

Appeal Decision

Site visit made on 19 September 2024

by **J Bell-Williamson MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8 October 2024

Appeal Ref: APP/D3125/D/24/3346034

Pen-Lea, Arkell Avenue, Carterton, Oxon OX18 3BS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs King against the decision of West Oxfordshire District Council.
 - The application Ref is 24/00269/HHD.
 - The development proposed is erection of garden room (part retrospective).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The original description of development is provided in a more accurate form in the decision notice, particularly as the development has largely been completed. Therefore, the above description reflects this amended description.

Main Issue

3. The main issue is the effect of the garden room on the character and appearance of the street scene.

Reasons

4. The appeal property is a detached chalet bungalow in a residential road of mixed property types.
 5. Policies OS2, OS4 and H6 of the West Oxfordshire Local Plan (2018), concerning development principles, high quality design and existing housing respectively, all include the requirement that development should respect the character of the surrounding area.
 6. Arkell Avenue is characterised by dwellings with largely uniform front building lines, well-planted front gardens and predominantly stone boundary walls and hedges. Despite the range of dwelling types this provides a good degree of openness to the street scene and a pleasant, verdant character. There are no other examples of similar buildings or other structures positioned within front gardens.
 7. The garden room that has been built has the appearance of a typical domestic outbuilding in terms of its design, scale and materials. However, as a building type
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it is more typically found behind the front building line of the host dwelling, in back gardens or to the side of a property. Despite its limited size, the position of the building, in front of the host dwelling and directly adjacent to the front boundary, results in it being a prominent feature within the street scene.

8. This is particularly the case approaching from the west, from which views the building obscures the front gardens beyond the appeal property to the east. As such, it has an undue presence, which gives it an incongruous appearance in the otherwise open setting and harmfully erodes the character and appearance of the surrounding area.
9. I acknowledge that the orientation of the building would reduce the effects of internal lighting. While the grey colour of the building could be changed to better reflect that of the host dwelling, this would not overcome the harmful effects resulting from the presence and prominence of the building in this location. Addition of a water butt or other sustainable features required by conditions would not overcome the above findings. The polytunnel referred to, at the eastern end of the road, is not directly comparable in terms of its solidity and presence to the garden room directly in front of the host dwelling.
10. Some planting has already occurred between the building and front boundary wall. I accept that this could be supplemented with further planting. However, it is unlikely that this would successfully mitigate the effects of the building, particularly as such planting with the principal purpose of screening a structure in a prominent location as in this case can often add to the incongruous or uncharacteristic appearance.
11. The appellants suggest that a condition could be imposed that could limit the use to a personal one, or provide a temporary permission for five years. However, the Planning Practice Guidance (PPG) says that planning permission usually runs with the land and it is rarely appropriate to provide otherwise. There may be exceptional occasions where development that would not normally be permitted may be justified on planning grounds because of who would benefit from the permission¹.
12. I have had regard to the appellants' personal circumstances and acknowledge that additional space is required for a family member. While I note the particular reason for the building being positioned at the front of the property in public view related to its use, this does not amount to the exceptional circumstances to justify a personal permission. More generally, these arguments in support of the proposal must be balanced with the harm that has been found. On balance, the reasons for the building in this location do not overcome the harm and conflict with development plan policies.
13. The PPG also says that circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change in a particular way at the end of that period². As the effects of the development are known, as found above, and there is unlikely to be a change in planning circumstances, use of this type of condition would not be appropriate.

¹ *Use of Planning Conditions*, paragraph 015.

² *Ibid*, paragraph 014.

14. Therefore, for these reasons, I conclude that the garden room that has been erected has an unacceptably harmful effect on the character and appearance of the street scene. Consequently, the proposal is contrary to Policies OS2, OS4 and H6 of the West Oxfordshire Local Plan, as described. It is also contrary to the National Planning Policy Framework, which advocates good design.

Other Matters

15. The appeal site is within the setting of a listed building and church and, therefore, I am mindful of the statutory requirement for decision makers to have special regard to the desirability of preserving the setting of a listed building³. In this regard, I agree with the Council's assessment that the proposal would result in no impact on the setting or significance of the listed buildings.
16. I have had regard to the representations from interested parties, both in support of and opposition to the proposal, including the supportive representation from the Town Council. These do not, however, raise any additional matters in relation to the main issues that would lead me to reach a different overall conclusion.

Conclusion

17. For the reasons given it is concluded that the appeal should not succeed.

J Bell-Williamson

INSPECTOR

³ Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.