



Appeal Decision

Site visit made on 8 February 2024

by Nick Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th March 2024

Appeal Ref: APP/C3105/W/23/3321971

15 Farmfield Road, Banbury, Oxfordshire OX16 9AP

- 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 Ms L Viggers against the decision of Cherwell District Council.
 - The application Ref 22/02551/F, dated 19 August 2022, was refused by notice dated 10 February 2023.
 - The development proposed is for the demolition of 2 garages and replacement with 2 x 2-bedroom semi-detached dwellings, with access off Beechfield Crescent.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following the Council's decision on the application, the appellant provided additional information in the form of an Arboricultural Impact Assessment, Overshadowing Assessment (OA) and various amended plans including a visibility splay plan. I am satisfied that the Council has had the opportunity to view, and comment upon, these documents.
3. The Council has confirmed in its appeal statement that it is no longer contesting the third reason for refusal relating to highway safety following the provision of the visibility splay plan and subsequent revised technical advice from the County Council, as the Highway Authority. I have, therefore, not considered this matter any further in this decision.
4. The National Planning Policy Framework (the Framework) was revised in December 2023. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments.

Main Issues

5. The main issues are the effect of the proposed development on:
 - a) the character and appearance of the area, and
 - b) the living conditions of the occupants of 17 Farmfield Road.

Reasons

Character and appearance

6. Farmfield Road and Beechfield Crescent form part of a suburban area made up of, predominantly, mid-twentieth century semi-detached and terraced houses

although there are examples of more recent infill developments. Both roads are pleasantly landscaped with numerous mature trees lining grassed verges. The appeal site is presently occupied by two detached double garages and part of the rear garden to 15 Farmfield Road.

7. The proposed dwellings would be similar in their individual footprints to the terraced dwellings along Beechfield Crescent. However, they differ in their design and style and would be pressed against the 'rear' boundary with 17 Farmfield Road. The design of the proposed dwellings contrasts with the style of neighbouring houses, particularly in terms of the roof form, projecting 'blind' front element with front door that does not address the street and disparate front window positions, sizes and arrangements. It is clearly at odds with the simple form of the terraced rows along Beechfield Crescent with their gentle rhythmic vernacular. The dwellings position within the narrow plot and proximity to the 'rear' boundary with no back gardens would give a cramped, contrived impression, emphasised by the side fencing to form private outdoor amenity areas.
8. I recognise that the proposed dwellings would replace a pair of detached garages. At present these are unobtrusive structures which, whilst not making a positive contribution to the street scene, do not detract from it. The proposed dwellings however would be detrimental to the areas' character and appearance this would not be mitigated by the modest soft landscaping proposed. I have also noted the recently completed pair of semi-detached homes on the opposing side of the street. These new homes are markedly different to those proposed here as they benefit from larger back gardens and have a design which harmonises with houses on both Farmfield Road and Beechfield Crescent.
9. For these reasons I conclude that the development would not comply with policy ESD15 of the Cherwell Local Plan, Part One, 2015 ('the 2015 Plan'), saved policies C28 and C30 of the Cherwell Local Plan 1996 ('the 1996 Plan') and provisions of the Framework. These policies, amongst other things, require development to complement and enhance the character of its context through sensitive siting, layout and high-quality design.

Living conditions

10. The proposed dwellings would be set adjacent to the north-eastern boundary with number 17 Farmfield Road. The proposed dwellings would present an unbroken and overbearing wall, with pitched roof over, along almost half the length of the rear garden of 17 Farmfield Road. Although this is not immediately to the rear of the habitable rooms of this neighbouring property, the outlook from this aspect would be seriously impaired to the detriment of the living conditions of the occupants.
11. The Council originally expressed an objection to overshadowing of the rear garden. However, the OA indicates that, when measured at the spring equinox, and in accordance with the Building Research Establishment (BRE) recommendations, any overshadowing to the garden will be for a short period of time during the morning. All parts of the garden would continue to receive over two hours of daily sunlight. Although the BRE recommendations are not referred to in development plan policy, I am satisfied that the results of the OA indicate no material increase in overshadowing to the rear garden to number 17 Farmfield Road.

12. Therefore, whilst I conclude that there would not be any harmful overshadowing, I remain concerned that the length, height and proximity of walling and roofing to the rear garden of number 17 would still be detrimental to the living conditions of the occupants of this property. For this reason, the proposed development does not comply with policy ESD15 of the 2015 Plan and saved policies C28 and C30 of the 1996 Plan. These policies include reference to maintaining outlook from existing development in the interests of the living conditions of the occupants.

Planning Balance and Conclusion

13. The development would contribute to meeting the Government's objective of significantly boosting the supply of housing. It would do so in a suburban, residential area with good access to services. However, the social and economic benefits of the scheme would be modest.
14. The proposal therefore conflicts with the policies of the development plan, read as a whole, and there are no other material considerations of sufficient weight, to indicate that I should make a decision other than in accordance with the development plan. The appeal is, therefore, dismissed.

Nick Bowden

INSPECTOR