
Appeal Decision

Site visit made on 18 September 2017

by H Baugh-Jones BA(Hons) DipLA MA CMLI

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

Decision date: 28th September 2017

Appeal Ref: APP/D3125/D/17/3180443
26 Walnut Close, Witney, Oxon OX28 5XH

- 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 Ms J C Millard-Smith against the decision of West Oxfordshire District Council.
 - The application Ref 17/01274/HHD, dated 22 March 2017, was refused by notice dated 16 May 2017.
 - The development proposed is first floor side extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. In the heading above, the appellant's full name has been taken from the appeal form as it was not provided in full on the application form.

Main Issue

3. The main issue in this appeal is the effect of the proposal on the living conditions of the occupiers of nos 23 and 25 Curbridge Road with regard to outlook and overshadowing.

Reasons

4. The appeal property is a two-storey dwelling that lies within a tightly-knit residential area. It has been extended on its north-western side with a single-storey addition that has a lean-to roof.

Outlook

5. I turn firstly to the effects on the occupiers of no 23. I noted at my site visit that the rear garden of this property is small with a very modest distance between the main rear elevation of the house and the boundary with the appeal property. Furthermore a conservatory extends towards the rear boundary and is in close proximity to it.
6. Currently the appeal property's single-storey element is mostly obscured by the boundary fence and hedge which are of a similar height to its eaves. The lean-to roof is visible but because it slopes away from next door, it does not appear overbearing although the main part of the dwelling has a considerable visual presence from within no 23's garden and when looking out from the conservatory.

7. The proposed extension would substantially increase the built form of the appeal property on its north-western side resulting in a substantial gable end wall being in much closer proximity to the property boundary. Because of the modest separation distances between it and no 23, this would in my view appear omnipresent and overbearing, thus having an unacceptable adverse effect on the outlook of no 23's occupiers from within the rear garden and from the conservatory.
8. From no 25, the effects would not be as pronounced because of its oblique positioning relative to the appeal property and because of the greater distance between its main rear elevation and the proposed extension. Therefore, whilst there would be some noticeable change in the outlook for no 25's occupiers, I am not persuaded that the visual effects would be of such magnitude to be unacceptable.
9. Nevertheless, because of the clear identified harm in relation to no 23's occupiers, the appeal proposal would run counter to policies BE2 and H2 of the West Oxfordshire Local Plan (2006), which amongst other things seek to ensure that development retains a satisfactory environment for people living in the area and does not create unacceptable living conditions for existing and new residents.
10. The proposal would also conflict with policies OS2, OS4 and H6 of the West Oxfordshire Local Plan 2031 Submission Draft including Proposed Main Modifications (November 2016). Amongst other things these policies all seek to prevent development from harming the living conditions of existing occupiers. Given the advanced stage of the eLP and the general accordance of these policies with the National Planning Policy Framework, I give them significant weight.

Overshadowing

11. The proposed extension would be subservient to the existing dwelling and it would have a pitched roof. In combination with the orientation of the appeal property to nos 23 and 25 relative to the path of the sun, the proposed extension would not result in any material effect on the amount of direct sunlight reaching either of these two neighbouring properties. Accordingly, I find that no harm would result from the appeal proposal in respect of this specific matter.

Conclusion

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

Hayden Baugh-Jones

Inspector