
Appeal Decision

Site visit made on 29 March 2022

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2022

Appeal Ref: APP/C3105/D/21/3289695
62 Mallards Way, Bicester, Oxon, OX26 6WT.

- 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 Mrs N Roberts against the decision of Cherwell District Council.
 - The application Ref. 21/02867/F, dated 18 August 2021, was refused by notice dated 29 November 2021.
 - The development proposed is the erection of a timber pergola (retrospective).
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a timber pergola at 62 Mallards Way, Bicester, Oxon, OX26 6WT, in accordance with the terms of the application Ref. 21/02867/F, dated 18 August 2021, and the plans submitted with it. This permission is not subject to any conditions.

Main Issue

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

Reasons

3. The appeal site comprises a detached two storey house which fronts Mallards Way but the side garden runs alongside an access to a small cul-de-sac of houses to the rear and there is a 2m high stone wall along this side of the curtilage. The timber pergola extends to about 8m long and internally is about 2.5m high and so about 0.7m of the structure is seen above the wall from outside of the site.
4. Most of the visual impact of the timber pergola is screened from the public realm by the side wall and the wooden framework that projects above the wall is not obtrusive or at odds with the fabric and appearance of this residential estate. The wooden structure is used as a climbing frame for plants and it has a simple and well considered open design. Both of the factors contribute to the residential character of the area rather than detract from it. The pergola is also sited away from the curtilage of any other property and it does not cause overshadowing or a loss of amenity.
5. I find that the pergola meets the requirements on design matters set out in Local Plan Policy ESD15, the saved local policies mentioned, as well as the general guidance in the National Planning Policy Framework on achieving well designed places, and this accordance is not outweighed by any other factor. The appeal should therefore be allowed.

6. The Council requests a condition that the pergola is erected in accordance with the submitted plans but as it already has been this condition is not necessary.

David Murray

INSPECTOR