



Appeal Decision

Site visit made on 3 March 2025

by D R Kay BA Dip.Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 20 March 2025

Appeal Ref: APP/Q3115/W/24/3352753

1 Elm Drive, Chinnor, Oxfordshire, OX39 4HH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs Moakes against the decision of South Oxfordshire District Council.
 - The application Ref: P24/S1813/O, dated 1 June 2024, was refused by notice dated 29 July 2024.
 - The development proposed is 'Demolition works and the erection of a detached one-bedroom dwelling (comprising single and two-storey elements) with access, parking and amenity space'.
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Decision

1. The appeal is allowed, with the effect that outline planning approval is granted for demolition works and the erection of a detached one-bedroom dwelling (comprising single and two-storey elements) with access, parking and amenity space, at 1 Elm Drive, Chinnor, Oxfordshire, OX39 4HH, in accordance with the terms of the application ref: P24/S1813/O, dated 1 June 2024, subject to the attached schedule of conditions.

Preliminary Matters

2. The appeal is for outline planning permission with approval sought for access and layout at this stage. Appearance, scale and landscaping are reserved matters for future approval.

Main Issues

3. The main issues are the effect of the proposals on i) the character and appearance of the area, and ii) the living conditions of the occupiers of 26 Greenwood Avenue (no.26) with regards to outlook.

Reasons

Character and Appearance

4. The appeal site occupies a portion of the garden of the host property, 1 Elm Drive, a corner plot, with residential properties to the south on Greenwood Avenue, and to the west and north on Elm Drive. The southern boundary with the rear gardens of the adjacent Greenwood Avenue properties has a mix of timber fencing and mature hedging, ranging in height from approximately 1.5m to 2.1m. To the north and east is a mature beech and coniferous hedge of approximately 2.4m in height, which forms the boundary of the site with the public footpath.

5. The area is characterised by a mix of two-storey detached, semi-detached and terraced dwellings, though semi-detached predominate. The properties, which are mostly post 1960's, are constructed mainly from brick walls with clay or concrete roof tiles to their pitched roofs. Mature beech and coniferous hedges, in varying heights, are common to the front boundaries adjacent to footpaths in the area. This contributes to a feeling of enclosure of the road at this location, partially obscuring and softening the appearance of the dwellings.
6. The proposal would introduce a part two-storey, part single storey dwelling approximately 4m from the gable of the host property but set approximately 2m behind the line of its front elevation. The proposal is aligned with the host dwelling, which itself is not parallel with Elm Drive, and which has a porch which projects to within 3m of the rear of the footpath. The gap between the host property and the proposals, at 4m, would be consistent with the pattern of development in the area. Therefore, the relationship of the front elevation of the proposals to Elm Drive would not be significantly inconsistent with that of the host property.
7. A previous application on the appeal site (P24/S0632/O), also at appeal, and referred to by the planning officer and highways officer in dealing with this appeal application, identified the provision of vision splays for the vehicular access being acceptable, subject to the hedge along the northern and eastern boundaries being maintained no higher than 0.9m. A section of hedge would also be required to be removed to provide the widened vehicular access for the proposals. Cumulatively, whilst this would change the character and appearance of this section of Elm Drive, the retention of the hedge, albeit at a lower level, would maintain the softening effect on development, integrating it with the surroundings.
8. As the appeal is for outline permission and does not seek approval for scale or appearance, there is no evidence before me which identifies the height, materials or fenestration of the proposals, other than the defined outline of single and two-storey development. From the proposed footprint, the extent is such that not all the first-floor footprint would be required to be developed to a full storey height to provide a 1-bedroom dwelling. Accordingly, I am satisfied that the proposals, when reserved matters are considered for scale, appearance and landscaping, can be developed in a manner which integrates them into the surrounding area.
9. Evidence has been put before me in relation to two previous applications P04/E1093 and P05/E0804 on the appeal site, both of which had been refused. Having reviewed these, both were for larger 2-bedroom dwellings and would have presented significantly greater mass, both to Elm Drive and to adjacent properties on Greenwood Avenue, than the appeal proposals. As such, they have had a limited bearing on my assessment of the appeal scheme.
10. I therefore conclude that the outline proposals would not result in harm to the character and appearance of the area. Therefore, it follows that there would be no conflict with policies DES1 and DES2 of the South Oxfordshire Local Plan 2011-2035 (December 2020) (LP), or policies CH C1 and CH H1 of the Chinnor Neighbourhood Plan (NP), which among other things, require new development to be of high-quality design, to reflect positive features that make up the character and appearance of the local area.

Living Conditions

11. The separation distances between the rear elevation of the proposals to No.26 range between approximately 13.2m and 15.9m. The ground floor level of the latter property being situated approximately 0.5m above the appeal site due to the general topography of the area. The combination of separation distances and differential in relative levels between no.26 and the appeal proposals, would limit the potential for impact on outlook for the occupants of no.26.
12. As noted previously, this appeal is for outline permission and does not seek approval for scale, appearance or landscape. There is no evidence before me which identifies the specific height, materials or fenestration of the proposals, other than in general terms and the defined layout specifying single and two-storey development.
13. Nevertheless, I am satisfied that it would be possible to provide the proposed development in a manner which limits the height at the closest points to the southern boundary. This, in combination with the material choices, the separation distances between the properties, relative floor level differences and boundary details between the appeal proposals and No.26, would result in a satisfactory outlook for its occupants.
14. The South Oxfordshire and Vale of White Horse - Joint Design Guide 2022 (SOVWH-JDG22) identifies a minimum separation distance of 12m for 'back to side' development relationships. As the appeal proposals are for outline permission, with scale, appearance and landscape as matters reserved for future approval, I am satisfied that the appeal proposals can be executed in a manner which accords with the 'back to side' development requirements identified in the SOVWH-JDG22, the separation distances between the appeal proposals and no.26 exceeding the minimum requirements identified therein.
15. I therefore conclude that the outline proposals would not result in an overbearing or oppressive impact on the residents of No.26, nor harm their standard of residential amenity. It therefore follows that I do not find that they would conflict with policy DES6 of the LP, or policies CH C1 and CH H1 of the NP, which among other things, require new development to not cause unacceptable impact on the residential amenities of adjacent residential properties.

Other Matters

16. Concerns have been raised by residents and Chinnor Parish Council. I have already addressed most of these in the main issues. However, in addition, it was asserted that the proposal would not be infill development and that Chinnor has met its' housing requirements.
17. Nevertheless, the site has been accepted by the Council as being an infill site on the basis that it is surrounded, on all sides, by existing residential properties. I concur. Furthermore, the Council's most recent statement on housing land supply indicates it can demonstrate 4.5 years supply, which is below the 5-year requirement.

Conditions

18. Conditions 1 to 4 are standard conditions dealing with the control of the timescales of the approval and dealing with future reserved matters, together with confirmation of the approved drawings.
19. Condition 5 is required to ensure sustainable drainage design. Condition 6 is required to ensure protection of existing trees during the development process. Conditions 7 to 9 are necessary in the interest of highways safety. Condition 10 is required to ensure high standards of sustainable design and construction in accordance with Policy DES10 of the South Oxfordshire Local Plan 2035.
20. I have not applied a separate condition relating to the provision of electric vehicle charging as this is required by the Building Regulations.

Conclusion

21. For the reasons set out above, I conclude that the appeal proposals would not be contrary to the development plan as a whole. As such, it is unnecessary to further consider the question of housing supply and presumption in favour of sustainable development contained in national policy, as this would not alter the outcome of my determination against the development plan.
22. Therefore, the appeal should be allowed.

D R Kay

INSPECTOR

Schedule of Conditions

1. Prior to commencement of development, details of the appearance, landscaping, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out as approved.
2. Application for approval of the reserved matters shall be made to the local planning authority no later than 3 years from the date of this permission.
3. The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.
4. The development hereby approved shall be carried out in accordance with the details shown on the following approved plans: Site Location Plan P100, Proposed Site Plan/Block Plan P202 A.
5. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The submitted details shall: i) provide information about

the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; ii) include a timetable for its implementation; and, iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. The development shall be carried out in accordance with the approved details. The sustainable drainage system shall be managed and maintained thereafter in accordance with the approved management and maintenance plan.

6. No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of BS 5837: "Trees in relation to design, demolition and construction - Recommendations" (or an equivalent British Standard if replaced) has been submitted to, and approved in writing by, the Local Planning Authority. The scheme for protection of the retained trees shall be carried out as approved.
7. Prior to occupation of the dwelling hereby approved, the access, parking and turning areas shall be provided in accordance with drawing no. P202A and shall be retained unobstructed except for the parking of vehicles associated with the development at all times.
8. Prior to occupation of the dwelling hereby approved, vision splays measuring 2.0 metres by 25.0 metres shall be provided to each side of the access and thereafter the vision splays shall not be obstructed by any object, structure, planting or other material with a height exceeding or growing above 0.9 metres as measured from carriageway level.
9. Prior to occupation of the dwelling hereby approved, cycle parking facilities shall be provided, in accordance with details previously submitted to and approved in writing by the Local Planning Authority.
10. Concurrent with any reserved matters application, an Energy Statement, including SAP calculations in line with the recognised methodology set by Government, demonstrating how the development will achieve at least a 40% reduction in carbon emissions compared with code 2013 Building Regulations and details of how this will be monitored shall be submitted to the local planning authority and approved in writing. 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.