



Appeal Decision

Site visit made on 16 February 2021

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

an Inspector appointed by the Secretary of State

Decision date: 17 February 2021

Appeal Ref: APP/C3105/W/20/3262720

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 against the decision of Cherwell District Council.
 - The application Ref 20/02498/F, dated 11 September 2020, was refused by notice dated 6 November 2020.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Although a storage container of similar dimensions to that shown on the submitted drawings is in situ at the site, it is not finished in the materials shown on the proposed elevations. I have determined the appeal on the basis of the proposed elevations and floor plan.

Main Issue

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

Reasons

Character and appearance

4. The combination of the busy Oxford Road (A4260), presence of residential and commercial development as well as established trees and vegetation near to the appeal site results in a context with a mixed character.
5. Banbury Service Station is a petrol filling station with pumps, forecourt, canopy and associated kiosk building that have an appearance typical of such a use. In combination with advertisements and the adjacent car sales garage, the associated activity and overall appearance gives vibrancy to the street scene. However, in themselves, the flat roofed canopy and kiosk building possess little architectural merit and have a neutral impact on the mixed character and appearance of the area.

6. The proposal would retain an existing storage container sited to the rear of the kiosk building. Although the structure had temporary permission¹ for 3 years, this has now expired. It is proposed to finish the container unit with brick slips, white fascia and grey roof to broadly match the main kiosk building. Nevertheless, it would retain standardised boxlike dimensions and would have a rudimentary connection with the main kiosk building. Furthermore, there would be a height difference with both components of the existing kiosk building. In combination these factors would result in a harmful disjointed and cluttered appearance. My finding on this is consistent with that in the recent previous appeal decision² at the site which sought to retain the storage container.
7. Furthermore, the addition of the white fascia at eaves level would draw the eye and emphasise the negative impact. Although it would be set back and lower in height than the main kiosk building, as it would be higher than the boundary fencing³, it would be seen from Oxford Road, the lay-by and the adjacent dwelling to the south east.
8. Therefore, the proposal would have a small but noticeable harmful effect on the character and appearance of the area. I acknowledge that the modest scale of the proposal would prevent it from amounting to a significant degree of harm, but it would be harmful nonetheless. 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 that development of all scales should be designed to improve the quality and appearance of an area. It follows development should make a positive contribution to improving the surrounding character and appearance. For the reasons outlined, the proposal would fail to do this.
9. The modest scale of the structure would not justify a harmful development. Otherwise, such an argument could be repeatedly used which over time could result in considerable cumulative harm to the character and appearance of an area. Similarly, the contention that the development would be less harmful than had it been proposed in other more prominent locations does not justify the harm that would arise from the proposal. Moreover, there is nothing before me to show that planning permission has been secured for any alternative siting of the development as a basis for a comparative fall-back position. As such, this attracts little weight.
10. My attention is drawn to the 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 appellant asserts that the proposal would not be out of character in this context and cites supporting text in paragraph 9.66 of the Cherwell Local Plan, November 1996 (LP 1996). This states that the standard of design acceptable to the Council will be influenced by the environmental context of the site and its surroundings, and the nature, size and prominence of the development proposed.
11. The supporting text relates to saved policy C28 of the LP 1996 which broadly aligns with paragraph 127c of the National Planning Policy Framework. This

¹ Planning reference 16/02272/F

² Appeal reference APP/C3105/W/20/3253999

³ Fence line on drawing no. PLN.066.A3

stipulates that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting. Furthermore, the area has a mixed character and the explanatory text⁴ for policy ESD15 of the LP clarifies that design standards for new development whether housing or commercial development are equally important. As such, the supporting text highlighted would not lead me to a different view.

12. Reference is made to the flat roof and proposed materials reflecting that seen on the kiosk and canopy. These factors would limit the extent of the harm which I have acknowledged would be small. Nevertheless, for the reasons already outlined, they would not fully overcome my concerns nor make the proposal policy compliant.
13. It is asserted that the existence of the flat roofed kiosk extension provides a precedent for the appeal proposal. However, details of when the extension was permitted have not been provided, nor what factors or planning policies the Council took into account. Furthermore, that development relates more successfully to the main kiosk structure in terms of its connection and proportions. Hence, it is not shown that the existing extension is directly comparable to the proposal before me. In any event, each application must be determined on its individual merits. Consequently, as a precedent for the appeal proposal, the existing kiosk extension attracts limited weight.
14. The appellant considers that there is no alternative option for the siting of the extension as other locations would cause additional noise, smell and visual impact to nearby residents. Furthermore, it may reduce the available car parking at the petrol filling station. Even if I were to accept this was the case in relation to the proposed location, it does not address nor surmount my concerns regarding the harm arising from the form and appearance of the structure. The evidence does not establish that there are no alternative approaches that could be used in relation to those elements of the proposed design.
15. 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 LP 1996 which, amongst other matters, requires new development to have standards of design and external appearance that are sympathetic to its context.

Other matters

16. The absence of harm arising from the proposal to the living conditions of the occupants at the adjacent dwelling in Oxford Road would be required to make the development policy compliant, and therefore, does not lead me to a different view. The appellant contends that the proposal would prevent 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 adjacent residents. However, there is little evidence to substantiate the suggestion that this part of the petrol filling station could not be adequately secured and maintained to prevent anti-social behaviour and litter. Therefore, this attracts little weight.

⁴ Paragraph B.266

Conclusion

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

Helen O'Connor

Inspector