



Appeal Decision

Site visit made on 1 September 2020

by **Helen O'Connor LLB MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 02 September 2020

Appeal Ref: APP/C3105/W/20/3253999

Banbury Service Station, Oxford Road, Bodicote OX15 4AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Natalie Ternent of Euro Garages Ltd against the decision of Cherwell District Council.
 - The application Ref 20/00167/F, dated 23 January 2020, was refused by notice dated 19 March 2020.
 - The development proposed is described as a 'retrospective planning application to retain storage container to rear of petrol filling station kiosk.'
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In my heading above I have taken the full name of the appellant from the amended appeal form as the reference to Euro Garages Ltd was omitted from the planning application form.
3. When I visited the site, it was apparent that the storage container is in situ and that the submitted plans reasonably reflect the development. I have determined the appeal on this basis.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

Character and appearance

5. The A4260 is a busy thoroughfare into Banbury. The section nearest the appeal site has a mixed character due to the presence of road infrastructure, residential and commercial development but also glimpses of countryside and established trees and vegetation. Banbury Service Station is a petrol filling station comprising pumps, forecourt, canopy, kiosk buildings and associated advertisements. Together with the adjacent car sales garage, their associated activity and overall appearance adds vibrancy to the street scene. Whilst not objectionable, the form and appearance of the flat roofed canopy and kiosk buildings at the appeal site possess little architectural merit and are fairly typical of petrol filling stations. As a result, these structures have a neutral impact on the mixed character and appearance of the area.

6. The proposal is a grey coloured storage container sited to the rear of the kiosk building that provides additional storage. Its boxlike utilitarian form has a standardised functional appearance. The limited openings, lack of detailing and painted grey finish results in a bland unattractive structure. Moreover, its somewhat rudimentary connection, height difference and proximity to the kiosk building gives the overall built form a disjointed cluttered appearance that has a negative impact on the appearance of the site. Consequently, the proposal does not constitute a development that is visually attractive as a result of good architecture as stipulated in paragraph 127(b) of the National Planning Policy Framework (the Framework).
7. Policy ESD15 of the Cherwell Local Plan 2011-2031, Part 1, July 2015 (LP) states that new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. Included amongst the requirements is one which requires development of all scales to be designed to improve the quality and appearance of an area. This broadly aligns with paragraph 127 of the Framework. The policy not only seeks to avoid negative impacts but also suggests that it would not be sufficient to simply have a neutral effect. Rather new development should make a positive contribution to improving the surrounding character and appearance. For the reasons outlined the proposal fails to do this.
8. I accept that the siting of the structure is relatively unobtrusive in comparison to other areas of the site such that the storage container would not be seen in views from the north west as it would be blocked by the kiosk building. Furthermore, it would be seen against the backdrop of the existing buildings in views from the south east and is behind the boundary fence. Its limited height, set back and muted grey paint finish also serve to deflect attention away from its presence.
9. Nevertheless, as illustrated in the photographs provided¹, the structure would still be apparent in views from Oxford Road, the lay-by and the adjacent dwelling to the south east. Moreover, the measures highlighted by the appellants primarily seek to reduce the prominence of the unattractive structure in the street scene rather than positively improve the quality and appearance of the area as required by policy ESD15. As such, these factors do not fully overcome the negative impact of the proposal and a moderate degree of harm to the character and appearance of the area remains.
10. The appellants suggest a condition could be imposed to require a replacement 2m high timber fence screen along the south eastern boundary. However, the height of the container² would be greater. Therefore, the fence would provide only partial screening and consequently, would not entirely overcome my concerns.
11. My attention is drawn to commercial characteristics of the area which include the petrol filling station itself, the adjacent car sales operation as well as a number of parked cars. The appellants assert that the storage container is not out of character in this context. However, as already outlined, I observed the area to have a mixed character. Whilst this includes commercial elements, their scale and nature are not industrial, nor did I observe the presence of storage

¹ Page 4 and Paragraph 2.9, Appellants' Statement of Case

² 2438mm on drawing no.PLN.023.01.A2.EC

containers to be commonplace. Furthermore, the explanatory text³ for policy ESD15 clarifies that design standards for new development whether housing or commercial development are equally important.

12. Reference is made to the flat roof of the storage container reflecting that of the kiosk and canopy. Even so, my observations were that the horizontal emphasis of these structures do not constitute an attractive visual attribute that contributes positively to the appearance of the area. Therefore, this would not provide justification for the proposal. In any event, the proposal includes notable differences in height, materials and detailing such that it appears disconnected from the canopy and kiosk.
13. In support of the proposal, the appellants highlight that the grey clad Greggs unit within the petrol filling station forecourt area recently obtained planning permission⁴ in a more prominent location. I acknowledge that the form and colour of the building has some similarities with the appeal proposal. However, I am provided with limited information in relation to the application which inhibits a full comparison with the circumstances of the scheme before me. Nevertheless, I note that it is referred to as a converted car wash structure⁵ indicating that it replaced an existing building or structure, the details, appearance and scale of which are not provided. Therefore, I am uncertain as to whether the Greggs unit represented an enhancement relative to the original structure. In any event, this is a circumstance that makes it considerably different to the appeal proposal. Overall, its presence attracts limited weight and I have determined the proposal on its own merits.
14. Accordingly, I find that the proposal would result in harm to the character and appearance of the area and would not complement or enhance the character of its context contrary to policy ESD15 of the LP. Furthermore, it would conflict with saved policy C28 of the Cherwell Local Plan, November 1996 (LP 1996) which, amongst other matters, requires new development to have standards of design and external appearance that are sympathetic to its context.
15. The Council have also referred to saved policy C31 of the LP 1996 in the refusal reason. The explanatory text states that this policy seeks to prevent the introduction of incompatible non-residential uses in residential areas. Based on the evidence provided, it is not shown that the proposal would cause an unacceptable level of nuisance or visual intrusion to the living conditions of the occupiers of the adjacent residential premises. As such, I find no conflict with this policy in relation to the main issue.

Other matters

16. The appellants provide an explanation for the proposed siting of the storage container which they assert makes the best use of a narrow strip of land. They consider this is beneficial as it prevents the area being otherwise used for antisocial behaviour, becoming overgrown or trapping litter, all of which might impact to a greater extent on the living conditions of the adjacent residents at 1 Oxford Road. However, there is little evidence to substantiate the suggestion that, in the absence of the storage container, the area could not be adequately secured and maintained to prevent anti-social behaviour and litter. Therefore,

³ Paragraph B.266

⁴ Reference 17/00572

⁵ Paragraph 2.4 Appellants' Statement of Case

this attracts little weight and does not address or overcome the concerns identified in relation to the character and appearance of the proposal.

17. The absence of harm arising from the proposal to the living conditions of the occupants of 1 Oxford Road is not a positive benefit of the proposal. Rather it is a neutral factor as this would be required in any event by policies in the development plan.
18. It is further suggested that siting the storage container or an extension elsewhere within the petrol filling station may displace the existing bin storage closer to the boundary with 1 Oxford Road resulting in additional noise and smells to the occupants and visual impact. Furthermore, it may reduce the available car parking at the petrol filling station. Be that as it may, my determination is based upon the merits of the proposal before me. Potential alternative development proposals would be subject to consideration on their respective merits and assessed against the development plan. I have nothing before me to suggest that planning permission has been secured for any alternative siting of the storage container as a basis for comparison with the appeal proposal. As such, this matter attracts little weight and would not lead me to a different conclusion on the main issue.

Conclusion

19. For the reasons given above I conclude that the appeal is dismissed.

Helen O'Connor

Inspector