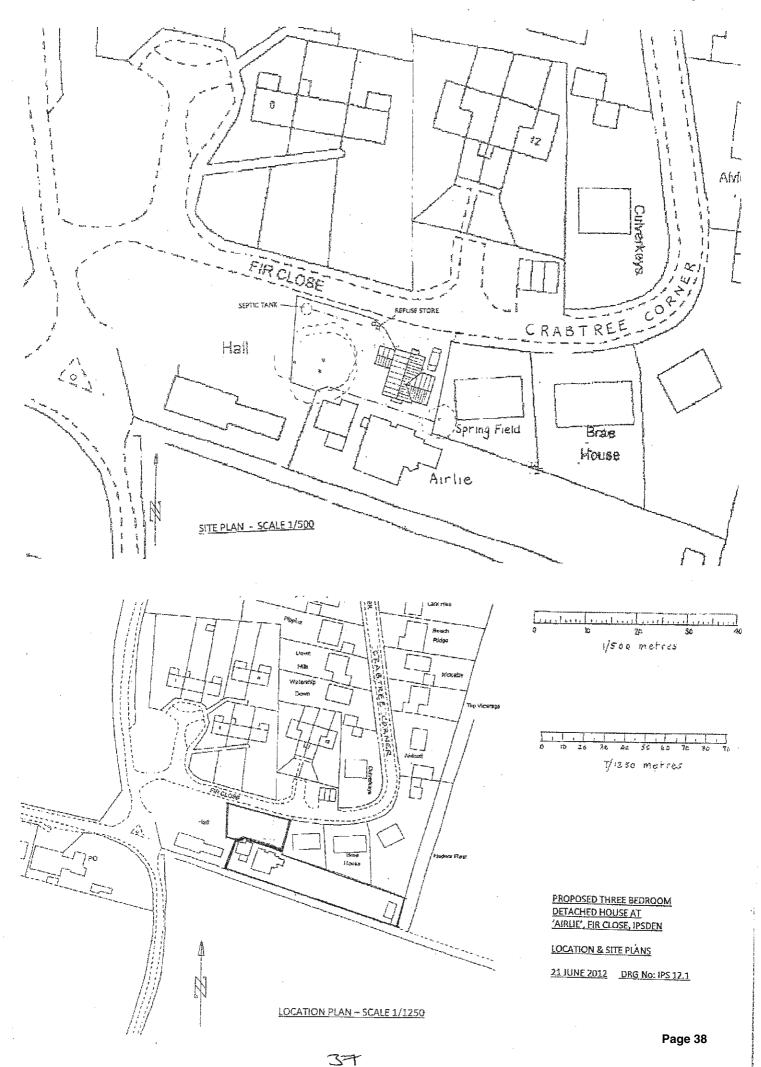
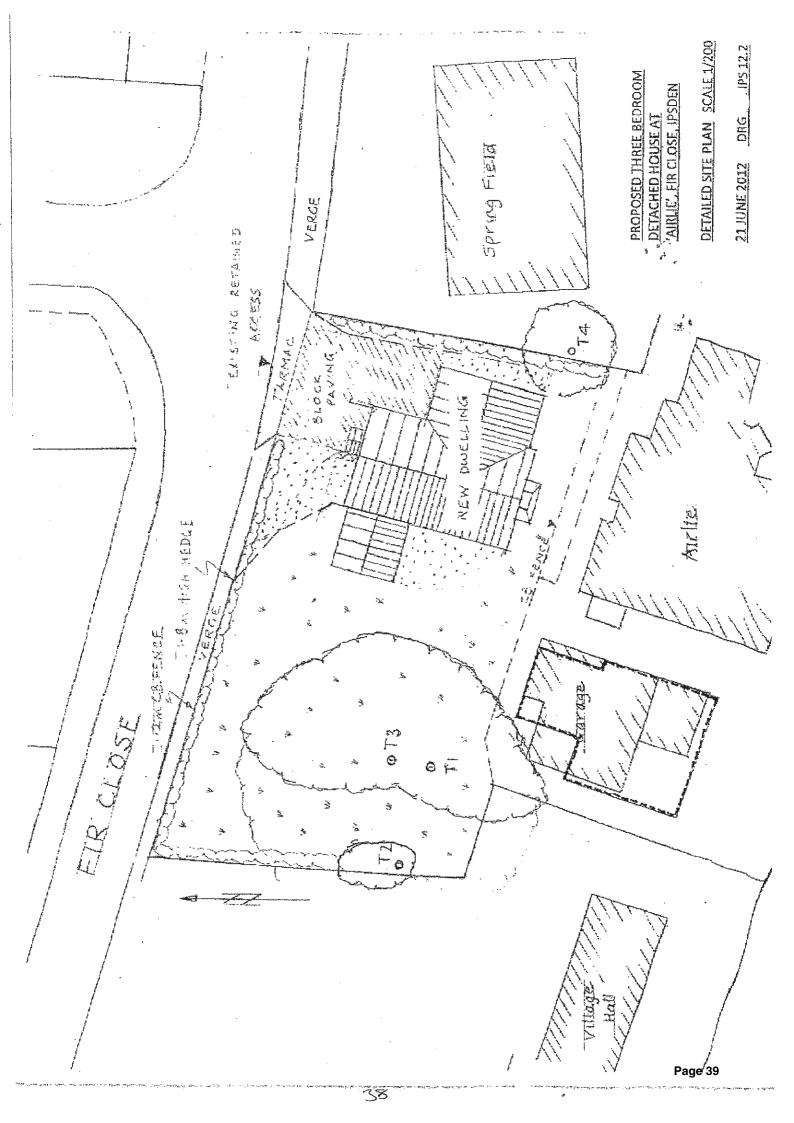


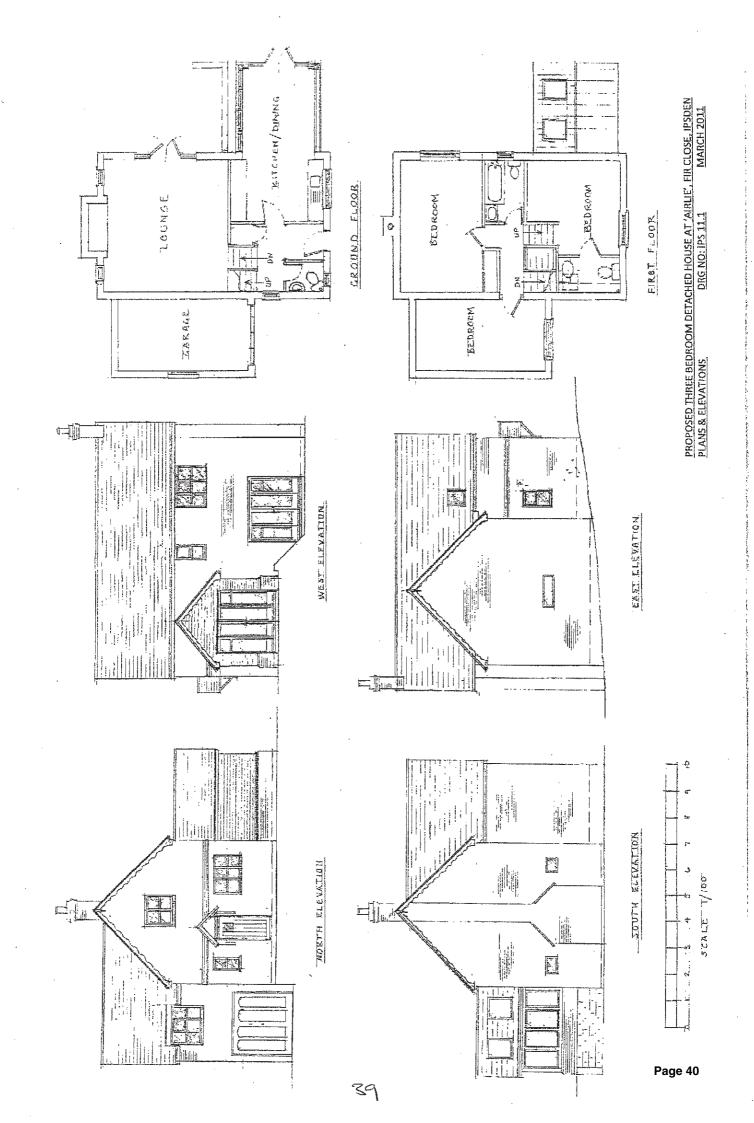
Listening Learning Leading

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MPPENDIXB







Appeal Decision

Site visit made on 19 April 2012

by Martin H Seddon BSc DipTP MPhil MRTPI

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

Decision date: 20 June 2012

Appeal Ref: APP/Q3115/A/11/2167064 Airlie, Fir Close, Ipsden, Wallingford, Oxfordshire, OX10 6AH

- 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 Liam Nugent against the decision of South Oxfordshire District Council.
- The application Ref P11/E0431, dated 2 March 2011, was refused by notice dated 23 June 2011.
- The development proposed is construction of a 3 bedroom house and garage.

Decision

1. The appeal is dismissed.

Procedural Matters

- 2. The appellant advises that since the refusal of the application the requirement to accommodate parking for Airlie has been resolved. This would allow the proposed house to be moved to the east by around 3 metres, thereby providing an improved separation distance from the protected trees. However, no alternative layout has been submitted and the re-siting of the dwelling could raise other planning considerations. The appeal will be determined on the basis of the plans refused by the Council. To do otherwise could prejudice the views of third parties and the Council.
- 3. The National Planning Policy Framework has been published since the Council's decision. The Framework replaces PPS1, PPS3 and PPS7 that were referred to in the Council's reasons for refusal. The appellant and the Council were given the opportunity to make comments on the Framework in this case. I have taken the comments received into account in my decision. In my view there is no substantial conflict between the Framework and the relevant saved policies in the South Oxfordshire Local Plan, and accordingly those policies can be given full weight.

Main issues

- 4. The main issues are:
 - the effect of the proposal on protected trees;
 - the effect on the character and appearance of the area, and Chilterns Area of Outstanding Natural Beauty, and
 - · whether there would be sufficient amenity space.

Reasons

Effect on protected trees

- 5. The appeal site was formerly part of the garden of Airlie, having been separated by new boundary fencing. The site is located in a predominantly residential area and in a rural setting. Dwellings in the vicinity are relatively modern in age and design. Mature trees are an important aspect of the character of the locality, particularly around the village hall that is adjacent to the appeal site.
- 6. The proposed house would be close to three beech trees within the site that are part of a wider stand of trees that are the subject of a Tree Preservation Order. The three trees are in a healthy condition and make a positive contribution to the visual amenities of the area.
- 7. The footprint of the house would be outside the root protection area for the three trees. However, the Council's forestry officer has advised that their canopies would extend over sections of the dwelling, including the roof lights in the proposed dining room. Branches would also reach within 1 metre of the main western elevation.
- 8. The Council's forestry officer advises that trees T1 and T3 shown on the submitted drawings are around 15-17 metres tall, but could reach a height in excess of 20 metres. It is clear that there would be pressure to prune trees T1 and T3 as they mature, thereby potentially harming their health and amenity value. This is because of their proximity to the proposed house and the shading and screening effect that would occur when they were in full leaf. The trees could also be perceived by future occupants of the proposed house as a safety risk during stormy weather.
- 9. The lack of adequate separation between the house and the trees would result in potential harm to their amenity value through pressure to reduce their canopies and height. Based on the submitted plans, the proposal would conflict with policies G2, G6, C1, C2, C9, H4 and H5 of the Local Plan because it would fail to protect the trees as an existing landscape feature and their contribution towards local distinctiveness and the character of the area.

Character and appearance

- 10. The Council considers that the dwelling would be unduly prominent in the street scene because it would be sited further forward than its neighbours of Spring Field and Brae House. However, there is no reason why such an arrangement would be inappropriate, given the variation in house designs and layouts in the area. A dwelling with a gable facing Fir Close could add interest to the street scene. Indeed, a recently constructed dwelling at Prospect House also has a gable end wall facing the highway.
- 11. The proposed parking arrangements include spaces to serve Airlie. This could result in the area to the east of the dwelling being dominated by up to 3 parked cars. However, as noted above, the need for additional car spaces for Airlie could be capable of resolution.
- 12. The building would also appear unduly close to the protected trees because of the minimal separation distance that is proposed. Local Plan policy C2 seeks to ensure that proposals conserve and enhance the natural beauty, special

- landscape quality and distinctiveness of the area. The proposal would conflict with this aim because of the cramped nature of the building, sited close to the trees and also in view of the large parking area. The development would conflict with the open character of the appeal site and spaciousness created by the land and trees around the village hall.
- 13. The proposal would have a harmful effect on the character and appearance of the area, and would fail to conserve the natural beauty of the landscape of the Chilterns Area of Outstanding Natural Beauty, contrary to Local Plan policy C2. It would conflict with the National Planning Policy Framework because of the failure to protect a valued landscape. It would also conflict with Local Plan policies G2, G6, D1, H4 and H5 and advice in the South Oxfordshire Design Guide.

Amenity space

- 14. The Council considers that little useable amenity space would be provided. The area of amenity space would be comparable to that at the adjacent dwelling of Spring Field. However, some of the space would be shaded by the protected trees, particularly when in leaf. Much of the space would also be capable of being overlooked by pedestrians using Fir Close, until boundary planting became established.
- 15. In this respect the proposal would be contrary to Local Plan policies G6 and D1 that require, amongst other things, good quality proposals and site design. The quality of the proposed amenity space would be insufficient reason on its own to warrant dismissal of the appeal, but it does add weight to the decision.

Conclusion

16.All other matters raised have been taken into account, including the contribution that the proposed dwelling would make to the housing stock. However, that contribution is outweighed by the harm which the development would cause, and for the reasons given above, the appeal is dismissed.

Martin H Seddon

INSPECTOR

