



Appeal Decision

Site visit made on 7 March 2022

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 May 2022

Appeal Ref: APP/C3105/W/21/3280864

Land Adjacent to 1 Coleridge Close, Bicester, Oxfordshire OX26 2XR

- 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 Derek Phillips of Threshold Investments Ltd. against the decision of Cherwell District Council.
 - The application Ref 20/03635/F, dated 11 December 2020, was refused by notice dated 23 April 2021.
 - The development proposed is the erection of a 1 bedroom bungalow and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form does not contain an address for the site. I have therefore taken the site address from the appeal form which matched the address contained within the Council's decision notice.
3. During my site visit I noted that a tall fence had been constructed along the boundary of the site. I have been advised by the appellant and the Council that this is the subject of ongoing enforcement action, and an appeal has been lodged. This fence does not form part of the submission and I have not considered this matter as part of this appeal.

Main Issue

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

Reasons

5. The appeal site is a triangular piece of land located between dwellings on Browning Drive and Coleridge Close. The area is characterised by detached and semi-detached single storey dwellings finished in red and buff brick under a tiled roof. There is a spacious and verdant feel to the street scene which contributes positively to its character and appearance. It is made up of single storey dwellings with hedgerow and soft landscaping forming the boundaries to dwellings. Most dwellings in the immediate area are set at an angle from Browning Drive, and where they face the road are set behind front gardens and driveways. Although some buildings have been altered with the addition of porches and small extensions that project forward, their small nature and set back design has helped reinforce the spaciousness of the area.

6. The appeal site itself is an area of undeveloped green space that contributes positively to the spacious and verdant character and appearance of the area. Additionally, it provides a breathing space in between development. The proposed development would introduce a detached dwelling into this green space, all but filling it. The proposed dwelling would front on to the highway and would have a minimal set back from the highway. This would noticeably reduce the spacious feel to the area, upsetting its pleasant character. It would accordingly result in a cramped appearance to the street scene and thus be harmful to the character and appearance of the area.
7. The proposed dwelling would be finished with rendered walls under a grey tiled roof. The use of white render would be at odds with the brick used in the surrounding area. This combined with the location of the proposed dwelling close to the highway would appear as a stark and dominant feature at odds with the character and appearance of the wider street scene.
8. The appellant has indicated that they would be willing to accept a planning condition to amend the proposed external materials which may include the use of brickwork rather than render. However, this would represent a noticeable departure from the scheme that the Council considered and that on which the views of third parties were sought. I am also conscious that planning appeals should not be used to amend a scheme and any plans submitted should be those that the Council considered at the time they determined the planning application¹. Taking all this into account, I consider that this would not be an appropriate course of action in this case were I minded to allow the appeal.
9. The Appellant has drawn my attention to other infill developments in the surrounding area. Whilst I do not have full details that led to these proposals being accepted, from the limited information before me none of these sites appear to be comparable to the current appeal proposal. Notwithstanding that, I have determined the appeal on its own merits.
10. In addition to the above, the Council have raised concerns over the loss of amenity land/open space and its impact on the character and appearance of the area. From the evidence before me, there is no suggestion that the proposal would result in a deficiency of amenity land or open space in the area. With that in mind, I have already considered the impact of the proposal on the street scene and the character and appearance of the area and as such I consider that the question of whether the land is amenity land is not a determinative factor in this appeal.
11. The Council have referred to Policy ESD10 of the Cherwell Local Plan Part 1 (2015) in their first reason for refusal. This policy relates to the protection and enhancement of biodiversity and the natural environment. Whilst the reason for refusal is not clear how the proposal conflicts with this policy, the officers' report sets out that the proposal does not demonstrate measures to increase biodiversity on the site. However, given the small scale nature of the proposal, this matter could be dealt with by a suitably worded planning condition should the appeal succeed.
12. In conclusion, the proposed development would conflict with Policy ESD15 of the Cherwell Local Plan Part 1 (2015) and Policies CS28 and CS30 of the Cherwell Local Plan (1996) and the guidance contained within the Cherwell

¹ See the Planning Inspectorate Procedural Guide – Planning Appeals – England (March 2021)

Residential Design Guide Supplementary Planning Document (2018) which seek, amongst other matters, to ensure that development is of a high quality and complements and enhances the character of its context. The proposal also conflicts with paragraph 130 of the National Planning Policy Framework (the Framework) which seeks good design sympathetic to local character.

Planning Balance

13. The Framework indicates that planning decisions should apply a presumption of sustainable development. For decision taking, where Development Plan policies which are the most important for determining the application are out of date², permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
14. It is common ground that the Council cannot demonstrate a deliverable five-year supply of housing and I have no reason to disagree with that view.
15. In this case, I have found that the proposal would harm the character and appearance of the area. To my mind, this weighs very heavily against allowing the proposed development.
16. On the other hand, the proposal would deliver a much-needed new dwelling, including that it would be an accessible property. In addition to the above, the development would bring social benefits as a result of an additional dwelling and economic benefits from the construction process together with the ongoing occupation of the dwelling. However, in my view, these benefits are limited in the overall balance.
17. Taking all of the above factors into account, I consider that the harm I have identified to the character and appearance of the area significantly and demonstrably outweighs the benefits of the scheme when assessed against the policies in the Framework when taken as a whole. The proposal cannot therefore be considered to be sustainable development.

Conclusion

18. For the above reasons, there are no relevant material considerations, including the approach of the Framework, that would indicate a decision otherwise in accordance with the development plan. It is for this reason that the appeal should be dismissed.

Tamsin Law

INSPECTOR

² Footnote 8 includes situations where the local planning authority cannot demonstrate five-year supply of deliverable housing sites.