
Appeal Decision

Site visit made on 1 November 2017

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

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

Decision date: 10 November 2017

Appeal Ref: APP/G3110/D/17/3180938
305 Iffley Road, Oxford OX4 4AG

- 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 Mohammed Yousef against the decision of Oxford City Council.
 - The application Ref 17/00543/FUL, dated 2 March 2017, was refused by notice dated 5 May 2017.
 - The development proposed is single storey 1-bed annexe within garden to rear.
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Decision

1. The appeal is allowed and planning permission is granted for single storey 1-bed annexe within garden to rear at 305 Iffley Road, Oxford OX4 4AG in accordance with the terms of the application, Ref 17/00543/FUL, dated 2 March 2017, subject to the following conditions:
 - i) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - ii) The development hereby permitted shall be carried out in accordance with the following approved plan: 2286-02A.
 - iii) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no. 2286-02A and the original planning application form.

Main Issues

2. The main issues are the effect of the proposed development on:
 - i) the living conditions of neighbouring residents with regard to outlook and noise and disturbance;
 - ii) the character and appearance of the surrounding area.

Reasons

Living conditions

3. The proposed annexe would be located at the bottom of an 'L' shaped rear garden of No 305, directly behind the rear garden of No 303. Although it would be close to the rear boundary of No 303, there would remain a good degree of separation between it and the rear of that dwelling. Its gable end would face No 303 but its single storey form with fairly gently sloping roof would minimise

its massing effect seen both from the house and garden of that property. It would also be set well away from the side boundary of No 307's back garden.

4. The proposal would be adjacent to new houses currently under construction and nearing completion on land immediately to the north of the site. It would project beyond the Boundary Brook Road elevation of the nearest of those dwellings, closer to the road. That elevation includes a ground floor window. However, both that dwelling and the proposed annexe would be set off the intervening boundary. That would ensure some degree of separation between the two buildings and more so in respect of that neighbouring window. This factor, together with the modest single storey eaves height of the proposal, with the roof sloping gently away from that boundary, would be likely to prevent it from having an unacceptably enclosing or overbearing effect when seen from inside of that neighbouring dwelling and from its garden area.
5. The proposal would inevitably cause some additional activity in this backland location. However, being associated with, and ancillary to, the existing property of No 305 and relating only to 1 bedroom accommodation, that is unlikely to cause a material increase in noise and disturbance from comings and goings and use of the outdoor space. Furthermore, in relation to Nos 303 and 307, any increased activity would also be likely to be adjacent to the backs of their rear gardens away from the houses themselves. In relation to the new dwellings to the north, the annex would back on to the common boundary, such that any outdoor activity would be largely screened from that neighbouring site by the proposed building itself.
6. For the above reasons, I conclude on this issue that the proposed development would not cause unacceptable harm to the living conditions of neighbouring residents with regard to outlook and noise and disturbance. As such, in respect of this issue, it would accord with policies CP1 and CP10 of the Oxford Local Plan 2001-2006 (the Local Plan) which together require development to, amongst other things, safeguard the amenities of adjoining occupiers.

Character and appearance

7. The proposed annexe building would be located close to the rear site boundary which runs alongside Boundary Brook Road. Other properties to the south of the site similarly back onto that road most of which have garages of varying sizes similarly close to the rear boundary, and which is therefore a characteristic of the streetscene. Those garages of Nos 305 and 307 are close to each other and so together form a prominent feature in themselves, whilst those further along are also individually fairly wide.
8. The proposal would be noticeably deeper than those garages and thereby a larger structure. However, as it would be side on to the street, it would be the roadside end that would be most prominent and be seen most clearly in the context of the streetscene. Although it would be wider than the garage of No 305, in that context relating to the garages generally within the streetscene, it would not appear as unusually dominant or obtrusive feature. That would be all the more the case as it would be seen in the close context of those new two storey dwellings to the north of the site. It would therefore be of relatively modest scale in comparison with that development albeit closer to the road.

9. For the above reasons, I conclude on this issue that the proposed development would not cause unacceptable harm to the character and appearance of the surrounding area. As such, in respect of this issue, it would accord with policies CP1, CP6, CP8 and CP10 of the Local Plan, policy CS18 of the Oxford Core Strategy 2026, and policy HP9 of the Oxford City Council Sites and Housing Plan which together require development to, amongst other things, respect the character and appearance of the area.

Conditions

10. The Council has suggested two conditions that it considers would be appropriate were I minded to allow the appeal. I have considered these in the light of advice in the Government's Planning Practice Guidance and amended some of the wording and added one. For the avoidance of doubt and in the interests of proper planning, a condition requiring that the development is carried out in accordance with the approved plan would be required and, in addition, the standard time condition would be necessary in this case.
11. The Council has suggested a condition to ensure that the materials relating to the external surfaces of the proposed development match the existing building. However, the proposal would be significantly detached from the main dwelling. As such, I consider that it would be more appropriate and necessary, in the interests of the character and appearance of the area, to secure by condition those materials proposed and set out on the approved plan and original planning application form, which would still complement those of the main dwelling.

Conclusion

12. For the above reasons, and taking account of all other matters raised, I conclude that the appeal should be allowed.

Andrew Dawe

INSPECTOR