



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: 10 April 2025

Appeal Ref: APP/Q31115/W/24/3352754

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 M Daly of M.A.Daly Building Contractors Limited against the decision of South Oxfordshire District Council.
 - The application Ref: P24/S0632/O, dated 13 February 2024, was refused by notice dated 14 May 2024.
 - The development proposed is 'Demolition works and the erection of a detached two-storey one-bedroom dwelling with access, parking and amenity space'.
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Decision

1. The appeal is dismissed.

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.
3. The Council were asked for a statement in relation to their five-year housing land supply having regard to the December 2024 updates to the National Planning Policy Framework (the Framework). The Council confirmed that following a review carried out in January 2025, they are currently able to demonstrate a housing land supply figure of 4.5 years. The appellant has been offered the opportunity to comment on the statement, noting their belief that in practice, the figure is lower than is stated by the Council. Notwithstanding the comments of the appellant, the Council's position at 4.5 years is below the 5 years required.

Main Issues

4. The main issues are the effect of the proposals on i) the character and appearance of the area, and ii) whether the proposed development would provide acceptable living conditions for occupants of 1 Elm Drive, with regard to the provision of private amenity space.

Reasons

Character and Appearance

5. 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.

6. 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.
7. The proposal would introduce a two-storey dwelling approximately 3.1m from the gable of the host property and set approximately 0.9m 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 3.1m, is narrower than the general pattern of development in the area. The relationship of the front elevation of the proposals to Elm Drive is significantly closer than both the host property, and other properties in the area.
8. The Oxford County Council highways officer has identified a requirement for 2.0m by 25m vision splays for the vehicular access to serve the new dwelling. To comply with this, the hedge along the northern and eastern boundaries would need to be reduced to and be 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.
9. The proximity of the closest point of the new dwelling, some 1.8m from the existing boundary with Elm Drive, would necessitate removal of a further section of the mature hedge, to enable access around the new dwelling into the garden. Cumulatively, this, the vision splay and new access works would result in the hedge being removed for a significant portion of its' length, significantly changing the character and appearance of this section of street, opening this corner of Elm Drive and exposing the mass of the new dwelling directly to the street near the footpath.
10. 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 footprint of two-storey development, which broadly corresponds with that of the host dwelling. However, the location of the proposals would be significantly closer to the Elm Drive boundary, with no opportunity for screening, and would therefore appear out of keeping with the pattern of development which defines the character of the area.
11. I therefore conclude that the outline proposals would result in significant harm to the character and appearance of the locality. Therefore, it follows that I find that the proposals are contrary to policies DES1 and DES2 of the South Oxfordshire Local Plan 2011-2035 (December 2020) (the Local Plan), policies CH C1 and CH H1 of the Chinnor Neighbourhood Plan (the Neighbourhood Plan), which among other things, require new development to be of high-quality design, and to reflect positive features that make up the character and appearance of the local area.

Living Conditions

12. The refusal notice states that the 'proposed development represents an overdevelopment of the site that fails to provide adequate standards of private residential outdoor amenity space for the occupants of the existing dwelling (1 Elm Drive)'.
13. The South Oxfordshire and Vale of White Horse - Joint Design Guide 2022 (SOVWH-JDG22) recommends a provision of a minimum of 100 Sq.m. of private amenity space for 3-bedroom dwellings. The appellant notes the retained area of garden for 1 Elm Drive would be approximately 92 Sq.m. However, the SOVWH-JDG22 amenity space areas are recommendations, the guide also notes other recommendations, such as gardens being appropriate to their location and the size of dwelling, their orientation and exposure to sunlight, be proportional to neighbouring plots and should not be overshadowed by garages and outbuildings.
14. By reference to drawing no. P102 – Proposed Site / Block Plan, the rear garden of the host property, 1 Elm Drive, would by comparison, be larger than the rear gardens of the adjacent numbers 28A, 28 and 26A Greenwood Avenue properties, and so would be consistent with the character of surrounding development. It would have a south facing orientation and so would have good exposure to sunlight and would not be overshadowed by outbuildings or garages.
15. As a result of the above, I find that the appeal proposals would provide the host property, 1 Elm Drive, with sufficient external residential amenity space to ensure acceptable living conditions for its occupants. I therefore conclude that there would be no conflict with policy DES5 of the Local Plan, which among other things, requires new development to provide garden or external amenity space relative to the size of the dwelling and which reflects the character of surrounding development.

Planning Balance and Conclusion

16. The development would accord with the Local Plan in respect of the provision of amenity space for the occupiers of 1 Elm Drive. However, I have found it would create significant harm to the character and appearance of the area and there would be conflict with the Local Plan policies.
17. The appellant refers to the Framework providing support for the development of small sites, where they are or can be made sustainable in transport terms, and the effective use of land. Based on the evidence, these matters attract moderate weight in favour of the development. The new dwelling would also contribute to the supply of housing, but given the modest scale of development, this would provide limited weight in favour of the appeal scheme.
18. However, the policies within the Local Plan with which the development conflicts accord with the Framework. Therefore, the conflicts I have found attract full weight in this case
19. The Council have confirmed they are currently able to demonstrate a 4.5-year housing land supply. The appellant disputes this and considers that the figure is substantially less. There is limited evidence to support their view, nevertheless, there is a shortfall which I consider, at best, moderate in this case. Accordingly, paragraph 11(d) of the Framework is engaged.

20. There are no protected areas or assets as referenced in paragraph 11(d) (i) and footnote 7 of the Framework. Therefore, the test set out in paragraph 11(d)(ii) applies, which states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, including the key policies cited.
21. As set out above, the development would accord with the policies in the Framework which relate to the provision of housing, and it would contribute towards the supply of housing. These benefits attract moderate and limited weight respectively. However, I have found that there would be permanent harm caused to the character and appearance of the area. The Framework confirms that good design is a key aspect of sustainable development and fundamental to what the planning and development process should achieve. It also gives significant weight to development which reflects local design policies.
22. Consequently, I consider that the adverse impacts of approval of the siting and layout of the dwelling and its effect on the mature hedge and the surrounding street scene, would significantly and demonstrably outweigh the benefits of doing so. As a result, the presumption in favour of sustainable development does not apply.
23. For the reasons set out above, I conclude that the appeal proposals would be contrary to the development plan as a whole and that there are no material considerations, including policies in the Framework, that would justify determining other than in accordance with it. Therefore, the appeal should be dismissed.

D R Kay

INSPECTOR