The Planning Inspectorate

Appeal Decision

Site visit made on 22 March 2017

by Timothy C King BA(Hons) MRTPI

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

Decision date: 18 April 2017

Appeal Ref: APP/D3125/D/17/3168702
24 Saxon Way, Witney, Oxfordshire, OX28 4ES

- 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 Simon Oliver against the decision of West Oxfordshire District Council.
- The application Ref 16/03608/HHD, dated 16 September 2016, was refused by notice dated 9 December 2016.
- The development proposed is *'Two storey rear extension.'*

Decision

1. The appeal is dismissed.

Procedural Matters

2. I can confirm from my site visit that a two-storey extension is in an advanced state of implementation, albeit that the breeze-blocks remain bare. However, I am required to treat the development as a proposal rather than have regard to its part retrospective nature. I have therefore reached my decision on the basis of the proposal's planning merits, or otherwise.

3. Following my site visit, in accordance with a previous request, I called at the neighbouring property, No 22 Saxon Way, and was able to view the appeal dwelling from No 22's rear garden. However, this has not affected my conclusions.

Main Issue

4. The main issue in this appeal is the proposal's effect on the living conditions of neighbouring occupiers, with particular regard to those at No 22 Saxon Way.

Reasons

5. I understand that the Council granted planning permission in November 2015 (ref 15/03678/HHD) for a two-storey rear extension to a depth not exceeding 2.6m, which was also significantly set in from the common boundary with the adjoining property, No 22. As mentioned, a two-storey rear extension to the appeal dwelling is well under construction and, from my observations, I would consider its dimensions to accord with that evident on submitted drawing No MRL/015026/DD01 which shows a two-storey

extension to a greater depth of 3.6m. The actual set-in from the common boundary is negligible and this is similarly depicted on the said drawing.

6. Policy BE2 of the adopted West Oxfordshire Local Plan (ALP) and also Policy OS2 of the emerging West Oxfordshire Local Plan (ELP) both require, amongst other things, that new development should be proportionate and appropriate to its context. The latter Policy also mentions that development should be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants. In this particular instance, due to the height and depth of the proposed extension, I consider that it would be overbearing on No 22, affecting light entry to its rear windows lighting habitable rooms. This would be compounded by the properties' relative orientations whereby No 24 lies to the south west of No 22. Consequently, I consider that the proposal would have an adverse effect on the neighbouring occupiers.

7. The appellant has brought to my attention other residential extensions that have been granted planning permission in the immediate locality and has provided me with a series of photographs, in illustration. I have had regard to these other examples but their existence does not outweigh the harm I have identified would result from the proposed development. Besides, each case has to be decided on its own merits and the respective particular circumstances involved.

8. The appellant has also mentioned that a new dwelling to the rear of No 24 has blocked light to his property. However, this is completely unrelated to the proposal at appeal and is an extraneous point. I note that certain interested parties have made representations in support of the proposal. However, I afford this little weight as the appeal must turn solely on the impact that I have found would be suffered by the occupiers of the adjoining property.

9. I conclude that the proposal would be harmful to the living conditions of neighbouring occupiers and it would materially conflict with the aims and requirements of ALP Policy BE2, ELP Policy OS2 and also relevant advice within the National Planning Policy Framework.

10. For the above reasons, and having had regard to all matters raised, the appeal does not succeed.

Timothy C King

INSPECTOR