



Appeal Decision

Site visit made on 2 January 2025

by **B J Sims BSc (Hons) CEng MICE MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 January 2025

Appeal Ref: APP/G3110/D/24/3352452

12 Fyfield Road, Oxford, OX2 6QE.

- 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 c/o Kieran Roberts, Riach Architects, against the decision of Oxford City Council.
 - The application Ref is 24/01059/FUL.
 - The development proposed is erection of new cast iron railing and gates to the front boundary, creation of an opening to the front boundary wall for vehicle access, replacement of existing front boundary wall, implementation of scheme of landscaping and installation of a new bin store.
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Decision

1. The appeal is allowed and planning permission is granted for erection of new cast iron railing and gates to the front boundary, creation of an opening to the front boundary wall for vehicle access, replacement of existing front boundary wall, implementation of scheme of landscaping and installation of a new bin store, at 12 Fyfield Road, Oxford, OX2 6QE, in accordance with the terms of the application, Ref 24/01059/FUL, and subject to the conditions set out in the **Appendix** to this decision.

Procedural Matters

2. For the Appellants it is asserted that their prosecution of their appeal, dated 29 September 2024, was hindered by the absence of any reasoned report by Council officers. However, such a report, dated 1 July 2024, is provided to this appeal by the Council. In any event, the appeal facilitates a full and independent re-assessment of all matters relating to the proposed development.
3. It is also stated within the grounds of appeal that the frontage car parking and access element of the proposed development falls within the purview of permitted development. Be that as it may, this appeal is for determination on the planning effects of the proposal as a whole.

Planning Issues

4. The main issue is the effect of the proposed development upon the character and appearance of the appeal property and of the surrounding North Oxford Victorian Suburb Conservation Area (CA) as a whole. It is also necessary to consider the effect of the proposed vehicle access on road safety.

Reasons

Character and Appearance

Policy

5. Policies DH1 and DH3 of the adopted Oxford Local Plan 2036 (OLP) together require development in the North Oxford Victorian Suburb CA to be of high-quality design, respecting and drawing inspiration from Oxford's unique historic environment and responding positively to the character and distinctiveness of the locality and the CA as a designated heritage asset.
6. OLP Policy DH7 requires the new bin store and electric vehicle charging point to be integrated into and enhance the design to meet practical needs, without detracting from the overall design of the development, or to be positioned to minimise their impact.

Boundary Wall

7. The North Oxford Victorian Suburb CA Appraisal states that the brick walls and railings that provide the front boundaries of many properties in the CA make an important contribution to its character, defining the limits of public and private space, framing views and filling gaps along the streets. The loss of these front boundary features is identified as a key vulnerability within the CA. The Appraisal also specifically identifies the loss of front gardens to hardstanding and gravel for parking, bin and cycle storage as one of the main negative features within the CA, where green landscape is a major characteristic.
8. The brick boundary wall to No 12 Fyfield Road may or may not be entirely original, as it shows some signs of possible variation or repair since the house was built in the late 19th Century. But, either way, the wall in its present form is clearly of considerable age. It is typical of many street boundary walls in North Oxford and contributes significantly to the surrounding CA.
9. The wall is now clearly in need of repair and refurbishment, particularly as the bole of the large and impressive copper beech tree at the western edge of the property has caused a vertical crack in its construction.
10. The submitted photomontage¹ of the completed work gives an unfortunate impression of a modern replacement wall. However, I am persuaded by the written evidence that this need not be the case and that the original character of the wall could be re-created by the careful re-use of the existing bricks, combined with equally careful sourcing of any others required in addition. These arrangements could be secured by planning condition. Overall, I think the rebuilding of the wall itself would be an improvement.

Proposed Railings

11. The Council objects to the design of the Phase 3 railings proposed, as incorrectly related to the period of the original house, according to the North Oxford Railings Guide. The Council expresses a preference for the heavier and less ornate Phase 2 type of railings, as described in that guidance.

¹ Ref 1644-P210 - Existing and Proposed Frontage

12. However, the Guide attributes Phase 3 railings to the late 1880s, the stated period of the appeal house. Moreover, such railings have been installed at Nos 9 and 11 Fyfield Road nearby. That alone is no justification for the present proposal but, on their own merit, it appears to me that the Phase 3 railings put forward in the appeal scheme would be acceptable in context, and further beneficial to the CA.

Vehicle Entrance, Front Garden and Bin Store

13. There are signs, including a dropped kerb at the Benson Place flank frontage, that No 12 Fyfield Road may have once had a vehicle access in the position of the entrance now proposed. However, the fact is that it does not have such an entrance now, so the present proposal should be assessed on merit.
14. It does not seem to me that the introduction of a new gap in the flank frontage boundary wall would harm the overall character of the boundary treatment as the front of the property would remain overall better enclosed with the installation of suitable railings that are currently absent.
15. I am alert to the fact that the front garden has been stripped of its previous vegetation and that the replacement borders would leave a substantial parking space no matter how well and successfully planted. The photomontage is again possibly misleading to a degree, in that it illustrates substantial screening vegetation between the protected copper beach and the wall, which seems unrealistic, due to lack of space. Nevertheless, on balance, I think there is sufficient opportunity in this case for screen landscaping to be achieved, again secured by condition ensuring compliance with approved plans, to soften substantially the appearance of parked cars in the forecourt.
16. The bin store appears well designed for its purpose and the concern of the Council is mainly focussed on its relatively large size. However, it would be placed reasonably discreetly at the side boundary and it too would be screened by landscape planting once mature.
17. Most of the prominent corner properties in the CA have vehicle accesses and frontage parking. Bin storage, as well as electric vehicle charging points have become features of many other dwellings in the CA, as they have been modernised in line with present day car ownership levels and domestic needs.
18. I find overall that the effects of the vehicle entrance, car parking and bin store on the character and appearance of the appeal property and the CA would be neutral, with a degree of benefit due to the replacement planting.
19. I recognise that the appeal property already has adequate off-street parking and garaging further along Benson Place. But that is not relevant where there is no substantive planning objection to the proposal at appeal.

Protected Tree

20. There is some concern that the important protected copper beach tree could suffer root damage due to the opening up of the front forecourt as a gravelled car park. However, the Council, based on advice from its Tree Officers, has no objection on this ground.
21. The submitted Tree Protection and Car Parking Plan includes details of safeguarding the root protection area of the protected tree, by way of preventing

compaction by a load-bearing cellular geogrid, installed in line with best practice. In the circumstances, I am satisfied that these measures would be adequate and would be secured by the standard condition ensuring compliance with approved plans.

Conclusion on Character and Appearance

22. Notwithstanding that I have found no significant planning harm in my foregoing appraisal, it might still be held that, without countervailing benefits, the mere replacement of the wall and associated works would not strictly preserve the character or appearance the CA as a whole, where established law and Court judgments in effect require zero harm for this to be achieved. This would result in a degree of less than substantial harm to the CA, as a designated heritage asset, which is required by national policy to be outweighed by public benefits for permission to be justified.
23. Crucially in this case, I have identified above public benefits from the refurbishment of the boundary wall and the re-instatement of railings as well as replacement landscape planting to the forecourt. There is no doubt in my mind that these benefits would significantly outweigh any perceived harm to the North Oxford Victorian Suburb CA, such that the character and appearance of the CA would be preserved in accordance with law and policy, in particular the provisions of OLP Policies DH1, DH3 and DH7, which I have summarised earlier.

Road Safety and Parking

24. There is no objection on road safety grounds from either the Highway Authority or the Council, which takes the view that, according to paragraph 115 of the National Planning Policy Framework (NPPF), only where there are severe impacts should developments be refused on highways grounds. Moreover, the appeal property is not so located as to be required to be kept free of parking under Policy M3 of the OLP, regarding Controlled Parking Zones.
25. However, despite a wide level of local support for the proposed development, including the vehicle access and frontage parking, there is also real local concern over potential conflict between the use of the proposed entrance and passing cycle, pedestrian and vehicle traffic negotiating the junctions of Dragon Lane and Fyfield Road with Benson Place. The limited road safety audits submitted did not identify this as an issue, despite the proximity of a primary school and the route being part of the North Oxford Cycle Route.
26. I respect the genuine concern of local respondents familiar with the day-to-day functioning of the road system close to the appeal site. A new frontage access to Benson Place between two road junctions cannot be regarded as desirable, especially in the presence of alternative parking space already available to No 12 Fyfield Road off Benson Place. This factor does therefore weigh in some measure against this this appeal.
27. However, from inspection and a fresh assessment, it appears to me that these local roads are, overall, relatively quiet and lightly trafficked, and therefore that the level of potential traffic conflict in this case is not such as to warrant an overriding planning objection with respect to the NPPF provision I have quoted.

Other Matters

28. I have considered every other factor mentioned in the written representations. I agree with the Council that the proposed development would have no harmful impact on neighbouring residential property, nor on flood risk, subject to a condition to secure appropriate sustainable drainage of the front forecourt. There is no other matter to affect my decision.

Overall Conclusion

29. I have found that public benefits would ensure overall compliance with development plan policies cited in the refusal of the application. I have also found no overriding objection on highway grounds and I further consider that any degree of disadvantage due to the new vehicle access would also be outweighed by the same benefits.
30. The policies cited in the case are all essentially consistent with the NPPF and, overall, I find that the proposed development would be compliant with the development plan as whole.
31. I therefore conclude that this appeal should be allowed, subject to the conditions I have outlined and others suggested without prejudice by the Council.

Planning Conditions

32. An overarching condition is required to ensure compliance with the approved drawings, in particular regarding tree protection and landscaping. Further conditions are necessary to control the use of materials, the wall reconstruction and sustainable drainage measures. However, it follows from my consideration of the type of railings proposed that a condition to alter the design from Phase 3 to Phase 2 type railings is not necessary, even though the Appellant agreed to it, had it been required to make the development acceptable.

B J Sims

INSPECTOR

APPENDIX

PLANNING CONDITIONS

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.
2. The development permitted shall be constructed in complete accordance with the specifications in the application and the following approved plans unless otherwise agreed in writing by the Local Planning Authority:

1644-P.001	Location
1644-P.100	Existing Site Plan
1644-P200 Revision A	Proposed Site Plan and Bin Store
1644-P201 Revision A	Proposed Front Garden Plan
1644-P.211	Proposed Wall and Railings Elevations
1644-P.212	Proposed Bin Store Plan and Elevations
5923-398-DRW-TPP-01	Tree Protection-Off-Street Parking
3. The materials to be used in the development hereby approved shall be as specified in the application. There shall be no variation of these materials without the prior written consent of the Local Planning Authority.
4. The existing boundary wall shall be carefully dismantled by hand, the bricks cleaned of mortar and stored in a secure covered location on site for use in rebuilding the boundary wall. No new material shall be used in the construction of the boundary wall unless a sample is provided on-site for inspection by the Local Planning Authority and approved in writing. The boundary wall shall be re-built to match the details of the existing, including bond pattern and the finished appearance and detailed execution of the pointing.
5. All Impermeable areas of the proposed development, including roofs, driveways, and patio areas shall be drained using sustainable drainage measures. This may include the use of porous pavements and infiltration, or attenuation storage to decrease the runoff rates and volumes to public surface water sewers and thus reduce flood risk. Soakage tests should be carried out in accordance with BRE Digest 365 or similar approved method to prove the feasibility and effectiveness of soakaways or filter trenches. Where infiltration is not feasible, surface water should be attenuated on site and discharged at a controlled rate no greater than prior to development, using appropriate sustainable drainage techniques and in consultation with the sewerage undertaker where required. If the use of sustainable drainage measures is not reasonably practical, the design of the surface water drainage system should be carried out in accordance with Approved Document H of the Building Regulations. The drainage system should be designed and maintained to remain functional, safe and accessible for the lifetime of the development. [*Oxford City Council SuDS Design Guide can be found at www.oxford.gov.uk/floodriskforplanning.*]