Appeal Decision

Site visit made on 4 December 2007

by S J Turner RIBA MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

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Decision date: 20 December 2007

Appeal Ref: APP/C3105/A/07/2051905
21 and 22 Portland Road, Milcombe, Oxfordshire OX15 4RL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Countryside Crenns Ltd against the decision of Cherwell District Council
- The application Ref 07/00603/OUT, dated 26 March 2007, was refused by notice dated 22 May 2007
- The development proposed is demolition of existing defective dwellings and erection of a pair of semi detached three bed dwellings and a terrace of 3 no two bed dwellings; construction of a new vehicular and pedestrian access and associated car parking facilities

Decision

1 I dismiss the appeal

Main issues

2. The main issues in this case are the effect of the proposed development on the character and appearance of the surrounding area and on the living conditions of the occupants of adjacent dwellings

Reasons

Character and appearance

3. Portland Road is a cul de sac with semi detached and terraced houses and bungalows facing the road. The large gardens and generous grass verges give the area an open, spacious character. The appeal site comprises two houses which form part of a terrace and are located in the corner of the turning head, together with their gardens. The application is in outline but layout and access are to be considered at this stage.

4 Saved Policy H14 of Cherwell Local Plan 1996 defines Milcombe as a category 2 settlement where infilling and small scale development that can be shown to secure significant environmental improvement within the settlement is considered appropriate. However the demolition of No's 21 and 22 Portland Road would destroy the symmetry of dwellings arranged around the turning head and the replacement houses would not restore this arrangement Instead they would introduce a more tight knit layout, with dwellings tucked away in the corner behind existing properties. In my view this would be out of keeping and harmful to the established, spacious character of the area

5. I note that the houses in Portland Road are of pre cast reinforced concrete construction and are likely to require attention or replacement at some stage However there is no evidence to suggest that the layout of the proposal provides a viable blueprint for carrying out wider redevelopment in future

6 The appellant argues that No's 21 and 22 are in such poor condition that it would not be cost effective to repair them. However whilst supporting the managed replacement of housing PPS3 encourages high quality housing which is well integrated with and complements neighbouring buildings and the local area generally I am not persuaded that the proposal achieves this objective

7 The proposal would make efficient use of brownfield land and add to the mix of housing in Milcombe. I also note that nearby dwellings in Newcombe Close extend further east, closer to the adjacent countryside than the existing houses on the appeal site. However none of these matters outweigh my conclusion that the proposal would harm the character and appearance of the surrounding area and would conflict with the objectives of Policy G2 of the Oxfordshire Structure Plan 2011, which requires development to be of a scale and type appropriate to its surroundings, with saved Policy H16 of the Local Plan and with Policies H16 and D3 of the non statutory Cherwell Local Plan 2011.

Living conditions

8. The design seeks to maximise the distance between the driveway and dwellings on either side and I do not consider that vehicles entering the drive would pass so close to No 20 to cause significant noise or disturbance to its occupants. However traffic would enter the driveway in front of No 23 and park and manoeuvre alongside its rear garden. Planting or other boundary treatment such as acoustic fencing could provide some mitigation However I do not consider that this would be sufficient to prevent the considerable vehicular activity generated by five dwellings, taking place along the entire boundary with No 23, from causing unacceptable noise disturbance to its occupants.

9 The layout places the new houses as far as possible from existing dwellings and from the site boundaries and I am satisfied that this would prevent the new houses from having an overbearing impact on the adjacent properties Similarly I consider that distance between existing and proposed dwellings would be sufficient to prevent unacceptable overlooking

10. Whilst I am satisfied that the proposal would not result in unacceptable overlooking or overbearance, I consider that it would generate noise and disturbance that would have a harmful impact on the living conditions of No 23 Portland Road. I therefore conclude that the proposal would conflict with Policy G2 of the Structure Plan, saved Local Plan Policy C30 and Policy D6 of the non statutory Local Plan, which all which seek to maintain standards of amenity

Overall conclusion

11 For the reasons given above I conclude that the appeal should be dismissed.

Sue Turner

Inspector