The Planning Inspectorate

Appeal Decision

Site visit made on 15 May 2017

by Gareth W Thomas BSc(Hons) MSc(Dist) PGDip MRTPI

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

Decision date: 19th May 2017

Appeal Ref: APP/C3105/D/17/3171281
28 Barn Close, Kidlington OX5 1SW

- 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 Michael Gardner against the decision of Cherwell District Council.
- The application Ref 16/02243/F, dated 7 November 2016, was refused by notice dated 3 January 2017.
- The development proposed is erection of two storey rear extension and internal alterations to form additional bedroom, repositioned bathroom and extended kitchen.

Decision

1. The appeal is allowed and planning permission is granted for the erection of two storey rear extension and internal alterations to form additional bedroom, repositioned bathroom and extended kitchen at 28 Barn Close, Kidlington OX5 1SW in accordance with the terms of the application, 16/02243/F, dated 7 November 2016, subject to the following conditions:

   1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

   2) The development hereby permitted shall be carried out in accordance with the following approved plans: KSA/1109/PL/01; KSA/1109/PL/02; and site location plan.

   3) The materials to be used in the extension hereby permitted shall match those used in the existing dwelling on site.

Main Issue

2. The main issue in this appeal is the effect of the proposed development on the living conditions of No 25 Barn Close in terms of outlook and overshadowing.

Reasons

3. The appeal site comprises a two storey semi-detached property within a tightly knit suburban housing estate of similarly designed dwellings. The proposal would see the erection of a two storey extension to the rear, which would be set back from the common boundary of the semi-detached neighbouring property. Consequently, the Council has assessed the proposal against the 45 degree rule and found that it would marginally affect a bathroom window at first floor. Given the purpose of this window and its north facing aspect, the

Council does not consider that it would have a significantly harmful effect in terms of loss of light. I would concur with that assessment.

4. The Council has expressed concern however to the position of the extension relative to a neighbouring two storey house in the same cul de sac. No.25 is a narrow mid-terraced dwelling that sits at right angles to the semi-detached appeal property. The properties comprising the five terraced houses have relatively limited rear garden areas and No.28 particularly so.

5. Despite the size of the rear garden area concerned, I do not consider that the relatively modest projection would have any significant effect upon the outlook from the neighbouring property No.28 and given the size and scale, the proposal would not lead to unacceptable effects from overshadowing. Further, given the extent of the projection, it is unlikely that the proposed development would create an unacceptable sense of enclosure when viewed from No.28.

6. Consequently, I consider that the proposal would accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 and with Saved Policies C28 and C30 of the Cherwell Local Plan 1996. These policies combine to ensure that the design of new developments consider the amenity of both existing and future occupiers and are compatible with the character of existing streets. The policies are consistent with paragraph 17 of the National Planning Policy Framework that seeks to secure a good standard of amenity for all existing occupiers of buildings and land.

Conditions

7. I have considered the advice on the use of planning conditions as set out in the Planning Practice Guidance. In addition to the standard time limit for commencement, a condition specifying approved plans is necessary to provide certainty. In order to protect the character and appearance of the area, a condition requiring the use of matching materials is also necessary.

Conclusion

8. For the reasons set out above and having regard to all other matters raised I conclude that this appeal should be allowed.

Gareth W Thomas

INSPECTOR