



Appeal Decision

Site visit made on 24 October 2025

by **A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI**
an Inspector appointed by the Secretary of State

Decision date: 26 November 2025

Appeal Ref: APP/C3105/W/25/3370980
Garage At 2 The Limes, Oxford Road, Banbury, OX16 9AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal of planning permission.
 - The appeal is made by Mr and Mrs David and Caroline Ewles against Cherwell District Council.
 - The application Ref: 25/01186/F.
 - The development proposed is Demolition of existing garage and erection of a flat-roofed two-storey dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for Demolition of existing garage and erection of a flat-roofed two-storey dwelling at Garage at 2 The Limes, Oxford Road, Banbury, OX16 9AN in accordance with the terms of the application, Ref, and the plans submitted with it, subject to the 8 conditions on the schedule attached.

Preliminary Matter

2. The Council indicate that appeal site lies adjacent to the edge of the Banbury Conservation Area (BCA) 'and listed building', meaning the Easington House Hotel (EHH) which fronts Oxford Road. The questionnaire, however, indicates the site is within the BCA. This uncertainty no doubt derives from the coarse grain of the mapping provided such that the exact perimeter of the BCA is difficult to discern but, in my consideration, appears to exclude the appeal site. The Questionnaire also indicates that the proposal involves the 'demolition, alteration or extension' of a ...listed building, which is plainly wrong. I have considered the setting of the EHH and have, in consequence, determined this appeal on the basis that the proposal would lie within the setting of the Banbury Conservation Area, but not within the setting of any listed building and have thereby addressed, in reaching my decision, the duties set out in Sections 66 and 72 of the Listed Buildings and Conservation Areas Act 1990.

Main Issues

3. The main issues are:
 - the effect of the development upon (i) the character and appearance of the area and (ii) living conditions of neighbouring users and

- upon protected species and their associated habitat.

Reasons

Character and appearance

4. The appeal site is an irregularly shaped parcel of land on the north side of 'The Limes' a private access road leading off the main Oxford Road that serves four dwellings¹ lying along its south side. The proposal is to demolish an existing large garage and replace it with a two-bedroom, two storey dwelling. This building would partly overlap the garage site and also occupy part of an existing turning/parking area used by Nos. 2 The Limes and garden land but on the opposite side of the access road.
5. Development surrounding the site is mixed in form and use. Other than the Army Reserve Centre (ARC) to the north, and a mix of development types fronting Oxford Road, the surroundings are primarily detached houses in large plots with some established vegetation. The appeal site is bounded in part along its northern edge by protected trees², which with others contribute positively to the BCA, although it is not suggested that these would be affected by the development.
6. The Council suggest that the proposal would conflict with the established pattern of development in that the proposal would introduce an uncharacteristic 'tight arrangement' and that there are no comparable examples. Whilst the dwellings fronting The Limes are large and have good-sized gardens, those closest to the appeal site (Nos. 2 and 3) fill the width of their plots and have confined frontages. No.1, which lies close to its common boundary with No.2 and would be prominent in the setting of the proposed development, is in a contemporary style which the proposed dwelling would reflect, a point noted on the submitted plans.
7. As an established area which has been developed incrementally, with the closest dwellings dating from the late twentieth Century (or more recently), I consider that the proposed dwelling from its modest size, being in proportion to its setting and plot size, would not appear cramped or diminish local distinctiveness. Although the proposal would be apparent in the immediate area including in the approach view from the entrance to the ARC It would not be prominent in views from the wider BCA and barely visible from the Oxford Road. Given the well-screened location including intervening trees I do not consider the development would harm the character and appearance of the BCA or the wider area.
8. I therefore find the proposal would not conflict with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 (CLP) which seeks that new development should have a high design quality.

Living conditions

9. The proposed dwelling would replace a large garage and, although two storeys in height, would have its principal outlook across its own garden area to the east.

¹ Providing access to Nos, 1, 2, and 3 The Limes and No. 56.

² Subject to Tree Presentation Orders as identified in the submission

Windows facing south towards No.2 The Limes³ would overview its forecourt and an intervening shared access drive. The frontage of No.2 is currently overviewed by users of the private road. No.2 has a significant setback of its main façade such that the insertion of the new dwelling would not unduly enclose or overbear. In any event the only upper floor window with this aspect is small and from a bathroom and can be obscure glazed by condition.

10. Upper floor windows of the proposed dwelling facing north towards the ARC, which sits at a lower level, are secondary. Given the nature of that adjacent use, harm to the amenity of that property, if such is alleged, cannot be given more than nominal weight. Whilst it is not clear that the proposal would retain the existing planting at the boundary with Floral House, that dwelling lies at a significant distance and, from my observations would be unaffected by the proposal particularly if boundary treatment by retained, or supplementary planting were required, by condition. Overall, the design adequately addresses the problems of privacy and amenity with which the Council are rightly concerned such that I consider the effect on living conditions of adjoining users from the proposed development would be limited and for these reasons find little conflict with Policy ESD 15 of the CLP or with the Cherwell Residential Design SPD (2018) which seek to protect the amenity of neighbouring users from new development.

Ecology

11. It is noted in relation to the third refusal reason (RFR) that the appellant submitted an Ecology Statement with this appeal dated 30 July 2025 after the determination by the Council. I have considered this submission and find that the information provided appears to respond fully to that reason for refusal and address the requirements Conservation of Habitats & Species Regulations 2017. In particular, bat emergence surveys were carried out which confirm, along with other observations that the development will not impinge upon the activity of protected species. The report provides the baseline assessment for BNG and recommendations as to habitat enhancement which can be required to be provided by a suitable condition. I therefore find no ground for refusal remain with regard to these matters.

Other Matters

12. The proposal has been subject to a number of objections. It is not before me to determine the lawfulness of actions in the past such as tree removal, particularly having regard to the lack of clarity as to the precise location of the BCA boundary, nor have I been provided with substantive evidence to contradict the findings of the professional ecology report.
13. Consequently, taking into account all matters raised, my reasoning directs that the appeal should succeed subject to the usual timing and plans condition together with conditions to ensure appropriate boundary treatments, tree protection and planting, implementation of ecological measures, and that the building itself should accord with the basis of my decision including the materials used and appropriate glazing to windows identified.

Andrew Boughton

³ Also titled Park View House

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby approved shall be carried out in accordance with the following approved plans: AB2-29-04-2025; AB3-29-04-2025.
- 3) No development above ground level shall take place until details / samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details / samples.
- 4) Prior to the occupation of the development hereby permitted details of the positions, height, design, materials and type of boundary treatments to be erected shall be submitted to and approved by the local planning authority. The boundary treatment shall be completed as in accordance with the approved details before first occupation of the development.
- 5) No development other than demolition of the garage shall commence until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include details of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 6) 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.
- 7) Prior to the first occupation of the development hereby approved, the biodiversity mitigation measures for Sparrow Box and Bat Tubes appearing in Figures 10,11 &12 of the Turnstone Ecology Report ref: R01- Rev03 dated 30 July 2025 shall be completed.
- 8) The first floor window on the south-east elevation of the dwelling hereby approved shall be obscure glazed and retained as such for the life of the development.