
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: 15th May 2025

Appeal Ref: APP/C3105/D/25/3358433

28 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 Benjamin Dorney against the decision of Cherwell District Council.
 - The application Ref is 24/02259/F.
 - The development proposed is 'Single-storey storage shed in rear garden with single door and two small windows, Size:4800mmx 2850mm x 2500mm'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. In my banner heading above I have taken the description of development from the application form but have removed superfluous text in the interests of conciseness.
3. At my site visit, I observed that a development has been carried out at the rear of the property. Nevertheless, I have considered the proposal 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. 29 Buckhurst Close (reference number APP/ Appeal Ref: APP/C3105/D/25/3358431). 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 a mid-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.28 are arranged within a short spur perpendicular to Buckhurst Close.
7. As such, the rear elevation of no.28 is apparent as one progresses along Buckhurst Close towards the public open space accessed at the end of the road.

Consequently, the rear of no.28 has an unusually prominent presence in the street scene. 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 is modest in scale, but its rudimentary bulky form is at odds with the prominence of its siting. The proposed shed is considerably taller than the adjacent boundary wall. The configuration of the appeal site means that the shed creates an alien feature that is overly dominant in the street scene and obvious in views down Buckhurst Close. The adverse effects are exacerbated by its black steel profile cladding that creates an industrial appearance thereby eroding the coherent residential character of the area.
10. The appellant has drawn my attention to other garden sheds in the area. Whilst I do not know the circumstances under which they were constructed or their status regarding planning permission, I do not find them directly comparable because they are of a different design, or material, and they are not seen within the same context. Whilst there are some flat-roofed structures in the vicinity, my observations were that these tended to be integrated deliberate architectural elements to the main dwellings. Thus, they are different from the appeal proposal.
11. The appellant also indicates that some street furniture, road surfaces, roof and guttering materials are finished in a dark colour. It is also suggested that different cladding materials can be used. 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 results in harm to the character and appearance of the area. As such, it does 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 that the appellant's desire to have a shed to store tools and other items, however, it is not shown that the appeal proposal is the only means by which to provide such storage. It is likely that there are alternative designs and means that could address the issue without causing the harm that I have 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, this appeal should be dismissed.

O Tresa

INSPECTOR