



Appeal Decision

Site visit made on 3 May 2023

by **S Rawle BA (Hons) Dip TP Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 03 July 2023

Appeal Ref: APP/D3125/W/22/3309162

118C Quarry Road, Witney, Oxfordshire OX28 1JT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr A Lonsdale against the decision of West Oxfordshire District Council.
 - The application Ref 22/00878/FUL, dated 25 March 2022, was refused by notice dated 23 May 2022.
 - The development proposed is a detached single storey dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal site is located within an established residential area comprising a mix of house types, including bungalows and two storey semi-detached houses of about the same period. Access is provided from a private lane that leads from a cul-de-sac into a discreet area where there are three detached properties. These sit comfortably on their plots which creates a sense of spaciousness which contributes positively to the character and appearance of the area.
4. The appeal site itself is a narrow strip of land separated from the main garden at 118C and is located on the other side of the private lane to the side of 118B. Although there are some sheds on the appeal site, it is largely undeveloped which contributes to the spacious character of the area.
5. The proposal would result in the introduction of a single storey detached dwelling which would be located immediately adjacent to the rear boundaries of Nos 120 and 122 Quarry Road and would be set in only a short distance from its boundary with No 118B. Notwithstanding that the height of the proposed dwelling would be compatible with surrounding properties, due to its width and limited set in from the common boundaries on both sides, the proposal would appear unduly cramped on the site, would not form a logical complement to the existing pattern of development and would undermine the existing spacious character. As a result, although I note the other examples of small houses the appellant refers to, in the appeal site's immediate context it would appear as a discordant feature that would look harmfully out of place.

6. I therefore conclude that the proposal would have an adverse impact on the character and appearance of the area and would conflict with Policies OS2 and OS4 of the West Oxfordshire Local Plan 2031 adopted in September 2018 (WOLP) which seek to ensure that all development should, be of a proportionate and appropriate scale to its context, form a logical complement to the existing scale and pattern of development and respect the character of the locality and contribute to local distinctiveness. As I have found that the proposal would conflict with Policies OS2 and OS4, it would also conflict with the relevant part of Policy H2 which deals with the delivery of new homes and sets out that any new dwelling needs to comply with the general principles set out in Policy OS2 and other relevant policies in the plan. The proposal also does not accord with the National Planning Policy Framework (Framework) which seeks to ensure development is sympathetic to local character.
7. In addition, the proposal would be contrary to the West Oxfordshire Design Guide which seeks to ensure that new development respects and fits in with the existing character of the area.

Other Matters

8. As outlined, Policy H2 deals with the delivery of new homes and sets out the required level of housing delivery to meet the 5 year housing land supply. The Council confirm that they are unable to demonstrate a 5 year supply of deliverable housing site. The appellant refers to a relatively recent appeal decision¹ where the Inspector found there was a 3.68 year supply. The appellant highlights that this decision did not take account of landowner difficulties at the garden village at Eynsham which could further compound the current shortfall in housing supply. The Council refer to another slightly later appeal decision² which found that the figure was closer to the appellant's estimate of 2.5 years rather than the Council's upper end figure of 4.1 years. The agreed existence of an undersupply triggers paragraph 11d) of the Framework.
9. The provision of an additional dwelling would have social and economic benefits stimulating work and trade during construction and future occupants would moderately support local services and the vitality of the community. I also accept that the dwelling would be built to exceed current building regulations which would have a marginal benefit to the environment, it would result in financial benefit due from the New Homes Bonus and would make a small contribution towards the Council's housing land supply in a sustainable location. I also note the appellant's view that the proposal could result in enhancements to biodiversity.
10. Nonetheless, even if the supply shortfall is towards the lower level indicated above, the contribution from one extra household would be very modest and these associated benefits carry limited weight in favour of the development and are clearly and demonstrably outweighed by the harm the proposal would have on the character and appearance of the area when assessed against the policies of the Framework taken as a whole.
11. I have taken account of the fact that the appellant has amended the proposal to take account of comments received from the Council. Further, there are no

¹ APP/D3125/W/22/3293656

² APP/D3125/W/22/3301202

flooding or drainage constraints. Nor are there any heritage, highway, or neighbour living condition issues and the proposal would exceed internal space standards. However, these factors do not justify the proposal which I have found would harm the character and appearance of the area.

12. The appellant has highlighted that under existing permitted development rights they could build a domestic workshop, or other outbuilding to accommodate their hobby vehicles on the site which would have a similar impact to the proposed dwelling. However, there are no detailed plans for such a building before me. As a result, I am unable to find that there is a greater than theoretical possibility that such a building would be erected under permitted development rights. Consequently, I give the possibility that the appellant might be able to rely on permitted development rights as a fallback limited weight in the determination of the appeal and this matter does not justify harmful development at the appeal site. Similarly, the fact that the appellant could randomly plant coniferous trees or store a large mobile home or similar on the appeal site does not justify harmful development.
13. The Council accepts that in the reasons for refusal the provision of inadequate living conditions for future residents was not clearly expressed but it nevertheless seeks to rely on that issue as a further reason to dismiss the appeal. However, there is nothing in the policies relied on or in the reasons for refusal that relate to the living conditions of future residents. Given that I am dismissing the appeal on another substantive ground it is unnecessary to consider this issue further.

Conclusion

14. For the reasons given above, the proposal would be harmful to the character and appearance of the area. Overall, I conclude that the proposed development would conflict with the development plan and the Framework taken as a whole and there are no material considerations which indicate that the decision should be made otherwise in accordance with the development plan. Therefore, the appeal is dismissed.

S Rawle

INSPECTOR