



Appeal Decision

Site visit made on 24 March 2025

by **D R Kay BA Dip.Arch RIBA**

an Inspector appointed by the Secretary of State

Decision date: 11 June 2025

Appeal Ref: APP/Q3115/W/24/3352637

Corner Ways, Rokeby Drive, Tokers Green, RG4 9EN

- 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 Michael Lincoln on behalf of New Barns Ltd against the decision of South Oxfordshire District Council.
 - The application Ref is P23/S4172/FUL.
 - The development proposed is Demolition of existing residential unit, replacement with one four bed and one five bed detached two storey houses and associated access.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposals on i) the character and appearance of the area, and ii) surface water drainage and subsidence.

Reasons

Character and Appearance

3. The appeal site is situated on a corner plot adjacent to the busy junction of Rokeby Drive and Tokers Green Lane, and currently houses a bungalow property, which is angled at 45 degrees on the plot, and set well back from the front boundary fence line, forming a transition between the building lines of the properties on Rokeby Drive and Tokers Green Lane. The gap between the gable walls of the existing bungalow and the adjacent properties is much wider than that present between other properties on Rokeby Drive or Tokers Green Lane.
4. Properties to the north of the appeal site on Tokers Green Lane are bungalows (Lindisfarne and Brickies), the three properties further north of these being dormer bungalows. Adjacent to the appeal property on Rokeby Drive is a dormer bungalow property (Fir Trees), with two-storey houses adjacent to that to the west.
5. To the opposite side of the junction on Rokeby Drive is a large property which is set well back from the road in large grounds. Opposite the site to the east of Tokers Green Lane, is Dysons Wood Farm, which is also set back from the road, and screened by dense evergreen tree and shrub cover.

6. The resulting character of the site and its immediate surroundings is one of a low-rise, open pattern of development with properties set back some distance from the highway, within a green semi-rural setting.
7. The design of the proposed dwellings would be in a style and form which, of itself, would not be out of character with the architectural language of the other properties on Rokeby Drive. The appellant has provided evidence of similar development in the area, where properties have been developed. These examples are all of properties that are set well back from the highway, following a common building line and are not located at a prominent corner junction. They are two-storey dwellings, either bounded to one side or both by two-storey dwellings, and are therefore, not representative of the proposal.
8. The appellant has illustrated an overlay of the proposal on an aerial view of the area, seeking to demonstrate that the building line of the properties on Rokeby Drive and Tokers Green Lane would be followed to determine the pattern of development on the appeal site. However, what this image does illustrate, is that the proposal would project significantly closer to the front boundary with the highway than the existing property, and that it would not align itself with that boundary as the existing property does.
9. The proposal would, therefore, introduce two-storey development at this prominent corner location, which would be significantly out of scale and character with the single-storey pattern of development adjacent, and against which the proposals would be read. Further, the proposal would have the effect of significantly closing-down the open, semi-rural feel at this key corner location because of its height and mass and being much closer to the highway than that which currently exists.
10. For the above reasons, the proposal would have a significantly detrimental effect on the character and appearance of the area, and therefore would conflict with Policies DES1 and DES2 of the South Oxfordshire Local Plan 2011-2035 (December 2020) (the Local Plan), which amongst other things requires development to be of high-quality design that uses land efficiently, but which must respect the local context, working with and complementing the scale, height, density, grain, massing, type and details of the surrounding area, and should both physically and visually enhance and complement the surroundings. These requirements are also reflected in Policies LCI and LCDPG of the Kidmore End Neighbourhood Plan (2021) (the Neighbourhood Plan), with which the proposal also conflicts.

Surface Water Drainage and Subsidence

11. The appeal site is located within an area where there is an agreed risk of subsidence due to underlying ground conditions, associated with the presence of chalk. The appeal is accompanied by a sustainable drainage strategy and the Council has indicated that this demonstrates acceptable infiltration rates for the site. I have no evidence to dispute this point, but the appellant accepts that specialist geotechnical input is required to establish the suitability of soakaways in relation to the ground conditions.
12. As those investigations may find the soakaways to be unsuitable or require them to be sited more than 20m away from any property, it is distinctly possible that they could not be accommodated within the site. Hence, this would render the application of a pre-commencement condition to address such matters unsound.

13. Accordingly, it remains the case that the appellant has failed to provide sufficient detail of the measures that would need to be employed to mitigate any potential land instability impacts of development resulting from surface water disposal and the ground conditions present in the area, contrary to Policies INF4, EP4 and ENV11 of the Local Plan, which require, among other things, development proposals to demonstrate adequate surface and foul water drainage capacity, to assess flood risk, to incorporate sustainable drainage systems, and to have assessed and mitigated any risks of land instability resulting from development.

Other Matters

14. Concerns have been raised by residents and by Kidmore End Parish Council. I have already addressed the majority of these in the main issues. However, in addition, it was asserted that the appeal proposals would constitute overdevelopment of the site and would be un-neighbourly with loss of light and privacy. Whilst I have found harm in the proposals, this is primarily because of their full two-storey nature coupled to their siting closer to the front boundary, and the resulting detrimental effect on the open aspect of the area, not because of the footprint of development.
15. The distances between house 1 and Fir Trees, between house 1 and house 2, and between house 2 and Lindisfarne are consistent with the overall pattern of development on Rokeby Drive and Tokers Green Lane and are also acceptable. The proposals, whilst having smaller plot sizes than many of the properties in the wider area, are similar in size to those of Fir Trees and Lindisfarne which immediately adjoin them and have adequate external amenity space for future occupiers and are therefore acceptable.

Planning Balance and Conclusion

16. The Council have provided a statement in relation to their five-year housing land supply figure, 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, stating their belief that whilst this is a modest increase from the 4.2 year supply previously identified in their statement of case, the figure at 4.5 years is still below the 5 years required, and therefore, the 'tilted balance' of paragraph 11(d) of the National Planning Policy Framework (the Framework) is engaged for decision making purposes.
17. 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.
18. The development would accord with the Local Plan in respect of the provision of amenity space for future occupiers, would maintain the privacy and amenity of occupiers of adjacent properties, and would provide safe means of access and adequate parking for future occupiers of the proposals. It would also provide highly energy efficient homes.

19. The appellant refers to the Framework providing support for the development of previously developed land (PDL). However, the Framework does not classify garden land as PDL, and whilst the proposal does sit over the footprint of the previous dwelling, it also relies on garden land to accommodate it, so support from the Framework carries limited weight in this regard.
20. The appellant also claims support from the Framework for the site being sustainable. The Highways Authority have identified the site as being unsustainable as it relies on the private car for transport. However, I find that the site would have a level of sustainability due to its close relationship to Caversham and Reading, within 1 mile and 2.5 miles respectively, and as there are issues with bus services within such rural villages, so reliance on the private car should not count against the site as a sustainable location.
21. However, the Framework defines sustainable development in Paragraph 8 in a broader sense, including economic objectives, social objectives and environmental objectives. The proposal would provide local economic benefit, both during the construction phase and in the longer-term support for local business and services. The site and proposal would be capable of meeting all these objectives and therefore would be supported by the Framework, though the weight would be limited.
22. The appellant also identifies that the Council cannot demonstrate a 5-year housing land supply and that the proposals would provide an additional housing unit in support of this under-supply. The new dwelling would contribute to the supply of housing, but given the modest scale of development, this would provide limited weight in favour of the appeal scheme.
23. However, I have found the development would create significant and permanent harm to the character and appearance of the area and that a satisfactory means of disposing of surface water drainage has not been demonstrated. Consequently, there would be conflict with the Local Plan policies in these regards. These policies are consistent with the Framework, which states 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. Accordingly, the conflicts I have found attract full weight in this case.
24. Consequently, I consider that the adverse impacts of approval of two-storey development at this location, would significantly and demonstrably outweigh the benefits of doing so. As a result, the presumption in favour of sustainable development does not apply.
25. 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