



Appeal Decision

Site visit made on 10 September 2019

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 September 2019

Appeal Ref: APP/C3105/W/19/3231921

22 Campbell Close, Bicester, Oxon OX26 6RY

- 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 A Ng against the decision of Cherwell District Council.
 - The application Ref 18/01841/F, dated 16 October 2018, was refused by notice dated 21 December 2018.
 - The development proposed is demolition of part of existing house and garage and erection of new two bedroom dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. As part of the appeal, the appellant has provided an amended Location Plan and Site Plan drawing, revision C. This shows a longer back garden to the appeal property than that shown on the revision B version of the same drawing. It would appear the Council's decision is based on the revision B version of the plan and that the revision C version has not been the subject of any public consultation. As such, parties may be prejudiced or caused injustice by my consideration of the revision C version of the drawing and so I have not taken it into account in the determination of this appeal.
3. The National Planning Policy Framework (the Framework) was revised on 19 February 2019 and this post-dates the Council's refusal notice. I have considered the Framework as part of the determination of this appeal.

Main Issues

4. The main issues are (i) the effect on the living conditions of occupiers of 1 and 2 Chichester Close (Nos 1 and 2) and 22 Campbell Close (No 22) with regard to outlook, (ii) whether the proposed development would incorporate adequate garden space for occupants of the proposed dwelling and No 22 and (iii) the effect on highway safety by reason of associated parking.

Reasons

Living conditions

5. The garage proposed to be demolished lies on the appeal site's side boundary and is attached to a similar garage at the end of Nos 1's and 2's back gardens.

The flank wall of the existing extension to No 22 is set off the common boundary but can be seen over the garages from the adjoining properties.

6. The side gable wall of the proposed dwelling would be 2 storeys high and on the boundary with Nos 1 and 2. Whilst seen above the neighbouring garage, it would be nearer and greater in height and depth than the existing extension. By reason of its size and proximity, the proposed building would appear as a substantial and obtrusive structure, causing a marked visual intrusion onto the adjoining gardens. As such, the proposal would harm the outlook from the rear of Nos 1 and 2.
7. The Council also object to the impact on the outlook from a bedroom window on the rear of No 22. However, the proposed building would not project out far beyond this window and views onto most of the back garden would remain. As such, there would be no significant loss of outlook from this window, although lack of harm in this respect fails to override or address the concerns raised above relating to Nos 1 and 2.
8. Whilst finding no harm in respect of No 22, for the reasons outlined above, I conclude that the development would cause significant harm to the living conditions of the occupiers of Nos 1 and 2 in terms of loss of outlook. Consequently, and in this regard, the development would be contrary to policy ESD15 of the adopted Cherwell Local Plan Part 1 2015 (CLPPt1), saved policy C30 of the Cherwell Local Plan 1996 (CLP) and the Framework. These all aim, amongst other things, to create places with a high standard of amenity for occupiers of property. Saved policy C28 of the CLP referred to in the Council's refusal reasons has no specific implications with respect to this main issue.

Garden space

9. The proposal would sub-divide the existing back garden so approximately half would serve the proposed dwelling and half would remain with No 22. Whilst limited in size, the proposed back gardens would not be excessively over-shadowed and would be able to accommodate small sheds and areas for sitting outside and drying clothes. As such, they would serve a useful purpose. In the absence of Council standards setting minimum outdoor space requirements, I find the proposal would provide gardens of a size and nature to meet the basic outdoor needs of residents.
10. For the reasons outlined above, I conclude that the development would incorporate adequate garden space for occupants of the proposed dwelling and No 22. As such, in this regard, the development would accord with policy ESD15 of the CLPPt1, saved policy C30 of the CLP and the Framework, which all aim, amongst other things to create places with a high standard of amenity for occupiers of property. Saved policy C28 of the CLP has no specific implications with respect to this main issue.

Highway safety and parking

11. A dropped kerb on Campbell Close allows vehicular access to the existing garage and a single parking space in front. There is also a paved area outside the main part of No 22 where an additional vehicle can be parked.
12. To compensate for the proposed removal of the garage, the appeal drawings show the provision of 2 parking spaces on the paved area outside the main part of No 22. Whilst capable of accommodating a single vehicle, 2 cars would

not be able to park on this paved area without causing obstruction to No 22's front door. As such, the proposed parking spaces would be impractical and so it is likely the development would lead to a small increase in on-road parking.

13. The lack of off-road facilities at some properties leads to roadside parking in the vicinity of the appeal site. Whilst restrictions apply on parts of nearby roads, parking is allowed along most of Campbell Close and close to the appeal site on Chichester Close. No substantive evidence has been submitted that shows how roadside parking may cause highway problems in the area and no safety issues were obvious to me on my site visit. Consequently, I find the small increase in roadside parking as a result of the proposal would not cause any highway safety concerns.
14. For the reasons outlined above, I conclude that the development would not cause unacceptable harm to highway safety by reason of associated parking. Consequently, in this regard, the development would accord with policy ESD15 of the CLPpt1 and the Framework which seek to ensure development is safe and does not cause unacceptable harm to highway safety.

Other Matters

15. The proposal would be sympathetic in appearance to surrounding properties and would not be intrusive in the street scene. However, these are neutral factors in my consideration of the appeal proposal that fail to override or address my concerns in respect of the first main issue.

Conclusion

16. I have found that no harm would be caused to the living conditions of occupiers of No 22, that the proposed development would provide adequate garden space and that it would cause no unacceptable harm to highway safety. However, the proposed development would cause significant harm to the living conditions of the occupiers of Nos 1 and 2, which is the overriding consideration. The proposed development conflicts with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.
17. For the reasons given above I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR