



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/V3120/W/25/3360620

Land Between 15 and 17 Withington Court, Abingdon, Oxfordshire OX14 3QA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Martin Tredwin against the decision of Vale of White Horse District Council.
 - The application Ref is P23/V2848/O.
 - The development proposed is the construction of a self-build residential unit.
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Decision

1. The appeal is dismissed.

Main Issues

2. It is considered that the main issues are the effects of the proposed development on (a) the character and appearance of the streetscenes and (b) biodiversity.

Reasons

3. The appeal site is an area of vacant land which is enclosed on 2 sides by terraced dwellings and on the other 2 sides by roads. The site is situated within the urban area of Abingdon with Stratton Way acting as a boundary between the commercial and other use associated with the town centre and dwellings fronting Withington Court.
4. At the rear of the dwellings fronting Withington Court are brick boundary walls which are sited adjacent to the footway along Stratton Way. These walls, coupled with the building on the opposite side of the road, the width of carriageway and volume of traffic, given the streetscene along Stratton Way a very urban and built-up character and appearance. The site does provide some physical and visual relief to the very urban and built-up character and appearance of the streetscene because the boundary wall is set back from the footway and in between is a raised bed and a bench.
5. Fronting Withington Court the terraced properties are set back from the footways to the rear of landscaped front gardens. Parking occurs on-street, including within the parking bays adjacent to the site. The character of the streetscene is a dense form of residential development with little visual relief except for the openness of the site.
6. The planning history indicates that the site was not developed as part of the housing scheme fronting Withington Court because a mature tree was retained. The tree was removed at some stage and a replacement planted. With the

replacement tree in situ, an appeal (Ref T/APP/V3120/A/99/1033093/P9) for the erection of a dwelling on the site was dismissed in March 2000 because the Inspector assessed that the open nature of the site provided relief to the built form and its development would be harmful to the character and appearance of the streetscenes along both roads.

7. The proposed development is seeking to establish the principle of erecting a detached self-build dwelling on the site with only its scale to be determined as part of this appeal at this stage. It is acknowledged that this previous appeal was assessed against different development plan policies but the circumstances of the site and its surroundings have not materially changed from what was observed during the site visit.
8. Although the site is in private ownership and is not publicly accessible, as was assessed by the previous Inspector the site is an area of greenspace that provides physical and visual relief to the otherwise highly urbanised character and appearance of the streetscenes along both roads. Development Policy 33 of the Vale of White Horse Local Plan 2031 (LPP2) seeks to protect open spaces which includes open land, whether green or hard surfaced, that offers important opportunities for sport and recreation, as well as providing visual amenity. The erection of a dwelling on the site would result in the loss of this visual relief and, as such, it would be harmful to the character and appearance of the streetscenes, especially along Withington Court.
9. Further, the indicative layout drawing contained in the Design and Access Statement indicates that the area occupied by the bench and raised bed fronting Stratton Way would be incorporated into the proposed dwelling's garden. What type and height of any means of enclosure to define this boundary adjacent to the footway along Stratton Way is not provided. However, the siting of a means of enclosure adjacent to the footway would inevitably increase the sense of enclosure along the streetscene of Statton Way because of the loss of the visual and physical relief associated with the siting of the current brick wall and the area containing the bench and raised bed.
10. For the reasons given, it is concluded that the proposed development would cause unacceptable harm to the character and appearance of the streetscenes and, as such, it would be contrary to Core Policy 37 of the Vale of White Horse Local Plan 2031 Part 1 (LPP1) and LPP2 Development Policy 33. In addition to protecting open space, these policies require development to be of high design that responds positively to the site and its surroundings
11. LPP1 Core Policy 35 is not of direct relevance to this main issue because it concerns promoting public transport, cycling and walking rather than matters related to character and appearance.

Biodiversity

12. Irrespective of the proposal being for a self-build dwelling, the appeal application pre-dates the introduction of the statutory biodiversity net gain requirement. However, LPP1 Core Policy 46 refers to opportunities for biodiversity gain will be actively sought with a net loss of biodiversity being avoided.
13. The council and local residents have identified that the site was cleared but no specific evidence about its previous condition has been provided. The council has

referenced the Planning Practice Guidance (Ref paragraph: 036 reference ID: 74-036-20240214) whereby to assess whether a net gain in biodiversity has occurred then the previous condition of a site should be used as the base. However, this reference is in the context to the statutory regime rather than development plan policies.

14. At the time of the site visit there was extensive vegetation across the site but this did not appear to be of a particularly high biodiversity interest comprising grassland. Given landscaping is a reserved matter and LPP2 Core Policy 46 requires an unspecified gain, there would be the potential to secure a biodiversity gain by a suitable condition if this appeal succeeded. Accordingly, it is concluded that the proposed development would not have an unacceptable effect on biodiversity and, as such, it would not conflict with LPP1 Core Policy 46.

Other Matters

15. A number of other matters have been raised by the appellant, including the erection of a self-build dwelling and the accessibility of the site to local facilities in the town centre but these matters do not alter the main issues which have been identified. Similarly, the main issues are not altered by matters such as flooding, traffic, parking and the effect on the living conditions of the occupiers of neighbouring properties which are raised by local residents. The council did not assess that these matters would cause unacceptable harm and there are not reasons to disagree with the council's assessments.

Conclusion

16. Although the proposed development would not have an unacceptable affect on biodiversity, this matter is demonstrably outweighed by the significant harm which would be caused to the character and appearance of the streetscenes. Accordingly, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR