



Appeal Decision

Site visit made on 16 November 2020

by D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st December 2020

Appeal Ref: APP/C3105/W/20/3255385

Land at Banbury Road, Fimere

- 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 J Horsman of Montpelier Estates against the decision of Cherwell District Council.
 - The application Ref 20/00674/F, dated 5 March 2020, was refused by notice dated 30 April 2020.
 - The development proposed is described as Please refer to accompanying correspondence.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the development in the banner heading above is taken from the original planning application form. However, I have determined the appeal on the basis of the description in the appellant's appeal form and appeal statement in which the development is described as the erection of 5 dwellings, new vehicular access and parking arrangements. This is similar to the description in the Council's decision notice.
3. The appellant submitted a revised parking layout on plan/drawing no. FS512-F03-S02 Rev A prior to the application being determined. It amends the position of two car parking spaces associated with plot 1, moving them a short distance further east. The plan was before the Council in determining the application and is referred to in the Council's conditions, so I have had regard to it in determining this appeal.
4. The appellant submitted an additional site context analysis to the Council. While the Council may not have taken this into account when determining the application, it does not amend the proposal and the Council has had the opportunity to comment upon it in the appeal process. Therefore, I have had regard to it in determining this appeal.

Main Issue

5. The main issue is the effect of the proposed development upon the character and appearance of the area.

Reasons

6. The appeal site comprises land that is understood to have once been part of an outdoor space associated with a public house. It is surrounded by Banbury Road to the south, an access drive to the west and north beyond which is a mature hedgerow and trees to the west, with residential properties to its north and east. In spite of its verdant appearance, it is viewed as being within the village limits, providing an attractive softened and vegetated space close to the edge of the settlement.
7. There are some sections of built-up frontage along Banbury Road, including some dwellings to the east of the appeal site. However, the considerable gaps between the sections of built-up frontage, characterised by green spaces often fronted by trees or hedgerows, form the predominant character of this part of Banbury Road. The appeal site forms one such gap. At the time of my visit it had the appearance of being undeveloped and was fronted by trees of varying maturity, making a significant positive contribution to the character and appearance and settlement structure in this part of the village.
8. The appeal site is in a sensitive location close to the settlement edge, fronting the highway and open land, close to public rights of way to the north and west which would have some filtered views of the dwellings. The new access road would result in a significant gap in the verdant frontage allowing clear visibility through to sizeable dwellings with very small front garden areas and significant areas of hardstanding and parking. Due to their close proximity to the front of the site, dwellings on plots 1 and 2 would be highly visible at a close distance from Banbury Road. The combination of the arrangement, positioning, height, density and significant amount of hardstanding areas would be a considerable and detrimental contrast to the existing character and appearance of the appeal site, harming its positive contribution to the area.
9. The new dwellings would be of a similar two storey height, width and scale as nearby residential development. They would be viewed in the context of the dwellings to the east of the appeal, particularly those fronting Banbury Road. These dwellings have a modest but discernible gap between them and a moderate area of garden space to the front. However, the dwellings on plots 2, 3 and 4 would have very little front garden space set amongst hardstanding and the dwellings on plots 2 and 3 would be attached. This would result in the development appearing somewhat cramped and over developed.
10. It is proposed to retain much of the appeal site trees and shrubs and supplement them with further landscaping. However, a number of the trees and shrubs that provide screening to the south are not within the appeal site. Even if their long term retention and maintenance could be secured, given the location and amount of dwellings and hardstanding, there would be very limited room to provide new planting. Even with additional planting within the appeal site, the dwellings would still be highly visible at a close proximity from Banbury Road. It would result in a significant adverse effect upon the character and appearance of the area, including upon the contribution of the appeal site as a verdant gap in the loose-knit structure of the village.
11. The appeal scheme would be set within the context of mixed orientations and layouts. Not all address the highway, with some dwellings being perpendicular to the highway or in a cul-de-sac type layout, such as on Valley Road and Willow and Rowan House. Whether it is viewed as a courtyard or a tandem

scheme, in principle in its particular site context, the broad layout of the scheme would not be out of keeping with the character and appearance of the area. The gables of two of the dwellings to the east and a side gable of Rowan House have some visibility from Banbury Road. Therefore, the visibility of the gable of plot 2 facing the highway, would not be an entirely incongruent feature. I do not find the development harmful in this regard.

12. There are a variety of different types of dwellings with differing characteristics and appearance in the wider village. However, the location and arrangement of this development means it has a close visual relationship with and would frequently be viewed in context of the dwellings to its east. The newer dwellings on Banbury Road integrate the use of local materials such as limestone and in particular integrate traditional vernacular style and detailing such as simple classical proportions, elevations and fenestration. This is reflective of the adjacent buildings on Valley Road, to which they relate well, providing the prevailing character in this part of the village and making a positive contribution to its character and appearance.
13. The dwellings on Chinalls and Stable Close are behind the appeal site. They would have somewhat limited visibility from within the proposed courtyard and Banbury Road due to the position of the dwellings on plots 4 and 5. The inter-visibility from rights of way to the north and west would be limited by mature trees and vegetation. The appeal site dwellings would have very limited visibility from public areas in Chinalls and Stable Close. Therefore, the contribution of these existing dwellings to the north, to the visual context of the appeal site, is very much more limited.
14. The appeal scheme proposes a combination of brickwork and some part timber clad elevations, split eaves and collections of somewhat irregular window sizes on first floor and ground floor rear elevations. This irregular and complex design, appearance and form, is significantly out of keeping with those dwellings which the development would be most closely related to and viewed in the context of, that positively contribute to the character, appearance and distinctiveness of the area. The dwelling proportions, design and extent of timber boarding means they do not successfully create a barn style development. The lack of objection from the Parish Council is noted. However, the design and appearance of the dwellings would be significantly harmful to the character and appearance of the area.
15. For the reasons set out above, the development would be significantly harmful to the character and appearance of the area. It would conflict with Policy C33 of the Cherwell Local Plan (1996) (the Local Plan) by reason of its significantly harmful impact upon the appeal site as an undeveloped gap that is important to maintaining the loose-knit settlement structure along Banbury Road. It would also conflict with Policies C28 and C30 of the Local Plan and Policy ESD15 of the Cherwell Local Plan Part 1 (2015). In combination and amongst other things these require development is of a high standard of design that maintains, complements and enhances the character and appearance of the area, including with reference to design and external appearance.
16. The development would conflict with paragraph 127 of the National Planning Policy Framework (2019) which requires development should be sympathetic to local character, including the surrounding built environment and landscape setting, as well as maintaining a strong sense of place. The development

would also conflict with some of the design advice in the Cherwell Residential Design Guide Supplementary Planning Document (2018) (the SPD). Amongst other things the SPD expects development should integrate simple well-proportioned facades and it advises that wood cladding is not considered an acceptable substitute for natural materials.

Other Matters

17. The Council concludes that the proposed development would not result in harmful living conditions to the occupiers of neighbouring properties, and parking and access arrangements would be acceptable. Based upon the evidence before me and from my visit, I see no reason to disagree. The application is accompanied by an Extended Phase 1 Survey Report. Subject to safeguards set out in the recommendations of the report, site clearance works would not be likely to result in harm to protected species. Measures could be secured by the Council's suggested planning conditions to ensure development would, overall, provide for a net gain in biodiversity.

Planning Balance & Conclusion

18. The provision of five new dwellings would optimise the use of the site, resulting in a modest temporary economic benefit during construction, and once occupied a small sustained benefit to the local economy. There would be a modest benefit from supporting strong, vibrant and healthy communities and support for village services and facilities. The proposal to provide an overall net gain in biodiversity would also be a benefit. Measures to decrease resource and energy consumption would reduce and partially mitigate the environmental impacts of the development. This is therefore more of a neutral matter than a benefit. The combined economic, social and environmental benefits of the development are modest and only afforded limited weight.
19. However, the compliance with aspects of some policies and the collective benefits of the development, do not outweigh the significant harm to the character and appearance of the area which attracts significant weight against the development, and significantly and demonstrably outweighs the benefits of the development.
20. The proposed development would be contrary to the development plan and the National Planning Policy Framework as a whole, and there are no other considerations advanced, including the policies of the Framework, which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Dan Szymanski

INSPECTOR