

Appeal Decision

Site visit made on 28 September 2016

by K E Down MA (Oxon) MSc MRTPI MSB

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

Decision date: 30 September 2016

Appeal Ref: APP/G3110/D/16/3154379

22 Alexandra Road, Oxford, OX2 0DB

- 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 Mr Sebastien Bregeaud against the decision of Oxford City Council.
 - The application Ref 16/00527/FUL, dated 24 February 2016, was refused by notice dated 20 April 2016.
 - The development proposed is erection of a rear/side double storey extension + single storey rear extension + attic conversion with rear box dormer + internal alterations.
-

Decision

1. The appeal is allowed and planning permission is granted for a rear/side double storey extension, single storey rear extension, attic conversion with rear box dormer and internal alterations at 22 Alexandra Road, Oxford, OX2 0DB in accordance with the terms of the application, Ref 16/00527/FUL, dated 24 February 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Dwg. No. R648.01 and Dwg. No. R648.11 Revision D.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as specified on approved Dwg. No. R648.11 Revision D and the application form.
 - 4) Prior to the commencement of development, a Flood Risk Assessment shall be undertaken and mitigation proposed to ensure that the increase in footprint and patio area will not displace flood water off site during a flood event up to and including the known or modelled 1 in 100 annual probability of river flooding plus an allowance for climate change. Relevant Environment Agency data shall be obtained and compared with a site topographical survey to assess the likely impact. No development shall take place until the Flood Risk Assessment, including details of proposed mitigation together with the proposed construction methods to prevent flood damage to the permitted extension, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance
-

with the approved mitigation measures and methods of construction which shall be retained thereafter.

Main Issues

2. There are three main issues. Firstly, the effect of the proposed extensions on the living conditions of future occupiers with respect to natural lighting and outlook; secondly, the effect of the proposed extensions on the character and appearance of the host dwelling and the surrounding area; and thirdly, the effect of the proposed extensions on the risk of flooding in the surrounding area.

Reasons

3. The appeal property is a modest, end terrace dwelling on a residential street of similar properties. To the rear it has a two storey outrigger which adjoins a similar rear projection at No 24. Unusually, the dwelling at No 20 is set back significantly further on its plot than No 22, such that its main side elevation forms the boundary between the two properties and dominates the side return at No 22, making it a dank and gloomy area and limiting light and outlook to the two windows in the rear of the main dwelling.
4. The proposed extensions comprise a single storey rear addition linked to a two storey side addition that would have a flat roof and infill the side return and a loft conversion, including a box dormer to the rear and roof lights to the front elevation. The two storey side addition, although flush with the end of the two storey outrigger would leave a well at first floor, immediately to the rear of the main section of the existing dwelling, to maintain daylight and natural ventilation to the existing bedroom which faces out onto the side return. There would be a loss of outlook to this room and light levels would be reduced. However, some view of the sky would remain above the roof of the rear projection and over the flat roof of the proposed extension.
5. Policy CP.10 of the Oxford Local Plan 2001-2016 (LP), adopted in 2005 states that planning permission will only be granted where buildings are orientated to provide satisfactory light, outlook and privacy. Policy HP12 of the Sites and Housing Plan 2011-2026 (SHP), adopted in 2013, resists planning permission for new dwellings that fail to provide adequate natural lighting or a satisfactory outlook. The appellant notes that policy HP12 clearly relates to new dwellings, rather than extensions. I therefore agree that it would be appropriate to apply the policies to the dwelling as a whole.
6. Currently, the first floor room looking out into the side return is the second bedroom of three. Under the proposed scheme it would lose space to an enlarged family bathroom and become the fourth bedroom. In terms of the dwelling as a whole, the loss of light and outlook to this room would be significantly outweighed by the overall improvement to living conditions, including the enlargement of the existing bathroom, and the rear bedroom which has an unrestricted outlook over the garden.
7. It is therefore concluded on the first main issue that the proposed extensions would have no materially harmful effect on the living conditions of occupiers with respect to natural lighting and outlook. In consequence they would comply with LP Policy CP.10 and SHP Policy HP12 insofar as they expect dwellings to

provide good quality living accommodation including adequate natural light and outlook.

8. Turning to the effect on character and appearance, the extensions would not be visible from the street, save for two roof lights which are similar to others in the street and to which the Council raises no objection. Likewise there is no objection to the single storey rear addition. I agree these aspects of the proposal would both be acceptable. The rear extensions, particularly above ground floor, would noticeably alter the appearance of the property. Nevertheless, the flat roof of the two storey side addition would provide a clear distinction between the new build and the original two storey outrigger. The alterations to the eaves height and width of its roof would mean it was no longer symmetrical with the adjoining outrigger at No 24. However, in this particular location where the raised eaves height would match that of the abutting rear elevation at No 20 I consider that the scheme would provide an appropriate transition between the different terraces, harmonising with the host dwelling and its neighbours and maintaining the rhythm of built development.
9. In respect of the proposed rear dormer, this would occupy most of the rear roof slope, materially changing its appearance. However, it would be substantially hidden, other than from the garden at No 22 and the dwellings immediately to the rear, by No 20 and the outrigger. Moreover, it is similar to numerous other dormers in the immediate vicinity which are understood to have been built under permitted development rights. It would therefore have a limited effect on the character and appearance of the host dwelling and the surrounding area in which similar box dormers have become characteristic on rear roof slopes.
10. It is concluded on the second main issue that the proposed extensions would have no materially detrimental effect on the character and appearance of the host dwelling or the surrounding area. In consequence they would comply with Policies CP1, CP6 and CP8 of the LP, Policy CS18 of the Oxford Core Strategy 2026 (CS), adopted in 2011, and SHP Policy HP9 which, taken together and amongst other things, expect development to be of a high standard of design such that it relates to and has an appropriate visual relationship with the surrounding area so as to respect and protect the site context and local character. The Council's refusal notice also cites SHP Policy HP10 but this relates to the development of residential gardens for new dwellings and is therefore not relevant in this case.
11. Turning to the third main issue, the appellant accepts that the site lies at the boundary between Flood Zones 2 and 3A and has proposed measures to protect the proposed extensions from flood damage. These appear to be acceptable. However, whilst it is not necessary to apply the sequential test to this minor development, the Council considers that a flood risk assessment is necessary, in accordance with CS Policy CS11, to show how the proposed development would not increase flood risk in the area. The reasoned justification for the policy (paragraph 4.3.6) stresses the importance of ensuring that the cumulative effect of household extensions does not increase flood risk elsewhere. In this case, taking into account the historic flooding in the area, I agree that such an assessment and mitigation is justified.
12. There is no evidence to suggest that suitable mitigation would not be feasible and the Council suggests a planning condition, requiring the necessary

assessment prior to the commencement of development. Since any effect on flooding would be small, but potentially significant when taken cumulatively with other extensions, I am satisfied that the suggested pre-commencement condition would be necessary, reasonable and directly related to the development but that it would adequately address the issue.

13. It is concluded on the third main issue that, subject to the provision of mitigation measures as necessary to be determined through a flood risk assessment, the proposed development would have no materially adverse effect on the risk of flooding in the surrounding area and would therefore comply with CS Policy CS11.

Conditions and conclusions

14. In addition to the statutory commencement condition and a condition requiring a flood risk assessment as reasoned above, the Council suggests two conditions; one requiring the development to be constructed in accordance with the approved plans which is necessary in order to provide certainty; and the other requiring materials used to be as specified on the application form (and on the submitted plans) which is necessary in order to protect the character and appearance of the host dwelling and the surrounding area.
15. For the reasons set out above and having regard to all other matters raised, including the comments of a neighbouring occupier with respect to party wall agreements which are not under my jurisdiction, I conclude that the appeal should be allowed.

KE Down
INSPECTOR