
Appeal Decision

Site visit made on 28 November 2016

by Veronica Bond LLB (Hons), Solicitor (non-practising)

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

Decision date: 8th December 2016

Appeal Ref: APP/C3105/D/16/3158256
55 Croft Avenue, Kidlington OX5 2HT

- 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 Naveed Barakzai against the decision of Cherwell District Council.
 - The application Ref 16/01294/F, dated 30 June 2016, was refused by notice dated 26 August 2016.
 - The development proposed is replacement of existing porch and concrete roof over bay. Removal of garage. Two storey side and single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed side extension on the character and appearance of the area.

Reasons

3. The appeal property is a semi-detached dwelling with an attached garage to the side. The single storey design of the garage means that there is a significant gap at first floor and roof level between the host property and adjacent dwelling at 57 Croft Avenue. This is in common with many other pairs of semi-detached houses in the locality and affords a sense of spaciousness.
4. The proposal would include the construction of a two storey side extension. This would not be set down at roof level, set back from the front elevation nor set off the side boundary with No 57. It would substantially close the first floor and roof level gap between the host property and No 57, which has already been extended to the side at ridge level. The result would be the appearance of a terracing effect, detracting from the character of pairs of semi-detached dwellings and the openness of the locality.
5. The location of the property off the main section of Croft Avenue and partly obscured by mature trees means that the proposal would be less prominent than in some other locations. Nonetheless, the harm identified would be apparent from the public domain. I recognise that No 57 is on slightly lower ground than the host dwelling and that there is a small gap on No 57's side boundary. I acknowledge also that No 57's extension is set back slightly above ground floor level. However, these aspects would not be enough to counteract the impression of a terracing effect, as the ridgeline of the two properties

would remain closely aligned and the space between the properties above ground floor level would not be significant.

6. The appellant points to a number of other properties in the area which have two storey side extensions, some of which have resulted in a terracing effect, along with the presence of detached dwellings. I do not though consider that these were sufficiently prevalent to have altered the overall prevailing character of the area as identified. Where seen, extensions which have resulted in a terracing effect have had an adverse effect on the spacious quality of the area, and detract from the established character of pairs of semi-detached dwellings.
7. I do not in any event have full details of the planning circumstances leading to these developments in order to form a detailed comparison with the appeal proposal, which I have considered on its merits. It appears though that at least some of these were permitted in a different policy context. I note that the Council has identified the area as having a 'residential' character but it has clearly also referred to the characteristic pairs of semi-detached dwellings.
8. I acknowledge the design intentions behind the scheme proposed including to give the property a 'facelift' and to have an elegant and high quality finish. Comments that preventing the side extension proposed would preclude other properties from extending to the side are though due only limited weight as the proposal before me has been considered on its particular merits.
9. I conclude then on the main issue that the proposed side extension would have a harmful effect on the character and appearance of the area. It would be contrary to saved Policies C28 and C30 of the Cherwell Local Plan (November 1996) and Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 (adopted 20 July 2015). These seek, amongst other things, to ensure that new development is sympathetic to its context and contributes positively to the area's character and extensions which are compatible with the street scene. There would be conflict also with the aims of the National Planning Policy Framework seeking good design and the promotion of local distinctiveness.
10. I have considered that the proposed extension is intended to provide additional amenity area and this weighs slightly in favour of the proposal. I acknowledge that the Council found there to be no harm to the living conditions of neighbouring occupants, and that the Parish Council had no objection. Given my finding on the main issue above, these matters have not led me to any different overall conclusion. Concerns as to the Council's handling of the application are not matters for me in dealing with this appeal.

Conclusion

11. The proposal would offer some limited benefits as identified, but these do not outweigh the development plan conflict and harm found. Equally, I have found that the proposal would not represent good design and thus I do not consider it to be the sustainable development in respect of which the Framework creates a presumption in favour. For the above reasons, and taking into account all other matters raised, I conclude that the appeal should fail.

Veronica Bond
INSPECTOR