
Appeal Decision

Site visit made on 2 December 2024

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 January 2025

Appeal Ref: APP/C3105/W/24/3345198

7 Launton Road, Bicester, Oxfordshire OX26 6PX

- 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 Mr Jordan Otwell and Ms Chloe Otwell against the decision of Cherwell District Council.
 - The application Ref 24/00620/F, dated 6 March 2024, was refused by notice dated 7 May 2024.
 - The development proposed is demolition of existing detached dwelling and erection of new 2-bedroom dwelling. Existing 3-bedroom dwelling to be retained.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published during the consideration of this appeal on 12 December 2024. The references in my decision to the paragraphs in the Framework relate to this new document.

Main Issue

3. The main issue in this appeal is the effect of the proposed development upon the character and appearance of the area and the setting of the Bicester Conservation Area.

Reasons

Character and appearance

4. The appeal site lies to the side of an existing semi-detached dwelling and is part occupied by a single storey, detached garage. Whilst dwellings are set within plots that follow a linear pattern, the appeal site lies on a corner plot that is triangular in shape, reflecting its corner location. Both the adjoining dwelling and those on the opposite side of Lambourne Crescent, mirror the layout and plot shape and size of the appeal site. The appeal property and the surrounding dwellings are set back from the edge of the highway, with reasonably sized gaps between them, which results in a relatively spacious character. This, along with the layout of the dwellings and their plots, establishes the overall rhythm and pattern of the street scene and gives the area a regular and uniform appearance. The front gardens of a number of properties, including the appeal site are used for off road car parking.

5. When compared to those around it, the proposed development would be set within a considerably smaller plot. Given the regular and uniform pattern of the surrounding development, along with the spacious character, the addition of a new dwelling into the side garden, would introduce a form of development that would fail to respect the context, layout and character of the surrounding area. The proposal would not be compatible with the surrounding regular pattern of development and, as a result, it would fail to respond to the local character or reflect the identity of the surroundings.
6. In response to the shape of the appeal site and the position of the host property, when compared with surrounding development there would be less spacing between the host dwelling and the new dwelling. This, along with the substantially reduced plot size, would result in a cramped appearance, indicative of overdevelopment. As a result, the proposal would introduce a pattern of development which would be out of keeping and harmful to the character and appearance of the area.
7. In relation to Bicester Conservation Area (BCA), whilst I have found that the proposed development would harm the character and appearance of its immediate locality, due to the distance and the intervening development, along with the reasons for its designation, I do not find that the proposed development would cause harm to the setting of the designated heritage asset.
8. The position of the proposed dwelling would respect the existing building line along Launton Road, and the design of the dwelling would be similar to those around it. However, whilst these similarities are benefits of the proposed development, they do not overcome the harm caused by the proposal.
9. For the above reasons, I therefore conclude that the proposed development would harm the character and appearance of the area and, in this respect, would be contrary to Policy ESD15 of the Cherwell Local Plan 2011-2031, saved Policies C28 and C30 of the Cherwell Local Plan 1996 and the Framework. Amongst other things, these policies require new development to complement and enhance the character of its context through sensitive siting, layout and high-quality design and that housing development should be compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.

Planning balance

10. The appellant submits that the Council are presently unable to demonstrate a 5-year supply of housing land and as a result, considers that the planning balance as set out in Paragraph 11(d) of the Framework should apply. This is on the basis of a recent appeal decision (March 2024). In response, the Council have submitted that they consider they have sufficient housing land to demonstrate a 5-year supply and have referred to their Housing Land Supply Position Statement (January 2024). In relation to the appeal decision, the Council acknowledge the findings of the Inspector in relation to housing supply but have identified that they have submitted a challenge to the decision. On this basis, due to the challenge, they consider that greater weight should be given to the figures contained within their Position Statement.
11. The decision of the Inspector represents the most recent consideration and assessment of the Council's housing supply position that is before me. Whilst I note that this decision has been challenged by the Council, until the matter has

been considered by the Courts and their judgement issued, I consider that it remains as such. Therefore, with no substantive evidence before me to suggest the contrary, I have no convincing reason as to why I should not adopt the Inspector's decision as being the most recent housing land supply position for the purpose of determining this appeal.

12. On this basis, I therefore consider that the balance, as set out in Paragraph 11(d) of the Framework applies in this case.
13. Paragraph 11 of the Framework states that where the most important policies are out of date, permission should be granted unless any adverse impacts of doing so, would significantly and demonstrably outweigh the benefits when assessed against the policies in The Framework taken as whole, or where specific policies in The Framework, indicate that development should be restricted. In this respect, I have found that the proposed development would not conflict with policies in the Framework that protect areas or assets of particular importance as set out in footnote 6 of the Framework.
14. The proposed development would contribute a single dwelling towards the existing housing stock and is located in an accessible location, on a brownfield site, within the settlement boundary. Whilst this is a benefit, given the very limited scale of the contribution, the adverse impacts the proposed development would have upon the character and appearance of the area, significantly and demonstrably outweigh this limited benefit.
15. I have also been referred to the personal requirements of the appellant in relation to their housing needs. Whilst I acknowledge that the proposed development would meet these needs, I find that the harm caused by the proposed development, significantly and demonstrably outweighs this limited benefit.
16. Furthermore, I note that the Council raise no other issues in relation to ecology, highways and impact on neighbouring occupiers, amongst other things. However, as these are requirements of policy and legislation, the absence of harm in respect of these matters are neutral factors that weigh neither for nor against the development.
17. Drawing all this together, whilst the proposal would deliver benefits, principally in the form of a new home, given the limited scale of the contribution, I find that the adverse impact of the proposed development upon the character and appearance of the area, significantly and demonstrably outweighs the benefits.

Conclusion

18. I conclude that, for the above reasons, the appeal should be dismissed.

Adrian Hunter

INSPECTOR