
Appeal Decision

Site visit made on 10 May 2017

by Ken Barton BSc(Hons) DipArch DipArb RIBA FCI Arb

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

Decision date: 25 May 2017

Appeal Ref: APP/G3110/D/17/3171634
141 Harefields, Oxford OX2 8NR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mrs Catherine Richenburg against the decision of Oxford City Council.
 - The application Ref 16/03261/VAR, dated 15 December 2016, was refused by notice dated 9 February 2017.
 - The application sought planning permission for change of use from grass verge to private garden land, demolition of existing garden wall and erection of new boundary wall and gate, without complying with conditions attached to planning permission Ref 15/01420/FUL, dated 1 July 2015.
 - The conditions in dispute are Nos 2 and 3 which state that:
 - 2. The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.
 - 3. The materials to be used in the proposed wall of the new development shall match those of the existing wall.
 - The reason given for the conditions are
 - 2. To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with Policy CP1 of the Oxford Local Plan 2001-2016.
 - 3. To ensure that the new development is in keeping with existing building(s) in accordance with policies CP1 and CP8 of the Adopted Oxford Local Plan 2001-2016.
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Decision

1. The appeal is dismissed.

Effect on the Character and Appearance of the Surrounding Area

2. The appeal site is located on the north side of Harefields. Number 141 is a 1970s end of terrace house at about 90° to the road with the garden and side walls facing Harefields. The northern side of the road in the vicinity of the appeal site is characterised by high brick walls, relatively close to the back edge of the footway, punctuated by pedestrian and vehicular access gaps. This creates an urban appearance.
3. Whilst the inclusion of the grass verge would not be out of keeping and has been done elsewhere on the north side of the road, the change from brick to timber fencing would fundamentally alter the urban appearance of the surrounding area. The proposal would, therefore, be contrary to Oxford Local

Plan Policies CP1, CP8, CP10 and CP11, Core Strategy Policy CS18, and the Sites and Housing Plan Policy HP9.

4. I accept that there are timber fences on the south side of Harefields but these are the rear boundaries of dwellings fronting the next road over. They are set back from the kerb of the road and are softened by vegetation growing on the verge. The resultant semi-rural character and appearance is very different from that of the north side of the road and would not justify the use of timber fencing on the north side.

Other Matters

5. The replacement of a brick wall with timber fencing on the north side of this part of Harefields would fundamentally change its character and appearance. The proposal would not, therefore, constitute a minor material change.
6. I note that the wall and gate are in need of repair or replacement and that the proposed change from brick to timber was made on cost grounds but that would not justify a development that would be detrimental to the character and appearance of the area.
7. The Appellant maintains that she was not given a reasonable time to respond to the planning officer's notification of a likely refusal but that is not a matter for my consideration, and in any event would not outweigh the planning considerations.

KEN BARTON

Inspector