

Appeal Decision

Site visit made on 15 November 2016

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

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

Decision date: 08 December 2016

Appeal Ref: APP/G3110/W/16/3151965

19 Arlington Drive, Oxford, Oxfordshire OX3 0SH

- 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 Dr Jinghuan Li against the decision of Oxford City Council.
 - The application Ref 15/03410/FUL, dated 24 November 2015, was refused by notice dated 10 May 2016.
 - The development proposed was originally described as “this application is a resubmission of 15/01221/FUL, a full planning application seeks the approval to demolish the attached garage and construct 1 no. 1 bedroom self-contained house adjoining the semi-detached house, 19 Arlington Drive, Marston. The existing 3 bedroom family dwelling is to be retained. The plot is to the side of the existing property, which would provide ample space for an additional structure”.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has provided three different amended plans that were produced after the submission of the planning application and before its determination. Two of the amended plans show a narrower two storey side extension with different internal layouts, while the third shows hand drawn amendments produced by the Council to reduce the height and width of the proposals. However, the Council has confirmed that it did not formally accept or consult on any of the amended plans as they did not overcome their concerns. Thus, I have limited my assessment of the proposed development to the plans originally submitted with the application in November 2015.

Main Issues

3. The main issues are the effect of the proposed development on (a) the character and appearance of the area and (b) the living conditions of future occupants of the development with regards to private external space.

Reasons

Character and appearance

4. Arlington Drive forms part of a housing estate containing semi-detached properties of similar size and design. A significant number of these properties have been enlarged by two storey side extensions with either increased living space for the original property or subdivision to form two properties. Some of the extensions are subservient to the original property, while others share the
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same front building line and roof height with the original property. In all cases, the effect of these extensions has been to create longer building footprints within the estate, with the appearance of short terraces in several instances. From the examples I saw at my site visit, most of the extended properties contained a reasonably sized and regular shaped plot to the rear.

5. 19 Arlington Drive is located on the corner of Haynes Road. As a consequence, the plot tapers to the rear to create a triangular shaped rear garden and a wider front garden, which is replicated by the neighbouring plot for 24 Haynes Road. There is also a generous amount of space between No 19 and No 24 relative to the spacing between properties elsewhere on the estate.
6. The proposed development would mimic a number of extensions in the surrounding area in terms of being flush with the front building line of No 19 and the same height as the existing roof. Given the existence of similar extensions, the development would not look out of keeping. The tapering of the extension toward the rear is due to the plot shape, but would not be highly prominent or appear unduly awkward.
7. However, the extension and creation of a separate dwelling would result in a small and irregular shaped plot out of keeping with the plot sizes and shapes found across the estate. As a separate dwelling, there would be considerably less space to the rear of the property compared to the rest of the estate. This would conflict with the overall character and appearance of the area.
8. Concluding on this main issue, while the size and design of the proposed development would be in keeping with existing development on the estate, the resultant plot shape and size created for a new dwelling would not be suitable and would harm the character and appearance of the area. Therefore, the proposal would not accord with Policies CP1, CP6 and CP8 of the Oxford Local Plan 2001-2016 ('the Local Plan'), Policy CS18 of the Oxford Core Strategy 2026 and Policies HP9 and HP10 of the Sites and Housing Plan (SHP) 2011-2026. Amongst other things, these policies seek development that respects and responds appropriately local character and makes best use of site capacity in a manner compatible with both the site and the surrounding area. In particular, Policy HP10, which deals with dwellings on residential garden land, requires that the size of the plot to be developed is of an appropriate size and shape to accommodate the proposal, taking into account the scale, layout and spacing of existing and surrounding buildings.

Living conditions

9. It is evident that the internal space for the proposed development would exceed the minimum local and national housing standards for such space, including the government's Nationally Described Space Standard (NDSS). However, the garden at the rear would be small and awkwardly shaped and would have limited use and value as a private external space. The existing house at No 19 would be left with sufficient rear garden space, but the space for the proposed development would be inadequate. As a consequence, the amount of private external space provision would have a harmful effect on the living conditions of future occupants of the proposed development. This would apply irrespective of whether the development was a one or two-bed dwelling or split into two one-bed flats.

10. I have not been presented with any evidence to verify the appellant's claim that the proposed external space would meet government standards for such space. The NDSS covers internal space standards only.
11. Concluding on this main issue, the proposed development would cause harm to the living conditions of future occupants with regards to private external space. Therefore, it would not accord with Policy CP10 of the Local Plan which, amongst other things, requires the proper accommodation of private outdoor space, and SHP Policy HP13 which specifies a number of factors that will be material in assessing whether adequate outdoor space has been provided. This includes the location and context of development in relation to the layout of existing residential plots and the overall shape and usability of the space.

Other Matters

12. I note the appellant's intention to construct a dwelling with the maximum amount of space to accommodate elderly parents when they come to visit. I also note their intention not to sell the dwelling for five years after its construction. However, this does not outweigh the harm I have identified from a separate dwelling on a plot of inadequate size and shape that could be used by a range of occupants for many years to come.
13. I also acknowledge that the appellant has amended their proposal in response to pre-application advice and an earlier refused planning application. I have not been provided with the full details of these earlier plans, but in any case I have assessed the proposed development on its own merits.
14. Finally, I note that there would be some benefit from the provision of an additional housing unit to assist with local supply, but this benefit would be modest and outweighed by the harm I have identified.

Conclusion

15. The proposed development would have a harmful effect on the character and appearance of the area and the living conditions of future occupants. For these reasons, and having had regard to all matters raised, I conclude that the appeal should be dismissed.

Tom Gilbert-Wooldridge

INSPECTOR