
Appeal Decisions

Site visit made on 22 November 2016

by Andrew R Hammond MSc MA CEng MIET MRTPI

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

Decision date: 01 December 2016

Appeal A Ref: APP/G3110/C/16/3145453

Appeal B Ref: APP/G3110/C/16/3145454

67 Sandfield Road, Headington, Oxford OX3 7RW

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- Appeal A is made by Mrs Rachel Raff against an enforcement notice issued by Oxford City Council.
- Appeal B is made by Dr Jordan Raff against an enforcement notice issued by Oxford City Council.
- The enforcement notice, Ref No: 15/00264/ENF, was issued on 16 February 2016.
- The breach of planning control as alleged in the notice is without planning permission the erection of a "timber wall" in the rear garden of the dwelling house.
- The requirements of the notice are reduce the height of the "timber wall" to no more than 2.00m above natural ground level.
- The period for compliance with the requirements is 2 months after the notice takes effect.
- The appeals are proceeding on the grounds set out in section 174(2)(g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the applications for planning permission deemed to have been made under section 177(5) of the Act as amended do not fall to be considered.

Appeal C Ref: APP/G3110/W/16/3144994

67 Sandfield Road, Headington, Oxford OX3 7RW

- 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 Rachel Raff against the decision of Oxford City Council.
- The application Ref 15/02903/FUL was refused by notice dated 29 November 2015.
- The development proposed is the erection of a wooden wall in the rear garden.

Decision Appeal C

1. The appeal is dismissed.

Decision Appeals A and B

2. The appeals are dismissed and the enforcement notice is upheld.

Points of Clarification

3. The planning application is retrospective and the description of the development varies throughout the application and supporting documents. I have adopted the simple description given of the Council's Decision Notice
4. The appellants explained to the Planning Inspectorate that they had lodged the appeals A and B against the enforcement notice under ground (g) on the

understanding that it was necessary to do so in order they would not be obliged to meet the requirements of the notice until the result of the appeal C was known. They further explained that they did not consider that 2 months following the notice taking effect was insufficient time.

Reasons Appeal C

Main Issue

5. The main issue in this appeal is the scale of the development and the effect on the appearance of the area.

Discussion

6. The structure in question is a substantial timber wall some 3.7m high and around 4m wide. It is constructed of timber planking mounted on a sturdy timber framework to the rear, which is the side facing the garden of no. 65 Sandfield Road. It is located towards the rear of a long garden, adjacent to an area of concrete hardstanding, and its purpose is described as being as a backstop for a variety of ball games and to support a basketball hoop. The lower part of the wall has been further faced with a softer material in order to reduce the sound of balls striking the wall.
7. The development plan for the purposes of the appeal comprises saved policies of the Oxford Local Plan (OLP) (2005) and the Oxford Core Strategy (CS) (2011).
8. OLP saved Policy CP1 states planning permission will be granted for development which demonstrates a high standard of design which responds to the character and appearance of the area.
9. OLP saved Policy CP8 states planning permission will be granted where the siting, massing and design of the proposed development creates an appropriate visual relationship with the form, grain, scale, materials and details of the surrounding area.
10. OLP saved Policy CP8 states planning permission will be granted where the siting, massing and design of the proposed development creates an appropriate visual relationship with the form, grain, scale, materials and details of the surrounding area.
11. CS Policy CS18 states development proposals should respond to the application site, its surrounding context and the overall character of the area.
12. To the rear of the gardens on this part of Sandfield Road a belt of tall conifers provide a degree of screening of the very substantial buildings of the John Radcliffe Hospital which are around 7 storeys high. The trees are, therefore, a dominant feature in views from the dwellings and rear gardens.
13. In addition there is a substantial tall timber outbuilding to the extremity of the garden of no. 65 and a new single storey dwelling, No. 69A has been constructed to the other side of the garden of the appeal premises.
14. Whilst the tall conifers, the new dwelling and the large outbuilding undoubtedly have an effect on the character of the area, the very substantial timber wall forms an over dominant addition and with its sturdy manner of construction it constitutes an uncharacteristic and overbearing form of development. As such

it introduces significant harm to the appearance of the area, in conflict with saved OLP Policies CP1, CP8 and CP10 and CS Policy CS18.

15. It is noted that the occupiers of No.65 support the appeal proposal. However the effect on the area and the amenity of future occupiers needs to be considered. The support therefore carries limited weight in the determination of the appeal.

Conclusion Appeal C

16. For the reasons given above and taking account of all material planning considerations Appeal C is dismissed.

Appeals A and B

Reasons

17. The appellants confirmed by email dated 28 March 2015 that they did not consider 2 months insufficient time to comply with the enforcement notice. However the appeals under ground (g) were not withdrawn and therefore fall to be considered.
18. There is no suggestion from any party that a period that 2 months from the notice coming into effect, that is 2 months from the date of these decisions, is insufficient time to comply.

Conclusion Appeals A and B

19. For the reasons given above and taking account of all material planning considerations Appeals A and B are dismissed.

Andrew Hammond

Inspector