
Appeal Decision

Site visit made on 30 March 2017

by H Butcher BSc (Hons) MSc MRTPI

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

Decision date: 5 April 2017

Appeal Ref: APP/D3125/D/17/3167977

The Close, New Yatt Road, North Leigh, Witney, OX29 6TT

- 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 & Mrs Thompson against the decision of West Oxfordshire District Council.
 - The application Ref 16/03440/HHD, dated 12 October 2016, was refused by notice dated 19 December 2016.
 - The development proposed is a single storey timber building for use as a garden room.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the garden room on the street scene and the living conditions of the occupiers of Wylcot, having particular regard to matters of privacy and outlook.

Reasons

3. The Close is a detached single storey dwelling located on New Yatt Road. It is set well back from the road behind a good sized front garden. There is a pedestrian access from New Yatt Road and the front boundary is demarcated by a low boundary wall. Vehicular access and parking, however, is to the rear of the property via Perrott Close.
 4. A timber building for use as a garden room is proposed in the front garden of The Close approximately 1m from the front boundary. It would have a ridge height of 3.5m and a width of 6.1m which would extend along New Yatt Road.
 5. Buildings of this type are more temporary in nature than, for example, houses or garages. As such they have a more temporary appearance and are usually located discreetly to the rear or sides of properties, out of public view. The timber building proposed would sit forward of the main dwelling and the neighbouring properties either side and would be clearly visible above the low stone wall to the front. It would therefore be very visually prominent. It would not enhance the area; rather it would detract from it as glimpses of the open front garden at The Close would be lost, to be replaced with a building of temporary appearance with its blank rear elevation addressing New Yatt Road.
 6. I did note that there was hedging and shrubbery along the front boundary which, at the time of my site visit, partially screened the front garden from
-

New Yatt Road. However, the building would still be visible through this. Furthermore, I am not confident this planting would continue to thrive in the narrow gap left by the proposed garden room which would increase the harm to the street scene. Painting the structure green and using brown roof tiles would not overcome my concerns in this respect.

7. The proposed garden room would also be clearly visible from New Yatt Road across the parking bay at the neighbouring property Wylcot which is also enclosed by a low stone wall. I note that the appellant intends to erect a 2m high fence on the boundary with Wylcot which he says would not require planning permission. However, there is no evidence before me that such a development would be lawful and I am conscious that this would be in very close proximity to the highway to the front. I can therefore only afford this matter limited weight. During my site visit I did not observe any directly comparable structures in terms of type, size and siting in the immediate area surrounding the appeal site.
8. The nearest neighbouring property to the garden room would be Wylcot which is a modest two storey stone cottage. It sits side on to New Yatt Road with its main front elevation overlooking its garden on the opposite side to The Close. The proposed garden room would sit forward of this property adjacent to the parking area serving Wylcot. Given the single storey nature of the garden room no harmful overlooking to Wylcot would occur above and beyond the use of this area of garden currently. Nor would it unacceptably impede the outlook from this property which is predominantly on the opposite side.
9. Taking the above points together I find no harm to the living conditions of the occupiers of Wylcot. I do, however, find harm to the street scene. For this reason the proposal would conflict with the relevant provisions of Policies BE2 and H2 of the West Oxfordshire Local Plan 2011 which seek to protect the character and appearance of the area by requiring new buildings to relate satisfactorily to the site and its surroundings.
10. The appeal is therefore dismissed.

Hayley Butcher

INSPECTOR