
Appeal Decision

Site visit made on 1 July 2019

by V Bond LLB (Hons) Solicitor (Non-Practising)

an Inspector appointed by the Secretary of State

Decision date: 23RD July 2019.

Appeal Ref: APP/C3105/W/19/3226108
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 Nadine Jones – J&R Homes against the decision of Cherwell District Council.
 - The application Ref 18/02046/F, dated 27 November 2018, was refused by notice dated 1 February 2019.
 - The development proposed is 2 no. one bed bungalows.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect on the character and appearance of the area, and whether the proposed development would make adequate garden provision for its future occupants.

Reasons

Character and appearance

3. The appeal site forms part of the plot associated with the existing dwelling at 2 Hudson Street. There is some variation in the design of properties in the area, including semi-detached two storey dwellings and bungalows. However, properties in the surrounding area are characterised by their being noticeably set back from the pavement with good sized front garden spaces. This contributes to a sense of spaciousness in the surrounding area.
4. The proposal would see the demolition of an existing garage and conservatory on site and would introduce a pair of semi-detached bungalows onto the plot. These would be of a similar design to other bungalows nearby in The Crescent and would be smaller in scale than a previous proposal for a two storey building on the site which was dismissed at appeal¹. However, the relatively shallow depth of the site and footprint of the bungalows proposed means that they would be positioned much closer to the pavement than the vast majority of other single and two storey dwellings in the immediate area. The effect would of a cramped design at odds with the prevailing spacious character.

¹ APP/C3105/W/18/3197245

5. Evidently the scheme is significantly changed from that which was previously dismissed at appeal but as outlined above, the scheme as proposed would still result in harm to the character and appearance of the area. Whilst the proposed bungalows would be closer in height to the row of garages on Hudson Street than the previous appeal development, as dwellings they have a very different character to the garages which are ancillary structures and so their positioning relative to the pavement is not directly comparable.
6. Properties on the south-west of Hudson Street face in a number of different directions and the building line on this side of the road is not strong, with corner properties at different angles to the road and the row of garages adjacent to the appeal site set behind the fence line of the appeal site. However, even in the absence of a strong building line, the character is noticeably spacious for the reasons identified.
7. The staggered footprint design also would not overcome my concerns as there would remain a bulk of built development closer to the pavement than many other dwellings. Proposed ridge and eaves heights corresponding to those of the nearest bungalow at The Crescent, removal of the existing fence and addition of frontage planting would not compensate for the cramped positioning proposed. Providing a transition between the existing two storey dwelling and garages is due very limited weight in the absence of any evidence as to why the absence of a transition is harmful. Whilst the resultant density would accord with that prevalent in the area, the siting of the dwellings would not be in character with the area. The absence of objection from local residents does not equate to the absence of harm.
8. I therefore conclude that the proposed development would result in harm to the character and appearance of the area. It would conflict with Policy ESD15 of the Cherwell Local Plan (2015) (2015 LP) and with saved Policies C28 and C30 of the Cherwell Local Plan (1996) (1996 LP) which require new development to reinforce local distinctiveness and to be sympathetic to the character of its context, and for new housing development to be compatible with the layout of existing dwellings in the vicinity.

Living conditions

9. The proposed bungalows would be afforded fairly small rear gardens. Given though that these would serve one bedroom dwellings and so only a limited number of occupants, these would not be so small as to be harmful and would accommodate a small sitting out area, with some space available also for garden storage and clothes drying. Although overlooked to a degree by the first floor windows of No 2, the nearest of these apparently serve non-habitable rooms and so could potentially be conditioned as obscure glazed. The separation distance and angle of view from the remaining first floor windows would prevent any harmful degree of overlooking.
10. The proposal would therefore accord with Policy C30 of the 1996 LP and Policy EDS15 of the 2015 LP which require that new housing development provides acceptable levels of and privacy and considers the amenity of future development including as regards outdoor space. Policy C28 of the 1996 LP would not appear to be of direct relevance in this regard.

Balancing and conclusion

11. The proposed development would offer two units of residential accommodation in a sustainable location, seeking to make effective use of the site. It would afford adequate living conditions for its future occupants, if appropriately conditioned. It would though materially harm the character and appearance of the area. In view of this fundamental conflict, I find that it would conflict with the development plan, read as a whole. It would also therefore not represent the sustainable development in respect of which there is a presumption in favour. For the above reasons, and taking into account all other matters raised, the appeal does not succeed.

V Bond

INSPECTOR