
Appeal Decision

Site visit made on 21 May 2026

by H Wilkinson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 June 2026

Appeal Ref: APP/C3105/D/25/3373083

113 Danesmoor, Banbury, Oxfordshire OX16 1PZ

- 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 Ms Fatmira Kay against the decision of Cherwell District Council.
 - The application Ref is 25/00762/F.
 - The development proposed is described as 'Retrospective application for raising of front garden to level off'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant and the Council acknowledge that the proposed development has already been provided on site, and this was observed during my site visit. The development as constructed appears to be consistent with the submitted plans and I have therefore assessed the appeal on this basis.

Main Issues

3. The main issues in this appeal are the effect of the appeal development on:
 - the character and appearance of the area; and,
 - the living conditions of neighbouring residents in regard to outlook and privacy.

Reasons

Character and appearance

4. The appeal site occupies a prominent end-of-terrace position within a high-density residential area characterised by semi-detached dwellings and small terraces. These terraces are arranged in coherent blocks and typically incorporate modest, gently sloping front gardens that respond to the rising topography. Whilst boundary treatments vary, they are predominantly low-level which maintains an open and verdant frontage. The orderly pattern of development, cohesive architectural form, and green frontages combine to create a strong sense of uniformity and a verdant character, which is evident along the host terrace. This positively contributes to the overall character and appearance of the area.
5. The appeal development has levelled the front garden, in filling it with concrete to form a platform of approximately 1.3 metres in height, spanning the full width and depth of the frontage. It incorporates a designated bin store and stepped access.

6. The erosion of the openness and verdant character of the frontage, combined with the bulky and visually harsh appearance of the concrete area, disrupts the uniformity of the street scene and results in an obtrusive and incongruous form of development. Its prominent end-of-terrace position means that the discordant nature of the development is readily visible to passers-by and neighbouring occupants. While landscaping may soften its appearance, such planting cannot be assumed to be permanent and, if it were to fail or be removed, the intrusive form of the development would become more apparent. Moreover, any planting introduced at an elevated level would be likely to accentuate rather than diminish its dominant presence. It would therefore not overcome the identified harm and cannot be relied upon to make the development acceptable.
7. Whilst I understand that the intention was to provide improved, level access to the appeal property, alongside a contained bin storage area, the evidence does not demonstrate that this scheme is the only means of achieving this. It therefore does not outweigh the harm that I have identified.
8. For these reasons, I find that the appeal development harms the character and appearance of the area and thus conflicts with Policy ESD 15 of the Cherwell Local Plan 2011–2031 (2015) (CLP) and saved Policy C30 of the Cherwell Local Plan (1996) (SCLP). Amongst other aspects, these policies seek to ensure development respects plot patterns, enclosures, and enhances the character of its context through high-quality design.

Living conditions

9. The open nature of the neighbouring frontages means the development does not materially increase overlooking of these areas. Nevertheless, by reasons of its elevated position relative to the adjoining gardens and its unduly bulky form, the development appears overbearing and intrusive when experienced from the neighbouring gardens of the host terrace. This results in a poor and unattractive outlook.
10. Moreover, whilst the area's rising topography means some properties are naturally set at higher levels than others, views towards and across the opposing terrace's rear boundaries from within the front garden would have been relatively limited prior to the development. The increased height and closer proximity of the raised front garden means that a significantly greater degree of overlooking is now present, compromising the privacy enjoyed by the occupants of neighbouring properties.
11. Accordingly, I find that the appeal development harms the living conditions of neighbouring residents in regard to outlook and privacy. It is therefore contrary to CLP Policy ESD 15 and saved Policy C30 of the SCLP where they seek to safeguard the amenity of existing development.

Other Matters

12. The appeal site is not within or near designated heritage assets or an area at risk of flooding. It is in an accessible location and permitted development rights have not been removed. These however are neutral factors and do not weigh in favour of the proposal.

13. The appellant's disappointment regarding the outcome of the planning application is understandable as are the frustrations regarding the perceived lack of Council engagement prior to determination. Nevertheless, these matters have no bearing on my considerations of the merits of the case.

Conclusion

14. For the reasons given above the appeal is dismissed.

H Wilkinson

INSPECTOR