



Appeal Decision

Site visit made on 24 May 2023

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 July 2023

Appeal Ref: APP/C3105/W/22/3306807

6 Goldsmith Close, Bicester, Oxfordshire OX26 2XT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr W Mellis against the decision of Cherwell District Council.
 - The application Ref 22/01354/OUT, dated 6 May 2022, was refused by notice dated 1 July 2022.
 - The development proposed is described as 'proposed new single dwelling to side garden of the existing property'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was submitted in outline with all matters reserved except access. I have therefore taken any indication of reserved matters shown on the submitted drawings, other than access, to be illustrative.
3. Planning permission was granted in November 2016 for the sub-division of the existing dwelling into two units (Ref 16/01941/F). Although that permission has lapsed it appears reasonably likely that permission would be granted in the event that a planning application was submitted for the same proposal. No robust evidence before me indicates otherwise. Therefore, in the circumstances of this case, it amounts to a valid fallback scheme (the fallback scheme).

Main Issues

4. The main issues are the effect of the proposal on the character and appearance of the surrounding area, and on the living conditions of the occupants of 7 Goldsmith Close, with particular regard to daylight, sunlight and outlook.

Reasons

Character and Appearance

5. Houses on Goldsmith Close and in the immediate vicinity are low rise bungalows that appear to have been constructed at a similar time, to a similar typology. There is consequently a pleasing consistency of scale, form and building design in the locality. Some houses front on to the road behind modest front gardens and drives. Whereas others are set further back behind longer driveways that run diagonally from the road edge, for example at 4 Goldsmith Close. Nevertheless, there is generally a high degree of visibility of houses from the road. The presence of front gardens helps soften the appearance of the area. Gaps between houses, even where these are occupied by single storey

garages, provide a sense of space, offering views through to land behind. This is important given the area's relatively high density feel.

6. The proposed access requires the front projecting gable of No 6 to be truncated in order to create sufficient space for vehicles to enter the site. Whilst this would create sufficient space for the new vehicular access, it would result in a cramped appearance with vehicles passing close to the front elevation of No 6 on one side and the boundary to No 7 on the other. In addition, the house at No 7 is positioned close to that boundary. Therefore the proposed vehicular access would appear contrived, passing uncomfortably close to the adjacent houses.
7. The proposed development plan (Ref 2009-06) shows a detached house with first floor accommodation in the roof void. Although there are two storey houses in the wider area, a dwelling of this scale would appear at odds with the high degree of consistency in scale and form of surrounding houses here. Moreover, even if the detailed design comprised a dwelling of a similar scale and form as the neighbouring bungalows, the proposal would occupy a welcome gap between Nos 6 and 7. In addition, the space in front of No 7 and the new dwelling would be highly constrained, with very little opportunity for any meaningful front landscaping to soften its appearance in views from Goldsmith Close.
8. Therefore the proposal would unacceptably harm the character and appearance of the surrounding area. Consequently it would conflict with Policy ESD15 of the Cherwell Local Plan 2011-2031 (July 2015) (Local Plan), and saved Policies C28 and C30 of the Cherwell Local Plan (November 1996) (1996 Local Plan), which generally seek to ensure proposals are designed to achieve high quality design with regard for the existing context.

Living Conditions

9. The proposed dwelling would be positioned approximately to the north of No 7, and set back from its side boundary. As such, evidence that the proposal would result in an unacceptable loss of daylight or sunlight for the occupants of No 7 is not sufficiently persuasive. The proposal is described as a chalet bungalow style. The submitted plans show that this would be noticeably taller than existing bungalows. Together with the inclusion of dormer style windows in the roof slope it would appear unduly dominant from the existing house and garden at No 7. As such it would be harmful to the living conditions of the occupants of No 7 with respect to outlook.
10. However, matters of scale, layout and appearance are reserved. Moreover it appears reasonably likely that an alternative scheme could be designed to be of a scale and layout that would not be intrusive in views from No 7. Accordingly, the proposal would be capable of having an acceptable effect on the living conditions of the occupants of No 7. As such, it could accord with the requirement in Policy ESD15 of the Local Plan for developments to have regard to the effect on the occupants of existing developments, including in relation to outlook and light.
11. With respect to this main issue it could also accord with saved Policy C30 of the 1996 Local Plan which includes a requirement for new housing to achieve an acceptable standard of amenity. However, in light of my findings in respect of

the effect of the proposal on character and appearance, it would conflict with these policies as a whole.

Other Matters

12. As the proposal is on land that is a residential garden in a built-up area, it would be excluded from the definition of previously developed land as defined in Annex 2 to the National Planning Policy Framework.
13. My attention has been drawn to an appeal that was allowed for development of a residential garden at 6 Chaucer Close. Whilst such proposals can be acceptable it is highly dependent on the nature of the proposals and their relationship to the surrounding context. Although local to the appeal site, details of that scheme are not before me. Therefore I am unable to make a meaningful comparison or determine whether that proposal and its access arrangements are sufficiently similar to the scheme before me. Nevertheless, the existence of another scheme involving development of garden land in the vicinity is not sufficient to justify allowing this scheme in circumstances where I have found that it would be harmful to the character and appearance of its surroundings.
14. The fallback scheme involved the subdivision of the existing building. As a result, the impact of that scheme on the character and appearance of the surrounding area and any effects on the living conditions of the occupants of No 7, would be considerably less than the appeal scheme. Therefore it does not alter my conclusions here.
15. The proposal would provide a single private dwelling with adequate access to services. It would contribute to the supply of housing in the district and the Government's objective to boost housing supply. The proposed dwelling could also be constructed to high environmental standards, which would form a public benefit in environmental terms. Furthermore, the construction of the dwelling would provide short term benefits to the local and wider economy; and the occupants would be likely to stimulate consumer spending, boost local labour supply and help to support local services, which would all constitute benefits in social and economic terms.
16. However, although acceptable with respect to the living conditions of No 7, I have found that the proposal would unacceptably harm the character and appearance of the surrounding area. Therefore delivery of a new dwelling here would be at the expense of achieving good design.

Conclusion

17. Consequently, having considered the development plan as a whole along with all other relevant material considerations, I conclude that the appeal should be dismissed.

Rachel Hall

INSPECTOR