
Appeal Decision

Site visit made on 17 August 2022

by Nichola Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 October 2022

Appeal Ref: APP/C3105/W/22/3296762

19 Hastings Road, Banbury OX16 0SE

- 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 M Furby against the decision of Cherwell District Council.
 - The application Ref 21/02804/F, dated 27 July 2021, was refused by notice dated 18 October 2021.
 - The development proposed is dwelling with associated internal and external works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) the effect of the proposal on the character and appearance of the area;
 - ii) the effect of the proposal on the safety of road users and pedestrians along Hastings Road;
 - iii) the effect of the proposal on the living conditions of the occupants of 19 Hastings Road with particular regard to outlook; and
 - iv) whether the proposal would provide satisfactory living conditions for the future occupiers with particular regard to light levels.

Reasons

Character and Appearance

3. 19 Hastings Road is a two storey semi-detached dwelling located within a row of properties of a similar height and form. The surrounding area is suburban in character. The north side of Hastings Road comprises pairs of semi-detached dwellings which are set back from and at an angle to the road. The sloping nature of the road and the regular setback, staggering and gaps between these pairs of dwellings contribute to a distinctive and spacious character of the area to which the appeal property makes a positive contribution.
4. The proposed 2 storey dwelling would be sited to the side of 19 Hastings Road. The property would be set back from the front elevation of the host dwelling with a pitched roof which would be lower than that of the host dwelling. The dwelling would reflect the design, roof pitch and materials of the host property and would infill a gap between dwellings which is larger than other gaps within the row. However, the smaller scale of the proposed dwelling would be at odds

with the scale of the host property and other dwellings within the surrounding area. Furthermore, the proposed dwelling would occupy a gap which is characteristic of this row of dwellings and would form an interruption into the arrangement of staggered semi-detached dwellings which characterises the area. Consequently, the scale and siting of the dwelling would read as an incongruous addition to the site resulting in a form of development which would be contrary to the character of the area.

5. Therefore, in relation to the first main issue, the proposal would adversely affect the character and appearance of the surrounding area. The appeal proposal would therefore be contrary to those aims of saved Policies C28 and C30 of the Cherwell Local Plan (CLP), adopted November 1996 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, adopted July 2015 (CLP2015). Together, these policies seek to ensure that development is sympathetic to the character of the urban and rural context, that new housing is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity, reinforcing local distinctiveness.

Highway safety

6. Access to the proposed dwelling would be via Hastings Road and would be shared with the host dwelling. During my mid-morning site visit there was a moderate flow of traffic in both directions on this residential road and a light flow of pedestrians using the footpath to the front of the appeal site. Furthermore, there are no parking restrictions in place along Hastings Road. Some of the properties have off road parking with dropped kerbs providing access to and from the highway. At my site visit I observed that some vehicles in Hastings Road were parked on the road, including some which were oversailing the pavement. Consequently, visibility of the highway from the appeal site appeared to be restricted by parked cars within the highway. Whilst my observations are a snapshot in time, there is nonetheless nothing in the evidence before me to indicate those observations are atypical of the area.
7. The proposal would result in 2 no 2-bedroom properties. The proposed layout shows the provision of 3 car parking spaces for the 2 dwellings which would comprise 2 perpendicular and one angled space, each of which would be positioned close to the back of the highway. The submitted plans do not specify how these spaces would be allocated between the 2 dwellings. The proposed parking arrangement would constrain the use of the angled space when the central parking space is in use. The Highway Authority comment that the use of the proposed parking spaces may involve several manoeuvres which would affect the free flow of traffic on Hastings Road. I agree that the proposed layout of the spaces would inevitably involve reversing manoeuvres onto the road and over the footpath. This would increase the propensity for the risk of accidents within the road because it would be difficult for drivers reversing out of the proposed spaces to see oncoming vehicles. Furthermore, it would also be very difficult for drivers to see pedestrians approach the site on the footpath.
8. In relation to the second main issue the proposal would have an unacceptably harmful effect on the safety of road users and pedestrians using Hastings Road and would thereby compromise the safe operation of the highway network. The proposal would therefore be contrary to the safety objectives of CLP2015 Policy ESD15 which encourages places that promote pedestrian movement and integrate different modes of transport. It would also be contrary to the

Framework which sets out how development should provide safe and suitable access to the site for all users.

Living conditions of neighbouring residents

9. The proposal shows a single storey extension to the rear of the host dwelling, 19 Hastings Road. The siting of the proposed dwelling in relation to this extension would not compromise the outlook from or light levels to rear ground floor windows at No 19. Some loss of light and outlook would occur to rear first floor windows; however, these windows would serve a bathroom and an en-suite. Therefore, any loss of light or outlook to these rooms would not compromise the amenities of the occupants of this property.
10. Although not shown on the plans, from my observations during my site visit the rear garden appears to be of adequate size to be subdivided to form gardens for the host and proposed dwellings. Whilst the site is sloping in nature these gardens could be laid out without compromising the living conditions of the occupants of No 19 through overlooking and associated loss of privacy.
11. I therefore conclude that the proposed development would not have an unacceptable effect on the living conditions of the occupants of 19 Hastings Road. The proposal does not therefore conflict with those aims of CLP2015 Policy ESD15 or CLP Policy C30 which seek to ensure that new development considers the amenity of existing and future development.

Living conditions for future occupiers

12. The set back of the proposed dwelling would result in restricted levels of natural light to the lounge and bedroom window within the front elevation. However, due to the orientation of the dwelling, these restricted light levels would be limited to the early morning and would not be significant. Thus, future occupiers of the proposed dwelling would be afforded adequate levels of natural light.
13. I therefore conclude that the proposed development would provide satisfactory living conditions for future occupiers with regards to levels of light. The proposal does not therefore conflict with those aims of CLP2015 Policy ESD15 which requires that new development should consider the amenity of existing and future development.

Planning Balance

14. The Council has confirmed that it is not able to demonstrate a five-year supply of deliverable housing sites¹. I have no reason to take an alternative view. As the proposal involves the provision of housing, Footnote 8 of the Framework indicates the most important policies for determining the appeal are deemed to be out of date and paragraph 11. d) ii. of the Framework is engaged. This requires that 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.
15. I acknowledge that the construction of one dwelling would make a small contribution towards the district's housing supply. The Government's objective is to significantly boost the supply of homes. This factor weighs in favour of the

¹ 4.7 years as set out in the Officer report

scheme. There would be short-term economic benefits associated with construction and Council tax revenues in the longer term. In light of the shortfall in the Council's five-year housing land supply, I attach moderate weight to the development's positive contributions to the social and economic objectives of the Framework. Whilst CLP2015 Policy BSC 1 sets targets for district-wide housing distribution, including housing to be delivered through windfall developments in Banbury, this policy is of limited weight in this instance.

16. The appellant has referred to the planning permission that has been granted for a two storey side and single storey rear extensions². There is no dispute that this permission could be implemented although I have limited information about whether there would be an intention to build that extension if this appeal were dismissed. However, there would seem a greater than just theoretical possibility that this alternative would take place. Based on the information provided to me by the appellant this extension appears to be of a similar height, width and depth as the appeal proposal with a similar roof form and parking layout and would therefore have a similar impact on the street scene.
17. Notwithstanding the above, the previous consent would be clearly identifiable as an extension and a subordinate addition to the host dwelling and would read as such within the street scene. The appeal proposal, with its separate front door, would be clearly identifiable as a separate dwelling, where its smaller subservient scale and siting would be at odds with the scale and layout of dwellings within the surrounding area. Additionally, the 2 dwellings with separate occupants would represent an intensification of the consented use and the associated vehicular movements. This would be a different proposition to one larger dwelling, in which the occupants would generally form the same household, thereby making the manoeuvring of blocked-in vehicles more practicable. If the alternative fallback scheme were implemented, it would be less harmful to both the character and appearance of the area as well as highway safety. I therefore give it limited weight in this decision.
18. I have identified harm arising from the conflict with the development plan policies cited in relation to the main issues. These have a high degree of consistency with the Framework and in my view should carry substantial weight. I consider that given the conflict with those policies and the substantial weight that should be attributed to that, this would significantly and demonstrably outweigh the aforementioned benefits of the proposal, along with the limited weight that I give the fallback development, when assessed against the policies in the Framework taken as a whole.

Conclusion

20. For the reasons given above I conclude that the appeal should be dismissed.

Nichola Robinson

INSPECTOR

² Application reference 20/01212/F, approved on 06 July 2020