



Appeal Decision

Site visit made on 24 February 2023

by Kim Langford Tejrar LLB (Hons) BSc (Hons) PGDIP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th March 2023

Appeal Ref: APP/C3105/D/22/3311125

46 Dashwood Avenue, Yarnton OX5 1NJ

- 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 Adam Leszczewski against the decision of Cherwell District Council.
 - The application Ref 22/02534/F, dated 18 August 2022, was refused by notice dated 14 October 2022.
 - The development proposed is 'Render existing house and retrospective application for front boundary treatment including dwarf wall, pillars, posts and metal railings'.
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Decision

1. The appeal is allowed and planning permission is granted for the 'Render existing house and retrospective application for front boundary treatment including dwarf wall, pillars, posts and metal railings' at 46 Dashwood Avenue, Yarnton, OX5 1NJ in accordance with the terms of the application, Ref 22/02534/F, dated 18 August 2022.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the host dwelling and surrounding area.

Reasons

3. The appeal site comprises a detached chalet type bungalow within a residential housing estate. The dwellings in the immediate vicinity at the termination of the cul-de-sac are all similar bungalows, and other two storey dwellings are situated a short distance away along the road. The scale, design, dwelling type and spatial pattern of the area creates a strong sense of uniformity in the area.
4. The appeal scheme seeks to render the existing dwelling. Whilst the render element of the scheme did not form part of the Council's reasons for refusal, third parties have made representations objecting to the use of render as they consider it would be out of keeping with the character of the area. Whilst the bungalows in the cul-de-sac are very similar, they are constructed in different brick colours; the appeal site is a buff brick, whilst other bungalows are either constructed in red, red-orange or buff brick. As such, there is no particular uniformity in finished external materials. Moreover, many of the bungalows feature a rendered gable end, and the nearby two storey dwellings are predominantly rendered at first floor level. As such, the appeal scheme would

not be out of keeping with the prevailing character of the area in respect of materials.

5. The dwarf wall, pillars and metal railings are already in situ. The prevailing boundary treatment comprises of low walls or fences, however there are some higher side boundary treatments visible within the streets scene and some slightly higher dwarf walls or fences topped with thick vegetation; as such there is a somewhat mixed open and enclosed character within the street scene. Nonetheless, a single high solid front boundary would be out of keeping with the character of the area.
6. The appeal scheme dwarf wall is very low in height, reflective of the predominantly low front boundary treatments in the vicinity. The scheme avoids a sense of excessive enclosure by virtue of the use of open railings. The pillars, whilst regular, are relatively narrow and do not create a dominant sense of mass or enclosure.
7. Further, the Appellant would be able to achieve a relatively similar front boundary treatment at a slightly lower height due to permitted development rights pertaining to the property. Whilst the boundary treatment would be lower overall, the difference in height with the appeal scheme would be negligible in respect of its impact on the character and appearance of the area. As such, a permitted development scheme would form a realistic fallback position which is comparable in its effect to the appeal scheme.
8. For these reasons, the appeal scheme is not out of keeping with the character of the host dwelling or the surrounding area and it complies with policy ESD1 of the Cherwell Local Plan Part 1, adopted 2015, and saved policies C28 and C30 of the Cherwell Local Plan, adopted 1996, as well as the National Planning Policy Framework. These policies seek, amongst other things, high quality development which contributes positively to an area's character and identity.

Conditions

9. The Council has requested a single time limit for commencement condition. As the development has already commenced, this condition is unnecessary.

Conclusion

10. For the reasons set out above, the appeal scheme would accord with the relevant policies of the development plan and no material considerations indicate that the appeal should be determined other than in accordance with the development plan. The appeal is accordingly allowed.

Kim Langford Tejrar

INSPECTOR