

Appeal Decision

Site visit made on 12 December 2016

by H Baugh-Jones BA(Hons) DipLA MA CMLI

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

Decision date: 29th December 2016

Appeal Ref: APP/C3105/W/16/3157434

42 Grimsbury Square, Banbury, Oxfordshire OX16 3HP

- 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 S Hussain against the decision of Cherwell District Council.
 - The application Ref 16/00042/F, dated 2 January 2016, was refused by notice dated 7 March 2016.
 - The development proposed is two storey extension and conversion to form four flats.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are (i) the effect of the proposal on the character and appearance of the area; and (ii) whether it would provide satisfactory living conditions for future occupiers with regard to outdoor amenity space.

Reasons

Character and appearance

3. The appeal property is an end terrace dwelling occupying a prominent corner location within a series of densely lined residential streets. Terraced and semi-detached houses are set back from the highway behind front gardens with consistent building lines and general uniformity in their respective appearances. Much of Grimsbury Square is set around a central open space and corner plots mostly maintain a substantial amount of space at their sides. The combination of all these features serves to create a distinctive residential scene.
 4. The appeal property has already been extended at ground and first floors under a previous permission. Consequently, whilst there is a substantial proportion of the dwelling's roof that sits at a lower height than the original ridge line, it appears as a proportionate and subservient addition to the side of the dwelling. The proposal would extend this further resulting in the appearance of a disproportionate elongation of this end terrace dwelling.
 5. Furthermore, whilst I recognise that the proposal would match the setback of the previous extension, because of this, it would result in a substantial and disproportionate volume of the building that would fail to follow the prevailing building line along this side of Grimsbury Square. Thus, it would give the
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property an unbalanced appearance that would be incongruous in views from around the junction of Grimsbury Square and Grimsbury Drive and from further along the latter. The plot's prominent location would exacerbate these effects.

6. My attention has been drawn to a number of other developments nearby also on corner plots, which I observed at my site visit. However, no substantive evidence has been provided to detail what led to these other scheme being considered acceptable. Notwithstanding this, the Council's evidence appears to suggest that they were considered under a different set of policy circumstances. In the circumstances, I am unable to conclude that any useful comparisons can be drawn between other nearby developments and the proposal before me. Moreover, their existence does not necessarily give credence to a proposal that would result in the unacceptable effects I have described and, in any case, each application and appeal should be judged on its individual merits.
7. For the above reasons, the proposal would harm the character and appearance of the area contrary to Policy ESD 15 of the Cherwell Local Plan (2015) (CLP), which states that new development should, amongst other things, contribute positively to an area's local distinctiveness and integrate with existing streets and public spaces. It would also conflict with saved Policy C28 of the Cherwell Local Plan (1996) (sCLP) that requires development to be sympathetic to its context and with saved Policy C30 that seeks to ensure, amongst other things, that extensions are compatible with the scale of the existing dwelling, its curtilage and the street scene. Despite the age of sCLP, these policies nonetheless reflect the requirement for good design in the National Planning Policy Framework (the Framework) and attract very substantial weight.
8. The Council has also referred to CLP Policy PSD 1, which reflects the Framework presumption in favour of sustainable development. Given the identified harm, I consider that the proposal is also in overall conflict with this policy.

Living conditions

9. The existing garden wraps around the rear and side of the dwelling to form an 'L' shaped space. The proposed extension would substantially reduce the amount of space at the side and leave only a modestly sized garden at the rear. The remaining rear garden area would be substantially smaller than most of those surrounding it due to the positioning of a detached garage that appears to belong to another property.
10. The proposal seeks to create four separate flatted dwellings, each of sufficient size to provide accommodation for couples but which would be unlikely to attract families. Accordingly, there would be a lower level of need for private outdoor space, whereas families are likely to have an additional need for secure spaces for young children's play. Whilst the resulting outdoor space would not be sufficient in itself to provide an adequate area for sitting out taking into account the likely number of future occupants, given the availability of the substantial area of public open space in Grimsbury Square, I consider that their overall needs would be met.
11. I consider that, on balance, the proposal would provide acceptable living conditions and thereby accord with CLP Policy ESD 15 that also requires

consideration to be given to the amenity of both existing and future development, including in relation to outdoor space.

Conclusion

12. Whilst I have found that the proposal would provide acceptable living conditions for the proposed development's future occupiers, this would be significantly and demonstrably outweighed by the harm to the character and appearance of the area.
13. For the above reasons and having had regard to all other matters raised, the appeal does not succeed.

Hayden Baugh-Jones

Inspector