



Appeal Decisions

Site visit made on 6 March 2024

by A Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th March 2024

Appeal A Ref: APP/C3105/W/23/3326702

Site located on the south side Clifton Road, Deddington OX15 0TP

- 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 Mrs G Russell-Flint against the decision of Cherwell District Council.
 - The application Ref is 22/03456/F.
 - The development proposed is single dwelling with detached garage and all associated works.
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Appeal B Ref: APP/C3105/W/23/3336047

Site located on the south side of Clifton Road, Deddington OX15 0TP

- 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 Mrs G Russell-Flint against the decision of Cherwell District Council.
 - The application Ref is 23/01518/F.
 - The development proposed is single dwelling with detached garage and all associated works.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is allowed and planning permission is granted for single dwelling with detached garage and all associated works at site located on the south side of Clifton Road, Deddington OX15 0TP in accordance with the terms of the application, Ref 23/01518/F, subject to the conditions in the attached schedule.

Applications for costs

3. Applications for costs were made by Mrs G Russell-Flint against Cherwell District Council in respect of both appeals. Those applications are the subject of separate Decisions.

Preliminary Matters

4. As set out above there are two appeals on this site. The scheme in Appeal B incorporates some design changes intended to address the Council's concerns regarding the scheme in Appeal A. I have considered each proposal on its individual merits, however, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
5. The details submitted with Appeal A included a number of amended plans submitted after the Council had made its decision. These plans subsequently became those on which Appeal B is based. For simplicity, I have dealt with

each appeal on the basis of the drawings first submitted to the Council in each case.

Main Issues

6. The main issues are the effect of the developments on the character and appearance of the area and whether the site would be suitably located with regard to the Council's settlement hierarchy.

Reasons

Character and appearance

7. The main part of the appeal site comprises undeveloped land covered in ruderal vegetation. To its west, a development of new houses known as Clifton Gate has recently been completed. The vehicular access to the appeal site would pass through this development. To its east is a large building of modern agricultural appearance in use as a personal training gym. Behind the site is more undeveloped grassland. In the wider context the site, as with the whole of Deddington, has a rural setting.
8. The houses in Clifton Gate are mostly set out in a linear form along Clifton Road, with a few set behind. They display some small differences in their design but their heights and roof shapes are consistent. Also, because the land falls slightly towards the appeal site, the houses follow this slope.
9. The plans submitted with Appeal A show that the proposed house would be materially higher than the neighbouring building accommodating Nos 13 and 14. It would also, due to the topography be substantially taller than the adjacent gym. In addition it would include a substantial two-storey rearward projection. As a result of its greater height and its substantial depth, the proposal would appear in the street scene as an incongruously large dwelling, distinct from the neighbouring development. It would be particularly prominent when seen from the east from where its position, forward of the gym and on higher land, would make it appear particularly dominant.
10. The plans submitted with Appeal A, particularly the Section B-B drawing, doesn't show the proposal to be on lower land than the adjacent dwelling. In contrast, the plans submitted with Appeal B clearly show a difference in finished ground floor levels of 1.2m. From my site visit, this seems reasonably accurate. The proposed house in Appeal B would be comparable in height to the adjacent dwelling and, as it is on lower land, would appear lower in the street scene. In addition, it would not have a two-storey rear projection so, when seen from the east, would have a lesser bulk and depth than the scheme in Appeal A at first floor level. The main part of the dwelling would be slightly deeper than that at No 14 which results in the roof having a slightly shallower angle. But the difference would be minimal and there are other houses further west along Clifton Road which appear to have similar roof profiles.
11. The schemes in both appeals have detached garages towards the rear of the site. That proposed in Appeal A is a triple garage with storage floorspace above accessed by an external staircase. That proposed in Appeal B is a more simple pitched roof double garage. The garage in appeal A would most likely be visible above the neighbouring gym from positions to the east. From here, and from other positions within Clifton Gate, it would appear as an incongruously large and isolated outbuilding. The garage in Appeal B may also be visible above the

gym, but not to a significant degree and, though it would also be substantially detached from its host dwelling, its modest scale means it would be subordinate and not appear alien in this domestic setting.

12. Overall, the development in appeal A would be excessively large in terms of the height and depth of the dwelling and scale of the garage when seen in the context of the adjacent houses in Clifton Gate. It would therefore detract from the character and appearance of the area and so would fail to accord with policies C28 and C30 of the 1996 Cherwell Local Plan and policy ESD13 of the 2015 Cherwell Local Plan, which together, aim to ensure that development is consistent with the design, appearance, character and scale of existing development in the vicinity.
13. However the development in Appeal B would respect the scale and form of the adjacent dwellings and so would not harm the character and appearance of the area. It would hence accord with these same policies.

Location

14. Policy Villages 1 of the 2015 Local Plan identifies Deddington as a Category A service village within the built-up limits of which minor development would be suitable. Policy H18 of the 1996 Local Plan adopts a similar aim. Although neither Local Plan defines the extent of such built-up limits, the Council considers the appeal site is not within the built-up limits of Deddington.
15. The officer's report recognises that identifying the built-up limits is a matter of judgement. It highlights a large undeveloped gap at the junction of Clifton Road and Castle Street as separating the sporadic development along Clifton Road from the main part of Deddington. Although this gap does provide a break in the built form, the houses to the east of it are visible at close range from those to the west and vice versa. This provides a connection between these dwellings such that they all appear as part of the built-up part of the same village, albeit the built form here is not as dense as that at the centre of the village. This is particularly the case now that Clifton Gate has been completed. That development, along with the houses to its west, the scattered buildings opposite and the gym to the east, form a significant cluster of built form within which the appeal site sits. The openness that is prevalent to the east of the gym building also helps to suggest a starker difference in character between the open countryside there and the buildings around the appeal site, than there is between the buildings around the appeal site and the village core. I agree with the Inspector in the previous appeals¹ that this cluster is away from the central core of the village but within its wider pattern of development and identity.
16. Therefore by being within the built-up part of Deddington, both proposals would be suitably located with regard to the Council's settlement strategy and therefore would accord with policy Villages 1 and H18 as set out above.

Other Matters

17. It is understood that the Deddington Conservation Area (DCA) and Deddington Castle, which is a Scheduled Ancient Monument (SAM), are around 150m to the south of the site.

¹ Ref APP/C3105/W/19/3242236 & APP/C3105/W/20/3247698

18. The DCA extends across most of the central part of the village and includes many historic buildings along New Street and High Street and around Market Square. It is this focus and the numerous historic buildings, many of which use a distinctive local ironstone, that contribute to the significance of the DCA. The DCA is surrounded by a mix of open countryside and more modern housing, including along Clifton Road towards the appeal site. Although the countryside and such modern housing form part of the setting to the DCA, they contribute little to its significance. It may be possible to see the rear of the proposed dwellings from the DCA, but by simply continuing the line of modern housing on Clifton Road, the proposed dwellings would have no harmful impact on the setting of the DCA and neither, therefore, the significance of the DCA.
19. The significance of the SAM is its historic value. It is positioned on the edge of the village elevated above open countryside to its south. This surrounding open countryside, particularly that to its south, forms part of its setting and does contribute to its significance. It may be possible to see the appeal proposals from the SAM, but this would be in the distance beyond a large open field and in the context of the other buildings which line Clifton Road. The retention of the open land between the site and the SAM means the setting of the SAM would be retained, and therefore the significance of the SAM also.
20. In light of this, there would be no conflict with policy ESD15 of the 2015 Local Plan which seeks to conserve heritage assets, nor policy C33 of the 1996 Local Plan which seeks to maintain undeveloped gaps which are important in preserving the setting of features of historic value.

Conditions

21. With regard to Appeal B, the Council has suggested a number of conditions. I have slightly altered the wording of some of the conditions so as to better reflect the guidance in the National Planning Policy Framework and the Planning Practice Guidance (PPG).
22. I have included conditions relating to the commencement of development and the approved plans in the interests of certainty. Conditions relating to a Construction Environment Management Plan and the prevention of additional windows on the side elevation of the house are necessary in order to protect the living conditions of neighbouring residents, and the condition relating to contamination is necessary to protect the living conditions of future occupiers of the dwelling. In the interests of preserving the character and appearance of the area, I have attached conditions requiring approval of the details of the external materials of the development including its walls, roof, rainwater goods, and means of enclosure. For the same reason, conditions are included relating to landscaping and arboricultural protection.
23. The condition relating to ecological works is necessary in the interests of improving biodiversity and along with the landscaping condition can secure the necessary biodiversity net gain.
24. I have not imposed the suggested condition withdrawing permitted development rights for extensions as the PPG advises that such conditions may not pass the test of necessity, and in this case I see no reason why such a condition would be necessary. Likewise there is no need for a condition requiring cycle parking as there would be room in the approved garage for this.

25. The Council have advised that the requirement for electric car charging points, as advised by the Highways Authority, is now covered by Building Regulations, as are details of a connection to the mains sewer. It is not necessary therefore for these to be secured by conditions.

Conclusion

26. In respect of Appeal A, although there is no harm to the settlement strategy, the development would harm the character and appearance of the area. The provision of a single additional dwelling to add to the supply at a time when the Council can demonstrate a sufficient supply of housing land carries little weight. The proposal would conflict with the development plan as a whole and there are no other considerations that indicate a decision other than in accordance with the development plan. As such the development would fail to comply with policy PSD 1 of the 2015 Local Plan which sets out the presumption in favour of sustainable development. Therefore the appeal is dismissed.
27. In respect of Appeal B, the proposal would not harm the settlement strategy and would not harm the character and appearance of the area, including nearby heritage assets. Therefore the development would accord with the development plan as a whole, including policy PSD 1, and so, having regard to all other considerations, the appeal is allowed.

A Owen

INSPECTOR

Appeal B Schedule of 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 the following approved plans: D01 Rev A, DLP 467 PA 001, DLP 467 PA 010, DLP 467 PA 011 and DLP 467 PA 100.
- 3) No development shall take place until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of the measures to be taken to ensure construction works do not adversely affect residential properties adjacent to or surrounding the site, together with details of the consultation and communication to be carried out with nearby local residents. The approved CEMP shall be adhered to throughout the construction period for the development.
- 4) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency, Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. No development shall take place until the local planning authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.
- 5) No development above slab level shall take place until a sample panel of the materials to be used in the construction of the external surfaces of the development shall have been prepared on site for inspection and approved in writing by the local planning authority. The sample panel shall be at least 1 metre x 1 metre and show the proposed material, mortar and joints to be used in the development. The development shall be constructed in accordance with the approved sample.
- 6) No development above slab level shall take place until a schedule of all roofing facing materials and rainwater goods have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved details.
- 7) No development above slab level shall take place until full details of the means of enclosure along all boundaries and within the site have been submitted to and approved in writing by the local planning authority. The means of enclosure shall be erected in accordance with the approved details prior to the first occupation of the development.
- 8) The development shall not be occupied until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas;
 - ii) 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;

- iii) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps;
- iv) an implementation programme.

The landscaping works shall be carried out in accordance with the approved details before the development is occupied in accordance with the agreed implementation programme.

- 9) The development hereby permitted shall take place in accordance with the Arboricultural Impact Assessment (AIA) Ref. AIA/CDO/02/22 dated 3 February 2022 including tree protection measures as detailed in section 9 of the AIA and shown on drawing No CDO/TPP/OL/02/22/.
- 10) The development hereby permitted shall take place in accordance with the recommendations and mitigation set out within the Ecological Survey by Phillip Irving dated March 2021.
- 11) Notwithstanding the provisions of Classes A, B and C of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, no new window(s) or other openings at first floor level shall be inserted in the west elevation of the dwelling.