



Appeal Decision

Site visit made on 3 April 2025

by **O Tresise MSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 May 2025

Appeal Ref: APP/C3105/D/25/3358431

29 Buckhurst Close, Banbury, Oxfordshire OX16 1JT

- 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 Mateusz Florczak against the decision of Cherwell District Council.
 - The application Ref is 24/02261/F.
 - The development proposed is 'Erection of a wooden shed on 10cm concrete base to the rear of garden'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the banner heading above I have taken the description of development from that used on the appeal form and decision notice rather than the planning application form. This is a more concise description of the proposal and removes superfluous text.
3. At my site visit, I observed that a development has been carried out at the rear of the property. The existing structure on the site has an overhanging roof, while the drawings provided do not show any details of the roof form. Nevertheless, I have considered the proposed development as shown on the plans provided, rather than what has been built on site.
4. There is a concurrent appeal at the adjacent property, no 28 Buckhurst Close (reference number APP/C3105/D/25/3358433). This is the subject of a separate decision.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

6. The appeal site comprises an end-terraced two-storey dwelling located in a recently developed residential estate. The consistency of built form, together with the limited palette of materials results in a notable degree of coherence within the estate. The pattern of development is configured such that properties address the street with their principal elevation. Most dwellings are set back from the road and have enclosed rear gardens that do not largely feature in the street scene.

However, some properties, including no 29, are arranged within a short spur perpendicular to Buckhurst Close.

7. As such, no 29 has a more complex relationship with Buckhurst Close than more conventionally arranged housing. It has principal elevations facing north and east, and a high boundary brick wall that encloses its rear garden presents close to the footway. In addition, its rear elevation is clearly visible as one progresses along Buckhurst Close towards the public open space accessed at the end of the road. Consequently, no 29 has an unusually prominent presence in the street scene on three sides. This arrangement contributes to a generally open and consistent character and appearance.
8. The Council confirmed that permitted development rights are restricted by a planning condition, in part to safeguard the character and appearance of the area. The parties agree that this does not suggest that all outbuildings are inappropriate, only that proposals should be assessed against the development plan and other material considerations.
9. The proposed shed would be modest in scale with a flat roof. However, its box-like appearance and its height relative to the adjacent boundary wall would undermine the consistent appearance of the street. The configuration of the site means that upper parts of the shed would be obvious above the brick boundary wall. It would feature in views down Buckhurst Close. Harm arises from this level of prominence in the street scene, which is out of keeping with the secondary and incidental form and materials of the building.
10. I appreciate that timber garden sheds are normally expected to be seen in residential areas, and they are sometimes taller than their surrounding boundary treatments. However, the appeal site is situated in such a prominent location, that even though it would be surrounded by two-storey properties (some of which have a flat roof extension), the unwarranted emphasis given to the proposal would make it an unsympathetic feature. As such, it would unacceptably detract from the established character and appearance of the area.
11. The appellant states that some street furniture, road surfaces, roof and guttering materials are finished in a dark colour, and it is also suggested that the timber cladding could be painted in a lighter colour. However, I am not convinced that this would fully address my concerns as they are of a more fundamental nature.
12. Overall, I conclude that the proposal would result in harm to the character and appearance of the area. As such, it would not comply with Policy ESD15 of the Cherwell Local Plan (2011-2031) Part 1 (July 2015), saved Policies C28 and C30 of the Cherwell Local Plan 1996. Taken together, these seek that development is designed to the highest standard and is in-keeping with the existing character of the area.

Other Matters

13. I have considered the appellant's concern about the lack of garage or external storage at this property. Whilst I can appreciate the concerns of the appellant, it is not shown that there are no alternative means of addressing storage that would avoid the harm identified.

Conclusion

14. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

O Tresise

INSPECTOR