
Appeal Decision

Site visit made on 22 October 2019

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 January 2020

Appeal Ref: APP/C3105/D/19/3233893

2 Boxhedge Terrace, Boxhedge Road, Banbury OX16 0BX

- 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 Ivan Dinev against the decision of Cherwell District Council.
 - The application Ref 19/00444/F, dated 11 March 2019, was refused by notice dated 13 June 2019.
 - The development proposed is a single storey structure - porch.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. At the time of the site visit I noted that the porch has been completed. The application has been submitted retrospectively and I have dealt with the appeal on this basis.

Main Issues

3. The main issues in this appeal are (i) the effect of the development upon the character and appearance of the host property and the area including whether it would preserve or enhance the character or appearance of the Banbury Conservation Area (CA); and (ii) whether it would preserve the significance of other designated and non-designated heritage assets.

Reasons

4. The appeal property comprises a two-storey end terrace dwelling located in a predominantly residential area. The porch is constructed from painted brick and uPVC windows with a shallow mono-pitch roof. The porch extends across the majority of the frontage.
5. The property is also located within a CA and within close proximity to Grade II listed building No 18 Boxhedge Road and locally listed Neithrop Methodist Church. The terrace is set back and raised from the highway making it visually prominent. The front elevation of the property comprises brick, however, other properties in the terrace are a mix of brick, stone cladding and render. The properties in the terrace, despite some minor differences, form an attractive run of dwellings.
6. The porch by virtue of its size and form is unduly prominent and appears as an incongruous feature that dominates the front of the property and significantly

disrupts the appearance of the terrace. The overall appearance of the porch does not compliment the property but jars against its traditional appearance. As such, the porch results in harm to the character and appearance of the host property, the area and the CA and would not preserve the significance of nearby listed buildings.

7. Albeit localised the impact on the CA and the nearby statutory listed building would be harmful. Whilst the harm I have identified would not reach the high hurdle of substantial harm, it would result in serious harm that requires clear and convincing justification. Paragraph 196 of the National Planning Policy Framework (the Framework) states that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. I also find that for the reasons set out above the development is harmful to the setting of non-designated Neithrop Methodist Church and as such would not preserve its significance.
8. The proposal may well provide benefits such as improving the appellant's health and wellbeing, however, these would be personal rather than public benefits. As such I afford these benefits limited weight. Taking into consideration the points above I find that the harm to designated heritage assets would clearly outweigh the public benefits of the proposal. The proposal would not preserve or enhance the significance of the CA or preserve the significance of the nearby statutory listed building in accordance with the Framework.
9. The porch is therefore contrary to Policies C28 and C30 of the Cherwell Local Plan (1996) which require development to be of a high standard that is compatible to the scale of the existing dwelling and the character of the street scene, and Policy ESD15 of the Cherwell Local Plan (2015) which seek to conserve, sustain and enhance the historic environment and contribute positively to an area's character and identity.

Other Matters

10. The appellant has suggested that the porch prevents heat loss and provides additional storage. Whilst these are personal benefits of the proposal, they are insufficient to outweigh the harm I have identified in relation to the main issues.
11. The appellant has commented that the porch would not harm the living conditions of occupiers either side. The absence of harm in relation to this issue, counts neither for nor against the proposal, and does not alter the harm I have identified in relation to the main issues.
12. I note the presence of other porches in the surrounding area. However, I have not been made aware of the individual circumstances that led to them being considered acceptable by the Council. In any case, every appeal must be considered on its own merits. The presence of other extensions in the area does not justify the harm that I have identified.
13. The appellant has referred to their permitted development rights as a potential fall back position, but I have seen nothing to suggest that they would genuinely

pursue this option if the appeal failed or that such a scheme would be similar to what is currently proposed. As such, I give that argument limited weight.

Conclusion

14. For the reasons set out above the appeal is dismissed.

B Thandi

INSPECTOR