



Appeal Decision

Site visit made on 12 March 2025

by **P B Jarvis DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 April 2025

Appeal Ref: APP/Q3115/W/24/3352135

Lancing, 11A Weston Road, Lewknor OX49 5TX

- 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 Neil Allen against the decision of South Oxfordshire District Council.
 - The application Ref is P/24/S1542/FUL.
 - The development proposed is division of site; construction of a new house and retention of existing bungalow.
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Decision

1. The appeal is allowed and planning permission is granted for division of site; construction of a new house and retention of existing bungalow at Lancing, 11A Weston Road, Lewknor OX49 5TX in accordance with the terms of application Ref P/24/S1542/FUL, subject to the conditions set out in the attached schedule at the end of this decision.

Main Issue

2. The main issue is the effect on the character and appearance of the area.

Reasons

3. The appeal site comprises a detached chalet bungalow set roughly centrally within its rectangular shaped curtilage. It is located on an 'island' site between two parallel 'arms' of Weston Road which run along both south-west and north-east sides. The main garden area lies to the south-east of the dwelling with an area of hardstanding to the north-west providing access and parking areas, accessed off the western side road. The site boundaries are marked with fencing and hedging which extend along the road frontages with areas of grassed open space lying outside at either end of the 'island'.
4. Residential properties, comprising semi-detached pairs, lie along Weston Road to the west and south-west and two terraces of Victorian cottages lie to the north /north-east, interspersed with a single modern dwelling. A further single detached recently constructed dwelling lies to the south of this row, of a similar style and appearance as the cottages. The latter lies just opposite the north-eastern end of the appeal site. To the east is an open field with barns located at the far southern end.
5. The proposed dwelling would be sited in the northern half of the site, replacing the existing hardstanding areas, with flank elevation close to the northern boundary which is marked by a close boarded fence. It would face onto the western arm of

Weston Road with a new access created resulting the loss of part of the hedgerow along the boundary. The proposed dwelling, which would have low eaves and of one and a half storey height, would be visible above the retained and proposed boundary features around the appeal site.

6. The appellant has provided an extract of the Character Assessment undertaken as part of the made Lewknor Neighbourhood Plan 2023-2040 (2023) (LNP). This relates to the Weston Road area and refers to the crescent of properties along the western side of Weston Road, built in the 1950s, which runs behind 'a slim raised green plot on which a bungalow sits behind high wooden fences' (that is, the appeal site). It notes that some of these properties have views across Weston Road to the open fields on its eastern side. It also refers to the late Victorian terraces as solidly built with small front gardens.
7. Given the visibility of the appeal site within the street scenes, and the position of the proposed dwelling close to some of the site boundaries, it would be prominently seen within the street scene. Whilst the additional built development on the site would be noticeable, as it lies within a built-up part of the village and settlement boundary, albeit with an open field to the east, the new dwelling would not, in principle, appear incongruous or out of keeping within this context.
8. The proposed design, with raised eaves at a level slightly above ground floor height and a half-hipped roof, would introduce a dwelling that would have a noticeably bulkier roof than the existing chalet bungalow which has a hipped roof. However, it would be of a traditional style, similar in appearance to those of the Victorian cottages to the north-east. In views from the eastern side, its taller and bulkier form compared to the existing bungalow, would be exacerbated somewhat by the higher level of the site relative to the carriageway, but the higher, main part of the dwelling would be set further back from this frontage than the existing bungalow with a small single storey element being closer. As such it would not appear unduly prominent.
9. The proposed dwelling would be sited around 8 metres from the nearest part of the existing bungalow, but that element is of single-storey, flat-roofed form and not readily visible in the street scene. The gap maintained at first floor level would be similar to that of the dwellings immediately opposite the site on the western side of Weston Road and greater than the gaps between the cottages to the north east. In addition, whilst the dwelling would be sited quite close to the site boundaries, it would be seen within the context of the open space provided by the large grassed area to the north. As such, the proposed development would not appear as a 'cramped' form of development within its context.
10. The Council has expressed concern regarding a lack of space for planting, but the plans show that an existing tree would be retained in the south-east corner of the site. In addition, whilst some of the front hedge would be removed to create a new access, a new hedge could be reinstated along the remainder of the front boundary, similar to the existing. The Appellant has provided an indicative landscaping plan which shows how new planting could be provided and a condition could be imposed to require a fully detailed scheme, to include all boundary treatments. This would ensure that a suitable scheme is provided, that is sympathetic with the rural character and appearance of the street scene.
11. Overall, I find that the proposal would complement the local rural village character and would not be harmful to the character and appearance of the wider area. It

would comply with Policies DES1 and DES2 of the South Oxfordshire Local Plan 2035 and policies DC1, DC2 and CH2 of the LNP which seek high quality development that uses land efficiently whilst respecting local context and that complements the scale, height, density, grain, massing, type and details of the surrounding area and which demonstrates how the positive features of the local character assessment have been incorporated into its design. They also seek developments that are in harmony with the rural character of the Parish and its landscape, and that provide sympathetic boundary treatments.

12. The site lies adjacent to the Lewknor Conservation Area, the boundary of which runs along the eastern arm of Weston Road and which encompasses the open fields to the east, barns at the southern end and built development to the south-east including the older historic village centre. The significance of the conservation area is mainly derived from the architectural quality of the buildings within this historic core, many of which are brick and flint, and the open rural setting within which it is set. I concur with the Council that, having regard to the duty under S72 of the Planning (Listed Buildings and Conservation Areas) Act, the proposal would preserve its character and appearance. In addition, the LNP indicates that the terraces of late Victorian cottages along Weston Road to the north of the site are identified as non-designated heritage assets, mainly due to their historic interest as estate cottages. The proposal would also preserve their significance and overall the heritage assets affected would be conserved in a manner appropriate to their significance.
13. The Council has suggested a number of conditions and I have considered these in the light of paragraphs 56 and 57 of the Framework. Some of the suggested conditions include 'notes' and these have been incorporated within the condition where necessary.
14. A condition to refer to the approved plans is necessary in the interests of clarity and proper planning.
15. Details of materials to be used and biodiversity enhancements to be provided are necessary to protect the visual amenity and character and biodiversity of the area.
16. Full details of the surface and foul drainage schemes are necessary to ensure that the development is served by suitable and sustainable measures.
17. Conditions to ensure that the new access and parking area for the existing dwelling are provided before the existing areas are removed and that the access and car and cycle parking for the new dwelling, including suitable visibility splays, are provided prior to first occupation are necessary in the interests of highway safety and to ensure that satisfactory parking is available.
18. The Council has suggested a condition to require the appellant to notify the Council of any contamination found during construction; whilst it is unclear what form of contamination might be present, given that the condition is not overly onerous and adopts a precautionary approach, it is agreed to be necessary.
19. A condition to require an EV charging point is not necessary as this is now a requirement of Building Regulations but a condition to secure energy efficient measures in accordance with the submitted Energy Statement and verification that they have been implemented is necessary to ensure climate change resilience and the minimisation of use of natural resources.

20. As noted above, a condition to require full details of the proposed landscaping and boundary treatment to be provided and maintained is necessary in the interests of street scene character.

Conclusion

21. I conclude that the proposal would comply with the development plan and there are no material considerations that indicate otherwise.
22. It is therefore concluded that the appeal should be allowed and planning permission granted.

P B Jarvis

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 approved shall be carried out in accordance with the details shown on the following approved plans, 6103-01 C, 6103-02 A, 6103-09 A, 6103-10 A, 6103-11 A, 01T, and 6103- 12 A.
- 3) No development above ground level shall take place until details / samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details / samples.
- 4) No development above ground level shall take place until details (including specification, position, height, orientation) of a scheme of biodiversity enhancements to be provided has been 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 number of biodiversity enhancement features shall be provided onsite as follows: one integrated bird box, one integrated bat box, and two hedgehog fence tunnels within the new residential plot (connecting it to the retained plot and to open/public space). Thereafter, the development shall be implemented in accordance with the approved details and all features provided prior to first occupation.
- 5) No development shall take place until a full surface water drainage scheme has been submitted to, and approved in writing by, the Local Planning Authority. The design of the surface water drainage system shall be in accordance with the non-statutory technical standards for sustainable drainage systems, including details of BRE 365 soakage testing, levels, size, position and construction of all drainage works. The drainage scheme shall be sized to accommodate a minimum of the worst case 1 in 30 year storm, with evidence to demonstrate that the site can accommodate the worst case 1:100 year storm + 40% Climate Change storm, without any flows exiting up to this storm event and any storage on site not causing a nuisance or flooding to property. A surface water discharge to a Thames Water recorded foul sewer will not be permitted under any circumstance. The scheme should also include/provide for the following:
 - a. Cv values set at 0.95.
 - b. An exceedance plan.
 - c. A bio retention feature. This could be in the form of a rain water planter.
 - d. Full construction details of all surface water drainage components including hard standing areas.
 - e. Drainage layout from RWP.
 - f. A manhole schedule.

The approved scheme shall be implemented in accordance with the approved details prior to the occupation of the development hereby approved.

- 6) No development shall take place until a full foul water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall include details of method, levels, size, position and construction of the drainage scheme and full construction details of all foul water

drainage components, drainage layout from SVP and a manhole schedule. Thereafter, the dwelling shall not be occupied until the development has been implemented in accordance with the approved scheme.

- 7) No development shall take place until the new means of access has been constructed in accordance with the local highway authority's specifications and parking area has been laid out / completed for the existing dwelling, all in accordance with the approved plans.
- 8) The dwelling hereby permitted shall not be occupied until the proposed means of access onto 'Weston Road' (Service Road) has been formed and laid out in accordance with the approved plans and constructed in accordance with the local highway authority's specifications and all ancillary works specified undertaken and the existing access has been permanently stopped up.
- 9) The vision splays shown on drawing no. 6103-09 A, 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.
- 10) The dwelling hereby approved shall not be occupied until the car and cycle parking and turning areas have been provided in accordance with drawing no. 6103-02 B, and constructed, laid out, surfaced, drained and completed to be compliant with sustainable drainage (SuDS) principles, and shall be retained unobstructed except for the parking of vehicles associated with the development at all times.
- 11) The developer shall confirm in writing to the Local Planning Authority the presence of any unsuspected contamination encountered during the development. In the event of any contamination to the land and/or water being encountered, no development shall continue until a programme of investigation and/or remedial works to include methods of monitoring and certification of such works undertaken has been submitted to and approved in writing by the local planning authority.
- 12) The dwelling hereby permitted shall not be occupied until all carbon reduction energy efficiency measures have been implemented in accordance with the Energy Statement dated April 2024 (Ref: 1113591) hereby approved and a Verification Report has been submitted to and approved in writing by the Local Planning Authority. 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.
- 13) No development shall take place above slab level until a scheme for the landscaping of the site including all means of enclosure to boundaries has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include schedules of new trees and shrubs to be planted (noting species, plant sizes and numbers/densities), the identification of the existing trees and shrubs on the site to be retained (noting species, location and spread), any earth moving operations and finished levels/contours, and an implementation programme. The details of the means of enclosure shall indicate the position, height, materials and external finishes. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and 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.