**Site Plan as Existing**

**Upper Cherry Croft**

**Site Boundary Legend**
- Development Site (Red Line Boundary) 1650 sqm / 0.165 ha
- Client Ownership (Blue Line Boundary)

**Access Via Existing Gate**

Apple tree (T18) to be removed, refer to tree report.

Cypress trees beyond boundary, owned by neighbour.

Existing trees to neighbouring swimming pool area (approx.)

Swimming pool to adjacent walled garden

Outbuildings to neighbouring Cherry Croft Cottage

Root Protection Areas (RPAs) of trees shown as a dashed line, all boundary trees retained and preserved.

**Scale @ A3**

**Date**

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Ground Floor Plan
130.5sqm. GIFA (238sqm. Total)
scale 1:100
Roof Plan
174sqm. area (inc. parapets)
scale 1:100

First Floor Plan
107.5sqm. GIFA (238sqm. Total)
scale 1:100

Bed 1 (master) 18sqm.
Bed 2 (double) 13sqm.
Bed 3 (double) 13sqm.
Bed 4 (double) 13sqm.
EnSuite 9sqm.
Dress. 7sqm.
EnSuite 4sqm.
Family Bath 6sqm.

Low-pitched roof with concealed gutters and RWPs

1:100

 clansmen's

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Do not scale from drawing
Any discrepancies must be reported to the architect

Upper Cherry Croft

DRAWING No. 342 / P / 006

DRAWING
REVISION
No.

First issued 17.05.19

DRAWN by RT
CHECKED by AJ

DATE
REVISION
No.

PLANNING

ADRIAN JAMES
ARCHITECTS

342 / P / 006
Appeal Decision

Site visit made on 24 September 2018

by R C Kirby BA(Hons) DipTP MRTPI
an Inspector appointed by the Secretary of State

Decision date: 22 October 2018

Appeal Ref: APP/Q3115/W/18/3196643
Land adjacent and northwest of Cherry Croft Cottage, Kingwood Common, off Stoke Row Road, Reading RG9 5NB

- 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 and Mrs Henry and Katrina Falinski against the decision of South Oxfordshire District Council.
- The application Ref P17/S2685/FUL dated 20 July 2017 was refused by notice dated 20 November 2017.
- The development is proposed erection of a 2-storey, 5-bed detached dwelling house of contemporary design plus a separate triple garage block.

Decision

1. The appeal is dismissed.

Procedural Matter

2. During the course of the appeal I sought the comments of the main parties on the Written Ministerial Statement (WMS) in respect of Housing Land Supply in Oxfordshire of 12 September 2018. I have taken the comments received into account in my consideration of this appeal.

Main Issues

3. The main issues in this case are:
   - whether or not the location of the site is suitable for a new dwelling, having particular regard to the development strategy for the area and its relationship to services and facilities;
   - the effect of the proposal on the character and appearance of the area, including the Chilterns Area of Outstanding Natural Beauty (AONB) and
   - the effect of the proposal on highway safety.

Reasons

Location of Appeal Site

4. South Oxfordshire Core Strategy (CS) Policy CSS1 establishes the overall strategy for development throughout the District. It seeks to focus new development at Didcot, Henley, Thame and Wallingford and support and enhance the larger villages in the area, whilst allowing limited amounts of housing and employment in other villages, such as Kingwood Common.
5. Kingwoood Common is identified as a small village within the CS. It has a limited range of services and facilities and limited public transport links. In recognition of this, CS Policy CSR1 establishes that the limited amount of housing that will be permitted should be on infill sites with a site area of 0.2 hectare, or less.

6. In that the appeal site is not a small gap in an otherwise built-up frontage, it would not comprise infill development. However, the definition of ‘infill’ within the supporting text to CS Policy CSR1 also indicates that infill development can be ‘on other sites within settlements where the site is closely surrounded by buildings’. In this regard, the site is closely related to the built form of the settlement, previously being part of the garden of Cherry Croft Cottage. It is surrounded by the existing built form of the village with Cherry Croft Cottage and its Annexe to the south of the appeal site, Little Cherry Croft to the north east and Cromer Hide and Holm Rigg opposite the access to the site.

7. Whilst the development of the site could reasonably be described as infill under the terms of CS Policy CSR1, the site area of 0.22 hectare, would exceed the site area permitted by this policy.

8. The Council has expressed concern that the appeal site is not in a sustainable location, despite CS Policy CSR1 supporting limited development in the area. Whilst I recognise that the intended future occupiers would have a high reliance on a private vehicle to access day-to-day services, such dependency and the number of traffic movements associated with this would not be any greater to that which would result from a dwelling that accords with the development strategy for the area. The appeal does not therefore fall on this matter. In reaching this view I am mindful of the advice 1 in the National Planning Policy Framework (the Framework) which states that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.

9. However, the new dwelling would be constructed on a site that exceeds the size permitted under CS Policy CSR1 and accordingly the proposal conflicts with the development strategy for the area. Whilst the difference in site area proposed to that permitted by CS Policy CSR1 is not significant, the purpose of the policy is to ensure that new housing contributes amongst other matters to the environmental sustainability of the village, and is designed and located to protect local character and distinctiveness. These matters are considered below.

Character and Appearance

10. This part of Kingwood Common is rural in character, with individually designed dwellings set in spacious, well landscaped plots, accessed off single vehicle width, unmade roads. Surrounding the developed part of this settlement is mature woodland. The landscape and scenic beauty of the area is recognised with its inclusion within the Chilterns AONB.

11. The new dwelling would take the built form of Kingwood Common closer to the surrounding woodland. However, the appeal site displays the characteristics of the developed part of the village with mown grass and evidence of garden

1 Paragraph 103
structures on it. The new dwelling, nor its garage would encroach into the countryside surrounding the settlement, as suggested by the Council.

12. The new dwelling would be of a contemporary design with a part pitched, part flat roof. The garage would be of a more traditional design with a pitched roof and external staircase. I find the different design approaches to the proposal to be inconsistent with neither part complementing the other. The proposal would result in the scheme being visually unattractive and it would make a negative contribution to the overall quality of the area.

13. Furthermore, the siting of the dwelling towards the rear of the plot and the limited space that would result between the side and rear boundaries of the site would result in the dwelling appearing cramped upon the site. This would jar with the spacious setting of nearby development and the quality of the settlement form.

14. The new garage would be a large structure and its siting to the front of the appeal site would make this building a prominent, dominant feature when viewed from the access road within the vicinity of the access to the site. This would be particularly apparent when the trees nearby were not in leaf. It would compete visually with the new dwelling and would not reflect nearby development.

15. The Framework is clear at paragraph 130 that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. In light of my findings I conclude that the design of the proposal would be harmful to the character and appearance of this attractive rural area. This would be in conflict with South Oxfordshire Local Plan (LP) Policy D1 and CS Policies CSQ3 and CSR1 which require development, amongst other matters, to respond positively to and respect the character of the site and its surroundings, enhancing local distinctiveness. There would also be conflict with LP Policy G2 which seeks to protect settlements from adverse developments. Harm would also be caused to the AONB because the proposal would not conserve and enhance the landscape and scenic beauty of it. Whilst such harm would be localised and limited, there would be conflict with the environment protection and enhancement aims of LP Policy G2, and the AONB aims of CS Policy CSEN1.

16. The Council has quoted Policy C4 of the LP within its decision notice. I have not been provided with a copy of this policy and have therefore not been able to consider the proposal against it.

Highway Safety

17. Access to the new dwelling would be from unmade private access roads which lead off Stoke Row Road. These roads are narrow, and largely unmade. It has been indicated that the speed limit along the roads is 30 miles per hour, but given the width and condition of the roads, it is likely that vehicle speeds are considerably lower than this. Furthermore, they are likely to be lightly trafficked given the modest number of dwellings they serve.

18. Given these matters, and in the absence of substantive evidence to demonstrate otherwise, I am not convinced that the use of the access as proposed without the visibility splays suggested by the Highway Authority.
would result in conflict with vehicles using the site and other road users. Vehicles movements into and out of the site would be likely to be low given the nature of the proposed development. Furthermore, it is likely that vehicles exiting the site would be travelling slowly given the local highway conditions and vehicles would be likely to be visible to other road users, including pedestrians and cyclists.

19. In light of the above, I conclude that the proposals would not result in harm to highway safety. There would be no conflict with the safety objectives of LP Policy T1.

**Other Matters/Planning Balance**

20. I am mindful that the Council has granted planning permission near to the appeal site for new dwellings. However, as the appellants accept, these dwellings comply with the development strategy for the area, which the appeal proposal does not. The circumstances in these cases are not therefore directly comparable to the scheme before me, and do not justify development that conflicts with the development plan.

21. The appellants consider that as the Council cannot demonstrate a 5 year supply of deliverable housing sites, as was acknowledged within the Council’s decision notice, that the presumption in favour of sustainable development given by paragraph 11 of the Framework is applicable in this case.

22. The WMS\(^2\)\(^\text{2}\) has however implemented a temporary change to housing land supply policies as they apply in Oxfordshire. Therefore paragraph 11 d) of the Framework only applies where the authorities in Oxfordshire cannot demonstrate a three year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73).

23. Although not substantiated, the Council indicates that it can demonstrate a 7.6 year supply of housing land, a figure that the appellants have requested that I treat with caution because it is alleged that this is widely challenged.

24. If I were to accept that the Council could not demonstrate a 3 year supply of deliverable housing sites and that the policies which are most important for determining the application are out-of-date and that planning permission should be granted for the proposal, it is necessary to weigh the benefits of the proposal against the adverse impacts that I have identified. This is considered below.

25. I acknowledge that the proposal would support the Government’s objective of significantly boosting the supply of homes, in a location that is supported by the development strategy for the area, subject to certain criteria being met. The appeal site is well related to the built form of the village and would not encroach into the open countryside. These matters carry considerable weight in the proposal’s favour.

26. However, against this is the harm that would be caused to the character and appearance of this part of Kingwood Common, and the landscape and scenic beauty of the AONB. The Framework advises at paragraph 172 that great weight should be given to conserving and enhancing landscape and scenic beauty in AONB, amongst other areas. The harm to the AONB and the area in

\(^2\) Referred to in paragraph 2

[https://www.gov.uk/planning-inspectorate](https://www.gov.uk/planning-inspectorate)
general, and the conflict that would result with the development plan and the Framework in this regard provide a clear reason for refusing the development proposed, in accordance with Framework paragraph 11 d) i. I therefore conclude that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits of the proposal.

Conclusion

27. For the above reasons, and having regard to all other matters raised, the appeal is dismissed.

R. C Kirby

INSPECTOR
Appendix D

Project:
Proposed erection of a 2-storey detached 5-bed infill dwelling and garage block in the northernmost rear former garden curtilage of Cherry Croft Cottage, at Kingwood Common, Oxfordshire, RG9 5NB

Date: 10th October 2017

Client: Application submission to SODC
Proposed House Elevations

Provision of a detached 2-storey, 5-bed infill dwelling with separate triple garage block on garden land to the north of Cherry Tree Cottage, at Kingwood Common, Oxfordshire, RG9 5NB

Client: Henry & Katrina Falinski

Date: 10th July 2017

ABF001

scale 1:100 @ A3
The proposed net internal floor area of the new dwelling over two floors would be 292.671sqm.
ELEVATIONS FOR TRIPLE GARAGE & STORE

NORTHEAST FLANK ELEVATION

SOUTHWEST FLANK ELEVATION

SOUTHEAST FRONT ELEVATION

NORTHWEST REAR ELEVATION

FLOOR PLANS FOR TRIPLE GARAGE & STORE

GROUND FLOOR GARAGE PARKING

FIRST FLOOR STORE

INTERNAL DIMENSIONS

7.933m x 5.230m

7.933m x 3.155m

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Henry & Katrina Falinski

Proposed erection of one (1no.) detached infill dwelling & triple garage on former garden curtilage adj. 'Cherry Croft Cottage', Kingwood Common, Oxfordshire, RG9 5NB

Garage Floor Plans & Elevations

July 2017

Status: Application submission to SODC