

Appeal Decision

Site visit made on 9 February 2017

by K E Down MA(Oxon) MSc MRTPI MRSB

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

Decision date: 21 February 2017

Appeal Ref: APP/G3110/D/16/3162563

39 Court Farm Road, Rosehill, Oxford, OX4 4UN

- 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 Youcef Elhachemi against the decision of Oxford City Council.
 - The application Ref 16/02105/FUL, dated 28 July 2016, was refused by notice dated 5 October 2016.
 - The development proposed is erection of a double storey side and single storey rear extension. Addition of front porch.
-

Decision

1. The appeal is dismissed.

Procedural matter

2. The appellant's name and the address of the appeal site are shown incorrectly on the appeal form. It has been confirmed that the name that appears is that of the appellant's agent, used in error, and that the address is for a different property, also used in error. The correct name of the appellant and address of the appeal site are shown on the original application form and are repeated above.

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 single storey rear extension on the living conditions of occupiers of 37 Court Farm Road with respect to outlook and light.

Reasons

Character and appearance

4. The appeal site is a two storey semi-detached house set at one end of Court Farm Road, a street of similar houses. The side elevation of the dwelling faces Rivermead Road. There is a gap of about 3.5m between the side elevation and the street, currently taken up by an area of side garden. The existing side elevation is set on about the same building line as dwellings fronting Rivermead Road.
-

5. The proposed two storey side extension would occupy virtually all of the space between the existing side elevation and the street. It would be deeper than the existing dwelling, projecting about 2m beyond the existing rear elevation. Owing to the depth and width of the proposed extension, the curve in Rivermead Road beyond the rear of the appeal dwelling, the openness of the street at this point and the projection of the proposed extension beyond the building line in Rivermead Road, it would be a prominent feature in the street scene. Its scale, proximity to the footway and visibility in the street scene would result in it appearing as a dominant and incongruous addition, out of keeping with the uniform pattern of development in Court Farm Road.
6. The proposed single storey extension, although less prominent from the street would nevertheless appear as an unsympathetic addition to the existing dwelling. Its width, height and projection beyond the proposed two storey side extension would mean that it dominated and detracted from the appearance of the existing rear elevation.
7. In combination the two storey side and single storey rear extensions would overwhelm the original dwelling and amount to an overdevelopment of the modest plot.
8. Turning to the proposed front porch, this would be a modest addition, extending the line of the original single storey front projecting conservatory across the main front elevation to provide an enclosed porch some 1.2m deep. The roof of the existing conservatory would be replaced and would tie in with that of the proposed porch, resulting in a seamless link between the two. Overall the extension would create a sympathetic addition that would be subservient to the host dwelling and sit comfortably within the street scene.
9. It is concluded on the first main issue that although the front porch would not harm the character or appearance of the existing dwelling, the proposed side and rear extensions, owing to their scale, siting and design, would have a materially detrimental effect on the character and appearance of the appeal property and the surrounding area. In consequence they would conflict with Policies CP1, CP6, CP8 and CP10 of the Oxford Local Plan 2001-2016 (LP), adopted 2005, Policy HP9 of the Sites and Housing Plan 2011-2026 (SHP), adopted 2013 and Policy CS18 of the Oxford Core Strategy 2026 (CS), adopted 2011, which taken together expect extensions to respond appropriately to the site and its surroundings and creates an appropriate visual relationship with the form, grain and scale of the surrounding area through development which demonstrates a high standard of design such that it respects and protects the character and appearance of the locality.
10. The appellant draws my attention to a number of other large two storey side extensions that have been permitted on similar dwellings in the surrounding streets. However, due to their siting and design and the fact that these do not appear to be combined with large rear additions, these examples do not have the same overly dominant effect on the host dwellings or the street scene.

Living conditions

11. Turning to the effect on the living conditions of occupiers of 37 Court Farm Road, the adjoining semi-detached dwelling, the proposed single storey rear extension would project some 4.25m from the rear elevation of No 37 and

extend to within a small distance of the shared boundary. Owing to the depth and height of the extension and its proximity to the boundary it would result in a significant change to the outlook from the closest window of a habitable room which is a glazed door, understood to be the only window serving a kitchen. This window is set in from the main rear elevation of both the appeal dwelling and No 37 which would exacerbate the oppressive effect of the proposed extension, leading to a material loss of outlook. The Council's guidelines set out in Appendix 7 of the SHP make clear that kitchens are included as habitable rooms.

12. With respect to light, the extension would be to the north of No 37 and so there would be no material loss of sunlight. However, the 45° and 25° rules, set out in Appendix 7 of the SHP, would be breached which would result in an unacceptable loss of daylight to the affected room.
13. It is concluded on the second main issue that the proposed single storey rear extension would have a materially harmful effect on the living conditions of occupiers of 37 Court Farm Road with respect to loss of outlook and daylight. There would be no material loss of sunlight but this would not outweigh the other harm. In consequence the proposed extension would conflict with LP Policy CP10 and SHP Policy HP14 which, taken together, expect new development to safeguard the amenity of other properties in respect of outlook and light.
14. The appellant suggests that the single storey rear extension could be built under permitted development rights. However, whilst the projection from the main rear elevation is some 3m it is significantly greater at the point closest to the neighbouring dwelling where the rear elevation is set in. This argument therefore carries little weight.
15. 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