
Appeal Decision

Site visit made on 23 January 2017

by B Bowker Mplan MRTPI

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

Decision date: 30 March 2017

Appeal Ref: APP/C3105/W/16/3162276

33 Nuffield Drive, Banbury, Oxfordshire OX16 1BU

- 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 Robert Freeman against the decision of Cherwell District Council.
 - The application Ref 16/00468/F, dated 8 March 2016, was refused by notice dated 12 May 2016.
 - The development proposed is erection of new dwelling.
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This decision is issued in accordance with Section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 7 February 2017

Decision

1. The appeal is allowed and planning permission is granted for the erection of new dwelling, at 33 Nuffield Drive, Banbury, Oxfordshire OX16 1BU, in accordance with the terms of the application Ref 16/00468/F, dated 8 March 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PL1 Rev A, PL2 Rev A, PL3 Rev B, PL6.
 - 3) Prior to the commencement of the development hereby permitted, a schedule of materials and finishes for the external walls, roofs, windows and doors of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule and retained as such thereafter.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

3. The appeal site comprises an open grassed amenity area to the side of a two storey terraced property. The proposed dwelling would be located opposite the junction of Nuffield Drive and Daimler Avenue. Despite including a number of
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terrace properties, spaces between dwellings, including green roadside verges, give the area an open character.

4. The proposal would occupy a visible junction location. However, the open grass verge between the site and junction would ensure that the open character of the area remains. The proposed size of the rear and front garden and the siting of the dwelling would also help retain open character. The siting of the proposal would be similar to Nos 1 and 13 Daimler Avenue, which would form part of the backdrop of views from public vantage points to the east. This would include the part angled aspect of the north elevation which would have a similar angle to the side elevations of Nos 1 and 13.
5. Owing to the size and shape of the appeal site, the front elevation of the proposal would be smaller than those in the adjoining terrace. However, the difference in size would be minor and when viewed alongside the additional width of the angled side elevation, would ensure the proposed frontage would not appear conspicuous. Whilst the pitched roof design of the single storey element would differ from surrounding flat roofed porches, its scale and siting would ensure it blends in with its surroundings.
6. Despite the angled window design chosen, the size and position of the rear first floor windows would be similar to those in the adjoining terrace. When viewed alongside openings at the frontages of Nos 2-12 Daimler Avenue, the proposed windows to the north elevation would not look out of place.
7. Therefore I conclude that the proposal would not have a harmful effect on the character and appearance of the surrounding area. Consequently the proposal would meet the requirements of Policy ESD 15 of the Local Plan, saved Local Plan Policies C28 and C30, and section 7 of the National Planning Policy Framework. Combined these policies require development to be of a good design that reinforces local distinctiveness and is compatible with the appearance and character of existing dwellings in the vicinity.

Other matters

8. Concerns have been raised regarding the effect of the proposal on outlook, privacy and loss of day and sunlight. However I agree with the Council's assessment that the separation distances and orientation of properties would prevent harm relating to these matters. In addition, I agree with the Council's assessment regarding anti-social behaviour.
9. Concerns are raised regarding highway safety and parking capacity in the area. However the Highway Authority raise no objection to the proposal, and in the absence of any evidence to the contrary, I have no reason to conclude a harmful effect in this respect.

Conditions

10. A condition specifying the relevant plans is necessary in the interests of certainty. A condition requiring submission of materials prior to commencement of development is also necessary to protect the character and appearance of the surrounding area.

Conclusion

11. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be allowed subject to the noted conditions.

B Bowker

INSPECTOR