

Appeal Decision

Site visit made on 13 March 2017

by Jonathan Hockley BA(Hons) DipTP MRTPI

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

Decision date: 23rd March 2017

Appeal Ref: APP/C3105/W/16/3164595
16-30 Fairfax Street, Kidlington OX5 2PB

- 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 M Meadowcroft against the decision of Cherwell District Council.
 - The application Ref 16/01394/F, dated 8 July 2016, was refused by notice dated 2 September 2016.
 - The development proposed is the formation of 3 no affordable studios in roof space.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

3. The appeal site is a three storey pitched roof building. The substantial structure is in mixed use, with retail, service uses and a restaurant at ground floor level, with residential uses in the two storeys above. The building fronts a service road which is accessed off the busy Oxford Road and serves the unit as well as adjoining residential streets, including Fairfax Street, which the northern side of the building faces onto.
 4. Development along the Oxford Road is primarily 2 storey residential, largely consisting of detached and semi-detached properties. The 3 storey appeal site, along with a similar block on the other side of the Fairfax Street junction therefore represents a visual change in the local environment and is noticeable in the street scene because of this.
 5. The proposal seeks to add a further floor of residential development to the building by utilising the roof space to create 3 studio flats. To achieve sufficient space to allow this, a full length flat roof dormer would be constructed on the rear elevation. The rear elevation of the building faces onto a service yard and parking/storage area for the retail uses and existing residential flats within the building. However, due to its siting on the corner of Oxford Road and Fairfax Street this rear elevation and the service yard are clearly visible from public views.
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6. At present, as might be expected, the rear elevation is dominated by fenestration and downpipes for the various residential units. There is a rear gable feature on the Fairfax Street end of the elevation and a hedge in front of this side, but the height and massing of the gable and flank of the building is reasonably dominant in the street scene, particularly when combined with the similarly designed neighbouring building on the other side of the street.
7. The proposed dormer would be tile hung to match the existing roof. However, the effect of one singular flat roof dormer would draw attention to the upper levels of the buildings, adding to the bulk and mass of the structure. The detail of the design, including a slightly difficult junction around the gable end would appear as awkward and contrived, whilst the full extent of the dormer set off the roof ridge and only marginally set in from the sides of the building would dominate the rear elevation of the property in clear view from Fairfax Street.
8. I am directed to other examples of dormer windows nearby. On my visit I saw such examples of side and front dormers which were visible in the street scene, including those at 290 and 302 Oxford Road, as well as front and some rear dormers on the row of shop units adjacent to No 302, on the opposite side of the road, closer to Oxford. However, all these dormers are set on two storey buildings, and so do not appear as dominant as the proposal would do in this case. Furthermore, many of these are not examples of sympathetic development in a primarily residential area and do not therefore justify the proposal in this case.
9. The proposal is described as being for affordable studios. However, there is no mechanism to ensure that they would be affordable housing, as defined by the National Planning Policy Framework; that is social rented, affordable rented and intermediate housing provided to eligible households whose needs are not met by the market. They would rather be 'affordable' due to their relatively small size. However, the Framework is clear that such housing may not be considered as affordable housing for planning purposes, and I therefore place little weight on this benefit of the scheme. The weight I provide to this and the provision of 3 new dwellings would not outweigh the harm that the proposal would cause to the character and appearance of the area.
10. I therefore conclude that the proposal would have a severe adverse effect on the character and appearance of the surrounding area. The proposal would be contrary to Policy ESD 15 of the New Local Plan¹ and saved policies S28 and S30 of the Local Plan², which together state that new development will be expected to be sympathetic to, and enhance the character of its context through high quality design and be compatible with the appearance, character and scale of existing dwellings in the vicinity.
11. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jon Hockley

INSPECTOR

¹ Cherwell Local Plan 2011-2031, 2015.

² Cherwell Local Plan November 1996.