have been taken into account in this decision.
4. The main parties are in agreement that the proposal is not inappropriate development in the Green Belt. No substantive evidence indicates otherwise, therefore the appeal is determined on that basis.
5. The appeal scheme includes the creation of a new vehicular access. Subsequent to the Council's refusal of the appeal scheme, it granted permission for the creation of the new vehicular access in a separate decision (Ref P24/V1212/HH).
6. A revised plan (Ref 23019-OA-B1-ZZ-DR-A-2001 P05) was submitted at appeal. This replaced reference to a new 1.8m fence with reference to 'new fence separating the two properties' with details to be addressed via a condition. The revised plan is accepted given the minor nature of the proposed change and that, as such, its acceptance would not result in procedural unfairness to anyone involved in the appeal.

Main Issue

7. The main issue is the effect of the proposed plot subdivision on the character and appearance of the surrounding area.

Reasons

8. Houses in the locality appear individual in design. The variety of house styles and layouts creates interest in the street scene, and is a defining positive feature of the character of the area. Mature boundary landscaping is also a characteristic attribute that provides a degree of screening of houses and gardens from Hids Copse Road (the Road). Consequently, plot shapes appear organic rather than noticeably uniform. Although set within generous plots, houses are not so widely spaced that only one house is visible at any one time. Detached garages are also prevalent, some of which have dormer windows in their roofs which gives a somewhat domestic appearance rather than being solely for storage.
9. The appeal building is positioned further back from the building line of the main house and there is a good degree of separation between the two buildings. Combined with the proposed separate access and parking areas, the appeal scheme would appear as a distinctly separate dwelling. In addition, the appeal building would not appear prominent in the street scene and its appearance would remain subservient to the main house, due to its comparatively modest scale and width, together with its position well back from the Road. Given the mature landscaping, which could be enhanced by a suitably worded condition, the proximity of the appeal building to its boundaries would not appear so close as to harm the character and appearance of the area. Moreover, combined with the substantial set back of the appeal building from the Road, the proposed accommodation would not appear cramped.
10. Also, local topography is such that ground levels fall steeply away to the rear. Together with substantial trees towards the rear of the site, this limits the extent to which the relative plot sizes of neighbouring gardens can be clearly distinguished. As such, although it would have a higher building to plot ratio than other houses in the vicinity and a shorter rear garden, the extent to which that would be visible from neighbouring houses would be highly limited. Furthermore, whilst within a lower density area as defined in the Cumnor Parish Neighbourhood Development Plan (February 2021) (Neighbourhood Plan), the proposed conversion would not increase built form. As such, it would maintain existing visual gaps between buildings as intended by Policy DBC3 of the Neighbourhood Plan.
11. Therefore, the proposed plot subdivision would be acceptable having regard to the character and appearance of the surrounding area. It would thus comply with Core Policy 37 of the Vale of White Horse Local Plan 2031 – Part One (December 2016) and Policy DBC1 of the Neighbourhood Plan. These generally seek to ensure that proposals achieve good design having regard to the character of the area. In addition, it would comply with Policy DBC3 of the Neighbourhood Plan for the reasons given. Similarly, the proposal would accord with the requirement in the Framework for developments to achieve good design.

Conditions

12. The Council suggested conditions in the event the appeal is successful, and I have considered these and amended them as necessary, without altering their meaning,

in light of the Framework and Planning Practice Guidance. Where the conditions are pre-commencement, the appellant has confirmed their agreement. In addition to the standard time limit condition (1), it is necessary to impose a condition (2) requiring compliance with the relevant plans for certainty. A separate condition requiring the development accords with materials specified on the plans and forms is not necessary given the detail shown on the Proposed Elevations plan (Ref 23019-OA-B1-ZZ-DR-A-5001 P03).

13. In order to ensure adequate provision is made for the preservation of retained trees, including Ancient Woodland to the rear, I have imposed a condition (3) requiring that a tree protection scheme and method statement is agreed with the Council. This is required prior to commencement to ensure tree protection during works on site. Given the varied site levels, a condition (4) relating to provision of earthworks and site levels is necessary in the interests of the character and appearance of the area. This is required to be pre-commencement to ensure satisfactory levels are achievable from the outset.
14. A condition (5) requiring submission of a landscaping scheme is necessary to maintain the character and appearance of the area. Details of any additional tree planting can be agreed at that stage. It is not necessary for this condition to be pre-commencement in order to be effective. Biodiversity enhancements are secured by condition (6) to ensure the development makes suitable provision for wildlife.
15. A condition (7) requiring approval of details of boundary treatment is required in the interests of the character and appearance of the area. Access details are required (8) and the proposed parking spaces are to be provided (9) in the interests of highway safety. As the proposal relates to an existing building with kitchen and bathroom facilities, a drainage condition is not necessary.

Conclusion

16. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

Rachel Hall

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:

23019-OA-B1-ZZ-DR-A-1000 P02,
23019-OA-B1-ZZ-DR-A-2001 P05,
23019-OA-B1-ZZ-DR-A-3004 P03,
23019-OA-B1-ZZ-DR-A-3005 P03,
23019-OA-B1-ZZ-DR-A-3010 P04,
23019-OA-B1-ZZ-DR-A-3020 P03,
23019-OA-B1-ZZ-DR-A-4001 P02,
23019-OA-B1-ZZ-DR-A-5001 P03,
23019-OA-B2-00-DR-A-5003 P02 and
23019-OA-B2-00-DR-A-5005 P02.
- 3) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) has been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.
- 4) No development shall take place until details of any earthworks showing existing and proposed finished levels has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and maintained as such thereafter.
- 5) The development hereby permitted shall not be occupied until a detailed landscaping scheme shall have been submitted to and approved in writing by the local planning authority. The approved scheme shall be carried out in the first planting season following first occupation of the approved development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) The development hereby permitted shall not be occupied until a scheme of biodiversity enhancements has been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. The scheme shall include for the provision of bat and bird boxes and gaps in boundary features for hedgehogs. The implemented scheme shall be retained for the lifetime of the development.
- 7) The development hereby permitted shall not be occupied until boundary treatments have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.

- 8) The development hereby permitted shall not be occupied until the new vehicular access to the site has been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Such details shall include visibility splays in both directions. The visibility splays shall thereafter be permanently maintained free from obstruction.
- 9) The development hereby permitted shall not be occupied until the car parking spaces shown on approved drawing number 23019-OA-B1-ZZ-DR-A-3010 P04 shall have been constructed and surfaced in accordance with those details. The parking spaces shall be constructed to prevent surface water discharging onto the highway. Thereafter, the parking spaces shall be kept permanently free of any obstruction to such use.