



Appeal Decision

Site visit made on 15 September 2025

by Janine Laver BA (Hons) MSc PGDL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 October 2025

Appeal Ref: APP/C3105/W/25/3367723

Land adjacent 53 and 54 Hambleside, Bicester OX26 2GB

- 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 I Rugema against the decision of Cherwell District Council.
 - The application reference is 24/03431/F.
 - The development proposed is construction of a self-build two storey, two bed, three-person house.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I note that the site address for the appeal differs to that stated on the original planning application form, which was Waveney Close, Bicester, OX26 2GB. The Council's officer report and decision notice, and the appellant's appeal form refer to land adjacent to 53 and 54 Hambleside. I consider that the address cited on the planning application was incorrect and that the appeal form and the Council's documentation correctly describes the site location. I was also able to verify this on my site visit.

Main Issues

3. The main issues are the effect of the development on:
 - the character and appearance of the area;
 - the living conditions of the neighbouring occupiers at 54 Hambleside, with regard to outlook; and
 - highway safety.

Reasons

Character and appearance

4. The appeal site is a roughly triangular parcel of land on the corner of Hambleside and Wansbeck Drive, Bicester. It is situated within a large residential estate and forms a pocket of greenspace in the street scene of the two streets with mature hedges, shrubs and a tree wrapping the corner of the said streets.
5. A similar pocket of greenspace with mature planting and trees is located on the opposite corner of Hambleside and Wansbeck Drive, and green space (some landscaped and some just grassed) is replicated on other corner sites in the immediate area.

6. Two dwellings, Nos. 53 and 54 Hambleside, lie immediately adjacent to the green space, although there is a boundary fence between the houses and the green space, suggesting that the green space does not form part of the garden of the two dwellings and instead forms part of the public realm.
7. The two dwellings in question are joined to one another at the rear and by two other dwellings on one side (Nos. 51 and 52 Hambleside), giving the appearance from the street of being semi-detached pairs, although they are a block of four which share a steep gable roof. They are each two storeys but contain adjoining shallow dormer windows to the front elevations of the steep roof.
8. Whilst there is variation of house styles and sizes across the wider estate, there is uniformity amongst groups of dwellings, demonstrating that this was a master-planned estate, as opposed to an area whose built form has developed organically. There are three identical blocks of four dwellings in this section of Hambleside and Wansbeck Drive and they lie in a staggered arrangement. There are a further three blocks of four dwellings of the same design on the opposite side of the street. Dwellings in the estate have been setback from the boundaries of their sites and from footpaths giving a sense of spaciousness across the estate.
9. The proposed development would result in the removal of all vegetation from the appeal site except for the tree and would introduce a single detached two storey dwelling and car parking space in its place. Whilst the Council has not formally designated the green space as protected open space, it nonetheless forms an intrinsic part of the estate's design, keeping built form setback from the street at the entrance to Hambleside and providing green relief in the street scene. The proposed development would result in the loss of this green space to the detriment of the character and amenity of the area.
10. I note the site layout and street scene plan provided with the appeal states that the front and rear parts of the site would be planted with wild grass and wildflower seed but that would not compensate for the loss of the existing mature vegetation on the site. I also acknowledge that there are no restrictions on the landowner requiring the retention of the landscaping, but that is not adequate justification for its removal and replacement with a building and parking space. Indeed, even if the landowner were to remove the landscaping in the future rather than maintain it, the open space that would remain in its place would still provide a spaciousness to the street corner and would still respect the character and appearance of the area.
11. Specifically with regard to siting, scale and form, the proposed dwelling would have an awkward relationship in the street scene with development crammed into the oddly shaped plot. Whilst the dwelling would be setback from the side of No. 54 Hambleside and from Wansbeck Drive, it would not follow the roof pitch and ridge height or staggered arrangement of the other properties in the row and it would lie in such close proximity to the Hambleside footpath (touching it at one corner of the building) that both the dwelling and its proposed side boundary fence to the top corner of the plot would introduce a dominant form of development to the public realm.
12. The proposed development would therefore be at odds with the prevailing character and appearance of the estate by failing to reflect or reinforce the existing pattern, scale and setback of development within the immediate area and by eroding the verdant appearance of the site and spaciousness of the street scene.

13. Accordingly, I conclude that the proposed development would result in significant harm to the character and appearance of the area. The development would therefore conflict with Policy ESD15 of the Cherwell Local Plan 2011-2031 (CLP) and Saved Policies C28 and C30 of the Cherwell Local Plan 1996 (LP 1996), which taken together require, amongst other things, that development should respect and enhance the character of its context through sensitive siting, layout and design and respects the form, scale and massing of buildings.

Living conditions of neighbouring occupiers

14. The proposed dwelling would be setback from the side elevation of No. 54 Hambleside by approximately 3.8m, which is a similar separation distance to that which exists between the three blocks of four dwellings in this section of Hambleside.
15. I observed on my site visit that the separation space between the existing three blocks is open with no dividing fences and they provide walkways down the sides of the houses, rather than private side garden spaces. No. 54, however, is the end dwelling and the space to its side elevation is fenced off from the appeal site, providing it with an enclosed private side garden. During my site visit I was unable to gain access or obtain views in and out of the side garden, but pictures attached to the Council's statement of case show a neat usable and light courtyard space with an outlook of greenery and sky above the fence line.
16. The use of this space and outlook from it and from the ground floor windows in the side elevation of No. 54 would be notably altered by the presence of a two-storey building less than 2m away from that fence line, resulting in an overbearing effect on the occupants of No. 54. I therefore conclude that the proposed dwelling would unacceptably harm the living conditions of the occupants of No. 54, contrary to Policy ESD15 of the CLP and Saved Policies C28 and C30 of the LP 1996, which together require that development provides acceptable standards of amenity to both existing and future occupiers, including matters of privacy, outlook, and natural lighting amongst other things.

Highway Safety

17. On-site parking is intended to be provided for one car behind the proposed dwelling at the rear of the plot. The site layout and street scene plan shows two 2m x 2m pedestrian visibility triangles plotted onto the plan adjacent to the parking space, but vehicular visibility splays from the parking space were not provided. I note the dispute between the parties over the applicability of Manual for Streets (MfS) visibility splays but it was evident on my site visit that this is low traffic and a low speed area, and the curvature of the road adjacent to the site is not acute. As such I am not convinced that a major highways safety issue is likely to transpire if MfS is not strictly adhered to in this instance.
18. Nonetheless, the Council has submitted Google Streetview snapshots showing cars parked on the road opposite the proposed on-site parking space. Such parking would create difficulty for the future occupiers to get on/off the on-site driveway, either in forward or reverse gear and that could lead to potential highway conflict and safety issues. I note the appellant's highway rebuttal which states that cars are not normally parked opposite the site and that a car turning into Hambleside on the wrong side of the road to avoid a parked car would be a rare occurrence. However, at the time of my site visit a car was parked directly opposite the proposed car

parking space, and as I entered Hambleside from Wansbeck Drive I had to drive around that parked car on the wrong side of the road to get past. As a result, I do not accept that there would be no highway safety issues from the creation and use of an on-site car parking space on the appeal site.

19. I consider that the proposed development would result in unacceptable detrimental impacts on highway safety, contrary to Policy ESD15 of the CLP, which requires, amongst other things, development proposals to deliver safe places to live and for the design of all new development to be informed by an analysis of the context.

Planning Balance

20. The National Planning Policy Framework (the Framework) does not change the statutory status of the development plan as the starting point for decision making. The proposal is not in accordance with the aforementioned policies of the CLP and LP 1996, with the associated conflict reflecting harm to character and appearance of the area, to the living conditions of occupants of the neighbouring dwelling, and to highway safety. For these reasons, the development conflicts with the development plan as a whole and should be refused unless other material considerations indicate otherwise.
21. The Council's officer report states that the most recent annual housing monitoring report confirms that the Council can only demonstrate a 2.3 year housing land supply at present. Paragraph 11(d) of the Framework explains that in these circumstances, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
22. The policies in the Framework seek to deliver a sufficient supply of homes and achieve well-designed places. The proposal would make a positive contribution to housing supply within walking distance of services and facilities with associated social and economic benefits during the period of construction and once the dwelling is occupied. However, the scale of development proposed means the contribution of one additional dwelling to meeting housing need in the district through a more efficient use of land in an urban area and the associated benefits would be limited.
23. Furthermore, in the particular circumstances of this case, I have concluded that the effect on the character and appearance of the area, to the living conditions of occupants of the neighbouring dwelling, and to highway safety would not result in a well-designed place and as a result would conflict with policies of the Framework. As a result, the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Conclusion

24. The proposed development conflicts with the development plan when considered as a whole. For the reasons given, material considerations have not been shown to carry sufficient weight to indicate a decision otherwise than in accordance with the development plan. As a result, I conclude that the appeal should be dismissed.

Janine Laver
INSPECTOR