
Appeal Decision

Site visit made on 24 June 2020

by D Peppitt BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th July 2020

Appeal Ref: APP/C3105/W/20/3246790

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 against the decision of Cherwell District Council.
 - The application Ref 19/02861/F, dated 16 December 2019, was refused by notice dated 10 February 2020.
 - The development proposed is the construction of two x 1-bedroom dwellings.
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Decision

1. The appeal is allowed and planning permission granted for the construction of two x 1 bedroom dwellings at 2 Hudson Street, Bicester OX26 2EP, in accordance with the terms of application Ref 19/02861/F dated 16 December 2019 and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans: 1046-2B; 1046-3C; 1046-4A; and 1046-5.
 - 3) Before the development hereby permitted is first occupied, the parking and manoeuvring areas shall be provided in accordance with the plan approved Drawing No. 1046-3C, and shall be constructed from porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site. Thereafter, the parking and manoeuvring areas shall be retained in accordance with this condition and shall be unobstructed except for the parking and manoeuvring of vehicles at all times.
 - 4) Before the development hereby permitted is first occupied, bicycle parking shall be provided at the site in accordance with details to be submitted to and approved in writing by the local planning authority, and the bicycle parking shall be permanently retained thereafter.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the site and the surrounding area.

Reasons

3. The appeal site is part of the existing garden area of No 2 Hudson Street, a 2 storey semi-detached dwelling, which is situated at the corner of West Street and Hudson Street. The area is predominately residential and is characterised by semi-detached dwellings, which are setback from the road. The frontages are generally open and are grassed or covered in hardstanding for the parking of vehicles. To the south of the site there is a cul-de-sac of bungalows and a row of garages, which sit immediately adjacent to the appeal site.
4. The proposal would involve the demolition of the garage and conservatory associated with No 2, and the construction of two, 1 bedroom semi-detached dwellings. There would also be 2 parking spaces created for the properties. The proposed dwellings would have a staggered frontage and would have an open and verdant garden to the front of the dwelling, which would be in keeping with the surrounding properties. The design of the dwellings would in a similar style to the nearby bungalows and would be set back further from the pavement than the existing row of garages.
5. I note that the scale of the proposed dwellings would be greater than the existing garages. However, the garages are ancillary structures and the proposed dwellings would provide a transition between the garages and No 2, which would be higher than the proposed dwelling. Whilst the proposed dwellings would not be exactly the same in their design and form as No 2, the use of similar materials to No 2 and following a similar design to the nearby bungalows, would mean that they would not appear visually incongruous or out of keeping within the existing context.
6. Reference has been made to 2 previous appeals¹ on the site, however, I have not been provided with full details of these schemes and the associated documentation, therefore, I am not able to determine if they are directly comparable to this proposal. The extracts which have been provided, state that the previous Inspectors found harm in terms of the positioning of the proposed dwellings and their effect on the character and appearance of the area, particularly in relation to the size of the proposed frontage and the existing setback of nearby dwellings.
7. The appellant has provided a diagram, which illustrates that the proposed dwellings in this scheme have been moved further back into the site. The appellant has suggested that the proposed dwellings have been moved back approximately 1.8 metres, compared to the previous appeal. The appellant also states that rear garden of this proposal is the same size as the previous appeal, and that it was considered to be acceptable by the Inspector.
8. There is disagreement between the parties surrounding the distance of the property to the road and footpath. The appellant has stated that the nearest part of the dwelling would be approximately 4.4 metres away from the footpath, and 5.5m at the furthest point. Whereas the Council suggest that the distance to the vehicular roadway is 5.3m. In any case, it is clear there is some variety in the distances to the footpath and roadway of the nearby properties and that the frontages are not all uniform in design and size. This is particularly apparent for the properties located around the bend in the road and the way they are positioned around it. Whilst the frontage may be smaller than some of

¹ APP/C3105/W/19/3226108 and APP/C3105/W/18/3197245

the nearby properties, it would still provide a frontage which is open and green, which is the prevailing character of the nearby properties.

9. The Council has suggested that there is insufficient space to provide a grassed verge or any substantial landscaping. However, I note that on the side of the road of the proposed dwellings the footpath is generally narrower, with no existing green verges provided, except for on the inside of the bend in the road as it becomes West Street. The footpath remains narrow on this side of the road and there is no grass verge on this side until the next junction. Furthermore, the frontage of the proposed dwellings would provide sufficient area for landscaping and greenery, and the area immediately adjacent the properties would be similar in style to the dwellings opposite the site.
10. Consequently, I find that the proposed development would not harm the character and appearance of the site and the surrounding area. Therefore, it would accord with Policy ESD15 of the Cherwell Local Plan (2015) and with saved Policies C28 and C30 of the Cherwell Local Plan (1996). These policies, amongst other things, require new development to complement and enhance the character of its context through sensitive siting, layout and high quality design and reflect local distinctiveness.

Other Matters

11. An interested party has suggested that there would be a displacement of vehicles due to the existing parking arrangements and that there would be highway safety issues for vehicles manoeuvring on two bends. However, I have not been provided with substantive evidence to suggest parking is an issue in this area, indeed most of the houses have existing off road parking and the parking on the road is unrestricted. In any case, I have also imposed a condition on the parking and manoeuvring arrangements to ensure that the off-road parking is retained. In terms of highway safety, there is an existing garage on the site and a row of garages nearby, therefore, the addition of vehicles movements from 2 one bedroom dwellings would not have a materially harmful effect on highway safety.

Conditions

12. The Council has suggested a number of planning conditions, which I have considered against the relevant advice in the Planning Practice Guidance. As a result, I have amended some of them for clarity.
13. The three year period in which the planning permission may be implemented is a statutory requirement, but I also consider that it is necessary in the interests of clarity to specify the plans that are approved, and that the development shall be undertaken in accordance with these. I have also imposed a condition on the parking and manoeuvring arrangements and the materials of the driveways for highway safety and flood prevention purposes. The requirement for space for cycle parking is necessary in the interests of sustainability, however, there is no evidence to suggest why it is necessary for the parking area to be covered.
14. The Council has suggested the vision splays shall not be obstructed by any object, structure, planting or other material of a height exceeding 0.6m measured from the carriageway. However, this is not necessary as the plans

show that low level planting would not exceed 0.9m high and there would be sufficient visibility along both directions of the footpath.

15. The Council has also suggested that each dwelling should be provided with ducting to allow for the future installation of electrical vehicle charging infrastructure to serve that dwelling. However, I have not been provided with sufficient justification as to why this is necessary.

Conclusion

16. For the reasons set out above, I conclude that the appeal is allowed.

D Peppitt

INSPECTOR