



Appeal Decision

Site visit made on 23 March 2020 by Darren Ellis MPlan

Decision by V Lucas LLB (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st May 2020

Appeal Ref: APP/C3105/W/19/3244344

30 Somerville Drive, Bicester, Oxfordshire, OX26 4TU

- 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 James Benjafield against the decision of Cherwell District Council.
 - The application Ref 19/01623/F, dated 2 August 2019, was refused by notice dated 8 October 2019.
 - The development proposed is the construction of new two storey dwelling in grounds of 30 Somerville Drive Bicester for son to live in.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons for the Recommendation

4. The appeal site forms the side garden area of No 30 Somerville Drive and abuts the side boundary of No 32, and would front the street with a small cul-de-sac to the side. The site is in a residential area that predominantly consists of detached two-storey dwellings.
 5. The appeal site is on a corner plot, and the existing side garden area provides an openness that contributes positively to the character and appearance of the area. The new dwelling would encroach onto the open space and, whilst the proposal might involve a modest area, the loss of the side garden area would substantially reduce the feeling of openness.
 6. The proposed dwelling would be close to the road, which is not uncommon of properties in the street, and the dwelling would largely respect the modest architectural style of the two-storey houses in the street. The dwelling would have a gable roof, with the gable ends to the front and rear of the property, with the front gable facing the street. However, while some of the properties in the street have gable ends that face the street, the existing properties have the
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gable ends to the side elevations. Furthermore, due to the narrowness of the plot, the proposed house would be narrower than the surrounding houses.

7. For these reasons, the proposal would appear as an attempt to fit a dwelling into a constrained plot resulting in a cramped form of development. There would only be a small gap between the existing dwelling at No 30 and the proposed dwelling, and while such a gap is not uncommon in the street, in this case it would emphasise the cramped nature of the development.
8. At the time of my site visit, the hedgerow to the front and part of the side of the site has been removed and replaced with a low timber fence that matches the existing fence to the front of the property. The proposal includes the replacement of the remaining hedge to the side of the site with a 2 metre tall wooden fence. The hedge, while substantial, does contribute towards the green and landscaped nature of the openness of the side garden. The replacement fence would be a stark and obtrusive addition and would be out of character with the boundary treatments that front the street.
9. Residential development may be acceptable in principle on the appeal site, as the site is within the town boundary and has good access to public transport, shops and amenities. However, for the reasons set out above I conclude that the proposed dwelling and fence would cause substantial harm to the character and appearance of the area. The proposal would be contrary to Policy ESD15 of the Cherwell Local Plan Part 1 (2015) and Policy C30 of the Cherwell Local Plan (1996). These policies require, amongst other things, for development to complement and enhance the character of its context through sensitive siting, layout and high quality design.

Other Matters

10. The development would boost the supply and choice of housing, but its contribution would be modest and carries limited weight in support of the proposal. There would also be a small social benefit in providing an extra housing unit. Economic advantages would also arise from the construction and occupation of a new house.
11. I understand the appellant's reason for building the proposed dwelling, which would provide accommodation for his disabled son, and I attach moderate weight to this private benefit.
12. The Council raised no objection to the proposal on the grounds of car parking or the effect on the living conditions on the neighbours, and such matters were not listed as reasons for the refusal of the planning application. The proposed dwelling would be sited forwards of the front elevation of No 32 to the rear of the site, and as a result of this position the dwelling would not cause any significant impact on the living conditions of the occupiers of No 32. The proposed dwelling would be set back from the street and therefore would not significantly impede the view of vehicles entering or exiting the cul-de-sac. However a lack of harm in these respects is a neutral consideration that does not weigh in favour of the appeal scheme.

Conclusion and recommendation

13. The benefits that would arise from the proposal would not outweigh the harm that would be caused to the character and appearance of the area. For the

reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

D Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

V Lucas

INSPECTOR