



Appeal Decision

Site visit made on 19 April 2022

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th April 2022

Appeal Ref: APP/C3105/W/21/3287333

35 Longleat Close, Banbury OX16 9TG

- 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 Malkiat Masih against the decision of Cherwell District Council.
 - The application Ref 21/01474/F, dated 24 April 2021, was refused by notice dated 28 October 2021.
 - The development proposed is to construct a single-storey side extension 3 x 7.4m.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs has been made by Mr Malkiat Masih against Cherwell District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. As well as a side extension, the application form and the proposed site plan indicate the erection of a new wall along the side and rear boundary of the appeal property's back garden. No drawings have been provided that show the elevations of this wall but the Council has had regard to it in its determination of the planning application. As it is shown on the appeal plans, I have taken the wall as forming part of the proposed development.
4. The Council's decision notice refers to the change of use of amenity land to domestic garden. However, no part of the planning application indicates that a change of use is proposed and so I have considered the appeal accordingly.

Main Issue

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

Reasons

6. The appeal property is a 2 storey, semi-detached house on a corner plot where Longleat Close splits in 4 different directions. The exposed flank elevation of the house and the side boundary wall are set off the pavement behind a grassed area. In this respect, the appeal property is similar to the other houses on the opposite corner plots, which are also set back from the pavement. In the locality generally, dwellings tend to be separated from the highway and several verges provide a degree of openness to the street scene.

7. The proposed development would be noticeably closer to the footway than the side of the existing house. The extension and the proposed boundary wall would be set away from the pavement edge but the separation would be modest. As such, they would be prominent features in the street scene.
8. The development would markedly reduce the openness of the grassed area. Also, the resulting dwelling would appear unusually near to the road compared to the properties on the other corner plots on the opposite side of the road. Moreover, the development would project forward of the largely consistent building line formed by the dwellings to the rear of the appeal site. Consequently, it would diminish the open aspects of the locality and would be unsympathetic to the existing pattern of development. This incongruity and the loss of open space in a highly noticeable location would not complement or enhance the area. The harm caused to the visual qualities of the street scene would not be fully addressed by the extension being harmonious and subordinate to the main house.
9. The appellant refers to a side extension at 1 Longleat Close. However, unlike the appeal proposal, I saw that this retains a meaningful gap to the pavement. As such, it does not set a precedent for the appeal development.
10. Also, I saw a side projection and boundary fence at 1 Blenheim Road which are near to the pavement. There are no details before me on whether these benefit from planning permission or the circumstances in which permission may have been granted. In any case, they stand out as unusual features by reason of their close relationship to the road. As such, these structures fail to justify the detriment that would be caused by the appeal scheme to the visual qualities of the locality.
11. For these reasons, I conclude the development would harm the character and appearance of the area. In these respects, it would not accord with policies ESD15 of the Cherwell Local Plan Part 1 2015 and saved policies C28 and C30 of the Cherwell Local Plan 1996. Amongst other things, these look to ensure development is compatible with the street scene.

Other Matters

12. The development would not obstruct any visibility splays and it would avoid harm to the living conditions of nearby residents. These are neutral factors in my assessment. The development would potentially reduce the problem of litter and dog mess being left on the grassed area. However, the benefits in these regards would be modest and they fail to address or override the identified harm in respect of the main issue.

Conclusion

13. The development would be detrimental to the character and appearance of the area and so it would not accord with development plan policies when read as a whole. There is insufficient justification to grant planning permission contrary to development plan policies and so I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR