

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: 04 October 2016

Appeal Ref: APP/G3110/D/16/3154612
70 Five Mile Drive, Oxford, OX2 8HW

- 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 Ms F Rimini and Mr M Lenholm against the decision of Oxford City Council.
 - The application Ref 16/00581/FUL, dated 2 February 2016, was refused by notice dated 26 April 2016.
 - The development proposed is erection of two storey side extension to form a WC and utility room on the ground floor and a bathroom and store on the first floor. Raised section of roof to accommodate 2 bedrooms in a loft conversion.
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Procedural matter

1. On the application form one appellant's name is given as Mr M Lenholm. As this is the name under which the appeal should be made I have used it above. However, I note that the name on the appeal form is Dr M Lennholm and since it appears that the appellants made the appeal themselves I consider it likely that this is the correct form.

Decision

2. The appeal is dismissed.

Main Issues

3. There are two main issues. Firstly, the effect of the proposed extensions on the character and appearance of the host dwelling and the surrounding area; and secondly, the effect of the proposed loft conversion on protected species, with reference to bats.

Reasons

4. The appeal property is a traditional detached 1930s house. It is set on a prominent corner plot with feature two storey bays on both street facing elevations. It has a hipped pitched roof with wide eaves projecting over the bays, giving an appearance highly characteristic of its era. It is set on a large plot with significant boundary vegetation. There is a copper beech close to the boundary with Carey Close which is subject to a Tree Preservation Order but the tree would be unharmed by the proposals and no objection is raised relating to this matter.
 5. The appeal property mirrors 72 Five Mile Drive which is set on the opposite corner of Carey Close. Both properties have undergone extension in the past
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- but the essential elements of feature bays and a well proportioned, hipped roof have been preserved such that the two dwellings continue to form a generally symmetrical gateway to Carey Close when viewed from Five Mile Drive. The surrounding dwellings in the street range in size and architecture but most roofs nearby are hipped and pitched and the majority of dwellings are two storey and of a similar era to the appeal property. There are exceptions to the predominant pattern, including three storey houses and modern dwellings, some of contemporary design. Nevertheless, each forms a well designed entity which contributes positively to the character and appearance of Five Mile Drive.
6. The proposed two storey side extension would be hidden from the street and no specific objection is raised to it. I agree that in itself it would not harm the essential character or appearance of the host dwelling or the surrounding area.
 7. The proposed roof extensions would simplify the existing roof plan and result in an increase in height and shift in position of the existing ridge that runs parallel with Carey Close. This would become the dominant ridge, noticeably higher than the existing ridge that projects towards Carey Close. The existing hips would become gables, with a small section of pitched roof retained close to the eaves on the Five Mile Drive elevation. The loft space would be converted to two bedrooms, each with a gable end window.
 8. The proposed alterations would substantially alter the roof form and would detract from the characteristic 1930s style of the property. They would dominate the dwelling and in particular compete with the existing wing facing Carey Close, creating a bulky and incongruous addition that would be clearly visible from the public realm. Moreover, the proposed gables would be unsympathetic to the retained part of the original roof. The front gable would in addition have an awkward relationship with the existing bay below, detracting from its architectural importance and drawing attention to the more utilitarian appearance of the existing two storey side extension. The size and vertical emphasis of the proposed gable end window would accentuate the height of the roof and emphasise its discordant design.
 9. The proposed alterations would deviate from the characteristic roof form in this part of Five Mile Drive and would fail to create an alternative of any material architectural merit. They would therefore detract from the character and appearance of the street scene, unlike other nearby examples of different architecture which have been drawn to my attention by the appellants and which largely comprise harmonious architectural compositions which contribute positively to the variety and interest of the area.
 10. The appellants suggest that the Council's assessment, with which I concur, is very subjective. They argue that the proposals represent an elegant architectural solution and are similar to numerous 1930s houses in the UK. However, whilst any assessment of appearance will be, to an extent, a matter of opinion I cannot agree that the Council has been unduly subjective because issues of scale and proportion and the extent to which a proposal blends with an original building can all be judged objectively, as I have done. Moreover, I note that the example provided in the evidence as having a similar gable end to the proposals is of a dormer bungalow which I do not consider to be readily comparable with the appeal property.
 11. It is further suggested that, by enlarging the existing dwelling, better use would be made of the large plot. However, whilst Policy CP6 of the Oxford Local

- Plan 2001 – 2016 (LP), adopted in 2005, conforms with national planning policy in encouraging the efficient use of land this should not beat the expense of the surrounding area.
12. The appellants point out that matching materials would be used and question the Council's objection to the use of matching brick in the front gable. However, the objection appears to be to the use of brick in conjunction with the retention of the lower part of the hipped roof and the relatively large window. I agree that in this context it would draw the eye and accentuate the top-heavy and awkward roof form when viewed from Five Mile Drive.
 13. It is concluded on the first main issue that, whilst the two storey side extension would be acceptable, the proposed roof extensions would have a materially detrimental effect on the character and appearance of the host dwelling and the surrounding area. In consequence they would conflict with LP Policies CP1, CP6 and CP8, Policy CS18 of the Oxford Core Strategy 2026 (CS), adopted in 2011, and Policy HP9 of the Sites and Housing Plan 2011-2026, adopted in 2013, which taken together and amongst other things, expect development to be of a high standard of design such that it relates well to and has an appropriate visual relationship with its surroundings, so as to respect and protect the site context and the character and appearance of the area.
 14. Turning to the effect on protected species and in particular bats, the appellants have submitted a bat survey report with the appeal. The survey comprised an internal and external inspection of the building and an assessment of its suitability to support bats. The report concludes that the property has a low potential to support roosting bats but that there are limited opportunities for bats of the crevice dwelling species, such as pipistrelle bats, to use the building for opportunistic roosting. The report recommends that a further survey, a dusk emergence survey, should be undertaken to confirm the presence or likely absence of bats. Although the evidence suggests that such a survey was planned I have no evidence that it was carried out.
 15. In consequence, I cannot be sufficiently certain that the building is not used by bats to reach a conclusion on the second main issue, other than that the proposed loft conversion would potentially have a materially harmful effect on protected bats. It would therefore conflict with CS Policy CS12 which resists development that would result in a net loss of sites and species of ecological value or fails to provide appropriate protection or mitigation from harm for species and habitats of importance for biodiversity.
 16. In respect of other matters, the appellants raise concerns regarding the Council's handling of the appeal application and an earlier application that was withdrawn, alleging an unwillingness to engage in constructive dialogue and incorrect handling. Whilst it is regrettable that they consider this to be the case, that would not amount to a justification for allowing a development which would result in the harms identified above.
 17. For the reasons set out above and having regard to all other matters raised I conclude that the appeal should be dismissed.

KE Down
INSPECTOR