



Appeal Decision

Site visit made on 23 February 2021

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 March 2021

Appeal Ref: APP/D3125/W/20/3259565

High Ridge, 46 High Street, Milton under Wychwood OX7 6LE

- 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 Earley against the decision of West Oxfordshire District Council.
 - The application Ref 20/01116/HHD, dated 4 May 2020, was refused by notice dated 11 August 2020.
 - The development proposed is removal of existing workshop and erection of single storey replacement building to form garden room.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr and Mrs Earley against West Oxfordshire District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. Lengthy submissions have been made by the Council with regards to the use of the property and, in particular, questioning whether a change of use has occurred. However, the purpose of this appeal is to consider the application as refused by the Council, which in this instance was solely for the removal of the existing workshop and its replacement with a garden room. I have therefore determined the appeal on this basis.

Main Issues

4. The main issues in this appeal are:
 - The effect of the proposal upon the living conditions of surrounding residents, in particular from overlooking, overshadowing and noise; and
 - Whether the proposal makes adequate provision for off-street parking.

Reasons

Living conditions

5. The appeal proposal relates to an existing single storey outbuilding with openings in the front and side elevations, which is located at the far end of the garden of the appeal site. Due to the configuration of the appeal property and those around it, the outbuilding occupies a backland location, and, owing to the

layout of the appeal plot, parts of the outbuilding are located on, or close to the boundaries with surrounding properties.

6. Whilst being located at the rear of the garden of the host property, due to the nature of surrounding development and, in particular the change in levels across the appeal site, the existing outbuilding is clearly visible from a number of neighbouring dwellings. The proposal, whilst it would be of a design that would be more sympathetic to its surroundings, would result in a development that would be of a greater scale, bulk and height than the existing building. The changes would be especially harmful to the residents of No 50, who's main entrance and front patio face directly towards the appeal site, along with the residents of No 48, where part of the appeal site lies at the end of their garden. As a result of its relationship with neighbouring properties, the proposed development would therefore represent a visually intrusive, overbearing and overshadowing form of development.
7. In terms of overlooking, surrounding boundaries are identified by relatively high, close boarded fencing. However, due to the raised height of the proposed outbuilding above the neighbouring gardens, elements of the new windows, in particular those facing into the garden of the appeal property, would be visible above the existing boundary fences. Therefore, whilst the presence of the boundary treatments would provide some element of privacy, the proposal would materially increase the potential for overlooking from the appeal site.
8. Whilst the proposal would be likely to increase the level of activity within the garden, I do not consider that this would increase to such a level that it would generate significant additional noise or disturbance to nearby residents, to justify withholding planning permission on this ground alone.
9. For the above reasons, I therefore conclude that the proposed development would harm the living conditions of surrounding residents and, in this respect, would be contrary to Policy OS4 of the West Oxfordshire Local Plan (LP) and Paragraph 127 of the National Planning Policy Framework (the Framework). These policies, amongst other things, seek to prevent development that would harm the living conditions of neighbouring residents.
10. Reference has been made in the Council's reasons for refusal to Policies EH1, EH8, H6 and OS2 of the LP. Policy EH1 relates to the Cotswolds Area of Outstanding Natural Beauty (AONB) and I will come back to this matter. Policy EH8 relates, amongst other things to noise, and I find no conflict in this regard. Policy OS2 and H6, amongst other things, relate to the provision of new and the retention of existing housing, and given my conclusion on the nature of the proposal, it therefore follows that it would not conflict with either of these policies.

Parking

11. Parking for the appeal site is provided through a combination of an off-road space at the rear, along with additional provision via on-street parking to the front.
12. Whilst the proposal would create additional residential accommodation in the form of a garden room, it would not increase the overall number of bedrooms at the property and therefore would not generate the need for any additional

parking spaces. Furthermore, the existing parking space on site would be retained. As a result, the proposal would not lead to an unacceptable impact on highway safety.

13. For the above reasons, I therefore conclude that the proposed development would not result in insufficient parking provision and, in this respect, accords with Policies T4 of the LP and the Framework.

Other Matters

14. The appeal site lies within the AONB, with the development plan and the Framework requiring proposals to conserve, and where possible enhance, the natural beauty of the AONB and to deliver the highest quality design which respects the area's natural beauty. Due to the sympathetic design, in combination with the lack of clear views of the appeal proposal, I do not consider the proposal would cause significant harm to the AONB.
15. Reference has been made by neighbouring residents with regards to landownership issues. This is however a private civil matter for the parties. Accordingly, issues relating to land ownership have not had any material bearing on my assessment of the planning issues in this appeal.

Conclusion

16. Although I have found no harm in terms of the provision of vehicle parking, this would be outweighed by the harm caused from the proposal to the living conditions of surrounding residents. Therefore, for the above reasons and having considered all matters, I conclude that the appeal should be dismissed.

Adrian Hunter

INSPECTOR