



Appeal Decision

Site visit made on 25 February 2025

by **A O'Neill BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 March 2025

Appeal Ref: APP/D3125/W/24/3353373

31 Oxford Road, Woodstock, Oxfordshire OX20 1UN

- 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 Miss Hardip Boparai against the decision of West Oxfordshire District Council.
 - The application Ref is 24/01268/FUL.
 - The development proposed is described as: Erection of double carport with minor conjunctive alterations to planning consent 23/01186/FUL (part retrospective)
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council altered the description of development from the application form. The description above is taken from the appeal form, which is the same as the decision notice. The appellant has confirmed they are content with this description.
3. The development is described as 'part retrospective' as it relates to the alterations to planning consent 23/01186/FUL. This previous permission was for extensions to the existing dwelling on the appeal site. On my site visit I saw that some of the alterations had been completed and that they appeared to be in accordance with the plans before me.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the existing dwelling and the surrounding area, including protected trees.

Reasons

5. The appeal property has a detached dwelling in a corner plot located at the junction of Oxford Road and Cadogan Park. The dwelling is orientated at an angle within its plot and is set further back from Oxford Road than the neighbouring dwelling at number 29 Oxford Road. The appeal site has a large frontage area in which two protected trees are located.
6. The Council raise no objection to the alterations to the existing dwelling. Based on the evidence before me, including the observations I made on site, I find no reason to conclude otherwise. Accordingly, my consideration is in respect of the car port only.

7. The proposed double car port would be located close to the front elevation of the existing dwelling and the left side boundary fence. It would be positioned parallel to the boundary fence and the side wall of 29 Oxford Road. Due to the orientation of the existing dwelling in the appeal site, the car port would be set at an angle to the front elevation of the dwelling. The opening of the car port would face Cadogan Park and a blank side elevation would front Oxford Road.
8. The angled siting of the proposed car port and the close proximity to the existing dwelling would result in an awkward relationship between the two. The car port would obscure part of the front elevation of the existing dwelling and would appear as an incongruous addition to the appeal site.
9. The proposed car port would be constructed of a brick plinth and timber framed walling with a slate roof. The appearance would not be in keeping with the existing dwelling which is finished in a light coloured render. As a consequence, the difference in materials would exacerbate the incongruity of the car port.
10. My attention has been drawn to a previous approval at the appeal site for a replacement dwelling including a forward projecting double garage. It is suggested the current car port proposal is smaller and located closer to the existing dwelling than the previously approved garage. However, the previous approval was for a comprehensive redevelopment of the site, with the garage designed as part of the replacement dwelling. It is not directly comparable to the current appeal proposal, and it does not justify the appeal development in light of the harm I have found.
11. I have also had regard to the examples submitted of garages sited to the front of other properties in this part of Oxford Road. The siting of these garages varies in relation to the dwellings, and I do not find any are directly comparable to the appeal proposal. As such, I have found they do not influence my consideration of this appeal.
12. The proposed car port would be located partially within the Root Protection Area (RPA) of a cedar tree within the appeal site which is covered by a Tree Preservation Order (TPO). This part of Oxford Road is characterised by mature trees and the cedar tree makes a positive contribution to this.
13. An Arboricultural Method Statement (AMS) has been submitted. The AMS identifies the cedar tree as a category B2 tree, meaning it has a life expectancy of 20 or more years. However, the AMS was prepared for the previous planning application at the appeal site which was for extensions to the existing dwelling. The AMS Tree Protection Plan titled 'Proposed site plan' (drawing number HTS-TPP-02D) which has been submitted with this appeal, does not show the car port which is now proposed.
14. The appellant states that the proposed car port is lightweight and would create minimal ground disruption, therefore not having a harmful impact on the RPA. However, this is not evidenced in the AMS.
15. I acknowledge that there is already hardstanding within the RPA, but that is covered by the AMS as part of the previous planning approval at the appeal site. I have also had regard to comments from the Council's Landscape and Forestry Officer which state that new development should improve conditions around trees, rather than make them worse. There is no evidence before me to

demonstrate that the appeal proposal would improve conditions around the protected cedar tree.

16. Based on the evidence submitted therefore, I am not satisfied that the appeal proposal would preserve the RPA and the long term health of the protected cedar tree.
17. It is suggested that previous planning approvals at the appeal site and at a neighbouring property were not affected by considerations of protected trees. However, I do not have the full details of these cases before me, and I have determined this appeal based on the evidence submitted.
18. Taking all of the above into account, the proposed car port would be harmful to the character and appearance of the surrounding area, including the protected cedar tree. Consequently, it would conflict with Policies H6, OS2, OS4 and EH2 of the West Oxfordshire Local Plan 2018 (WOLP), which seek to ensure development forms a logical complement to the character of the area; respects the character of the locality; and, where possible, enhances natural features such as trees.

Other Matters

19. I am aware that the site is proximate to the Grade II listed boundary wall of Blenheim Palace. Mindful of the statutory duty set out in s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have had special regard to the desirability of preserving its setting.
20. The appeal site is separated from the listed wall by two roads and a highway verge containing a number of mature trees. Views between the two are largely obscured and this would not change as a result of the appeal proposal. As such, I consider that it would preserve the setting of this listed building. I note the Council had no concerns in this regard either. Nevertheless, this lack of harm weighs neutrally and does not amount to consideration in support of the appeal or alter my overall conclusions on the main issue.
21. Although not part of the reason for refusal, the Council raises concerns regarding the outlook from the proposed games room windows in their appeal statement. Policy OS4 of the WOLP requires new development to not harm the living conditions of residential properties. The outlook from these windows would be dominated by the side elevation of the proposed car port. However, this room does not currently benefit from any outlook to the front of the property given there are currently no windows. I note the ground floor of the property has several other habitable rooms which benefit from adequate outlook. As such, I do not consider the proposal would result in harm to living conditions of the occupiers. I therefore find no conflict with Policy OS4 in this regard.
22. Reference has been made to discussions with the Council during consideration of the previous planning application with regards to the siting of the proposed car port. However, this is not relevant to the planning merits of the proposal.
23. The appellant states that the proposed car port is required for the security of their vehicles following previous incidents at the appeal property. However, this would be a private benefit. It is a well-founded principle that the planning system

does not exist to protect private interests. Therefore, this consideration does not alter my conclusions.

Conclusion

24. Whilst I find that there would be no harm arising from the proposed alterations to the existing dwelling, this would not outweigh the significant harm to character and appearance of the surrounding area, including the protected cedar tree, I have found would arise from the proposed car port. Therefore, the proposal conflicts with the development plan as a whole and I conclude the appeal should be dismissed.

A O'Neill

INSPECTOR