



Appeal Decision

Site visit made on 12 November 2024

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th November 2024

Appeal Ref: APP/G3110/W/24/3345887

139 Banbury Road, OXFORD, OX2 7AJ

- 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 St Clare's College Oxford against the decision of Oxford City Council.
 - The application Ref is 24/00304/FUL.
 - The development proposed is alterations to 1no. gate.
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Decision

1. The appeal is allowed and planning permission is granted for alterations to 1no. gate at 139 Banbury Road, OXFORD, OX2 7AJ, in accordance with the terms of the application, Ref 24/00304/FUL, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing no's: Existing and Proposed gate 1371-1; Site Location and Block Plan 1371-1.
 - 3) The materials and colour of the gates shall be as specified on the approved plans and retained in that manner unless otherwise agreed in writing by the Local Planning Authority.

Applications for costs

2. An application for costs has been made by the appellant against the Council. This is the subject of a separate decision.

Main Issue

3. The main issue is whether the design and appearance of the replacement gates would harm the character and appearance of the North Oxford Victorian Suburb Conservation Area (NOVSCA) by adding to the dominance of an institutional use to the detriment of the residential area.

Reasons

Background

4. The appeal site comprises buildings used by St Clare's College (a co-educational independent school) which lie on the corner of Banbury Road and Lathbury Road. The main building faces Banbury Road and has a large three storey mostly residential form but is in institutional use. There is a more

modern building to the rear which has a vehicular access and pedestrian gate to the more minor Lathbury Road. The appeal proposal relates to the pedestrian access where it is proposed to replace the existing double wooden gate with a metal gate of the same width. The new gate would display the college's 'coat of arms' logo and other scrolled detail cut into the metal and which would be painted blue, the same colour as the existing timber gate, but would have a curved top.

Effect on the NOVSCA

5. In assessing this issue, I have paid special attention to the desirability of preserving or enhancing the character and appearance of that area and I have placed great weight on the conservation of the heritage asset.
6. The site lies in the NOVSCA, and the Council's statement sets out the significance of this heritage asset which covers a wide area of north Oxford. The Council says that it has had regard to the Character Area 8: Lathbury and Staverton Roads Character Area which the NOVSCA Appraisal (CAA) describes as two curving streets of early twentieth century primary residential dwellings which sit at angles to the road. Moreover, the appraisal says that the special significance comes from the garden suburban character which is derived from the areas calm ambiance, abundance of greenery and spacious front gardens which make an important contribution to the Character area and wider Conservation Area.
7. The appellant's agent points out that the exact position of the gates actually lies within the Character Area 6: Banbury Road with the boundary to the two-character areas being the wall to the left of the gates and then to the side of the appellant's premises. The appellant says that this character area has a substantially different character area based around university and college buildings, although the CAA indicates that the institutional use of large houses has led to an erosion of domestic character.
8. At my site visit it was clear that the first part Lathbury Road from the junction with Banbury Road, and on both sides of the road, has a different character to the residential area to the west. The boundary wall along the appeal site is about 2m high and sited at the edge of the pavement, and above this there are views of the large institutional buildings. This is quite different to the residential character to the west which starts at No. 2 Lathbury Road (and No. 1 on the opposite side). Here the residential properties tend to have verdant and spacious front gardens with hedges and/or low walls along the frontages.
9. The two different character areas set out in the Appraisal still reflect the present circumstances on the ground and it is appropriate to consider the proposed changes to the gateway in the context of the institutional form of the corner properties as in Character Area 6: Banbury Road. At the moment, the street scene along the first part of Lathbury Road is dominated by the high brick wall on the edge of the pavement which extends about 50m, and the existing blue wooden gate occupies a visually insignificant part of this street elevation. The proposed metal gate painted the same colour of blue would make little overall difference to this appearance. Seen at close quarters the slight curve to the top over the height of the wall and the detail within the cut-out panels within it would be more likely to add interest to the character of the street scene.

10. I am also satisfied that the proposed gates would not have a harmful effect on the character of the neighbouring Character Area 8: Lathbury and Staverton Roads Character Area. They would be far enough away and be of a modest scale so as not to exacerbate any unwelcoming atmosphere that the existing and long-standing institutional uses on the corner sites may cause.
11. Overall, I find that the proposal would accord with the provisions of Local Plan Policy DH1 as the proposal would constitute high quality design which would add to the distinctiveness of the area. It would also accord with Policy DH3 as it would conserve and enhance rather than harm the character and appearance of the Conservation Area.
12. Given this finding, I do not need to assess why the changes to the gates are put forward or weigh up any public benefits that may arise from the proposal.

Conditions

13. The Council recommends that three conditions be imposed. The first is the statutory one to regulate the commencement of the development. The second and third are to ensure that the development is implemented in accordance with the approved plans which should be specified, and that the materials shown on the plans must be used. These are necessary to ensure that the new gates fit in with their surroundings and I will impose them.

Conclusion

14. For the reasons given above, the appeal should be allowed.

David Murray

INSPECTOR