



Appeal Decision

Site visit made on 17 January 2023

by M. P. Howell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 February 2023

Appeal Ref: APP/C3105/W/22/3304076

6 Willow Road, Banbury, Oxon OX16 9EY

- 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 John Humphreys against the decision of Cherwell District Council.
 - The application Ref 22/01585/F, dated 28 May 2022, was refused by notice dated 22 July 2022.
 - The development proposed is for the change of use of grass verge/land within the applicant's ownership to domestic curtilage enclosed residential garden area. Erect 1.8m high close board fencing set back from pavement to match existing rear boundary fencing .
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of grass verge/land within the applicant's ownership to domestic curtilage enclosed residential garden area. Erect 1.8m high close board fencing set back from pavement to match existing rear boundary fencing at 6 Willow Road, Banbury, Oxon OX16 9EY in accordance with the terms of the application, Ref 22/01585/F, dated 28 May 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans; Site Location Plan and Updated Block Plans (09.06.22).

Preliminary Matters

2. The updated block Plans (09.06.22) show a setback of approximately 500mm, and from what I saw on site this would be in line with the existing gravel strip to the side of 6 Willow Road. As such, based on the submitted plans and my site visit, I have determined the appeal on a 500mm set back between the fence and the lane.

Main Issue

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

Reasons

4. The site relates to a pedestrian lane between Maple Close and Willow Road. The residential areas of Maple Close and Willow Road comprise contemporary, brick-

built properties of varying designs, set behind a combination of front gardens and driveways, which are open to the front with very few walls or fences. Larger areas of public green spaces are also present on the edge of the residential estates. The consistent appearance of the dwellings, the open front gardens and larger pockets of green space result in a pleasant and verdant character and appearance to the area.

5. The appeal site is a small area of grass verge located at a bend in the lane. A strip of grass verge is also located outside the substation opposite but does not extend the length of the lane. The pedestrian lane is wide and relatively short in length. At either end, the lane is open and adjacent to the front gardens and driveways of Maple Close and Willow Road, but for the most part, the footpath is enclosed by taller walls and a fence bordering private garden spaces.
6. The appeal site is small and due to the position of an adjacent wall, it is largely concealed from wider views on Maple Close. It is also not readily visible from wider views on Willow Road, other than from a distance at the entrance to the lane. Accordingly, having regard to its size and position in the lane, enclosing the grass verge would not be damaging to the openness experienced at either end of the lane, and it would not detract from the pockets of larger green spaces that add value to the character and appearance to the area. The timber fence would also be of a height that would be comparable to the walls and fences in the immediate vicinity. The comparable height of the fence together with its short length and setback ensures it would not appear as a dominant feature to the users of the lane.
7. I, therefore, conclude that the change of use of the land to garden and the erection of the fence would not have a harmful effect on the character and appearance of the area. Accordingly, the scheme complies with the aims and objectives of Policy ESD15 of the Cherwell Local Plan (Part 1) 2015, and saved Policies C28 and C30 of the Cherwell Local Plan 1996. These policies, in general, seek to ensure development permitted is of a high quality of design, which complements and enhances the character of its context. Also, any proposal to extend an existing dwelling is compatible with the character of the street scene.
8. The proposal would also accord with the policies of the National Planning Policy Framework (the Framework) which seek to secure high quality design.

Conditions

9. No suggested conditions were provided as evidence by the Council. However, a condition requiring a time period for implementation would be needed and in the interests of clarity it is necessary to define the approved plans for the scheme.

Conclusion

10. For the reasons given above and taking into account the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be allowed.

M. P. Howell

INSPECTOR