



Appeal Decision

Site visit made on 7 September 2021

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 September 2021

Appeal Ref: APP/C3105/D/21/3275449

Greystones, Banbury Road, Deddington, Oxfordshire OX15 0TN

- 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 Robert Taylor against the decision of Cherwell District Council.
 - The application Ref 21/00043/F, dated 6 January 2021, was refused by notice dated 18 March 2021.
 - The development proposed is the installation of a two bay wood framed garage with adjoining log store in the front left hand corner of the plot.
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Decision

1. The appeal is allowed and planning permission is granted for the installation of a two bay wood framed garage with adjoining log store in the front left hand corner of the plot at Greystones, Banbury Road, Deddington, Oxfordshire OX15 0TN in accordance with the terms of the application, Ref 21/00043/F, dated 6 January 2021, 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 following approved plans: Location plan, numbered 100018504; Site Location Plan, drawing no. 1413-03; Floor Layout, drawing no. 1413-02 and Elevations, drawing no. 1413-01.
 - 3) The development hereby permitted shall be constructed using a cellular confinement system in accordance with the method (Section 4), specification (Appendix D) and Tree Impacts Plan, proposed layout, reference no.2128 2 contained in the Arboricultural Impact Assessment and Method Statement Report prepared by MacIntyre Trees Arboricultural Consultancy dated April 2021.
 - 4) The development shall be carried out using external facing materials as shown on drawing number 1413-01, the finish and colour of which shall have previously been agreed in writing with the local planning authority.

Procedural Matters

2. The Government published its revised National Planning Policy Framework (the Framework) on 20 July 2021. The parties were given the opportunity to comment on the bearing of the revised Framework as part of the appeal process.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area, including the oak tree in front of the site.

Reasons

4. Greystones is on the eastern side of Banbury Road within a short grouping of detached dwellings between the fire station and the primary school. The site lies towards the northern end of Deddington and the presence of mature trees, grass verge and proximity of wider countryside results in a pleasant, verdant character to the area.
5. The two storey house has a wide principal elevation with an off-centre gable and appears older than most of the recently constructed housing in the vicinity. It is set back considerably from the main road due to a wide grassed verge as well as a generous plot. This is to a greater extent than the adjacent primary school and the sentinel dwellings at the entrance to The Leyes. Furthermore, an attractive mature oak tree stands in the highway verge close to the north western part of the frontage. Therefore, whilst the dwelling is visible in some views from the road, it is the oak tree in the foreground that takes greater prominence in the street scene. This configuration contributes positively towards, and reinforces, the spacious and verdant character and appearance of this section of Banbury Road.
6. The proposal would introduce a detached timber open fronted double garage and log store in the space between the oak tree and the main house. The proposed siting in front of the northern section of the principal elevation might in other circumstances be expected to have a more dramatic impact upon the street scene. Nevertheless, my observations in this case were that such an impact would be avoided for the following reasons.
7. Firstly, the information¹ provided with the appeal submission shows that, subject to appropriate construction methods being employed, harmful impacts on the mature oak would be prevented. This addresses one of the concerns raised by the Council and I have not seen any technical evidence to undermine its findings. The tree survey data indicates that the tree would have over 40 years of remaining life. It follows that there is little basis to doubt the continuing existence of the tree. Accordingly, the oak tree would be nearer to the road than the proposed garage and would tower above it. Therefore, it would continue to have a commanding presence in the street scene that would attract attention away from the garage and provide partial screening.
8. Secondly, the modest proportions of the proposed structure would appear subordinate to the dwelling. Moreover, the timber weatherboarding and fibre cement slates would have a muted appearance and therefore, would be visually recessive. The structure would be separated some distance from the road and behind the existing boundary wall. Existing shrub planting around the boundaries would be likely to soften the effect further. Accordingly, glimpses of the structure would be generally limited to the upper part of the building, whereby the pitched roof would limit the massing of the structure.

¹ Arboricultural Impact Assessment and Method Statement Report, prepared by MacIntyre Trees Arboricultural Consultancy dated April 2021.

9. Finally, the proposal would be sited within a less obtrusive part of the frontage. As such, public glimpses of the southern part of the principal elevation of the dwelling from the main access would be unimpaired. As these allow glimpses of the front door and off-centre gable, the legibility of the dwelling and its more significant qualities would be preserved.
10. Taking these factors together, I cannot agree with the Council's assertion that the proposal would have a significant impact on, nor be very prominent in, the street scene². Rather the character and appearance of the area would be preserved. I have had regard to the guidance contained within the Council's Home Extensions and Alterations Design Guide, March 2007. This states that garages will not normally be allowed in advance of the front wall of the house, except where this is part of the established character of the street. Nevertheless, this is general guidance and does not purport to be policy nor an absolute rule. Whilst there would be some variance with the surrounding pattern of development, the evidence in this case does not demonstrate that harm would result as a consequence.
11. Therefore, I find that the proposal would be compatible with the character and appearance of the surrounding area and provides sufficient safeguards to protect the oak tree adjacent to the site. Accordingly, I do not find a conflict with saved policies C28 and C30 of the Cherwell Local Plan, November 1996 nor policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031, Part 1, July 2015. Taken in combination, and amongst other matters, these policies seek to ensure new development is sympathetic and compatible with the character of the area and retain important trees.

Conditions

12. The three year period in which the planning permission may be implemented is a statutory requirement. It is also necessary in the interests of clarity to specify the plans that are approved, and that the development shall be undertaken in accordance with these.
13. In the interests of the health of the oak tree it is appropriate to secure the method of construction outlined in the submitted tree report. In addition, I have given weight to the muted finish of the external materials. However, the details given are somewhat generic. Consequently, a condition is imposed to require the agreement of the Council to the materials prior to their use.
14. The Council suggested a condition³ to prevent the future conversion of the development to additional living accommodation. However, the generalised reasons given in order to retain control over the development and safeguard occupants of adjoining dwellings were not sufficiently specific to demonstrate such a condition would be necessary to make the development acceptable in planning terms. Therefore, I have not imposed it.

² Section 8, Design and impact on character of area, Council's Planning Report

³ Appeal Questionnaire, Section 11d

Conclusion

15. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise⁴. For the reasons given above, I find no conflict with the development plan and consequently, the appeal should be allowed.

Helen O'Connor

Inspector

⁴ Section 38(6) Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.