

Appeal Decision

Site visit made on 30 May 2017

by K Taylor BSc (Hons) PGDip MRTPI

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

Decision date: 27 June 2017

Appeal Ref: APP/G3110/W/17/3170636

3 Iffley Turn, Oxford OX4 4DU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Louise Bates against the decision of Oxford City Council.
 - The application Ref 16/01439/OUT, dated 26 May 2016, was refused by notice dated 3 October 2016.
 - The development proposed is a new dwelling to the rear of no. 3 Iffley Turn utilising existing access onto Henley Avenue.
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Decision

1. The appeal is dismissed.

Procedural matters

2. At the site visit the occupier of 3 Iffley Turn did not appear to be aware of the appeal site visit or the appeal procedure and he was not keen to allow me access to the site. However, the rear of the site is adjacent to Henley Avenue and I was able to obtain a good view of the site and the neighbouring 12 Henley Avenue from this vantage point. I am satisfied that this was sufficient to allow me to fully assess the appeal.
3. The application is in outline with all matters reserved for future consideration except for the means of access. A drawing showing a site layout was submitted and, subsequently with this appeal, a further drawing showing sections/elevations. I have treated these as indicative and had regard to them in determining this appeal.

Main Issue

4. The main issue is the effect of the development on the living conditions of the occupiers of 3 Iffley Turn (no. 3) and 12 Henley Avenue (no. 12) with particular regard to outlook and daylight.

Reasons

5. The appeal site is located within a residential area. No. 3 is located with its front facing Iffley Turn and three large ground floor windows look out on to the back garden area. There is a second vehicular access onto Henley Avenue. No. 12 is accessed off Henley Avenue, it has a small side and rear garden located adjacent to the common boundary with the appeal site. The rear of 5 Iffley Turn sits in close proximity to the rear boundary shared with no. 12.
 6. The indicative drawings, and appeal statement, indicate that a fence and some planting would be provided along the proposed boundary to divide the appeal site from no. 3. I consider that a boundary treatment, of adequate height to
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prevent mutual overlooking, would be essential to secure privacy for the occupiers of both dwellings. The boundary is proposed to be very close to the rear of no. 3. This would significantly restrict the outlook from the three rear windows in the existing house resulting in a harmfully overbearing effect to the occupiers of no. 3. There would also be diminished daylight in the rear of the dwelling and the small rear garden area that would be retained, adding to this harm. Although one of the rooms affected has a side patio window this would not fully mitigate the harm and it does not alter the effect that would occur to the other rooms in the existing dwelling.

7. While the siting is not fixed at this stage, it is likely that part of the proposed dwelling would be located close to the rear of no. 3 as the indicative drawings suggest. The site level on the appeal site is a little lower than no. 3, however even if the dwelling were single storey, with a low eaves height, and the roof were arranged so that it sloped away from the common boundary, it would still rise significantly above it. This would further limit the outlook and compound the overbearing effect on the occupiers of no. 3.
8. The indicative siting shows a dwelling very close to the common boundary with the side and rear garden for no. 12. The roof of the dwelling would rise significantly above this boundary resulting in loss of outlook from the side of the property and the rear garden area. Outlook from this property is currently restricted due to the proximity of 5 Iffley Turn at the rear. A dwelling located close to the side would compound this to a harmful degree. Providing a low eaves height and a roof form orientated so that it slopes away from the boundary would not fully mitigate the harm. The modest reduction in land level on the appeal site would also not adequately reduce this impact. The proposal would result in the rear and side of no. 12 being hemmed in creating an unacceptable overbearing effect.
9. Currently there is no direct outlook from no.12 to the appeal site given its single storey nature, and the existing boundary treatment. However a new dwelling in the appeal site would be visible above the fence and, for the above reasons, it would result in a harmful effect.
10. Although the application is in outline with all matters, except access, reserved for future consideration I must be satisfied that the proposed dwelling could be accommodated on site without unacceptable harm. The drawings showing the position and sections/elevations are only indicative; however there does not appear to be an obvious alternative solution that would not result in similar harm. For the above reasons, I am not satisfied that an acceptable scheme could come forward at the reserved matters stage.
11. I therefore conclude that the proposal would result in significant harm to the living conditions of the occupiers of no. 3 in terms of outlook and daylight and no. 12 in terms of outlook. The development would be contrary to Policy CS18 of the Oxford Core Strategy 2026 and Policy HP14 of the Sites and Housing Plan 2011-2026 which seek to ensure development is of a high quality and adequate living conditions for occupiers of existing development is provided including in terms of daylight and overbearing.

Other matters

12. The development would result in the provision of an additional dwelling to the housing stock in a location that accords with the Council's strategic policies for

the provision of housing. I give this factor limited weight as it would only result in a single additional dwelling. I also note that the intention is for the appellant to reside in the dwelling to provide care for her mother. I recognise the social and economic benefits that would result from this and I give this factor moderate weight.

13. The orientation of the appeal site is such that there would be no direct loss of sunlight to no. 12 and only modest effects on no. 3. The design of the dwelling and boundary treatments could ensure there is no unacceptable overlooking between properties. Suitable access and parking could be provided, the internal layout could meet the appropriate standards and there are no implications in respect of flood risk. Adequate garden areas for both the existing and proposed dwellings and appropriate energy efficiency could also be achieved. I also note the lack of objection from consultees. These factors indicate a lack of harm in their particular respects but they do not weigh in favour of the development.
14. I have taken account of the support from a local amenity group, and lack of objections from neighbouring residents, but I must reach my own view on the acceptability of the proposal. It appears that there were delays in processing the application, however I cannot give this factor significant weight and I must determine the appeal on its substantive planning merits.

Conclusion

15. The development would result in significant harm to the living conditions of the occupiers of no. 3 and no. 12. This harm is not outweighed by the benefits that would arise from the addition of a dwelling to the housing stock and the appellant being able to live close to her mother to provide care. The adverse effects of the development are sufficient to mean that the proposal would conflict with the development plan when taken as a whole. For the above reasons, I conclude that the appeal should be dismissed.

K Taylor

INSPECTOR