



Appeal Decision

Site visit made on 28 May 2025

by **D J Barnes MBA BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 June 2025

Appeal Ref: APP/Q3115/W/25/3360608

Land Between Manor Road and Lydalls Close, Didcot

- 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 Peter Wootton against the decision of South Oxfordshire District Council.
 - The application Ref is P24/S2273/FUL.
 - The development proposed is the erection of three detached houses and garages.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Although the appeal application was refused because of insufficient details concerning a scheme for the disposal of surface water drainage, the council is no longer defending this reason for refusal and there are no reasons to adopt a different approach in the determination of this appeal.

Main Issues

3. It is considered that the main issues are the effects of the proposed development on (a) the character and appearance of the surrounding area and (b) the safety of other highway users.

Reasons

Character and Appearance

4. The appeal site comprises a grass paddock which is enclosed by existing built forms of development. The site is situated within the Old Didcot Conservation Area where there is statutory duty to pay special attention to preserving or enhancing the character or appearance of the area. The site is adjacent to 23 Manor Road which is a Grade II Listed Building where there is a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The Listed Building is as a timber framed house with painted brick and rendered infills and a tiled roof dating from the early 17th century. The building sits within its own curtilage and is physically separated from the site. The statutory duties are echoed in Policies ENV6, ENV7 and ENV8 of the South Oxfordshire Local Plan 2035 (LP).
5. No character assessment for the Conservation Area has been provided but the Planning Officer's report and the council's Appeal Statement summarises the

heritage significance of this area, including the key elements which contribute to its character and appearance. From this evidence and what was observed during the site visit, the built forms of development include a school, church and mainly 2-storey dwellings. There is a mix of detached and terraced dwellings of varying designs with the predominant materials being red brick walls and red tiled roofs.

6. The site and the neighbouring land are grass paddocks which reflect the Conservation Area encompassing the original agricultural settlement of Didcot. In addition to echoing the heritage significance of the Conservation Area, as open spaces the paddocks make a positive contribution to the character and appearance of the area by providing visual relief within an otherwise built-up area. The existing sheds present within the site do not alter this assessment.
7. The proposed development includes the erection of 3 dwelling on the site with 2 accessed from Lydalls Close and the third from Manor Road via a track which is situated adjacent to No. 23. The dwellings would be single storey but with accommodation within the roofspace. The type of dwellings proposed would reflect the style and design of some of the near-by residential properties rather than the more historic dwellings within the Conservation Area, including No. 23.
8. The planning history indicates that there have been previous proposals for the erection of a single dwelling on different parts of the site, including 2 schemes which have been the subject of dismissed appeals¹. Although some details of these other proposals are available, their full planning circumstances have not been provided. For this reason, limited weight has been given to these other schemes in the determination of this appeal, particularly because the proposed development includes the erection of 3 dwellings across the whole site.
9. By reason of their widths, Plots 1 and 2 would be visible from Lydalls Close, particularly at the access locations, and their siting and massing would erode the openness associated with the paddocks. The visibility of the proposed dwellings would be greater during the winter months when the frontage vegetation would not afford the same degree of screening. Views of the proposed dwelling on Plot 3 would be obscured by the dwellings on Plots 1 and 2 and other neighbouring properties. However, the erection of this dwelling would still contribute to the erosion of the appeal site's openness and its positive contribution to the character and appearance of the Conservation Area. Further, the siting of this proposed dwelling to the rear of No. 23 would not respect the predominance characteristic of dwellings fronting the roads within the Conservation Area.
10. The proposed dwelling which would be erected on Plot 3 would be sited adjacent to the shared boundary with No. 23. The council identifies that there would be an impact on the setting of this Listed Building because the open paddock would be lost. However, because of its siting, design and physical separation from the site this Listed Building relates more to the residential development fronting Manor Road rather than being associated with the site. Accordingly, and taking into account the intended access, there would not be an adverse effect on the setting and heritage significance of this Listed Building caused by the proposed development.

¹ Refs APP/Q3115/A/12/21885420 and APP/Q3115/A/W/15/3009436

11. However, the proposed development would cause less than substantial harm to the heritage significance of the Conservation Area and, applying paragraph 215 of the National Planning Policy Framework (the Framework) this harm is required to be balanced against any public benefits. The appellant has identified that the main benefit is the erection of 3 dwellings where the housing land supply is less than 5-years. Further, the appeal scheme would represent an effective use of land where the grazing of horses is expected to cease and the site would no longer be maintained in its current condition. There would also be a net gain in biodiversity associated with the appeal scheme albeit this is a statutory requirement. Even when taken together, it is judged that the identified public benefits attract moderate weight and, as such, they do not outweigh the less than substantial harm caused to the heritage significance of the designated heritage asset.
12. Accordingly, on this main issue it is concluded that the proposed development would cause unacceptable harm to the character and appearance of the surrounding area and, as such, it would conflict with LP Policies H1, ENV6, ENV7, and ENV8. In addition to heritage considerations, housing proposals are not supported where important open space of public, environmental, historical or ecological value would be lost. LP Policy STRAT 3 is a generic policy concerning Didcot rather than a specific policy of direct relevance to the appeal scheme.

Highway Safety

13. The access to the dwellings on Plots 1 and 2 would be from Lydalls Cose which has the character of a private access track albeit it is also a public right of way. There is a surface footway along the south side of the track and was observed to be used by pedestrians during the site visit. Vehicular access along the full length of Lydalls Close is precluded by bollards which are located adjacent to Plot 2.
14. The accesses to the proposed dwellings would be from the north side of Lydalls Close and they would be set well away from the track and its associated footpath. By reason of the separation distances, it would be possible for the drivers of vehicles entering or exiting the accesses to be able to have adequate visibility of pedestrians and other highway users travelling along Lydalls Close. Equally, highway users travelling along Lydalls Close would be able to see vehicles entering or exiting the accesses to the 2 proposed dwellings.
15. However, the existing access track to Plot 3 is bounded along either side by existing vegetation and this almost extends either side of its junction with Manor Road. There is, and would be, limited visibility in either direction along Manor Road for a driver of a vehicle exiting the access. Equally, drivers of vehicles travelling along Manor Road do not, and would not, have adequate visibility of a vehicle exiting the access track. The forward visibility of drivers travelling east to west along Manor Road is also compromised by the bend to the east of the access.
16. Although there is a speed limit of 20 miles per hour applying to Manor Road and the frequency of vehicles using the proposed access track would not be significant, there would still be an unacceptable danger to the safety of other highway users associated with the access to the dwelling proposed to be erected on Plot 3. This unacceptable harm demonstrably outweighs the lack of harm to the safety of other highway users associated with the accesses to the dwellings to be erected on Plots 1 and 2.

17. For the reasons given it is concluded that the proposed development would cause unacceptable danger for other highway users and, as such, it would conflict with LP policy TRANS5 which seeks safe and convenient access for all users of the highway network.

Other Matters

18. The council is unable to demonstrate a deliverable 5-year supply of deliverable housing land. Accordingly, reflecting paragraph 11 of the Framework the presumption in favour of sustainable development is potentially a material consideration and the most important policies for determining the application would then be out-of-date in accordance with footnote 7 of the Framework. However, Paragraph 11(d)(i) of the Framework refers to situations whereby the presumption does not apply where the application of policies the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed. In this case, The contribution of 3 dwellings to the housing land supply would only represent be modest. By reason of only being a modest contribution attracting modest weight in the determination of this appeal, the identified less than substantial harm to the heritage significance of the Conservation Area is judged to represent a strong reason for the presumption not applying. Accordingly, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR