



Appeal Decision

Site visit made on 14 January 2025

by E Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 March 2025

Appeal Ref: APP/V3120/W/24/3350416

Waveney House, Radley Road, Abingdon, Oxfordshire OX14 3PP

- 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 Mrs Teresa Sheaf against the decision of Vale of White Horse District Council.
 - The application Ref is P24/V0366/FUL.
 - The development proposed is the sub-division of Waveney House to form a self-contained 2 bedroom dwelling. Form a new vehicle access to serve Waveney House.
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Decision

1. The appeal is allowed and planning permission is granted for the sub-division of Waveney House to form a self-contained 2 bedroom dwelling and the formation of a new vehicle access to serve Waveney House, at Waveney House, Radley Road, Abingdon, Oxfordshire OX14 3PP in accordance with the terms of the application, Ref P24/V0366/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matter

2. An interested party has queried the validity of the appeal. Under section 78 of the Town and Country Planning Act 1990, only the original applicant has a right to make an appeal. The appeal form indicates that the appeal is made by Mrs Teresa Sheaf, who was the applicant. I am therefore satisfied that the appeal is valid.

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 Waveney House, a substantial 2 storey detached dwelling, that fronts Radley Road. It is located within a predominately residential area which includes dwellings of a range of architectural styles and ages. The properties fronting this section of Radley Road are detached, set back a similar distance from the highway with parking areas between the dwellings and the front boundaries, on plots that are similar in width to Waveney House. The regular pattern of siting and layout of the dwellings creates a pleasant sense of uniformity to the street scene. The front boundaries include boundary fences and walls, as well as mature hedges and trees, which contribute positively to the verdant character and appearance of the area.

5. The appeal proposal seeks to subdivide the existing dwelling to create a pair of semi-detached dwellings comprising a new 2 bedroom dwelling alongside the remaining part of the existing dwelling. The proposal also includes a single storey garden room extension to the rear of the proposed dwelling, to replace the existing outbuilding. The existing garage door to the front elevation of the property would be replaced by a bay window. The property benefits from a second entrance door to the front elevation which would be used to access the proposed dwelling via a new lobby area. The dwelling would be served by the existing vehicular access to the site from Radley Road, and parking spaces on the existing driveway. A new vehicle access to the front of the site would be formed to provide access and parking to serve the existing dwelling.
6. The proposed alterations to the front elevation of the existing dwelling would therefore be modest in nature and would not tangibly affect its overall appearance, particularly given the presence of 2 pedestrian doors. Notwithstanding the details shown on the proposed site plan, the Planning Design and Access Statement indicates a clear statement of intent to keep the front area of both properties open. A planning condition could be imposed to agree details of boundary treatment to secure a sympathetic method of demarcation between the front gardens of the properties.
7. The proposed development would give rise to a larger area of hardstanding to the front of the site to accommodate a greater number of parked vehicles. However, this arrangement would not be dissimilar to other properties nearby. Moreover, the provision of additional refuse and cycle storage facilities to serve the proposed dwelling on the frontage of the site, would not lead to a proliferation of such structures to the detriment of the appearance of the site. Consequently, while the formation of a second vehicular access may signal the presence of 2 separate dwellings at the site, given the limited extent of alterations required to facilitate the proposal, the changes as proposed would not have any significant effect on the overall appearance of the site or the wider streetscape.
8. A mature lime tree occupies a prominent position to the front of the property. There is also a mature copper beech tree, which is subject to a Tree Preservation Order, in the rear garden, which is visible from the front of the site above and between the existing dwellings, as well as from neighbouring rear gardens. The trees make a positive contribution to the street scene and the character and appearance of the area.
9. The proposed extension to the rear of the property would be set back from the copper beech tree and would extend a considerably shorter distance from the rear of the building than the outbuilding it would replace. The proposed vehicular entrance and gravel driveway would be a short distance from the lime tree, beyond the existing access and driveway which are much closer to it. Taking these factors into account, it seems likely that, given the distance from the trees, and the nature of the development, a suitable technical solution could be devised to ensure that the proposal would not have a detrimental effect on the long-term health and wellbeing of the trees. Accordingly, any potential risks to the trees could be avoided through a suitable planning condition to secure details of appropriate construction methods for the below ground level elements of the proposal.
10. For the foregoing reasons, the proposed subdivision of the plot would not be significantly at odds with the prevailing pattern of the surrounding residential

development. I therefore conclude that it would not harm the character and appearance of the area. In that regard it would not conflict with Core Policy 37 of the Vale of White Horse Local Plan 2031 Part 1 (LPP1), which requires development to be of high quality design that, among other things, responds positively to the site and its surroundings, and would accord with Core Policy 44 of the LPP1 in so far as it seeks to protect key landscape feature such as trees. The proposal would also not give rise to conflict with Development Policy 3 of the LPP2 which supports the subdivision of dwellings where specific criteria are met, including where adequate living space would be provided and it maintains and enhances the character and appearance of the area.

Other Matters

11. An interested party has raised concern regarding the size of the proposed dwelling and accessibility for wheelchair users. The Council has not objected to the proposal on these grounds. The Council's delegated report is clear that the size of the proposed dwelling and rooms would comply with Development Policy 2 of the Vale of White Horse Local Plan 2031 Part 2 (LPP2) having regard to the Technical housing standards – nationally described space standard, March 2015. There is no clear evidence before me to demonstrate otherwise. Moreover, there is no compelling evidence that the dwelling could not be constructed so as to meet the relevant parts of Part M of the Building Regulations.

Conditions

12. I have considered the conditions put forward by the Council in light of the requirements of the Planning Practice Guidance (PPG) and the Framework. Where I agree the conditions are necessary, I have amended the wording, in the interests of precision and clarity, and to comply with advice in the PPG. In addition to the standard timescale condition, I have imposed a condition specifying the relevant plans to provide certainty. The plans show the external materials to be used, therefore a separate condition in that regard is not necessary.
13. A condition is necessary to agree a surface water drainage strategy to ensure surface water from the proposed rear extension is disposed of appropriately and does not exacerbate the risk of flooding. The Council suggested 2 separate surface water drainage conditions. I have imposed the first, which does not include the detailed information requirements set out in the second, so that the parties can agree the precise requirements based upon relevant guidance and site circumstances at the time that the details are agreed. The details are required prior to the commencement of the construction of the rear extension only, as the other parts of the development, in particular the internal work relating to the conversion of the building would be unlikely to have any significant implications in terms of surface water.
14. The proposed dwelling would be served by the existing access and parking arrangements. In the interests of highway safety, a condition is necessary to secure the construction of the turning and parking areas to serve the existing dwelling as shown on the submitted plans. To encourage the use of sustainable transport modes, details of cycle parking is necessary.
15. Details of waste and recycling storage are to be secured by a condition, to ensure that suitable facilities are provided to serve the development, in accordance with Development Policy 28 of the LPP2. A condition to agree details of boundary

treatments is necessary in the interests of the character and appearance of the area.

16. For the reasons set out above, a condition is necessary to agree details of the construction works for the external works including the extension, access and driveway so as to safeguard the mature trees on the site.
17. The application form indicates that foul sewage will be disposed of via the main sewerage system. In the absence of any evidence that this could not be achieved, a condition to require details of a foul water drainage scheme is not necessary.

Conclusion

18. For the reasons given above the appeal should be allowed.

E Worley

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. BLO-002, Absh-01-23-03, LOC- 001, Absh-01-23-02 and Absh-11-23-01.
- 3) Prior to the commencement of the construction of the rear extension, a detailed scheme for the surface water drainage of the development shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be fully implemented prior to the occupation of the dwelling hereby approved and shall be retained as such thereafter in perpetuity.
- 4) Prior to the first occupation of the dwelling hereby approved a turning area and car parking spaces shall be provided to serve the existing dwelling so that motor vehicles may enter, turn round and leave in a forward direction and vehicles may park off the highway. The turning area and parking spaces shall be constructed, laid out, surfaced, drained and completed to be compliant with sustainable drainage (SuDS) principles in strict accordance with specification details to be submitted to and approved in writing by the local planning authority prior to the commencement of development. The turning area and car parking spaces shall be retained and unobstructed except for the parking and manoeuvring of motor vehicles at all times.
- 5) Cycle parking facilities shall be provided prior to the occupation of the development hereby approved, in accordance with details to be submitted to and approved in writing by the local planning authority, prior to the occupation of the development. The approved facilities shall thereafter be retained, maintained, kept free from obstruction and available for the purpose specified in perpetuity.

- 6) Prior to the occupation of the dwelling hereby approved, provision shall be made for storing domestic refuse and recycling materials for that dwelling in accordance with a scheme which shall first have been submitted to and approved in writing by the local planning authority. The approved facilities shall thereafter be retained, maintained, kept free from obstruction and available for the purpose specified in perpetuity.
- 7) Prior to the occupation of the dwelling hereby permitted details of the positions, height, design, materials and type of boundary treatment to be erected to the boundaries of the new dwelling shall be submitted to and approved by the local planning authority. The boundary treatment shall be completed in accordance with the approved details before the dwelling is occupied and retained as such thereafter in perpetuity.
- 8) No site clearance, preparatory work or development in relation to the construction of the extension to the rear of the dwelling or the new access and driveway shall take place until details of any works below ground level, to take account of the existing trees, have been submitted to and approved in writing by the local planning authority. The development shall thereafter take place in accordance with the approved details.

*****end of conditions*****