



Appeal Decision

Site visit made on 24 January 2022

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2022

Appeal Ref: APP/G3110/D/21/3277946

13 Iffley Turn, Oxford OX4 4HN

- 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 Dr Scheherezade Soltani against the decision of Oxford City Council.
 - The application Ref 20/00316/FUL, dated 5 February 2020, was refused by notice dated 21 April 2021.
 - The development is described as “construction of replacement boundary wall/fence (retrospective)”.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The above description of development is taken from the application form. However, there is no fencing within the scheme. The new wall was complete at the time of my site inspection and therefore I have determined the appeal on the basis that planning permission is being sought retrospectively for its erection.

Main Issues

3. The main issues are:
 - a) the effects of the development on the character and appearance of the area and the setting of the Iffley Village Conservation Area; and
 - b) the effect on protected trees.

Reasons

Character and appearance

4. No 13 Iffley Turn is a large, detached dwelling which sits in a spacious plot. The property is located adjacent to the roundabout at the main entrance to the Iffley Village Conservation Area and it has a wide frontage onto the street. I understand that this boundary was originally defined, at least in part, by a rubble stone wall. This has been replaced by the current wall which extends for a distance in excess of 50 m, punctuated by a pair of metal entrance gates and the brick gable of an outbuilding.
5. The Iffley Village Conservation Area is characterised by its stone walls which contribute to an attractive rural character. This is particularly evident in Church

Way, the spine of the historic settlement, where old stone walling provides a strong sense of enclosure. The stone theme continues beyond the Conservation Area boundary into Iffley Turn where the front boundary walls for properties on the south side of the road are built from randomly-coursed rubble. It was clear from my observations that stone walls predominate in the local area; there are very few examples of walls constructed from other materials.

6. According to the application form, the replacement wall at the appeal property is constructed using a Bradstone product. This material is grey in colour and smoother in texture than natural stone. The individual building blocks are regular in shape and their outer face is profiled to resemble smaller constituent units. The bottom sections of wall have been constructed using blue brick and the same material is used for the brick-on-tile coping.
7. When viewed from a distance, the Bradstone material resembles concrete blocks. It has a manufactured appearance and the colour, texture, coursing and pointing bear no resemblance to the traditional limestone rubble walls which characterise the local area. The wall is visually incongruous in the street scene and its intrusive impact is exacerbated by its overall length, height and prominent position at the entrance to the Conservation Area. The close relationship of the site to the Conservation Area, and intervisibility with stone walling within the designation boundary, means that there is a degree of harm to the setting of this heritage asset.
8. I note that the appellant has landscaped in front of the wall. This softens the appearance slightly but it does not disguise the discordant materials used in the construction. In any event, there can be no guarantee that the planting would survive or be retained in the long term and therefore this would not adequately mitigate the harm or justify the use of unsympathetic materials.
9. I conclude that the development has had an unacceptable adverse impact on the character and appearance of the area and the setting of the Iffley Village Conservation Area. There is conflict with Policies DH1 and DH3 of the Oxford Local Plan 2036 (OLP). These policies seek to ensure that development respects Oxford's unique historic environment through high quality design that creates or enhances local distinctiveness.

Protected trees

10. The curtilage of 13 Iffley Turn contains a number of mature trees which are protected by a tree preservation order¹. Several of these specimens lie in close proximity to the new boundary wall. The Council is concerned that excavation for the wall's construction may have damaged root systems.
11. The appellant has supplied a report from an arboricultural consultant and this states that root damage is unlikely. However, the report was compiled based on a single trial pit and verbal advice from the appellant that the wall was built on old footings. This evidence is insufficient to demonstrate that the long term health of the trees will not be affected by construction of the wall. Although it is argued that the trees have not shown any signs of harmful impact or trauma in the two growing seasons since the wall was constructed, dieback may not be immediate and could happen over an extended period.

¹ Oxford City Council – Iffley Turn (No.1) Tree Preservation Order

12. The trees are a significant contributor to the amenity of the area and therefore the failure to provide an appropriate level of information weighs against the application. This leads to conflict with Policies G1 and G7 of the OLP insofar as they seek to protect green infrastructure features.

Other Matters

13. The appellant contends that the wall is permitted development. It is not my role, when dealing with an appeal against a refusal of planning permission, to make a formal determination on lawfulness. It is open to the appellant to submit an application for a Certificate of Lawfulness (CLEUD) under s191 of the Act and this has a separate right of appeal. In the absence of a CLEUD, I have given the fallback argument limited weight.

Planning Balance and Conclusion

14. The National Planning Policy Framework explains at paragraph 202 that where the harm to the Conservation Area is less than substantial, the harm should be weighed against the public benefits of the proposal. Given my findings above, I disagree with the appellant's view that the wall and its associated planting have improved the public realm. In my judgement, there are no public benefits to outweigh the harm.
15. Whilst I recognise that there may be private benefits in terms of providing security to the appellant's property, the same outcome could be achieved using a wall constructed in more sympathetic materials. As such, the private benefits of this particular development attract minimal weight.
16. The replacement wall conflicts with the development plan in respect of its impacts on the character and appearance of the area, green infrastructure features and the historic environment. There are no material considerations to justify a decision otherwise than in accordance with the development plan. For the reasons given above and having regard to all other matters raised, including the representation of support from a local amenity group, I conclude that the appeal should be dismissed.

Robert Parker

INSPECTOR