



Appeal Decision

Site visit made on 09 December 2024

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 January 2025

Appeal Ref: APP/C3105/W/24/3346750

Land adj to 20 Almond Road, Bicester, Oxfordshire OX26 2HT

- 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 John Prpa against the decision of Cherwell District Council.
 - The application Ref is 23/03109/F.
 - The development proposed is subdivision of land at 20 Almond Road to form site for 2no. new detached dwellings with associated parking and gardens.
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Decision

1. The appeal is allowed and planning permission is granted for subdivision of land at 20 Almond Road to form site for 2no. new detached dwellings with associated parking and gardens at Land adj to 20 Almond Road, Bicester, Oxfordshire OX26 2HT in accordance with the terms of the application, Ref 23/03109/F, subject to the conditions in the attached schedule.

Main Issue

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

Reasons

3. The appeal site comprises a vacant parcel of land on the north side of Almond Road. The site is located in a residential area which comprises modern 2-storey and single storey dwellings. Dwellings are typically set back from the road behind front gardens. This results in a verdant and pleasant character and appearance to the area.
4. The appeal proposal relates to the erection of 2 detached dwellings. The dwellings would be 2-storeys in height and set back from the highway aligned to the curve of the road. The siting, massing, materials, form and height of the dwellings would be broadly consistent with the pattern and form of development in the surrounding area. Each dwelling would be sited within a plot consistent in size with others in the area with adequate private amenity space. The separation between dwellings would be consistent with that in the surrounding area.
5. The proposal would not cause harm to the character and appearance of the area. It would therefore accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 (2015) and Policies C28 and C30 of the Cherwell Local Plan (1996) which seek to ensure that development complements and enhances the character of its context and that new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.

Other Matters

6. Oxfordshire County Council Highways raised no objection to the proposal on highway safety grounds and found that the dwellings would be provided with adequate off-road car parking. Based on the evidence before me and my observations on site I see no reason to take a different view.
7. Concerns that the proposed dwellings would be used as a House in Multiple Occupation are noted. However, I am tasked with determining the appeal before me and there is no indication that that would be the case.
8. Concerns regarding the effect of the proposal on drainage and sewerage infrastructure are noted. Thames Water commented on the planning application confirming that the proposal would not affect the sewer network and I see no reason to take a differing view. Subject to the approval of details of surface water drainage works as required by condition 17 there is no reason to assume that harmful impacts would occur to drainage and sewerage infrastructure. Additionally, there is no particular evidence that the proposal would harm the structural integrity of retaining walls.
9. Concerns regarding the impact of construction on the occupiers of neighbouring properties are noted. However, these impacts would be relatively short lived, and construction would be controlled by a construction method statement as required by condition.
10. I have found that the individual characteristics of this site would enable the proposal to be accommodated without harm. However, I see no reason to suppose that my decision in this case would set a precedent. Differing circumstances would represent matters to be considered were other similar proposals to be advanced elsewhere in the future.

Conditions

11. I have had regard to the conditions suggested by the Council, on which the appellant has had the opportunity to comment. Where necessary I have made revisions to some of the conditions put to me to ensure that they meet the tests in the National Planning Policy Framework and Planning Practice Guidance, without altering their fundamental aims.
12. Planning permission is granted subject to the standard 3 year time limit condition for implementation. In addition, it is necessary to specify the approved plans in the interest of certainty. In the interests of the living conditions of future occupiers of the development it is also necessary to specify compliance with the submitted noise assessment.
13. A pre-commencement condition requiring the approval of a Construction Method Statement is necessary in order to ensure that the environment and the living conditions of neighbouring occupiers are protected during construction. A pre-commencement condition requiring the approval of existing and proposed site levels is necessary to ensure that the proposed development relates appropriately in scale to the surrounding development. A pre-commencement condition requiring the submission of a habitat survey is necessary to ensure that the development does not cause harm to protected species or their habitats.

14. Pre-commencement conditions relating to the approval of a method statement and risk assessment in respect of the railway line, details of any scaffolding works within 10 metres of the railway boundary, surface water and foul water drainage in relation to the railway, ground levels, earthworks and excavations to be carried out near to the railway boundary and vehicle safety protection measures along the boundary with the railway are necessary to ensure that the construction and subsequent maintenance of the proposal does not adversely affect the safety, operation or integrity of the railway.
15. In the interest of the character and appearance of the street scene, a condition is necessary to control the external materials of the development (which need not delay any development). A condition relating to the approval of details of proposed landscaping is necessary in the interests of the character and appearance of the development. A condition requiring the approval and implementation of a Biodiversity Enhancement Plan is necessary to protect habitats of importance to biodiversity conservation from any loss or damage.
16. A condition relating to the approval and provision of cycle parking is necessary in order to support more sustainable living. A condition relating to surface water drainage is necessary to ensure that the development is served by sustainable arrangements for the disposal of surface water. A condition relating to the implementation of water efficiency measures is necessary in order to ensure compliance with the relevant development plan policies and to contribute to the provision of sustainable development.
17. In the interests of safeguarding the privacy of the occupants of neighbouring dwellings I have attached a condition relating to the installation of obscure glazing to specified windows. A condition relating to the approval of a remediation strategy in the event that contamination not previously identified is found to be present at the site is necessary to ensure that any ground and water contamination is identified and adequately addressed.

Conclusion

18. For the reasons set out above, I conclude that the appeal should be allowed.

N Robinson

INSPECTOR

SCHEDULE OF CONDITIONS

- 1.) The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
- 2.) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans: Site Location Plan, PRPA/S5/P/05 Rev A, PRPA/S5/P/06 Rev A, PRPA/S5/P/07 Rev A.
- 3.) The development shall be carried out in accordance with the recommendations set down in the Noise Assessment prepared by Hawkins Environmental dated 14th June 2016.

- 4.) Prior to the commencement of the development hereby approved, a plan showing full details of the existing and proposed site levels (including details of the retaining walls) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.
- 5.) Prior to the commencement of development a Construction Method Statement shall be submitted to, and approved in writing by the Local Planning Authority. The statement shall include details of the following:
- a) The parking of vehicles of site operatives and visitors;
 - b) The routeing of HGVs to and from the site;
 - c) Loading and unloading of plant and materials;
 - d) Storage of plant and materials used in constructing the development;
 - e) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - f) Wheel washing facilities including type of operation (automated, water recycling etc) and road sweeping;
 - g) Measures to control the emission of dust and dirt during construction;
 - h) A scheme for recycling/ disposing of waste resulting from demolition and construction works; and
 - i) Delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 6.) Prior to the commencement of development, a revised Phase 1 Habitat Survey, together with any necessary changes to the mitigation plan or method statement, shall be submitted to and approved in writing the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
- 7.) Prior to the commencement of development, a method statement and risk assessment in respect of the railway line boundary shall be submitted to and approved in writing by the Local Planning Authority. The development and shall be undertaken in accordance with the approved details.
- 8.) Prior to the commencement of development, details of any scaffolding works within 10 metres of the railway boundary shall be submitted to and approved in writing by the Local Planning. The development shall be undertaken in accordance with the approved details.
- 9.) Prior to any vibro-impact works on site, a risk assessment and method statement shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works. The development shall be undertaken in accordance with the approved details.
- 10.) Prior to the commencement of development details of the disposal of both surface water and foul water drainage directed away from the railway shall be submitted to and approved in writing by the Local Planning Authority. Those works and shall be undertaken in accordance with the approved details.

- 11.) Prior to the commencement of the development full details of ground levels, earthworks and excavations to be carried out near to the railway boundary shall be submitted to and approved in writing by the Local Planning Authority. These works shall be undertaken in accordance with the approved details.
- 12.) Prior to the commencement of the development details of appropriate vehicle safety protection measures along the boundary with the railway shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.
- 13.) No development hereby permitted shall take place above foundation level until full details of all external facing materials have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details, which shall thereafter be retained.
- 14.) No development hereby permitted shall take place above foundation level until a scheme for landscaping the site has been submitted to and approved in writing by the Local Planning Authority. This landscaping scheme shall include:-
 - a.) Details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch etc);
 - b.) Details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation; and
 - c.) Details of the hard landscaping including hard surface areas, pavements, pedestrian areas and steps.

The approved scheme shall be implemented by the end of the first planting season following occupation of the development.
- 15.) No development hereby permitted shall take place above foundation level until a Biodiversity Enhancement Plan (BEP) has been submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancement measures shall be carried out as approved prior to the first occupation of the development and shall thereafter be retained.
- 16.) Prior to the first occupation of the development hereby approved, covered cycle parking facilities shall be provided on the site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The covered cycle parking facilities shall thereafter be permanently retained and maintained for the parking of cycles in connection with the development.
- 17.) Prior to the first occupation of the development hereby approved surface water drainage works shall be implemented in accordance with details that have been submitted to and approved in writing by the local planning

authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Section 14 of the National Planning Policy Framework, and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- a.) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- b.) Include a timetable for its implementation; and
- c) Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The development shall be carried out in accordance with the approved details.

- 18.) Prior to the first occupation of the development hereby approved, written confirmation that the development achieves a water efficiency limit of 110 litres/person/day under Part G of the Building Regulations shall be submitted to and approved in writing by the Local Planning Authority.
- 19.) The windows above ground floor level in the side elevations of the development hereby permitted shall be obscurely glazed, using manufactured obscure glass, level 3 or above that is impenetrable to sight, (not an applied adhesive film). The windows shall be non-opening below a height of 1.7m above the internal floor level of the room in which it is installed. This specification shall be complied with before the development is first occupied and thereafter be retained for the lifetime of the development.
- 20.) If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.