



Appeal Decision

Site visit made on 8 July 2025

by **B Astley-Serougi BA(Hons) LLM MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1 August 2025

Appeal Ref: APP/C3105/W/25/3365257

Fourways, North Street, Islip, Oxfordshire OX5 2SQ

- 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 Paul Bell against the decision of Cherwell District Council.
- The application Ref is 24/00572/F.
- The development proposed is demolition of existing bungalow, construction of two houses.

Decision

1. The appeal is allowed and planning permission is granted for Demolition of existing bungalow, construction of two houses at Fourways, North Street, Islip, Oxfordshire, OX5 2SQ in accordance with the terms of the application, Ref 24/00572/F, subject to the conditions in the attached schedule.

Preliminary Matters

2. As the proposal is in a conservation area, I have had special regard to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Background and Main Issue

3. The site is located within the Oxford Green Belt and the appellant and Council agree that the proposed development would not be inappropriate development within the Green Belt and would not harm the openness or permanence of the Green Belt. I see no reason to disagree with their conclusions in this regard. Therefore, the main issue is:
 - the effect of the proposed development on the character and appearance of the surrounding area including the Islip Conservation Area (the CA).

Reasons

4. The appeal site is located on a small parcel of land at the corner of North Street and Middle Street in the CA. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that, in respect of development affecting conservation areas, special attention shall be paid to the desirability of preserving or enhancing their character or appearance. Paragraph 212 of the National Planning Policy Framework outlines that great weight should be given to the conservation of designated heritage assets such as conservation areas and that harm to their significance requires clear and convincing justification.
5. The significance of the CA is derived from its varied character and its rich architectural and historic background. The village of Islip has a number of well-

preserved 17th and 18th Century houses with a large number of them built from local grey limestone with stone-slate roofing. On Middle Street there are a number of buildings which have buff coloured brick.

6. There have been 20th Century housing developments within the CA including on both North Street and Middle Street which generally respects the traditional development in terms of materials and stone walls. The Islip Conservation Area Appraisal 2008 refers to houses in the Middle Street Character Area as two storey houses, some with dormers in attics. Additionally, there is a contrast between dwellings that are set back and those almost directly on the road which adds to the winding feeling of the road. The appeal site is immediately adjacent to this character area and the Council considers the appeal site to relate more to this character area compared to the North Street Character Area which is located away from the application site.
7. The appeal scheme would comprise of sympathetic features to the CA such as stonework walls, slated tiles roofs and timber casement windows. The proposed dwellings would also include dormer windows and chimney features which would further replicate the character and appearance of the immediate locality of the appeal site.
8. The position of the appeal site is prominent when entering the village along Middle Street. The appeal scheme would introduce two dwellings rather than the existing singular bungalow. However, the appeal site is relatively large and the overall design of the appeal scheme would not result in unacceptable overdevelopment. Its scale and massing would not, in my judgement, result in an overly dominant development or unacceptably harm the general views in and out of the CA, given that the buildings would be slightly lower in height than a traditional two storey building and thus would be mindful of the slightly elevated position of the plot.
9. Additionally, given that one of the dwellings would be slightly set back from the other as well as a set down, the appeal scheme would result in a dynamic design and prevent a perception of a harmful long mass. House One on the plans would be set back from the boundary of the public highway on Middle Street. Nevertheless, there are examples close to the appeal site and within the wider CA in which dwellings are immediately adjacent to the highway. Therefore, the layout of the appeal scheme would not result in an incongruous and accordingly harmful feature. Consequently, it would not to my mind, result in an unacceptable tunnelling effect.
10. The proposed dormer windows would largely reflect the dormer windows that can be seen in the immediate locality of the appeal site. Whilst interested parties have raised concerns regarding the design of the dormer windows regarding the proposed wide cheeks and pediment, I do not consider the proposed design of the dormer windows to be unacceptably large to an extent that it would result in an incongruous addition to the street scape given the numerous examples of dormer windows adjacent to the appeal site.
11. Furthermore, the proposed addition of fenestration in the gable ends and below the proposed chimneys would not result in unacceptable harm to the character and appearance of the area, given there are examples of similar fenestration in the locality and it would prevent blank elevations. It is for the same reason that, in my

judgement, the placement of the doors for the dwellings on the side elevations would not be conspicuous additions.

12. The proposed doors located on the rear elevation of the dwelling houses would not be overly prominent within the streetscape given the set back from the boundary of the appeal site. Consequently, it would not therefore unacceptably harm the character and appearance of the surrounding area including the CA.
13. The proposed car port would provide four parking spaces and its design would not result in unacceptable harm to the character and appearance of the surrounding area given its relatively simple design. It would also be cited toward a corner of the appeal site and therefore would not be overly prominent.
14. Given all of the above, I do not find that the proposal would result in harm to the character or appearance of the surrounding area including the CA. This is because the appeal scheme would generally reflect the materials and design viewed in the locality and within the CA. Accordingly, I find that the proposal would not be detrimental to the CA and thus would preserve its significance. It would therefore comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Saved Policies C28 and C30 of the Cherwell Local Plan 1996 insofar as they seek to ensure developments are of a high-quality design and are sympathetic to the character and appearance of their surrounding areas including in sensitive areas such as conservation areas.

Other Matters

15. Interested parties have indicated concerns regarding highway safety for motorists, cyclists and pedestrians including the lack of visibility with regard to the junction of Middle Street and North Street as well as parking provision and turning facilities. The Local Highways Authority has not objected to the scheme and has confirmed that vehicles would be able to leave the site in forward gear. The Council has not indicated concerns regarding these matters. Given the appeal scheme would use the existing access, there is limited substantive evidence before me to adequately demonstrate that there would be unacceptable harm regarding these matters. Consequently, I find no reason to disagree with the Local Highways Authority on this matter.
16. The Council has not indicated concerns regarding the principle of the development or the effect of the proposed development on the living conditions of neighbouring residents (including those who live in St Nicholas Close) with regard to privacy, outlook and daylight/sunlight. There is limited substantive evidence before me to adequately demonstrate that the appeal scheme would result in unacceptable harm in relation to these matters and therefore, I find no reason to disagree with the Council's conclusion on them.
17. Regarding flooding, the Council's Local Land Drainage Officer has not raised concerns regarding the appeal scheme and it has not been included as a putative reason for refusal. I find no reason to disagree.
18. I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share and do not share a protected characteristic.

19. There is limited substantive evidence before me to adequately demonstrate that the appeal scheme would result in harm to highway safety and as a consequence to individuals with protected characteristics such as disability and age.
20. Having regard to my duty, I have concluded that the decision to allow the appeal is proportionate in view of the reasons discussed in the main issue and the lack of adequate evidence to demonstrate highway safety harm.
21. Concerns have been raised by interested parties regarding the accuracy of the submitted plans. Notwithstanding these concerns, I am satisfied that the submitted plans along with the evidence before me is sufficiently robust in order to allow me to fully assess the scheme before me and make a determination.
22. Additionally, interested parties have also highlighted concerns in relation to whether the appeal scheme would comply with building regulations. Building regulations are governed by other legislation. I therefore have given concerns related to this matter limited weight, but they do not indicate a decision should be made other than in accordance with the development plan.
23. There is limited evidence before me to adequately demonstrate that the appeal scheme would not be sustainable development due to the proposed demolition of the bungalow. Moreover, the Council has not raised this matter as a concern and I find no reason to disagree.
24. My attention has been drawn to other planning applications at the appeal site including the previously withdrawn application. I do not have the specific details of these schemes before me and nevertheless, each application is determined on its own merits.

Conditions

25. The Council has provided a list of suggested conditions. I have amended the wording of suggested conditions for clarity and to ensure accordance with the tests set out in paragraph 57 of the Framework.
26. In addition to the standard time limit condition (1), I have attached a condition specifying the approved plans to provide certainty (2). A condition requiring the submission of samples regarding external materials is necessary to prevent any erosion of the areas character (7). It is for the same reason I have attached a condition requiring the submission of details regarding fenestration (10) Separate conditions requiring the submission of a sample of slates for the roof covering and details of the external materials of the dormer windows are not necessary given that condition 7 requires samples of all external materials.
27. Pre-commencement conditions requiring the submission of a Construction Method Statement and the submission of a Construction Environmental Management Plan are necessary in the interests of highway safety and biodiversity respectively (3 and 6). It is also in the interests of biodiversity, that I have imposed conditions requiring the submission of biodiversity enhancement measures (9) and that the development be carried out in accordance with the recommendations set out in Section 4 of the Ecological Impact Assessment (13).
28. Furthermore, I have imposed a condition requiring the submission of details regarding parking and manoeuvring areas in the interest of highway safety and to ensure adequate off-street parking (11).

29. Additionally, it is necessary to attach a pre-commencement condition regarding an archaeological Written Scheme of Investigation to ensure the appeal scheme would not result in harm to any important archaeological remains (4). Consequently, it is for the same reason that it is also necessary to attach a condition requiring an archaeological archive report comprising a post-excavation assessment and analysis (5).
30. I have imposed a condition requiring the submission of a landscaping scheme which is necessary to ensure that the appeal scheme will assimilate into the surrounding area (8). Furthermore, to ensure the proposed development would not result in an increased risk of flooding, I have imposed a condition requiring the development to be carried out in accordance with the submitted flood risk assessment (12).
31. A condition requiring the development to provide a water consumption rate of no more than 110 litres per person is necessary to ensure the efficient use of water (14).
32. The appeal site is located within the CA. Consequently, conditions removing permitted development rights in relation to the enlargement of any dwellinghouse , the construction of a building or structure being erected or placed within the proposed curtilage of the appeal scheme and the erection of gates, fences, walls or other means of enclosure along the boundary of the site that adjoins the highway are necessary to ensure the character and appearance of the surrounding area is safeguarded (15, 16 and 17). It is for the same reason that I have also attached a condition removing permitted development rights to prevent the enclosure or conversion of the car port to additional living accommodation (18).
33. It is necessary for conditions 3, 4 and 6 to take the form of 'pre-commencement' conditions to have their intended effect.

Conclusion

34. The material considerations do not indicate that a decision should be made other than in accordance with the development plan. For the reasons given above the appeal should be allowed.

B Astley-Serougi

INSPECTOR

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 drawing nos PA-01 Rev PL1 (Location Plan), PA-04 Rev PL3 (Proposed Block Plan), PA-05 Rev PL2 (Proposed Floor Plans) and PA-06 Rev PR3 (Proposed Elevations).
- 3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - viii) delivery, demolition and construction working hours.
 - ix) contact details of the Project Manager and Site Supervisor responsible for on-site works.
 - x) layout plan of the site that shows haul roads, site storage, compound and pedestrian routes.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 4) No development shall take place until the applicant (or their agents or successors in title) has submitted to and had approved in writing by the local planning authority a programme of archaeological work consisting of a written scheme of investigation and a timetable for that work. The development shall thereafter proceed in accordance with the approved written scheme of investigation and timetable.
- 5) Within six months of the completion of the archaeological work, carried out in accordance with the written scheme of investigation approved pursuant to condition 4, the applicant (or their agents or successors in title) shall submit to the local planning authority an archaeological archive report comprising a post-excavation assessment and analysis.
- 6) No development shall commence (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall include as a minimum:
 - i) Risk assessment and mitigation of potentially damaging construction activities

- ii) Identification of 'Biodiversity Protection Zones'
- iii) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
- iv) The location and timing of sensitive works to avoid harm to biodiversity features
- v) The times during construction when specialist ecologists need to be present on site to oversee works
- vi) Responsible persons and lines of communication
- vii) The role and responsibilities on site of an ecological clerk of works (ECOW) or similarly competent person
- viii) Use of protective fences, exclusion barriers and warning signs

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

- 7) No development above ground level shall take place until samples of all external facing materials including the bond and pointing technique have been submitted to and approved in writing by the local planning authority in writing. The development shall be carried out in accordance with the approved sample details.
- 8) No development above ground level shall commence until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include
 - (i) Details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch)
 - (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 landscaping including hard surface areas, pavements, pedestrian areas and steps
 - (iv) Details of all boundary treatments (existing and proposed)

The development shall be carried out in strict accordance with the approved landscaping scheme and the hard landscape elements shall be carried out prior to the first occupation or use of the development and shall be retained as such thereafter.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 9) No development shall commence above ground level until a method statement for enhancing the biodiversity (including the installation of swift bricks) has been submitted to and approved in writing by the local planning authority. The biodiversity enhancement measures approved shall be carried out prior to occupation and shall thereafter be retained in full accordance with the approved details.
- 10) No development shall commence above ground level until details of the construction, including cross sections, cill, lintel, reveal and colour/finish of the proposed windows/doors to a scale of not less than 1:10 have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved details prior to the first occupation of the dwelling(s) and shall be retained as such thereafter.
- 11) Prior to the construction of the parking and manoeuvring area of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking and manoeuvring areas including the approved carport shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.
- 12) The development hereby permitted shall be carried out in accordance with the Flood Risk Assessment prepared by Forge Engineering Design Solutions (reference: FEDS-223039 Rev A) and retained thereafter.
- 13) The development hereby permitted shall be carried out in accordance with the recommendations set out in Section 4 of the Ecological Impact Assessment by Nicholsons dated May 2023 and retained thereafter.
- 14) The development hereby permitted shall have a water consumption rate of no more than 110 litres per person per day.
- 15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by virtue of Classes A, AA, B, C and D of Part 1 of Schedule 2 to the Order shall be undertaken.
- 16) Notwithstanding the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification) no building or structure shall be erected or placed within the curtilage of the dwelling hereby permitted.
- 17) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected, constructed or placed along the boundary of the site that adjoins the highway.
- 18) Notwithstanding the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 (or any

order revoking or re-enacting that Order with or without modification), the carports shown on the approved plans shall be retained for the parking of private motor vehicles and shall not be enclosed or converted to provide additional living accommodation.

=====END OF SCHEDULE=====