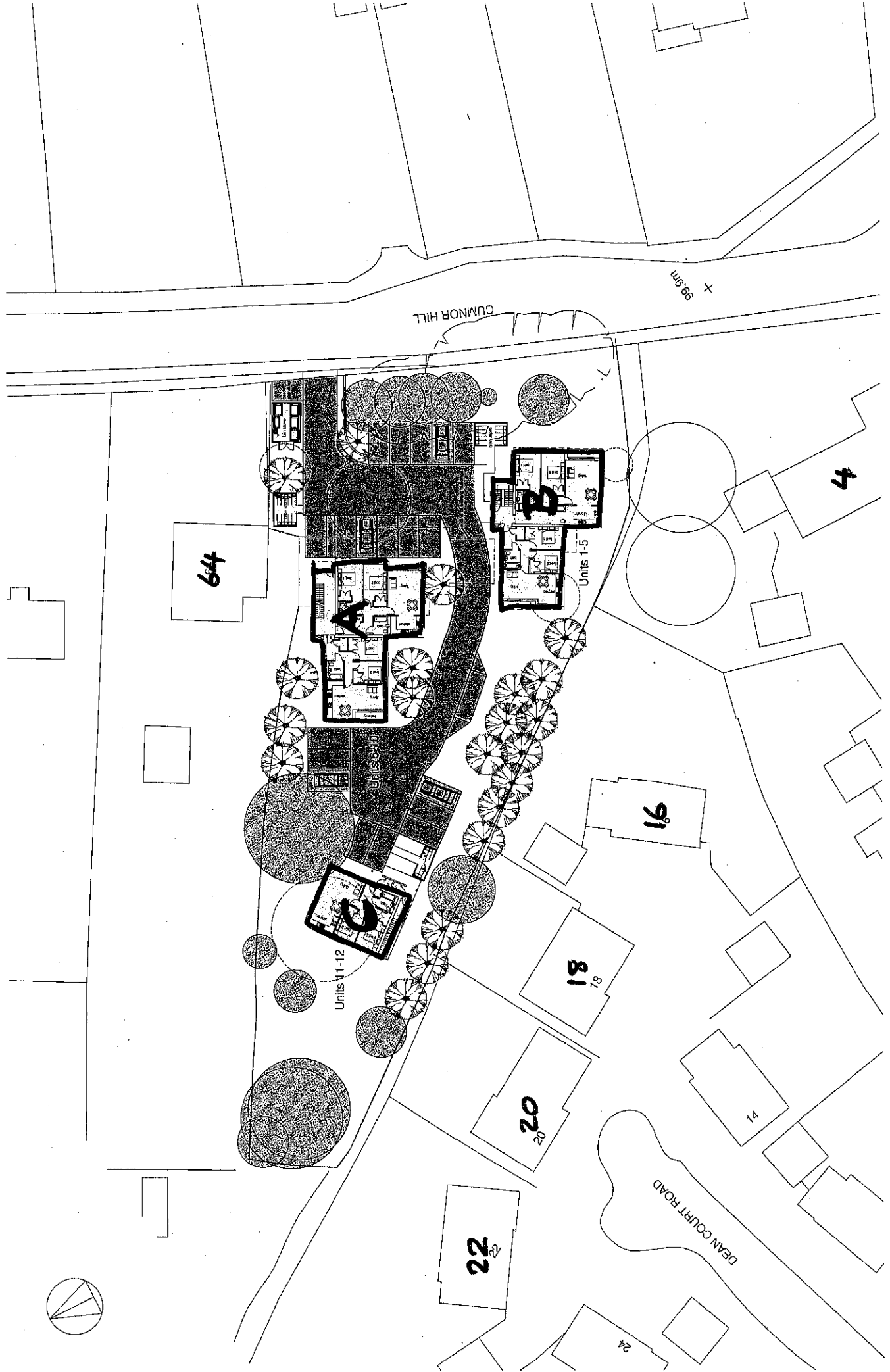


Location Plan ~~Scale 1:1250~~

66 Cumnor Hill Oxford	Feb 2013
Residential Development	1:200@A1
Proposed Site Plan	2013007
	P.02



99.9m

CUMNOR HILL

16

18

20

22

24

DEAN COURT ROAD

64

4

Units 1-12

Units 1-5

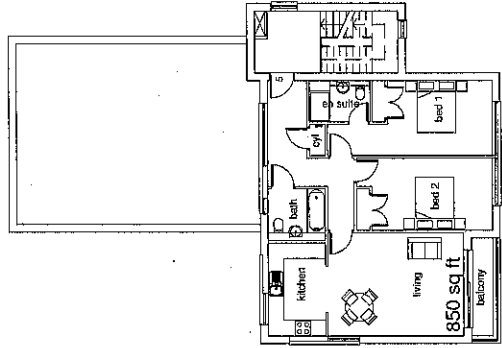
A

B

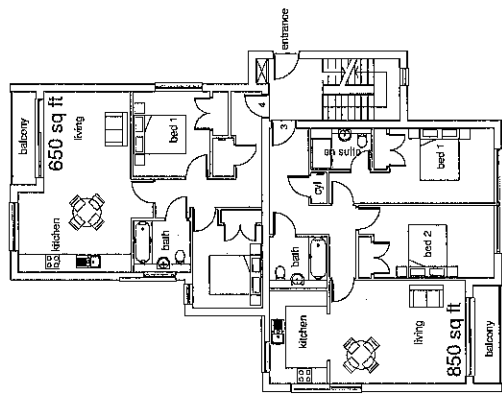
C



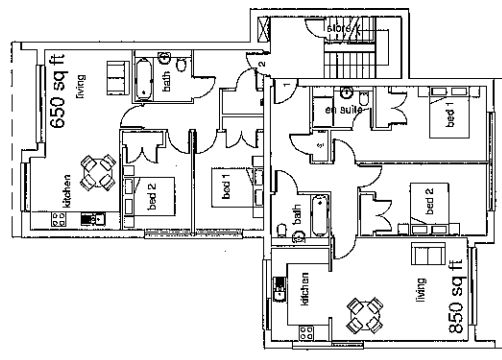
Feb 2013	2013.007	P.03
1:100 @ A1		
88 Curmor Hill Dunfermline Residential Development		Units 1-5



first floor plan



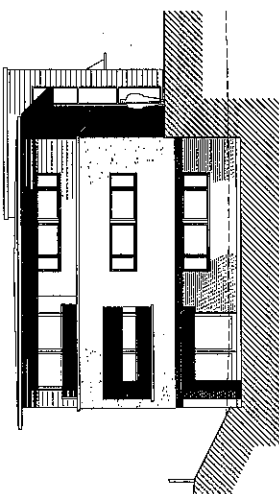
ground floor plan



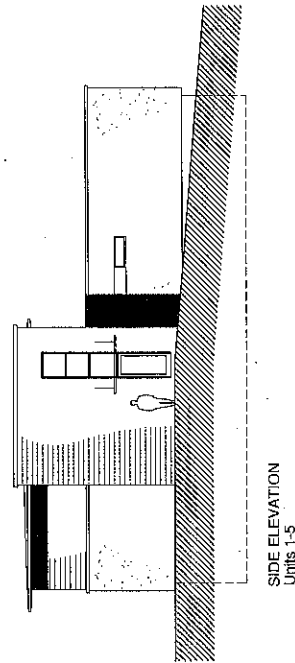
lower ground floor plan
Units 1-5



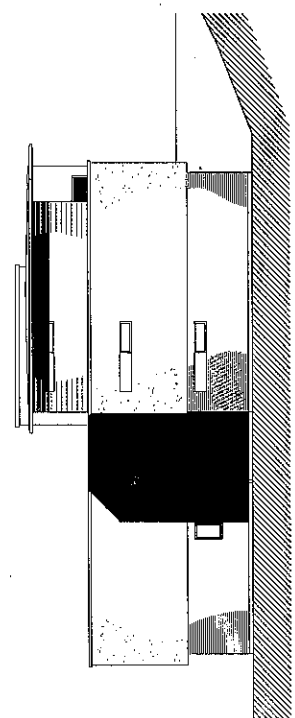
REAR ELEVATION
Units 1-5



FRONT ELEVATION
Units 1-5



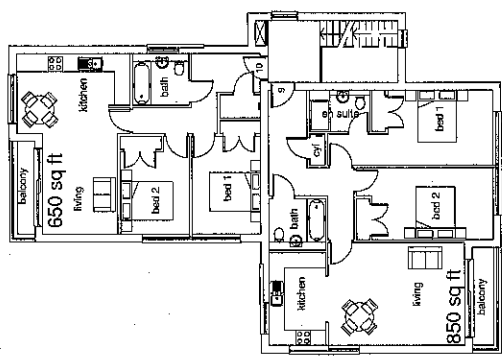
SIDE ELEVATION
Units 1-5



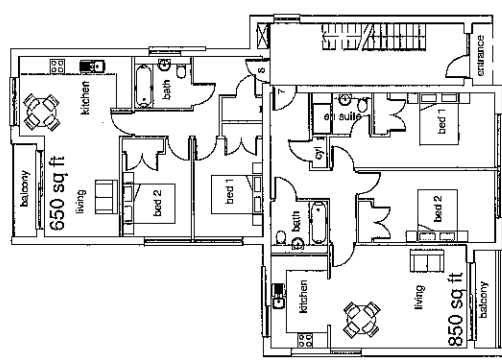
SIDE ELEVATION
Units 1-5

- Manley Eternit
- Central Weatherboard
- grey lacquer (CDS)
- or alternative grey (CDS)
- white painted render
- dark grey UPVC windows
- glazed balustrade
- red brick

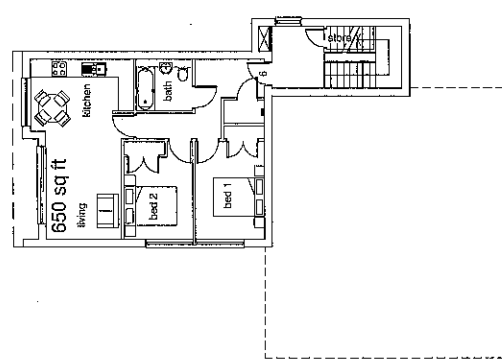
Feb 2013	1:100 @ A1	2013007	P.04
66 Curmorr Hill Oxford		Residential Development	Units 6-10



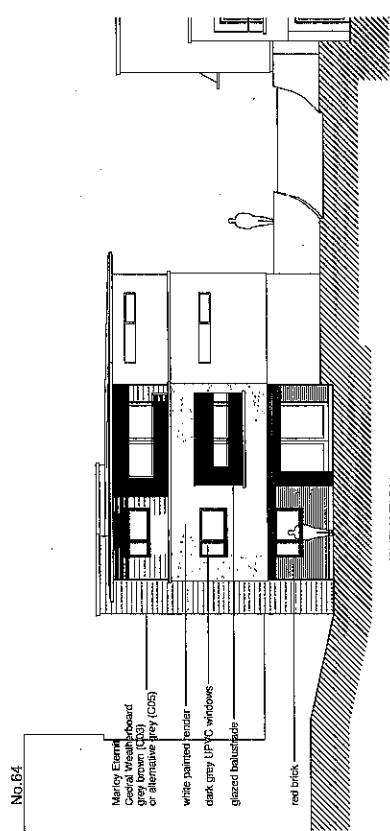
first floor plan



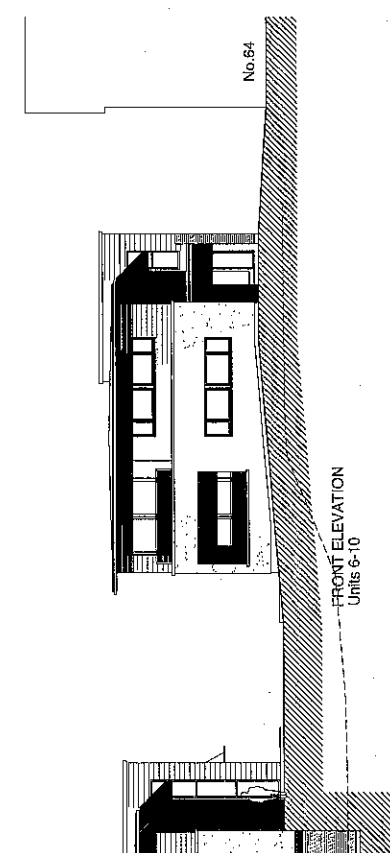
ground floor plan



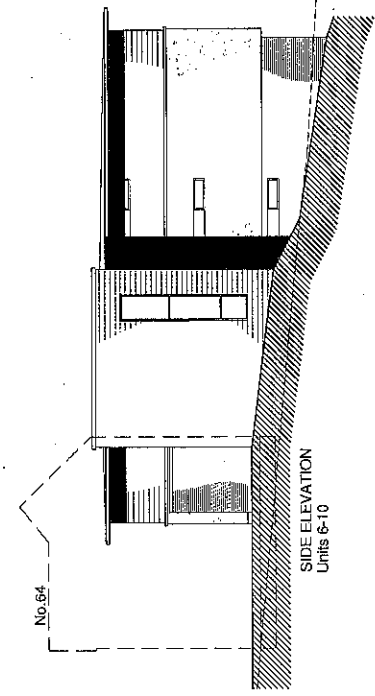
Lower ground floor plan
Units 6-10



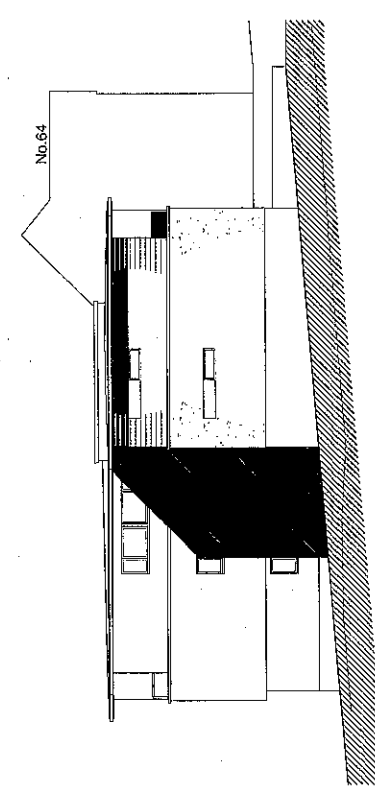
REAR ELEVATION
Units 6-10



FRONT ELEVATION
Units 6-10



SIDE ELEVATION
Units 6-10

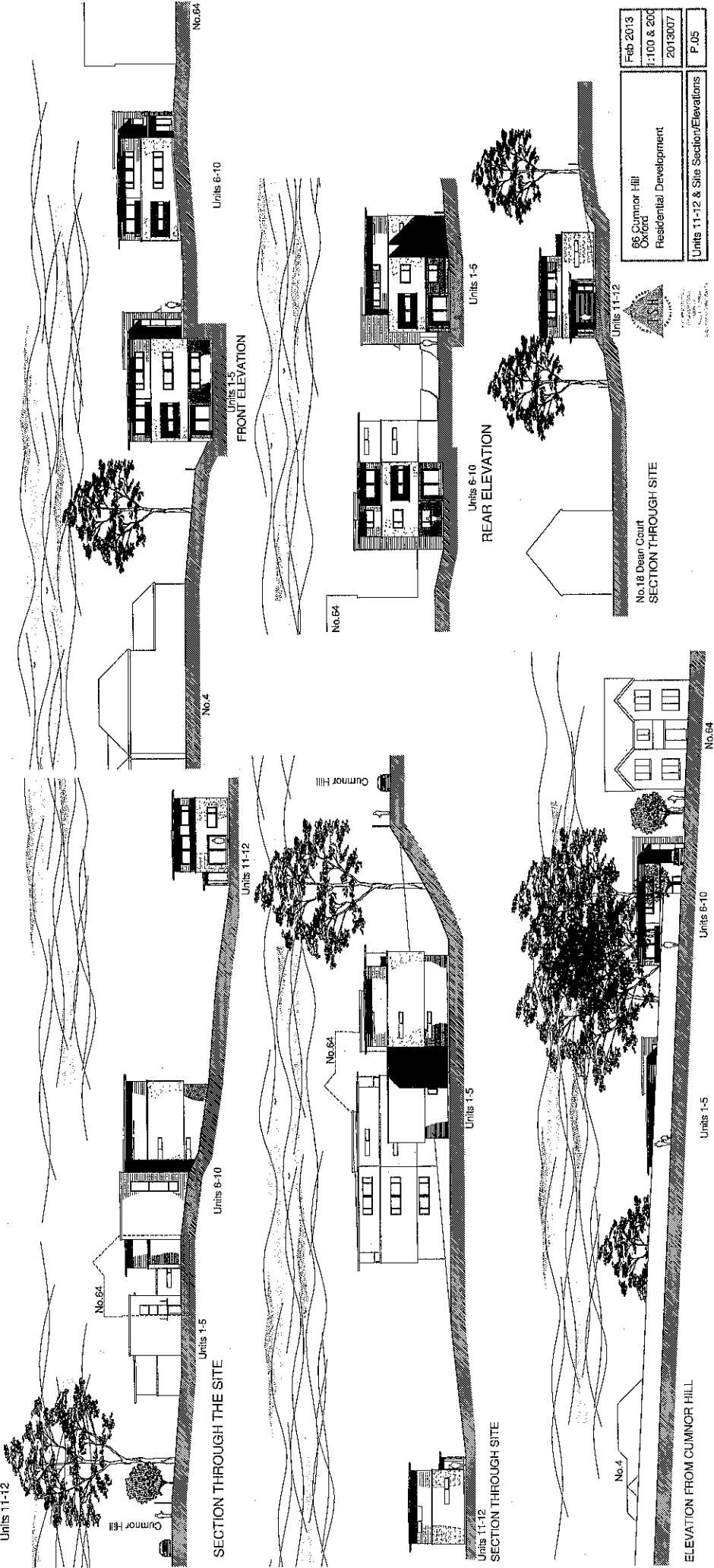
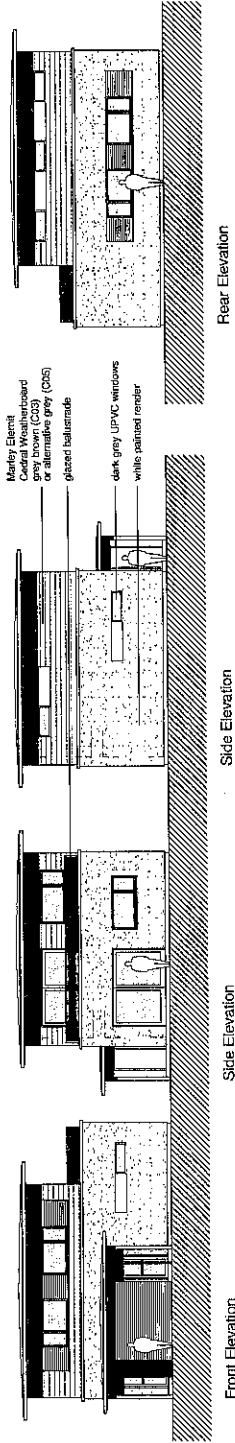
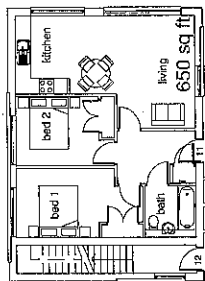
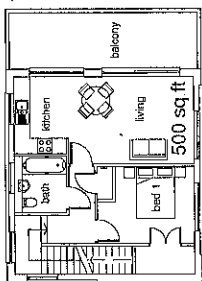


SIDE ELEVATION
Units 6-10

No.64
Merley Elements
dark charcoal
grey brown (C93)
or alternative grey (C95)
white painted render
dark grey UPVC windows
glazed balustrade
red brick

No.64

No.64



Feb 2013	85 Cumnor Hill Residential Development	Units 11-12 & Site Section/Elevations
1:100 & 200		
2013007		
		P.05



No.18 Dean Court
SECTION THROUGH SITE



CONSULTATION WITH CUMNOR PARISH COUNCIL

Application reference:	P13/V0626/FUL	Officer:	Martin Deans
Application type:	Major	Amended plans:	
Address:	66 Cumnor Hill, Oxford OX2 9HB		
Proposal:	<i>Demolition of existing dwelling. Erection of 11 x 2 bed flats and 1 x 1 bed flat in three separate two and three storey buildings. Alterations and extension to existing access, 20 car-parking spaces, cycle parking, bin storage and landscaping.</i>		

CUMNOR PARISH COUNCIL:

1. **FULLY SUPPORTS** this application for the following reasons:
2. has **NO OBJECTIONS** to this application.
3. has **NO OBJECTIONS** to this application but wish the following comments to be taken into account:
4. **OBJECTS** to this application for the following reasons:

It is regrettable that this is an application for full planning permission rather than outline permission as there are issues that would have benefited from being resolved at an earlier stage in the planning process. In this respect Cumnor Parish Council has particular concerns about Housing Density and Water Run-off.

Density: The density of the proposal at 44 dwelling per hectare is excessive compared to a local average of 10.5 dwellings per hectare. Such a density would be completely out of character in this location and would create an over-dominant effect on neighbouring properties.

Water Run-off: This issue is barely addressed in the application. The developer states there is no flood risk to the area but Council challenges this and considers that there is a significant risk of harm if this application were allowed to go ahead in its current form and urges erring on the side of caution by refusing it. The proposal intends to build into the hillside to make optimum use of the land. At the same time the area of impermeable surfacing within the site will quadruple. To make matters worse Council understands that there is a spring emanating from the bottom of the garden of 66 Cumnor Hill. Cutting into the hillside, as is planned, would almost certainly interfere with the underground channels supplying this spring, with uncertain consequences on properties further downhill in Dean Court. The developers should demonstrate that what they are planning will not disturb

underground water flows and adversely affect neighbours, and frankly the burden of proof should be with the developers.

As is well known, Cumnor Parish Council has serious concerns about the cumulative impact of all the development that is and has been taking place on Cumnor Hill over many years. Council has requested that a **comprehensive hydrogeological survey** of Cumnor Hill be undertaken before any more development of any significance is allowed. It is clear that the Vale does not have the resources to undertake such a survey, as confirmed by Matt Prosser, Strategic Director in reply to a letter from Council (letters attached for information) and Council notes that its request was forwarded to Gordon Hunt, drainage engineer for Oxfordshire County Council. To reiterate, the hydrogeological issues of the Parish need resolving before further development is permitted.

Other considerations:

Access: The access to the site is very close to the nearby bus-stop and Council asks that the arrangements for the entrance to the site be reviewed to ensure the safety of the large number of people who use the bus-stop, bearing in mind the volume of traffic that a proposal of this size would generate.

Effects on neighbouring properties: Council notes that No.64 Cumnor Hill has three windows and a patio on its elevation adjacent to the site. This proposal would inevitably lead to an unacceptable loss of light, overlooking and loss of privacy. Properties in Dean Court Road will be immediately overlooked by the three storey apartment blocks.

Sewage: Council continues to have concerns about the capacity of the sewage system to deal with foul waste from new developments on Cumnor Hill. It understands that recent sewage work carried out by Optimise was planned to deal with the additional flow from the Timbmet site but did not allow for any additional residential developments in the area of the Hill.

In conclusion Council Objects to this application for all the reasons given.

Signed byT Brock.....
Clerk to Cumnor Parish Council

Dated 23 April 2013

4.5 Development in Lower Density Areas

Development in areas that are typically low density can be challenging, particularly in the context of the need to make best use of previously developed land, which includes gardens. This section examines how new development can be designed to make best use of a site and still be sympathetic to the character and appearance of the area.

Site Layout and Design

Lower density areas such as Cumnor Hill and Oxford Road in Abingdon are characterised by residential properties set in relatively large, often well landscaped grounds and this characteristic has made such areas attractive for redevelopment proposals. Government advice set out in PPS3 stresses the need for new development to make the best use of previously developed land. However, PPS3 makes it clear that there is no presumption that previously developed land is necessarily suitable for housing development. Development which is permitted must not detract from the character of the area. While PPS3 also says that more intensive development is not always appropriate, when well designed and built in the right location it can enhance the character and quality of an area.

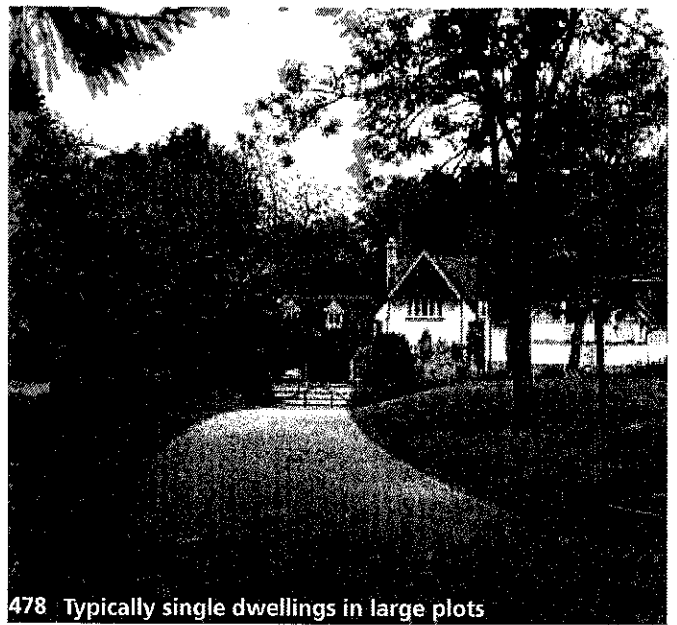
The established form and character of these low density areas should provide the context for the layout and design of any new development. The following matters need to be taken into account when designing developments in lower density areas.

Any new housing development, redevelopment or extension needs to understand the context provided by the architectural scale, modelling and language of the varying range of vernacular styles of these areas.

Any development should have a visual understanding of the residential vernacular tradition and style of the buildings and history of the area.



477 Characterised by the landscape rather than buildings



478 Typically single dwellings in large plots



479 Large plot sizes can create pressure for redevelopment

4.5 Development in Lower Density Areas

Extensions should be subservient to the existing building but in a manner that allows them to tie in with the style, form and design of the existing building.

Over intensive housing developments should be avoided. One way of increasing density without significantly increasing the number or size of buildings on a site is to incorporate a number of flats into a building which has the appearance of a large dwelling with one dominant front door.

Extensions, new developments or buildings should be set back from street/road frontages to respect the adjacent building lines and general character of the immediate area.

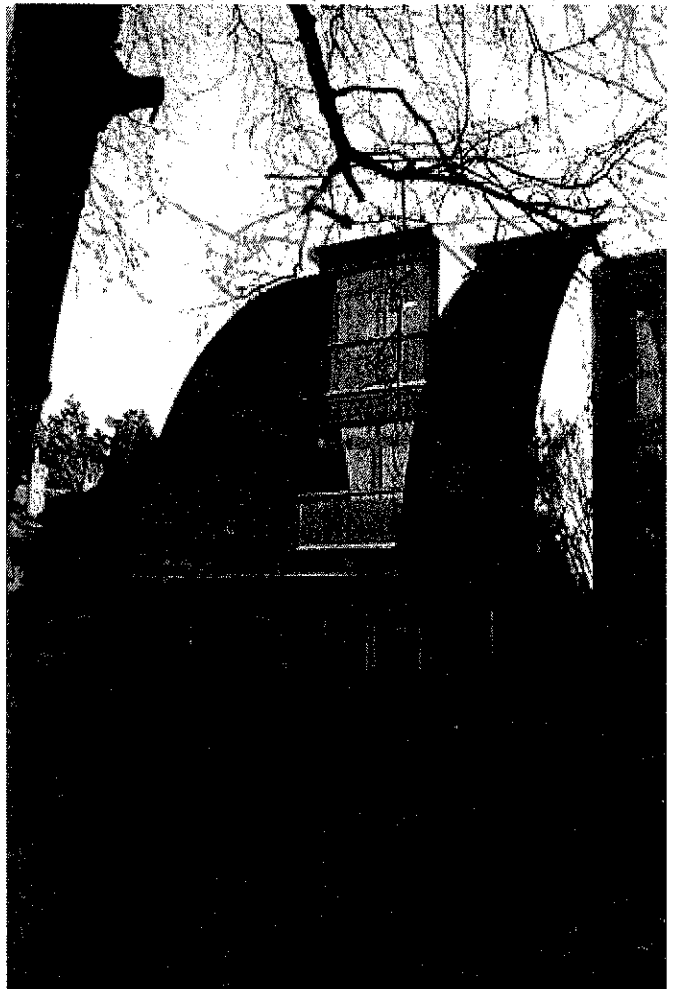
Side boundary separations of at least 2 to 5 metres (depending on the location) should be retained at all levels. Visual gaps that reflect the general character of the immediate area should be retained between buildings on adjacent plots.

All new buildings and extensions fronting a main road should face the street and have an active street frontage.

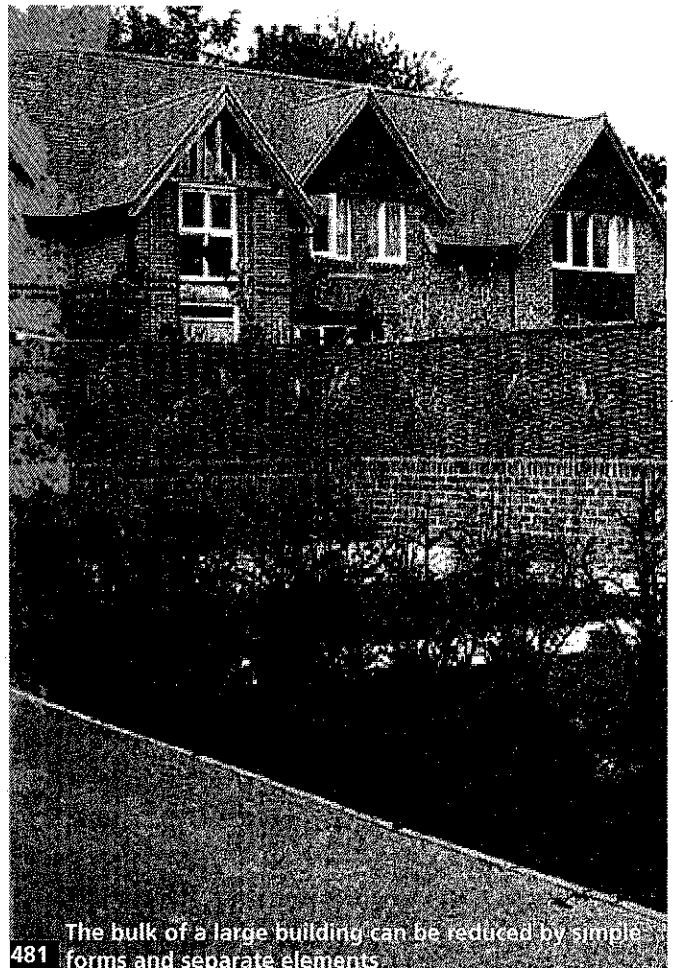
Buildings fronting main roads should be of an appropriate height and scale, with the potential for additional living space in the roof void. The scale and height of new developments should be in keeping with the general character of the area.

Exterior walls should generally be finished in materials that reflect the general character of the immediate area.

In traditional designs, roofs should normally be pitched, either gabled or hipped and consideration should be given to incorporation of front gables and gablets. Roofs should be tiled with materials that reflect the general character of the immediate area, normally plain clay tiles or slates. Alternatively, in appropriate circumstances the opportunity can be taken to use innovative roofing materials such as copper, zinc or lead in high quality stand-alone buildings.



480 A single building can be successful in lower density areas



481 The bulk of a large building can be reduced by simple forms and separate elements

4.5 Development in Lower Density Areas

Small gable or hipped roof front, rear and side facing dormer windows and eaves windows could be an acceptable way of providing additional living space without increasing the scale of buildings.

In traditional designs, windows should be wooden casement or sash style windows. Inclusion of bay or bow windows or other appropriate windows at ground and first floor levels could help reflect the general character of the immediate area.

Main entrance doors should be located on the front porches or under verandas. Front doors should be made into a feature through the use of surrounding detail and decoration.

Existing chimney stacks on larger properties should be retained.

Features such as Victorian lamp standards, street furniture, stone walls, fences, railings and pedestrian gates should be retained where possible.

Where possible new telecommunications and power lines should be located underground within development sites.

The front boundary of the site should be defined by either walls, timber fencing, railings and/or hedges to reflect the general character of the immediate area.

Front gardens should be provided with lawns, tree planting, hedges and only small areas of hard surfacing either aggregate or paving. Where hard-surfacing for car parking in front gardens is necessary, it should be screened from view of the street by trees and hedge planting.

Retention of all trees and hedgerows, especially along property boundaries is vital. If trees and hedges do need to be removed, they should be replaced within the site.

Sufficient parking should be provided on site in accordance with current standards. A limited quantity of parking could be provided to the



482 Care should be taken not to overdevelop the plot and ensure parking does not dominate

front of buildings and should be landscaped and designed in such a manner that it does not dominate the front garden or impact upon the amenity of neighbouring properties in accordance with current standards. Permeable surfacing should be used to limit any off-site surface water impact.

Any garaging required by developments should either be incorporated into the buildings at the ground floor level or provided in detached buildings. Where there is a noticeable slope in the ground, it may be possible to cut a garage building into the slope with landscaping sweeping over the roof.

New entranceways and driveways shall be designed and constructed in accordance with Oxfordshire County Council's standards.

Access ways and driveways to developments shall be designed and landscaped to be informal and have a minimal impact. Driveways should be soft (not overly engineered with kerbs and hardsurfacing), well landscaped and boundary hedgerows and plantings should be retained and/or provided. Vision splays should be provided for vehicles and pedestrians in accordance with Oxfordshire County Council's requirements.

Sufficient refuse and recycling storage should be provided. Discrete out of sight secure storage with easy access to the road frontage will be required. The Council will provide advice on the required size of external refuse and recycling storage areas.

4.5 Development in Lower Density Areas

Case Study Poet's Corner, Cumnor Hill



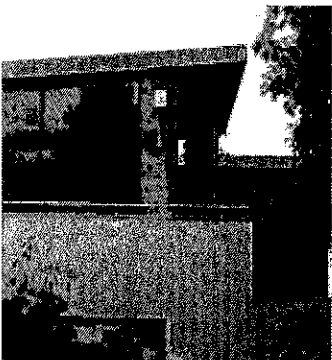
Mix & Density

Poet's Corner provides a high density development (46 dph) in a relatively low density area. The site, however, does not appear over-developed because of the design approach adopted. The building is similar in size to a large suburban house, which is appropriate to the context. In addition, the overall bulk of the building has been reduced by breaking up the elevations with set-backs and balconies.



Design

Poet's Corner provides a contemporary design approach with three linked blocks arranged around a central stairwell. The window orientation offers natural surveillance of parking areas and circulation routes. The set back of the upper floor ensures that maximum height can be achieved with minimum overlooking.



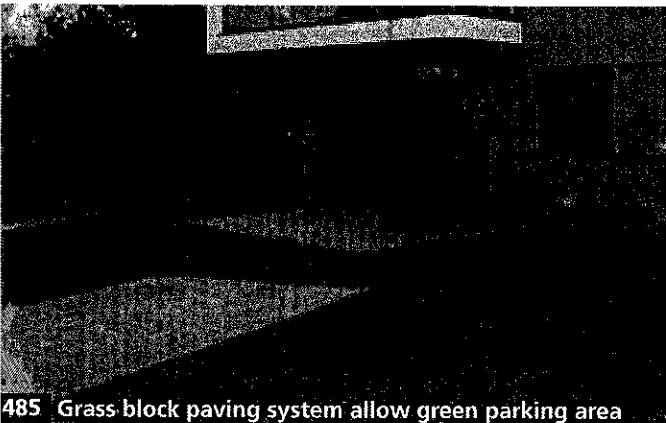
Materials & Landscaping

The palette of materials provides variety and interest to the elevations, and includes a mix of zinc, render, glass and timber cladding. The mix of materials also helps reduce the perceived bulk of the building.

484 High density and quality, contemporary design with a mix of materials

Sustainable Development

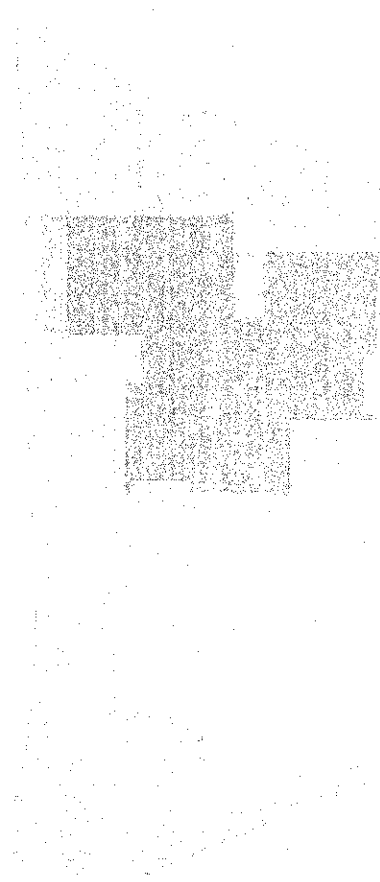
A positive aspect of the development is the inclusion of sustainable design features. In the parking area, a mix of permeable block paving and "Ecoblock" paving has been used. The development also incorporates rainwater harvesting and photovoltaic cells on the flat area of the roof.



485 Grass block paving system allow green parking area



486 Contemporary rainwater harvesting system



483 Poet's Corner site layout

The retention of much of the site's original landscaping provides an attractive setting for the building and helps to frame key views into the site. The landscaping is relatively mature and so offers an effective screen between the site and adjoining roads. The site's original landscaping has been supplemented with additional planting, including evergreen species such as laurel to provide screening in winter.

C/4538/DC/P



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Direct line 0272-219 875
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GTN 2074

E Howard Esq
10 Franklin Road
Headington
OXFORD

Your reference

Our reference
T/APP/5354/A/81/14969/QT
Date 11 FEB 1982

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR T T HOOK
APPLICATION NO:- GUM/5929X

1. I refer to this appeal, which I have been appointed to determine, against the decision of the Vale of White Horse District Council to refuse outline planning permission for detached 2-bedroomed dwelling on land adjacent to 66 Cumnor Hill, Oxford. I have considered the written representations made by you and by the Council. I inspected the site on 26 January 1982.
2. From my inspection of the site and its surroundings and from the written representations made, I am of the opinion that the principal issue in this case is whether the proposal would result in unacceptable loss of amenity.
3. The appeal site, about 0.2 acre in extent, lies on the north-west side of the Class III county road, Cumnor Hill, and comprises the south-western part, about a 1/3, of the plot of your client's dwelling, No 66 Cumnor Hill. The site is generally triangular in shape; the frontage boundary is about 57 ft long; the maximum depth is about 180 ft. There is no direct means of access to the county road. There are trees and bushes near the frontage boundary and near the southern corner; elsewhere the site is open and about 20 ft below the level of the adjoining county road.
4. The site adjoins undeveloped land to the south-west, but otherwise the surroundings are predominantly residential in character. The development most closely related to the site takes the form of relatively large detached dwellings occupying spacious plots, generally rectangular in shape. The depths of the plots are more than 180 ft, but the widths are in some cases not quite as much as 57 ft. No 66 is a split-level 3-bedroom dwelling of recent date set back from the road; its rooms are above the level of the main part of the site; windows of No 66 facing the site are those of the sitting-room, about 6 ft away, and those of 2 bedrooms, about 35 ft away. The residual part of the plot of No 66 enjoys a direct access to Cumnor Hill.
5. The plan lodged with the application indicates that access to the site would be by means of a continuation of the drive serving No 66.
6. The Council in their representations have said that the plot of No 66 was formerly part of the plot of No 64 and acknowledge that a site, about 0.2 acre in extent, might under different circumstances be suitable to accommodate a dwelling. The Council have drawn attention to the shape, the desirability of retaining trees and the characteristics of nearby development. When account is taken of those factors the site is not large enough; your client's proposal would be out of character and would threaten the privacy of the occupiers of the proposed dwelling.

These records are to allow destruction of the originals, retaining in their place permanent filmed images to save space. This certifies that these are preserved by microfilming exactly as in the original and that the original will be destroyed after inspection to ensure completeness and accuracy of the filmed images.

VALE OF WHITE HORSE DISTRICT COUNCIL.

ADVANCE MICROGRAPHICS LTD.

7. You have compared the size of the site with residential plots nearby and have pointed out that your client's proposal would make a useful contribution to the stock of smaller dwellings. Because of the trees and bushes the proposed dwelling would be scarcely visible from Gurnor Hill. It is intended that your client's elderly mother and her sister should occupy the dwelling initially.

8. In my consideration of this case I attach importance to the relationship of the site to No 66 Gurnor Hill. Location of the proposed dwelling near the road frontage would not be compatible with retention of trees and bushes; location near the centre of the site would exacerbate the problem of overlooking from No 66; location towards the north-western end would be impracticable because of the diminishing width. It seems to me that there is nowhere for the dwelling to be without its being exposed to view from Gurnor Hill or its being excessively close to No 66. In any event I regard it as desirable that the site should remain open as part of the setting for No 66. The conclusion I reach is that the proposal would result in unacceptable loss of amenity.

9. I accept that the visual impact of your client's proposal, because of the lie of the land and the presence of trees and bushes, could be slight. That is why I am primarily concerned about the relationship of the site to No 66 rather than other nearby development. I have noted that the proposed dwelling is intended initially for relatives of your client and recognise that, so long as both dwellings were occupied by members of a single family, the problem of overlooking might not be a serious one. Nevertheless I think that it would be wrong to assume that such conditions would continue indefinitely. I have taken account of all the other matters raised including the satisfaction of housing need and the possibility of comprehensive development of adjoining land, but none is of sufficient substance to outweigh the considerations that have led me to my decision.

10. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

I am Sir
Your obedient Servant

Robert Sherlock.

ROBERT SHERLOCK BA DipTP MRUPI FSA
Inspector

These records are to allow destruction of the originals, retaining in their place permanent filmed images to save space. This certifies that these are preserved by microfilming exactly as in the original and that the original will be destroyed after inspection to ensure completeness and accuracy of the filmed images.

VALLE OF WHITE HORSE DISTRICT COUNCIL

VALLE OF WHITE HORSE DISTRICT COUNCIL

ADVANCE MICROGRAPHS LTD.

P. H. H. H.

2008 DECISION AND LAYOUT PLAN**Appeal Decision**

Site visit made on 7 December 2007

by **JP Roberts BSc(Hons) LLB(Hons) MRTPI**an Inspector appointed by the Secretary of State
for Communities and Local GovernmentThe Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN☎ 0117 372 6372
email: enquiries@plins.gsi.gov.ukDecision date:
11 February 2008**Appeal Ref: APP/V3120/A/07/2051119**
40 Cumnor Hill, Cumnor, Oxford OX2 9HB

06/01599/FUL

- 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 G Philip against the decision of Vale of White Horse District Council.
- The application Ref CUM/8320/1, dated 12 October 2006, was refused by notice dated 29 January 2007.
- The development proposed is the demolition of existing house and garage. Erection of two-storey replacement building to front (with rooms in the roofspace) to provide 5 no. 1-bedroom flats. Erection of 6 no. 3-bedroom houses over 2 floors (in two terraces of three). Erection of coachhouse flat (1 bedroom) over covered parking bays. Landscaping and off-street car parking provision.

Decision

1. I dismiss the appeal.

Procedural matters

2. The appellants submitted a planning obligation which makes provision for the payment of sums of money towards various aspects of social and highways infrastructure. This appears to me to overcome the relevant reason for refusal and having regard to Policy G3 of the Oxfordshire Structure Plan 2016 and Policy DC8 of the Vale of White Horse Local Plan I conclude that the obligation is reasonable and necessary. I shall therefore not deal with this matter further.
3. A Flood Risk Assessment (FRA) was also submitted with the appeal, and the Environment Agency has confirmed that it is satisfied with the measures recommended in the document. The Council failed to notify Thames Water of the appeal at the appropriate point, but did so subsequently, and in my decision I have taken into account its representations submitted outside the normal timescale, and the appellants' response.
4. The application was amended by revised plans during the consideration of the application by the Council and I have taken those plans into account in my decision. The appellants also submitted with the appeal an amended site plan (Ref: 05.56 P1.02 Rev E) which takes into account the recommendations of the FRA. As this does not materially alter the nature of the development, I have taken it into account.

Main issues

- i) the effect of the proposal on the character and appearance of the surrounding residential area;
- ii) whether the proposal would materially harm the living conditions of adjoining residential occupiers, and
- iii) the effect of the proposal on flood risk.

Reasons*Character and appearance*

5. It is proposed to demolish the existing detached house on the site and to construct a block of five flats at the front with a vehicular access through the building leading to a parking area serving a coachhouse and two terraces of three houses each towards the rear of the site.
 6. Vale of White Horse Local Plan 2011 Policy H10 provides that new housing development within the built up areas of five main settlements including Botley, subject to meeting two criteria. The most relevant of these is that the development should make an efficient use of land and that the layout, mass and design of the dwellings should not harm the character of the area. In respect of density, Policy H15 seeks densities of at least 40 dwellings per hectare (dph) in this location, and the proposal would provide a density of 45 dph. Accordingly, I find that the principle of the development is acceptable.
 7. However, a number of local plan policies, including Policies GS5, DC1 and H15, also include requirements to protect character and appearance. These policies, and the advice in Planning Policy Statement 3 (PPS3): *Housing*, published after the adoption of the local plan, make it clear that the objective of building at higher densities has to be balanced against the need to protect local character and distinctiveness.
 8. Cumnor Hill is a long residential road leading out of Oxford, characterised in the main by medium to large detached houses of varying designs, in generally well landscaped and spacious gardens. There is no objection to the demolition of the existing dwelling, which is of unexceptional design. I have been told of the attempts undertaken by local people to have this part of Cumnor Hill designated as a conservation area, but until such time as it is designated, I can attach little weight to these efforts. However, this does not mean that I do not recognise that the area has a distinctive identity arising from the factors that I have mentioned above.
 9. There are a number of sites on the road where dwellings are located well back from the main road. As the appellants point out, the character of the area is changing somewhat, and I have been referred to a number of permissions for re-development of sites originally containing single dwellings. A large block of flats was under construction not far from the appeal site at the time of my visit. However, I consider that this can be readily distinguished from the appeal proposal because it comprises a single building, well set back from Cumnor Hill and, because it occupies a plot on the corner of Cumnor Hill and Arnold Drive, there is space about it on one side.
-

10. Further away from the appeal site, I saw four large detached houses at 104 Cumnor Hill which were nearing completion, where two of them are located to the rear of two at the front. I consider that this represents a clear departure from the established character of the area. However, I have not been told of the precise circumstances of that development. Other developments to which I have been referred include several flat developments which emulate large detached dwellings. The current proposal can be also be distinguished from two appeal proposals to which I have been referred relating to nearby sites in terms of the kind of development involved and the sites themselves.
 11. The proposed front block would be in a slightly forward position compared to the existing dwelling, and whilst it would be higher than the neighbouring house at No 36, I do not consider that this matters unduly in terms of local character. It would also fill much of the width of the plot, being significantly wider than the existing house. There is variety in house size in the road; some are notably higher than their neighbours and some fill the width of their plots. Some properties do not have well landscaped front gardens, but these are the exception to the general character.
 12. However, it is the combination of the design, its height, and full width across the plot, which I feel would make the building unacceptably dominant. The block would appear as two large, tall dwellings, with a prominent third storey in the roof, linked by a high roof over a central archway. There is nothing of similar character on the hill. Added to this would be a large hard-surfaced area between the block and the road providing parking and bin stores, leaving only a small area for landscaping.
 13. Notwithstanding the variety of houses in the road, I consider that the combination of these features would give the impression of a highly urban form of development, markedly out of keeping with the characteristic houses and their setting in the area. Thus, I consider that the Council's arguments on this issue are the stronger, and form a strong reason for dismissing the appeal.
 14. I therefore feel that the proposal would conflict with the policies that seek to protect local character and in particular with the explanatory text to Local Plan Policy H10 which says explains the need to avoid the impression of town-cramming and to avoid overly dominant buildings.
 15. The proposed rear dwellings would involve a significant change in the prevailing pattern of development. However, this would not be obvious from Cumnor Hill, and therefore it would have little impact on the overall character and appearance of the hill. As I have pointed out, there are some dwellings in backland positions in the area, partly or wholly to the rear of their neighbours albeit with mainly large gardens to the fore, and whilst the new dwellings would be apparent in views from neighbouring properties, they would not alter the public perception of the area's pleasant appearance. I appreciate the strong local resistance to building in the rear gardens of houses on the hill, but in this case, I do not find there to be compelling reasons to dismiss the appeal on this ground.
 16. However, to the very limited extent that the rear development could be glimpsed through the archway, it reinforces my concerns that the proposal would amount to over-development of the site.
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Effect on living conditions

17. The house at 36 Cumnor Hill has a first floor bedroom window facing the appeal site, which would look out over a raised terrace. Even taking into account that the house at No 36 is at a lower level than the appeal site, I am satisfied that the combination of screening and distance from the window would ensure that there would not be a harmful loss of privacy. The outlook from that window would be slightly further restricted, but even so, there would still remain what I consider to be a satisfactory outlook over the rear of the site.
18. Whilst the front block would be slightly forward of the house at No 36, I consider that it would not materially affect the outlook or the amount of sunlight and daylight received by its occupiers.
19. The rear dwellings would obtain direct views towards the neighbouring gardens, but, irrespective of the mitigating effect of existing or potential planting, I consider that the distances between the windows of the proposed dwellings and the gardens would be sufficient to ensure an adequate standard of privacy.
20. I recognise that there would be likely to be some noise arising from the use of the rear terraces and from the comings and goings of cars from the rear coachhouse and car parking areas, and I readily understand that neighbours would wish to preserve the tranquillity that is likely to result from the prevailing low density. However, the objective of making a more efficient use of land is bound to result in some change in living conditions for those living nearby.
21. The key question is whether the change in this case would be sufficient in planning terms as to cause material harm to neighbours. In my view, noise from cars and from the normal incidents of domestic life of the occupiers of the new dwellings would be likely to be intermittent, and neither of the neighbouring houses would be so close that their occupiers would be seriously disturbed by such movements. Bearing in mind that the neighbouring gardens are large, and that some parts would be quite distant from the boundaries of the appeal site, I consider that living conditions would not be diminished to an unacceptable degree. I therefore find no conflict with the relevant objectives of Local Plan Policy DC9 which relate to living conditions.

Flood risk

22. An objection from the Environment Agency (EA) was received shortly before the refusal of the application, on the basis that the effect of the development on a watercourse through the site might increase flood risk in the area. After the refusal, the appellants commissioned a FRA which proposed measures to mitigate the effect of the proposal on surface water drainage. The EA confirmed that it was broadly satisfied with the FRA, and that flood and hydrogeological risks were suitably addressed.
 23. Thames Water submitted representations which I can only describe as confusing. Under the heading of "waste comments" it offered advice about the means of dealing with surface water and outlined the procedure to be adopted to connect to the public sewer. Under the heading of "Water comments" it offered no objection with regard to the water infrastructure. However, under
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"Supplementary comments" it referred to known sewerage flooding problems downstream of the development, and recommended that until the existing capacity constraints are alleviated, the application should be refused.

24. However, as part of the FRA and amended plan submitted with the appeal, the appellants are proposing an on-site waste treatment plant, and this, together with the other planned mitigatory measures, should ensure that there would be no adverse effect on sewerage capacity or flooding. I therefore find that the proposal would comply with the advice in Planning Policy Guidance Note 25: *Development and Flood Risk* (PPG25) and that there would be no conflict with Local Plan Policies DC13 or DC14.

Other matters

25. I note the concerns expressed by local residents about parking and highway safety. In my view, the amount of parking provided would be sufficient to serve the development, with an average of 1.5 spaces per dwelling. I consider that those wishing to occupy the proposed dwellings would wish to be able park close to their own dwellings, and to this extent car ownership would be likely to be self-regulating. However, even if some overspill parking were to take place on Cumnor Hill, I note that there are no objections from the Highway Authority on this issue, and I see no insuperable danger occurring were it to occur.
26. In terms of the internal layout, speeds of vehicles travelling within the site would be likely to be low, and reversing manoeuvres from the spaces at the front of the site would not be hazardous.
27. The amended plans provided for dwellings to be located further away from the badger sett, which I saw on my visit. The position of the sett on a bank would be well away from construction work and I see no reason to disagree with the findings of the appellants' badger survey which concluded that the development would have limited effect on badgers and would be unlikely to affect the long-term viability of the sett. I note that a local badger group expressed concerns about the site as a corridor for other badgers, but there is insufficient evidence to justify refusing the proposal on this ground.

Conclusions

28. Although I have found that no material harm would arise from the proposal in respect of neighbours' living conditions or from the risk of flooding, these findings do not outweigh the serious harm that I find that would be caused to the character and appearance of the surrounding residential area. I have also taken into account the benefits of the proposal in providing additional housing, making an effective use of previously developed land, and the provision of mixed housing types and sizes, but these benefits are insufficient to alter the balance of my considerations. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

JP Roberts

INSPECTOR

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CUMNOR HILL
 14/3/08

REV C: additional car parking spaces provided and flat development reduced in width and moved away from boundary (4 No. 36) 05 DEC 06
 REV B: amended scheme in accordance with planning commitments. 20 NOV 06
 REV A: minor amendments in accordance with planning pre-application comments 02 OCT 06

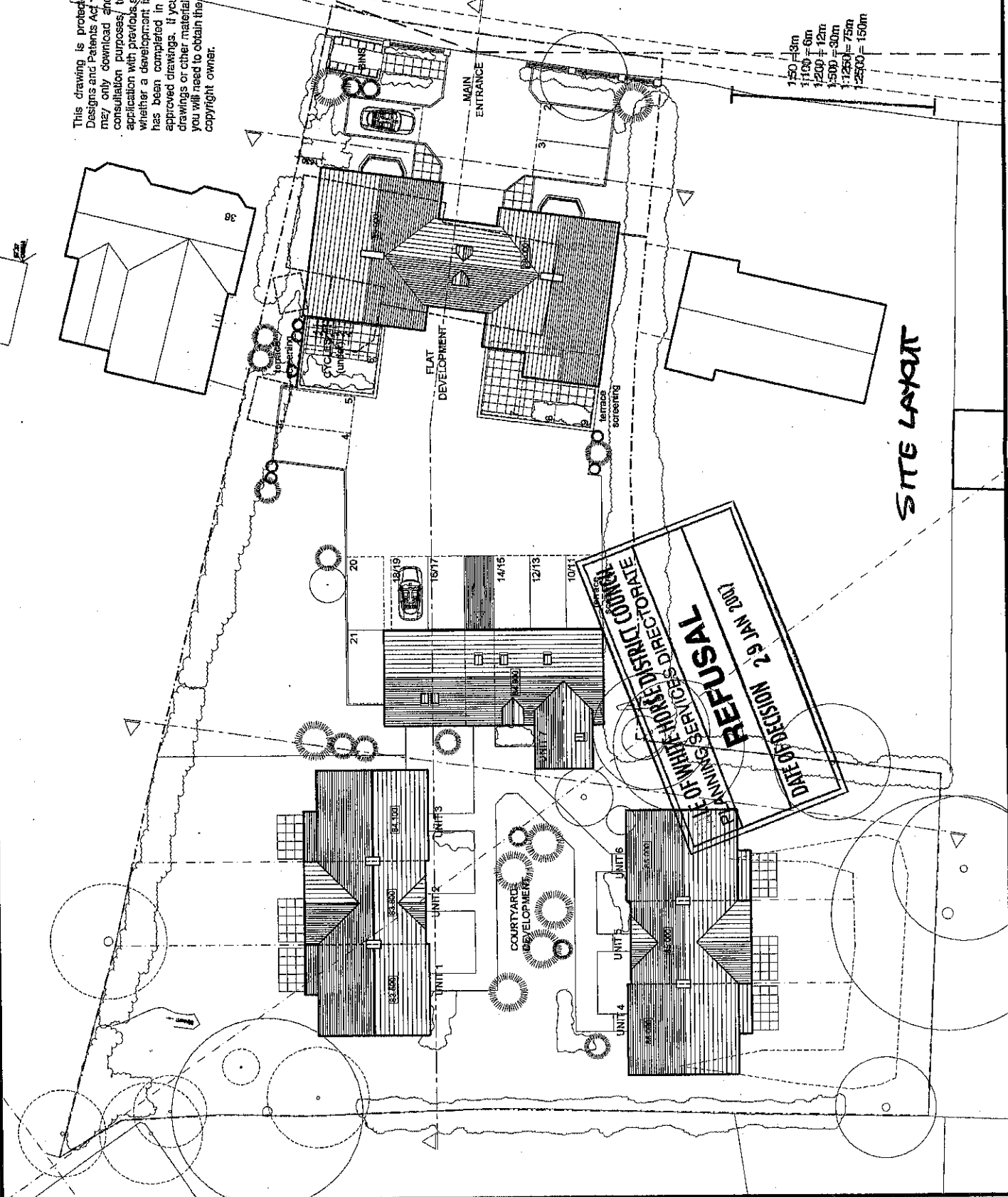
PROPOSED RESIDENTIAL DEVELOPMENT
 40 CUMNOR HILL
 OXFORD
 OXON.

PROPOSALS:
 BLOCK PLAN

TURNER DESIGNS
 18 HYDEHAM CRESCENT, OXFORD, OX4 3SD
 Tel: 01865 429728
 e-mail: info@turnersdesigns.co.uk

SCALE	DATE	BY
1:250 @ A3	OCT 05	TC
PROJECT	DATE	REV.
05.56	P 1.02	C

- 150 = 8m
- 1120 = 6m
- 1200 = 12m
- 1500 = 30m
- 1250 = 75m
- 2500 = 150m



2010 DECISION AND SITE LAYOUT



Appeal Decision

Site visit made on 7 December 2009

by **David M H Rose BA (Hons) MRTPI**

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email:enquiries@plins.gsi.gov.uk

Decision date:
11 January 2010

Appeal Ref: APP/V3120/A/09/2108686 40 Cumnor Hill, Oxford OX2 9HB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Brookworth Developments Ltd against the decision of Vale of White Horse District Council.
- The application Ref CUM/8320/3-X [08/01764/OUT], dated 31 October 2008, was refused by notice dated 16 February 2009.
- The development proposed is described as:- 'Demolition of existing house and garage. Erection of four detached houses with garaging and parking. New access drive, and associated external works'.

Decision

1. I dismiss the appeal.

Procedural matters

2. The application is made in outline but access and layout are not reserved for later approval.
3. Policy CC7 of the South East Plan and Saved Policy DC8 of the Vale of White Horse Local Plan require financial contributions to meet the need for improved local services and infrastructure generated by additional housing development. The submitted obligation between all relevant parties, made under Section 106 of the Town and Country Planning Act 1990, would secure these legitimate requirements consistent with the guidance in Annex B to Circular 05/2005: Planning Obligations. On this basis I am satisfied that it would be capable of overcoming the local planning authority's second reason for refusal. However, had I decided to allow the appeal, the obligation would have required amendment as the cover sheet indicates it to be 'draft' despite it being formally executed.

Main issues

4. The main issues are:- firstly, the effect of the proposal on the character and appearance of the area; secondly, the impact on the living conditions of neighbouring residents; and, thirdly, the adequacy of the proposed foul and surface water drainage arrangements.

Reasons*The effect of the proposal on the character and appearance of the area*

5. Cumnor Hill is a low density residential suburb consisting, generally, of early to mid-twentieth century dwellings in large plots. However, its overall character is not consistent in that it has pockets of varying density, varied building lines and plot widths. To my mind the immediate context of the appeal site is a group of closely spaced dwellings, running from no. 40 to no. 50, which differs from the less dense and more open characteristics of the frontage in the opposite direction beyond no. 36. Within this already compact group of buildings, I consider that the erection of a replacement dwelling at the front of the site, and the building of three houses to the rear, would not have a marked impact on the mature and spacious character of the wider locality.
6. Although a second strand of development would differ from the immediate pattern of frontage development, the backland dwellings would not be particularly noticeable given the screening effect of the proposed new frontage house and existing landscaping, the modest nature of the proposed access, the manner in which site contours fall away from the road, and other examples of development in depth nearby. Unlike the more intensive scheme dismissed on appeal in February 2008, the proposal would not amount to over-development of the site.
7. Whilst plot sizes would be smaller than those in the immediate locality, and the three dwellings to the rear are likely to have limited separation from each other, I consider that these factors would not be readily apparent from public viewpoints. Overall, I am satisfied that the proposal would not have an adverse effect on the character and appearance of the area and there would be no conflict with Saved Policies H10(ii), GS5, DC1 and H15 of the Vale of White Horse Local Plan. Similarly, I find no contradiction with Government guidance, in Planning Policy Statement 3: Housing, to make more efficient use of land within built-up areas without compromising the quality of the local environment; or with the urban focus of new housing in the South East Plan.
8. In reaching this conclusion I have noted the contents of 'Cumnor Hill - Conservation Area Proposal document', but there is nothing to suggest that this has resulted in the formal designation of a Conservation Area. I have also had regard to the Council's Residential Design Guide Spring 2009, albeit I am not aware of its provenance and status, in so far as it refers to Cumnor Hill and the importance of ensuring that any new development is delivered in a manner that would not harm the character of the area. However, I find no material conflict with its intentions.

The impact on the living conditions of neighbouring residents

9. The neighbouring house, no. 36, has several windows and a door to its side elevation, including a bedroom window and a secondary window to the main living room, which would have outlook over the proposed private drive. In my opinion, existing planting on the neighbours' side supplemented by an approved landscaping scheme between the drive and the boundary would be capable of minimising overlooking to a satisfactory degree. I also consider that the likely level and intensity of activity arising from the comings and goings of the three backland houses would be unlikely to have a marked impact on the living environment of no. 36.

10. It is possible that some of the existing well-established shrubbery mid-way along the boundary with no. 36 might have to be removed to accommodate a sewage disposal plant and this would open up views into the neighbours' garden. However, with agreement on its precise location, having regard to established planting within the garden of no.36, and the opportunity to secure replacement planting within the site by condition, I am satisfied that any adverse effects could be kept to a minimum.
11. The existing planting along the boundary with no. 36, and the oblique and rising line of sight from the front elevation of plot 4, are factors which would limit the likelihood of intrusive overlooking of the rear facing windows of the neighbouring house. In any event the local planning authority would have the opportunity to ensure an appropriate relationship when considering detailed plans for the proposed dwelling on plot 4.
12. Three dwellings in Third Acre Rise, nos. 15, 17 and 19, have rear gardens adjoining the appeal site. Boundary screening is incomplete and part of the appeal site, particularly where it abuts the garden of no. 19, is materially higher than the neighbouring gardens.
13. However, none of the proposed houses are likely to be aligned in a way which would result in windows directly overlooking the main living rooms and bedrooms of the three dwellings to the rear and generous separation would be a further mitigating factor. Existing planting, supplemented as necessary by additional boundary treatment, would limit overlooking of gardens; and also act as a foil to the scale of the proposed dwellings when viewed from neighbouring plots.
14. Whilst there are concerns that some trees might be felled, there is nothing to suggest that this might be necessary or desirable; and the fears about the height of the proposed dwellings, given the intention to provide rooms in the roof, would be a matter for the local planning authority in the consideration of detailed drawings at reserved matters stage. Although I am in no doubt that each of the neighbours would perceive a notable change in their established outlook, I consider that the overall effect on their living conditions would be insufficient to warrant dismissing the appeal on this ground.
15. Against this background I conclude that the proposed development would not have an adverse impact on the living conditions of neighbouring residents and there would be no conflict with Saved Policy DC9(i) (ii) and (iii) of the Vale of White Horse Local Plan.

The adequacy of the proposed foul and surface water drainage arrangements

16. There are known problems about the capacity of the public foul sewerage system in the locality and associated problems of surcharging and flooding in the Botley area. The application proposes, for plots 2, 3 and 4, either to store foul water on site and to discharge it to the existing network on Cumnor Hill during off peak periods or to treat it on site until the existing network is upgraded by the water authority.
 17. Thames Water has indicated that it would not be prepared to accept any connection to Cumnor Hill until the proposed upgrades have been delivered. These are programmed, and funding is available, for delivery by the end of 2012. However, uncertainties remain in that a site for a pumping station has to be secured and planning permission will need to be obtained.
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18. Although it is likely that none of the proposed houses would be ready for occupation before mid-2011, at the earliest, premature connection, even for a short period would be likely to exacerbate known problems which would be compounded in the event of delays in delivering the scheme. It would also be contrary to Policy CC7 of the South East Plan which indicates that the scale and pace of development will depend on sufficient capacity being available in existing infrastructure to meet the needs of new development.
19. Whilst it is intended to pursue the alternative solution of installing a small treatment works on site, Section 106 of the Water Industry Act 1991 confers a general right to connect to a public sewer at whatever point the developer chooses to do so. On this basis connection could be made to Cumnor Hill irrespective of the Water Authority's objection. However, the local planning authority seeks to control connection, in suggested condition 5, by requiring a drainage scheme to be agreed before the development commences.
20. That raises the issue as to whether such a condition would be consistent with the guidance in *Circular 11/95: Use of conditions in planning permission*, with particular reference to the test of relevance to planning. Although the Circular warns against duplication, where other controls are available, it advises that conditions may be justified 'where they can prevent development being carried out in a manner which would be likely to give rise to onerous requirements under other powers at a later stage (e.g. to ensure adequate sewerage and water supply for new developments and thus avoid subsequent intervention under the Public Health Acts).' On this basis, despite the developer's statutory right, the adverse public health implications of connection to Cumnor Hill are indicative that the condition would fulfil the Secretary of State's policy advice.
21. Turning to the proposal to install an on-site treatment plant, with the longer-term intention of connecting to the public sewer, the issue to be determined is whether the short term measures would result in a risk of pollution to the water environment or give rise to flooding in the wider locality.
22. With regard to the former, the proposed treatment plant would have regulated discharge to the realigned and partially culverted stream within the site and all necessary environmental controls would be met. In my opinion, the risk of component failure or faulty operation is likely to be minimal subject to installation, use and maintenance in accordance with the manufacturer's specification particularly as it is intended for short-term operation.
23. Although there can be no certainty as to when connection to the foul sewer might be available, the outstanding impediments to the water authority's proposals appear to be factors that might delay implementation rather than preclude it. Whilst no details of the collective ownership responsibilities of the unit have been provided, or the likelihood of a discharge consent being granted, such matters could be met by a condition precluding development until such outstanding matters had been resolved.
24. I acknowledge that a proposal for residential development at 119 Cumnor Hill was dismissed on appeal as the Inspector found the provision of an on-site treatment plant to be unsatisfactory particularly as many details remained to be clarified or resolved. That is not the position in relation to this scheme in that the proposed solution is clearly articulated and the limited outstanding matters could be resolved by condition.

25. It is intended to regulate surface water flow, including that from the sewage treatment plant, prior to discharge to a partially culverted, upgraded and diverted watercourse within the site. However, beyond the site boundary, in the garden of no. 36, the existing channel and culverts are restricted in width and diameter before disappearing underground. In this regard it has been claimed, without contradiction, that the proposed discharge rate would be in excess of the capacity of the watercourse as it passes through the neighbouring garden and this would be likely to cause flooding. Thereafter its route is not known although there is anecdotal evidence of surface water flooding in Evelyn Close and Eynsham Road which has been attributed to this source.
26. Even though discharge flows would be regulated by on-site storage to no more than those of the green-field run off rate, it is likely that on-site storage and subsequent release would increase the overall amount of water being discharged and this would occur over an extended period. Without full knowledge of the course and destination of the surface water from the site, and the ability to cater for greater volumes of water, the combined effects of regulated surface water drainage and the added flow from the non-mains sewage treatment plant could contribute to environmental or amenity problems downstream in so far as there could be an increased incidence of flooding.
27. To my mind, although Saved Policy DC13 of the Vale of White Horse Local Plan appears to relate more directly to proposals requiring a formal flood risk assessment, the risk of flooding in this case would be at odds with its general objective to ensure that new development would not increase the risk of flooding elsewhere; and also with the complementary intent of Saved Policy DC14 to refuse development that would generate surface water run-off likely to result in such adverse effects.
28. In conclusion, although it has been shown that the site could be drained, the wider implications of that are unknown and the appellant has failed to demonstrate that other residents downstream would not experience resultant and increased risks of flooding.
29. The effects of this would be all the more serious in the unlikely event of any malfunction in the operation or efficiency of the treatment plant. Against this background I conclude that the proposed foul and surface water drainage arrangements when considered as a whole would be inadequate in that they could lead to significant environmental, amenity or public health problems in the wider area. This would run counter to Policy NRM2 of the South East Plan and also to Saved Policy DC9(v) of the Vale of White Horse Local Plan in so far as the development could present a risk of pollution.
30. It is said that an appeal decision in February 2008 for a different form of development on the site lends support to the proposed drainage arrangements. In this regard a flood risk assessment demonstrated, to the satisfaction of the Environment Agency, that flood and hydrogeological risks could be addressed.
31. However, that was founded on a conclusion in the flood risk assessment which required satisfactory confirmation of the ability of the downstream watercourse to provide a suitable route to convey the surface water away from the development without increasing the flood risk downstream. That has not been fulfilled and adds strength to my conclusion.
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Other matters

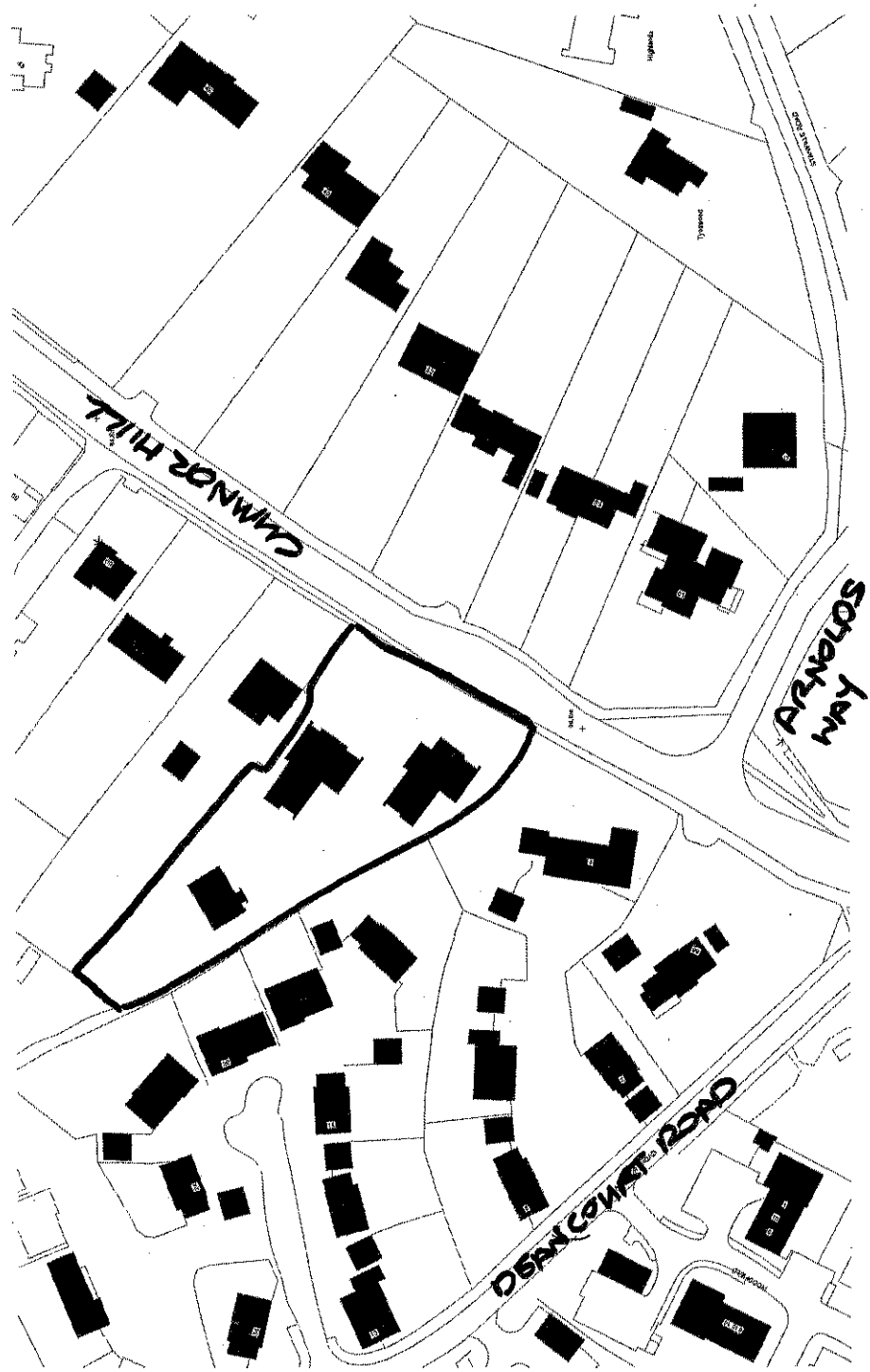
32. With regard to the concerns about badger populations, the appellant's survey in October 2008 confirms badger activity within the western corner of the site. To my mind the sett would be sufficiently far away from construction work and safeguards could be secured by condition, for example by fencing the locality of the sett. Whilst added domestication of this part of the site would occur, and it is claimed that the badger population has increased as other nearby setts have been closed, there is nothing to suggest that the proposed development would conflict within the continuing well-being of the badger population. As to the alleged effects on other wildlife, I am satisfied that no material harm need occur.
33. In terms of traffic generation I consider that the level of activity arising from three additional dwellings to be insufficient to have a material impact on traffic flows along Cumnor Hill. It would also be possible to secure appropriate visibility from the access by condition; and I am satisfied that the size and configuration of the proposed turning area in front of plots 2, 3 and 4 would be sufficient for vehicles to enter and leave the site in a forward direction consistent with Saved Local Plan Policy DC5(iii). I have also noted the claim by the owner of 42 Cumnor Hill to rights over part of the frontage of no. 40, related to the intended closure of the access at the south-western end of the frontage, but such private interests are not material to my consideration.
34. I have considered all other matters raised but do not find any of those, beyond the issues that I have identified, to be material to my decision.

The overall planning balance

35. I consider that the proposal could be accommodated without harm to the character and appearance of the locality and without adverse effects on the living conditions of neighbours. However, I regard the proposed foul and surface water drainage arrangements, when taken in combination, to be inadequate in so far as they would increase the possibility of flooding and risk of pollution. In my opinion, this represents a compelling and determining reason to dismiss the appeal.

David MH Rose

Inspector



66 Cannon Hill Dysons Residential Development	Plan 2013 1:2000 2013/01/20 2013/01/20
Proposed Site Plan (Quarterly)	PL18

