
Appeal Decision

Site visit made on 16 July 2018

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 29 August 2018

Appeal Ref: APP/C3105/W/18/3197245

2 Hudson Street, Bicester OX26 2EP

- 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 J&R Homes Ltd against the decision of Cherwell District Council.
 - The application Ref 17/02428/F, dated 4 December 2017, was refused by notice dated 6 February 2018.
 - The development proposed is 2 one bedroom flats.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Government published the revised National Planning Policy Framework on 24 July 2018. The Council and the appellant have been given the opportunity to provide any new comments in relation to this and I confirm that I have taken them into account in determining this appeal.

Main Issue

3. The main issue in this appeal is the effects of the proposal on the character and appearance of the area.

Reasons

4. The proposal relates to land currently occupied by one of a pair of semi-detached houses, and its garden and ancillary structures. The property sits at the corner of West Street and Hudson Street and its rear garden abuts the boundary with Hudson Street. The area comprises numerous pairs of similarly designed semi-detached houses, although there are other building forms present, including the small enclave of bungalows and garages immediately adjacent to the appeal site.
5. The proposal would involve the demolition of a garage and conservatory and the construction of a 2 storey building which would accommodate 1 flat on each floor. Two parking spaces would be provided.
6. The proposed building would be sited 2m from the edge of the pavement of Hudson Street. This would be in contrast with a distance of about 6m being provided for many of the other 2 storey buildings. The appellant states that this would follow the building line established by the adjacent garages. I consider that this would appear very close to the front boundary of the site and

would be in considerable contrast with the other 2 storey buildings. The adjacent garages are of a completely different character and of much less height and so their effect on the street-scene is limited. Whilst I appreciate that a proposal may not have to slavishly follow an existed pattern, in this case, I consider that the proposal would appear over-dominant and cramped within its site as a result of the lack of space at the frontage. The appellant considers that the removal of the existing boundary fence and the provision of frontage planting would benefit the spaciousness of the area. I consider that any such benefits would be far outweighed by the negative aspects of the proposal.

7. The Council also refer to the size of the rear amenity space having a negative impact on the area. Although this may not be immediately visible from the frontage, there would be a number of residential properties to its rear where the cramped nature of the proposal would be perceived. To this extent, I agree that the limited size of the amenity space would have a further negative and harmful effect on the character of the area.
8. The proposal does not seek to follow the design of the existing 2 storey buildings with respect to the roof design, proportions and some details of fenestration. With regard to the specific point about the small and obscure glazed rear windows, I appreciate fully why they have been designed in this way, but I agree with the Council that they result in a stark and harsh rear elevation, which would be viewed from other residential properties. In relation to the other design issues, I consider that the lack of space around the building, its forward siting and thus prominence, means that the lack of harmony with the surroundings is further heightened.

Conclusions

9. I conclude that the proposal would have an unacceptably negative effect on the character and appearance of the area. Its siting, the lack of space around it and certain aspects of its design means that it would fail to harmonise with its surroundings. It would appear dominant and out of place within this setting. As a result, the proposal is contrary to Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policies C28 and C30 of the Cherwell Local Plan 1996 and there are no matters sufficient to outweigh this conflict. Therefore, the appeal is dismissed.

S T Wood

INSPECTOR