

Cherwell District Council

Planning Committee

12 April 2018

Appeals Progress Report

Report of Interim Director of Planning and Regeneration

This report is public

Purpose of Report

This report aims to keep members informed upon applications which have been determined by the Council, where new appeals have been lodged. Public Inquiries/hearings scheduled or appeal results achieved.

1.0 Recommendations

The meeting is recommended:

- 1.1 To accept the position statement.

2.0 Report Details

New Appeals

- 2.1 **17/02014/F – South Barn, Wiggington, OX15 4LG.** Appeal by Mr Benians against the refusal of planning permission for extension to existing dwelling, landscaping, formation of an additional access from the road and change of use of land from agricultural to residential purpose.
- 2.2 Forthcoming Public Inquires and Hearings between 12 April and 24 May 2018.

Planning Hearing commencing Tuesday 1 April 2018 at 10am Ground Floor Function Room, Banbury Town Hall, Banbury, OX16 5QB. Appeal by Catesby Estates Ltd against the refusal of planning permission for outline – demolition of existing building and outline planning application for residential development of up to 37 dwellings (Use Class C3) including means of access into the site (not internal roads) and associated works, with all other matters (relating to appearance, landscaping, scale and layout) reserved (Resubmission of 16/01468/OUT). Land Adj to Manor Farm Barns, Spring Lane, Cropredy. 17/00778/OUT.

2.3 Results

Inspectors appointed by the Secretary of State have:

1) Dismissed the appeal by Mr E + G King against the refusal of outline planning permission for the erection of 10 dwellings. Land South West of Mill Lane, Kirtlington. 16/02295/OUT (Committee).

The Inspector considered that the main issue is the effect of the development on the character and appearance of the area.

The Inspector stated that the dwellings would turn their back on existing development in Kirtlington which is generally inward looking, therefore the development would appear at odds with the existing layout of development. The Inspector also noted that the long section of road to access the first house would be an excessive and visually intrusive piece of infrastructure which would cause significant harm to this visually more open and rural edge of village location. The Inspector was of the opinion that the development would instead appear as an additional layer of development that would not relate well to Kirtlington or the character and appearance of the area generally.

The Inspector concluded that the proposal would be harmful to the character and appearance of the area and this would not be mitigated by landscaping or house design, therefore the proposal would be in conflict with Policies ESD13 and ESD15 of The Cherwell Local Plan Part 1 (2011-2031) and C28 of the Cherwell Local Plan 1996.

Whilst the Inspector acknowledged that Policy Villages 2 (PV2) of the Cherwell Local Plan Part 1 allows for villages such as Kirtlington to accommodate limited additional housing on the scale proposed, the Inspector noted that the housing needs of the District are currently being met and over 75% of the housing allocated through PV2 has already been approved. This reduces the weight that can be given to this matter. The Inspector also acknowledged the modest social and economic benefits of the proposal and that the appellant stated that there is no better site in Kirtlington for such development, but the Inspector concluded that these matters do not outweigh the environmental harm. The appeal was therefore dismissed by the Inspector.

2) Allowed the appeal by Mrs Copeland against the refusal of planning permission for a first floor extension above existing extension to create two further bedrooms. 5 Timms Road, Banbury, OX16 9DJ. 17/00902/F (Delegated).

The proposal was refused by the Council on the basis that it would result in a visually incongruous form of development that would relate poorly to the existing dwelling and the surrounding streetscene. This would be exacerbated by the continued use of bricks that do not match the original dwelling.

The Inspector concluded, however, that the finished house would have an appearance very similar to that of another property in close proximity to the appeal site. It would also present a traditional form to the street elevation, repeating an existing bay window feature and extending the main roof.

On the basis of the above, the appeal was therefore allowed.

3) Dismissed the appeal by J And R Homes Ltd against the refusal of planning permission for the erection of one detached dwelling with parking. 1 The Green, Chesterton, OX26 1UU. 17/01052/F (Delegated).

The Inspector considered that the main issue was the effect of the development on the character and appearance of the area.

The appeal site is located within the residential curtilage of 1 The Green, which forms one of a pair of semi-detached houses similar to other properties located along the south side of Green Lane. Together numbers 1 and 2 are located on a corner plot, set at an angle facing the junction and have large front gardens. The Inspector notes that this is a deliberate design choice in responding to the corner location, creating a spacious character to this corner and resulting in a verdant approach to this part of the village, resulting in a gentle transition from the countryside and recreation grounds to the south and the more built up areas of the village beyond.

With regard to the effect of the development on the character and appearance of the area, the Inspector found that the development would introduce a significant built form to the front of number 1, fundamentally eroding the open character that currently exists. The Inspector noted other properties within the village that had gables close to the road, however none are comparable with the appeal site and the contribution it makes to the open character at this edge of village location.

The Inspector therefore concluded that the development would result in harm to the character and appearance of the area, failing to accord with the design aims of Policy ESD15 of the CLP 2031 Part 1, saved Policies C28 and C30 of the CLP 1996 and the requirements of the NPPF to reinforce local distinctiveness. The Inspector did not however agree with the Council that there was conflict with Policy Villages 1 of the CLP 2031 Part 1 in respect of the principle of the development.

In absence of benefits that would outweigh the harm identified, the appeal was dismissed.

4) Dismissed the appeal by Mr Tagliaferro against the refusal of planning permission for an extension to form a new dwelling. 17 Somerville Drive, Bicester, OX26 4TU. 17/01469/F (Delegated).

The proposal was for an end of terrace property sitting perpendicular to the road. The blank side elevation would immediately abut the pavement. The Council had previously approved a dwelling on the same site however this was

situated slightly away from the boundary. The inspector noted that most properties in the area, even those sitting perpendicular to the road, were set back from the edge of the road and this made an important contribution to the open character of the area. The proposal would be at odds with this and would appear as a discordant building in this context and fail to reinforce local distinctiveness.

The application was also refused as it was considered that the resulting size of the existing dwellings garden would be inadequate to provide a good standard of amenity for future residents. The inspector noted that Council had previously approved a similar sized garden on the site and was not convinced that the policy context had altered significantly since this. The inspector also noted the Council has no specific outdoor space standards. Given the history of the site and fact there is a large public open space to the front of the site the inspector concluded that the development was acceptable in this regard.

3.0 Consultation

None

4.0 Alternative Options and Reasons for Rejection

4.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: To accept the position statement.

Option 2: Not to accept the position statement. This is not recommended as the report is submitted for Members' information only.

5.0 Implications

Financial and Resource Implications

5.1 The cost of defending appeals can normally be met from within existing budgets. Where this is not possible a separate report is made to the Executive to consider the need for a supplementary estimate.

Comments checked by:

Denise Taylor, Group Accountant, 01295 221982,
Denise.Taylor@cherwellandsouthnorthants.gov.uk

Legal Implications

5.2 There are no additional legal implications arising for the Council from accepting this recommendation as this is a monitoring report.

Comments checked by:
Nigel Bell, Team Leader – Planning and Litigation, 01295 221687,
Nigel.Bell@cherwellandsouthnorthants.gov.uk

Risk Management

- 5.3 This is a monitoring report where no additional action is proposed. As such there are no risks arising from accepting the recommendation.

Comments checked by:
Nigel Bell, Team Leader – Planning and Litigation, 01295 221687,
Nigel.Bell@cherwellandsouthnorthants.gov.uk

6.0 Decision Information

Wards Affected

All

Links to Corporate Plan and Policy Framework

A district of opportunity

Lead Councillor

Councillor Colin Clarke, Lead Member for Planning

Document Information

Appendix No	Title
None	
Background Papers	
None	
Report Author	Tom Plant, Appeals Administrator, Development Management, Cherwell and South Northants Councils.
Contact Information	01295 221811 tom.plant@cherwellandsouthnorthants.gov.uk