



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/22/3312933

10 Austin Way, Ambrosden, Bicester OX25 2DA

- 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 Robert Still against the decision of Cherwell District Council.
 - The application 22/02121/F, dated 16 July 2022, was refused by notice dated 02 August 2022.
 - The development proposed is 'RETROSPECTIVE - Driveway Fence - To restore the property to the intended specification as agreed at the planning stage with the developer. This would take the form of a fence adjacent to the driveway. Side Fence - to replace the existing side fence with a fence of same or lower height, plus a gate to allow a degree of privacy and safety near the highway.'
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Decision

1. The appeal is allowed and planning permission is granted for the RETROSPECTIVE - Driveway Fence - To restore the property to the intended specification as agreed at the planning stage with the developer. This would take the form of a fence adjacent to the driveway. Side Fence - to replace the existing side fence with a fence of same or lower height, plus a gate to allow a degree of privacy and safety near the highway' at 10 Austin Way, Ambrosden, Bicester OX25 2DA in accordance with the terms of the application, Ref 22/0212/F, dated 02 August 2022.

Main Issue

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

Reasons

3. The appeal site comprises a detached two-storey dwelling on a modest corner plot within Graven Hill, a strategic development site. Graven Hill is a predominantly self-build community within which developers can gain planning permission via an express route with reference to a 'development passport' and relevant Design Code (DC).
4. The appeal site is not a self-build plot and therefore is not subject to the same DC for the build. Nonetheless, the DC is helpful in illustrating existing and likely future prevailing local design characteristics, as the urban design vision for the community. The existing built context of the site is also a material consideration.

5. The appeal scheme seeks to replace the approved brick pillar and timber board fence boundary treatment with a composite palisade fence, which is already in situ. The palisade fence offers a design solution to maximise the very limited outdoor private amenity space within the compact plot. The staggered height of the palisade avoids a sense of dominant over enclosure whilst maintaining a degree of privacy for the dwelling.
6. The DC advises against the use of close board fencing; however, I did note that several properties in the vicinity of the appeal site have close board boundary treatments. In any case, the appeal scheme is clearly composite palisade fencing. I noted many examples of palisade fencing in the vicinity, including a low-level composite palisade on the front boundary of a dwelling on an adjacent road.
7. As such, the appeal scheme is not out of keeping with the character of the area, which is very varied in respect of architectural styles and use of materials in any case. For these reasons, the appeal scheme complies with policy ESD15 of the Cherwell Local Plan Part 1, adopted 2015 and saved policy C28 of the Cherwell Local Plan, adopted 1996. These policies seek, amongst other things, high quality design which integrates well with the character and appearance of the surrounding area.

Conditions

8. The Council has proposed a single condition, relating to a time limit for the commencement of development. Since the appeal is retrospective, such a condition is unnecessary.

Conclusion

9. For the reasons given above, the appeal scheme would comply 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