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## Appeal Decision

Site visit made on 22 July 2015

**by Elizabeth Jones BSc (Hons) MTCP MRTPI**

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

**Decision date: 23 September 2015**

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**Appeal Ref: APP/F1610/W/15/3014924**

**Land at Sunhill Close and Saxon Way, Fairford, Gloucestershire GL7 4GZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by conditions of a planning permission.
  - The appeal is made by Miss Emma Evans, Spitfire Properties LLP against the decision of Cotswold District Council.
  - The application Ref 14/04847/REM, dated 29 October 2014, sought approval of details pursuant to condition No 1 of a planning permission Ref 13/05181/OUT, granted on 9 October 2014.
  - The application was refused by notice dated 12 March 2015.
  - The development proposed is erection of 22 dwellings.
  - The details for which approval is sought are layout, scale, appearance and landscaping.
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### Decision

1. The appeal is allowed and the reserved matters are approved, namely details of layout, scale, appearance and landscaping submitted in pursuance of condition No 1 attached to outline planning permission Ref 13/05181/OUT dated 9 October 2014, subject to the conditions set out in the attached schedule.

### Procedural Matters

2. A site plan Drawing Number 1003 Revision Q has been submitted with the appeal. The revised plan shows amendments to the access and road layout which has been approved by the Council in relation to the access details which do not form part of the reserved matters before me. Both main parties have requested that this revised plan is considered rather than Drawing Number 1003 Revision M, which was the plan by which the Council made their decision on. The revised site plan does not alter the layout or design of the housing. Given the nature of the drawing submitted I am satisfied that no party would be prejudiced by my decision to take it into consideration in my determination of the appeal.
3. The Appellant has submitted a planning obligation dated 10 July 2015 pursuant to Section 106 of the Town and Country Planning Act 1990. This is a material consideration which I shall take into account in my decision.

### Main Issue

4. Outline planning permission for the construction of 22 dwellings on this site has already been granted, so it is not the principle of residential development that lies at the heart of this appeal, but rather the acceptability or otherwise of the

details now put forward. The Council has no objection to the submitted details regarding scale, appearance and landscaping. With that in mind, I consider the main issue to be whether or not the proposed layout is acceptable having due regard to Development Plan Policies and other considerations.

### Reasons

5. The appeal site comprises two parcels of land divided by a public right of way which runs in an east-west direction through the site. The site is bounded to the north and east by residential properties.
6. The smaller parcel of land to the north would be accessed from Sunhill Close and would provide five dwellings. The larger parcel of land to the south would be accessed from Saxon Way and would provide seventeen dwellings including ten affordable units. The affordable units would be located within the eastern section of this part of the appeal site rather than being distributed throughout the site.
7. The Council considers that a cluster of ten affordable units at the entrance to the site would prevent a satisfactory level of social integration between residents of the affordable and open market housing. The Council consider that whilst 'pepper potting' is often impractical for Registered Social Landlords, the affordable units should have been sited in at least two separate locations including within the northern part of the appeal site.
8. The affordable units would be located in four groups. Relative to the other dwellings within the site, residents of plots 17-22 would be situated off a shared access road. The other affordable units are located along the main access road. The site is compact in size and the proposed design and external materials of the affordable units would be reflective of the character and scale of the development as a whole. Thus, whilst clustered at the entrance to the site, the distance between the affordable units and other dwellings would be limited and the tenure would not be easily distinguishable as a result of the external appearance.
9. As set out above, there is no dispute between the parties regarding the details submitted in respect of scale, appearance and landscaping. The proposed dwellings on both parcels of land would be similar in scale to the surrounding development. Although there would be some variation in the house types, the small development would have a coherent overall form. Consequently, the scale and appearance of the dwellings would not be out of place in the context of the surrounding area.
10. The field boundaries to the south and west are heavily planted and would screen the site from the surrounding countryside. The proposed landscaping details are suitable for the site and its context.
11. In view of the above, and having regard to the proximity of the dwellings to one another and their arrangement within the site, the proposal would provide a completely acceptable layout that would blend the affordable housing units in with neighbouring open market housing and I have seen no substantiated evidence to suggest that the houses' residents would not integrate as one community or with the wider neighbourhood. In this regard, the scheme would comply with the requirements of Policy 21 of the Cotswold District Local Plan (2006) (Local Plan), which states that wherever affordable housing is provided,

it shall be integrated, in terms of its design and layout, in a 'tenure blind' form. The proposal would also accord with the overall objectives of the Council's Supplementary Planning Document *Affordable Housing* (2007) and the National Planning Policy Framework (the Framework) which seek to deliver strong, vibrant and healthy communities.

### **Other matters**

12. Residents have raised a number of concerns. I have seen no evidence to demonstrate that the public right of way will be adversely affected during construction. Nor have I been provided with any evidence to show that highway safety would be compromised. Comments regarding the private nature of the road serving Sunhill Close and the condition of the roads are noted but do not influence my decision to any material degree.
13. I have taken into account comments regarding the effect of the proposal on drainage, the electricity substation and telephone/broadband usage. However, they have not led me to any different overall conclusion. As to the effect on local services and facilities, there is no evidence to demonstrate that the proposal would have an adverse effect on any of these.
14. The Council has stated that due to an error in its drafting, the Section 106 Agreement at the outline planning permission stage whilst stating that 50% of the twenty two dwellings would be affordable units listed ten such units rather than eleven. As mitigation, a further S106 Agreement dated 10 July 2015 has been submitted for an affordable housing commuted sum for the provision of an affordable unit in the District in lieu of the on-site provision of the eleventh unit. Having regard to the evidence before me, I consider that the provision of an affordable housing commuted sum in addition to the ten affordable units is of benefit to the overall scheme and is necessary in the planning balance. There would be compliance with Policy 21 of the Local Plan which seeks a maximum contribution of affordable housing of up to 50%. It also meets the tests set out in the Framework and the Community Infrastructure Levy (CIL) Regulations 2010.
15. In addition, a Deed of Variation dated 10 July 2015 has been provided to confirm the composition of affordable housing units. The Deed of Variation achieves the purely administrative task of varying the original S106 Agreement were I to allow the appeal.

### **Conditions**

16. I have considered the conditions suggested by the Council in the light of Paragraph 206 of the Framework. However, for clarity and to ensure compliance with the Framework, I have modified, combined and amended the wording of some of the suggested conditions where appropriate.
17. For the avoidance of doubt and in the interests of proper planning, it is necessary to require that the development is carried out in accordance with the relevant plans. To ensure a satisfactory appearance to the development I agree that details and samples of external materials, the ridges, verges, eaves, valleys, chimneys, dormers, rooflights, windows, doors, lintels, reveals, porches, garage doors, boundary walls, railings and gates to be used for the development are necessary. A condition restricting bargeboards or eaves facias, the recess of doors and windows, that the rooflights do not project

forward of the roof slope and that the landscaping is carried out satisfactorily are also necessary.

**Conclusion**

18. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be allowed.

*Elizabeth Jones*

INSPECTOR

**Attached – Schedule of Conditions**

Richborough Estates

### **Schedule of Conditions**

1. The development hereby permitted shall be implemented in accordance with the following approved plans: Drawing Nos 1003 Rev Q, 1004 Rev G, 1005, Rev F, H1 Rev C, H2 Rev C, H3 Rev D, H4 Rev D, H5 Rev C, H6 Rev C, H7 Rev D, H8 Rev D, H10 Rev C, H11 Rev B, H12 Rev B, H13 Rev C, H14 Rev C, H15 Rev B, H16 Rev B, H17 Rev A, H18 Rev A, H19 Rev A, H20 Rev A, G1 Rev C (garages only) and 580 Revision D (landscape detail).
2. No development of a building shall take place until samples of the walling and roofing materials has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved sample details.
3. No development of a building shall take place until a sample panel of the materials to be used in the construction of the external walls shall have been prepared on site for inspection and approved in writing by the local planning authority. The sample panel shall be at least one metre by one metre and show the proposed material, bond, pointing technique and colour of mortar to be used in the development. The development shall be constructed in accordance with the approved sample, which shall not be removed from the site until completion of the development.
4. No bargeboards or eaves fascias shall be used in the proposed development.
5. All door and window frames shall be recessed by a minimum of 75mm into the external walls of the building.
6. All windows shall be of timber construction and shall thereafter be retained as such.
7. No development shall take place until the details of the design and details of the ridges, verges, eaves, valleys, chimneys, dormers, rooflights, windows, doors, lintels, reveals, porches, garage doors, boundary walls, railings and gates shall be submitted to and approved in writing by the local planning authority. The design and details shall be accompanied by drawings to a minimum scale of 1:5 with full size moulding cross section profiles, elevations and sections. The development shall be carried out in accordance with the approved details and there after retained.
8. The new rooflights shall be of a design which when installed shall not project forward of the roof slope in which the rooflights are located.
9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.