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## Appeal Decision

Site visit made on 1 February 2016

**by Jonathon Parsons MSc BSc (Hons) DipTP Cert(Urb) MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date:**

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**Appeal Ref: APP/D3125/W/15/3138515**

**Land at Astall House, Curbridge Road, Witney, Oxfordshire OX28 5HR**

- 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 Cottsway Housing Association Limited and Maytrix Group against the decision of West Oxfordshire District Council.
  - The application Ref 15/02661/FUL, dated 15 July 2015, was refused by notice dated 22 October 2015.
  - The development proposed is redevelopment to provide 44 residential units comprising of 20 x 1 beds and 24 x 2 beds in two buildings of 3 storeys, with associated car parking and amenity space.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. During the determination of the application, the housing was changed from 44 affordable housing units to 18 market housing and 26 affordable housing units.
3. Two obligations have been submitted dated 5 February 2016 which secure the affordable housing proposed and contributions towards various infrastructure requirements respectively. I consider these agreements in more detail later in my decision.

### Main Issues

4. The main issues are (a) the effect of the proposal on the character and appearance of the area, (b) the living conditions of future residents of the housing, having regard to the provision of outdoor space and the occupiers of neighbouring properties to the north-west of the rear building, having regard to privacy.

### Reasons

#### *Character and appearance*

5. The appeal site comprises a two storey building that was formerly used as a covenant and hostel, and located within a rectangular landscaped plot. There are a number of substantial trees, subject to a Tree Preservation Order along the western boundary and extensive vegetation along the front of the site. On the eastern side of the plot, there are children's nursery and school buildings, whilst on the western side of the plot beyond the trees, there is residential
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- development at Barrington Close. Behind the site, there are playing fields, and opposite it, a row of fairly uniform 1970's style houses staggered back from the highway at close intervals to one another.
6. The frontage vegetation extends along Curbridge Road westwards from the appeal site. Diagonally opposite the site, there is also significant roadside vegetation to the west of the 1970s style housing. In the other direction towards the town centre, building design continues to be varied but there is a more noticeable reduction in landscape features, a high density of development and more hard surfaced frontages. As such, the appeal site is within a transitional zone between an area which is predominantly landscaped and an area which is more built-up.
  7. By reason of the varied design and form of buildings in the area, there is a lack of prevailing street rhythm within the area. Within this context, the principle of a modern design would not be out of place. The buildings would be articulated with recesses and projections, constructed with varied materials including Cotswold stone, and modern glazing which would result in an attractive aesthetic. There would be gaps between the buildings and development either side, with retained trees and vegetation.
  8. However, the frontage block would be three storey with extensive end flank and front elevations visible from the road though the new entrance into the site and retained deciduous frontage vegetation. The height of the frontage building would be approximately 1m above that of the nearest residential building in Barrington Close and considerably higher than the largely single storey buildings of the nursery and school. The building would have a full second floor height façade in contrast to the sloping pitched roofs of two storey buildings to the west and opposite. It would also be sited closer to the road than the nearest buildings sited either side.
  9. The flank of the frontage block has been articulated such that there is a central step-back which would result in two projecting elements either side each with a width equivalent to that of the front facades of the 1970s style housing opposite. Nevertheless, this feature, along with other building setbacks and projections, would fail to break up the mass of the building because of its overall substantial size and scale. In its position closer to the highway than neighbouring buildings, this would make the frontage building visibly jar with its neighbours and would give rise to a cramped development.
  10. There is extensive landscaping around the frontage of the site. However, there can be no guarantee that such vegetation would be retained for the duration of the lifetime of the development. For any number of reasons, trees and vegetation becomes diseased or has to be removed. Any replanting would take some time to establish screening. For these reasons, I place little weight on the value of vegetation in screening the frontage building notwithstanding my previous comments of its visibility in any case.
  11. Mention has been made of a development at New Leys Farm and land at Coral Springs Thorney Leys. However, the later development is located some distance from the appeal site whilst the former development, although closer, involved a smaller number of residential units which are set back significantly back from the road. For these reasons, there are significant differences between these developments and the proposal before me. In any case, the proposal has been considered on its particular planning merits.

12. For these reasons, the development would harm the character and appearance of the area for the reason of overdevelopment. Accordingly, the proposal would conflict with Policies BE2 and H2 of the West Oxfordshire Local Plan (LP) 2006 which collectively and amongst other matters, seek to protect the built and natural environment to prevent development which would have a detrimental impact on the beneficial features of the existing area.

*Living conditions of future residents*

13. Each flat would have its own private balcony or terrace and access to a communal amenity space of approximately 1534m<sup>2</sup>.
14. No indication is provided of the detail of this communal open space area. From my assessment of the plans and site visit, many areas would be constrained by tree canopies, even when tree works have been completed, which could reduce the usefulness of such areas for the occupiers of the development. Some areas may not receive great amounts of sunlight given the location of trees and orientation of buildings.
15. In conclusion, I am not persuaded on the evidence before me that there would be adequate communal space to serve future residents associated with 44 residential units. Accordingly, the proposal would conflict with Policies BE2 and H2 of LP, which collectively and amongst other matters, require a satisfactory environment for people to live in.

*Living conditions of the occupiers of neighbouring properties*

16. There would be terraces and windows at first floor and above on the flank of the building located to the rear of the site. This flank would run alongside a footpath adjacent to dwellings in Barrington Close. There would be a gap of 14m between the proposed building and the closest dwelling here. Much of the building's flank would also face onto frontage car parking areas serving this neighbouring residential development. Any views of the rear gardens of these residential properties would also be oblique.
17. For all these reasons, the living conditions of the occupiers of these neighbouring properties would not be significantly affected by reason of the loss of privacy. Accordingly, the proposal would comply with Policies BE2 and H2 of LP, which collectively and amongst other matters, require acceptable living conditions for existing residents.

*Other matters*

18. The National Planning Policy Framework places a presumption in favour of sustainable development. In the economic dimension, the development would provide housing and provide employment opportunities during construction to support growth and innovation.
19. In the social dimension, the proposal would provide housing to a 5 year housing supply which the appellant argues to be deficient. The provision of affordable housing would similarly meet a need. In this regard, the provision of 26 units exceeds the Council's target for schemes of this nature. The latest monitoring year indicates only a small number of affordable units were completed. The number of households indicated on the Council's waiting list is substantial. An obligation secures affordable housing and it has been

- indicated that the implementation of any scheme would be soon given funding considerations.
20. The obligation would secure contributions towards primary education, traffic regulation order (to regulate off-street car parking), bus stop clearance and bus stop improvements. A justification on the basis of planning policy, need and costs has been put forward which would meet the statutory tests of the Community Infrastructure Regulations 2010 (as amended). Compliance with five obligation limit on infrastructure has also been provided in accordance with these regulations. Although there would be some benefit to the local community, this would be limited given that the contribution addresses the needs arising from the development.
  21. In the environmental dimension, the development would secure a re-development involving a under-utilised land resource so reducing the need to develop elsewhere, including sites outside of built-up areas. The development would take place within an urban area where there is reasonable accessibility to bus routes to settlements outside of Witney and local services and facilities within Witney by means other than private motor car. The development would be sustainably constructed. It is proposed to remove a non-native invasive plant species from the site so aiding biodiversity. However, there would be harm to the character and appearance of the area and to the living conditions of future residents through inadequate outdoor space.
  22. In the balance, the benefits identified are not insubstantial especially given the provision for affordable housing. In respect of the 5 year housing land supply, the Council states that it may be able to demonstrate a sufficient supply but any deficiency would be slight in any case. However even if supply was deficient, the adverse impact of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole taking into account the design failings of the proposal.
  23. In this regard, the Framework states that the government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, indivisible from good planning and should contribute positively to making places better for people. I attach substantial significance and importance to these considerations, especially given the scale and mass of the frontage building because harm would be for the lifetime duration of the development. Furthermore, many of the benefits could still be secured in a scheme that addresses the issues identified because planning policies accept the principle of redevelopment of the site.
  24. The planning application was recommended to be approved by Council officers and I have given consideration to the contents of their report on this matter. However, I concur with the Council's ultimate decision for the reasons indicated.

### **Conclusion**

25. For the reasons given and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Jonathon Parsons*

INSPECTOR