
Appeal Decision

Site visit made on 4 December 2017

by S Harley BSc(Hons) MPhil MRTPI ARICS

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

Decision date: 12th December 2017

Appeal Ref: APP/D3125/W/17/3181524

The Old Police House, Witney Road, Long Hanborough, Oxon OX29 8HE

- 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 and Mrs C Lugg against the decision of West Oxfordshire District Council.
 - The application Ref 17/01532/FUL, dated 16 April 2017, was refused by notice dated 17 July 2017.
 - The development proposed is erection of side and rear extension to enlarge existing house and provision of attached self-contained living accommodation.
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. The proposal was amended, during the course of the application, to reduce the length of the extension and to omit one dormer window. I have considered the appeal on the basis of the amended plan Ref 1201 006A.
3. The appeal property has the benefit of planning permission for a two storey extension 15/01210/HHD (the 2015 permission). That permission could still be implemented and is a material planning consideration. Subsequently reserved matters approval was granted for 169 dwellings (the 2017 approval)¹ on land between Long Hanborough and The Old Police House.
4. Taking the above into account I consider the main issues in this case are: the effect of the proposed development on the character and appearance of the host dwelling; and the effect of the proposed development on the living conditions of future occupants of the dwelling which has planning permission at Plot 1 under the 2017 approval.

Reasons

Character and appearance

5. The appeal site is between the villages of Long Hanborough and Freeland. Construction work for residential development, under the 2017 approval, is currently taking place on the land adjacent to The Old Police House.
6. The appeal property comprises a detached house, garage and out-building in a substantial, roughly triangular, plot. There are hedges along much of the

¹ Ref 17/00578/RES

boundary of the site. The house is at a somewhat higher level than the road, and the eastern side elevation can be seen from Witney Road through gaps in the vegetation.

7. The existing house is unusual in its mixture of different heights, shapes and sizes of roofs. The proposed extension would be to the eastern side and rear of the house. It would project some 13m from the rear of the house and almost the full length of the eastern boundary. The proposed extension would have two floors of accommodation.
8. Part of the roof would be asymmetrical, with lowered eaves on the eastern side, and part of the accommodation would be within the roof space. This results in a lower ridge line than would otherwise be the case, and this part of the extension would be similar to the extension approved under the 2015 permission. The current proposal would also add a two storey height wing at the southern end of the proposed extension, at right angles to it, to form a self-contained annex. This would have the usual two storey height eaves; a higher ridge line; and gable walls projecting beyond the other part of the extension to the east and west.
9. There is nothing, in principle, wrong with the design of the extension itself. However, in this case, the annex part of the proposal in particular, would be over-dominant in scale and format and would fail to respect the character and form of the host property. For this reason I conclude the proposal would have a harmful effect on the character and appearance of the host dwelling. It would therefore be contrary to Policies BE2 and H2 of the West Oxfordshire Local Plan 2011 (the LP); Policies OS4 and H2 of the Emerging West Oxfordshire Local Plan submission draft including proposed modifications 2016 (the emerging Local Plan); and Paragraphs 14.2 and 14.3 of the West Oxfordshire Residential Design Guide 2016 (the RDG). Accordingly the overall proposal would not amount to the high quality design sought by the National Planning Policy Framework (the Framework).

Living conditions

10. As a result of the development that is taking place under the 2017 approval, there will be houses built to the east of The Old Police House. The house to be built at Plot 1 would be to the side of The Old Police House and would have a shorter rear garden. The proposed annex would be slightly closer to the shared boundary, and due to its height, mass, and position to the south-east of the garden of Plot 1, would have an unacceptable overshadowing and over-bearing effect on the living conditions of future occupants of that property.
11. The dormer windows proposed for bedroom four, as shown on the amended plan Ref 1201 006A, would be close to the shared boundary and would enable direct overlooking of the garden of Plot 1. This would result in an unacceptable level of privacy in the rear garden for future occupants of that property. Moreover, I do not consider that obscure glazing would be sufficient to address the perception of being over-looked given the closeness of the proposed dormers to the boundary.
12. For the reasons set out above I conclude that the proposed development would have an unacceptable effect on the living conditions of future occupants of Plot 1. It would therefore conflict with those principles of Policies BE2 and H2 of the LP; Policies OS4 and H2 of the emerging Local Plan; Paragraphs 14.2 and

14.3 of the RDG, and the Framework that seek a good standard of amenity for all existing and future occupants of land and buildings.

13. I acknowledge that the appellants consider their property would be over-looked as a result of the development taking place on the adjacent land; and that privacy would be lost, particularly for the area identified as "covered play space" as approved under the 2015 permission plan Ref 1201 002. However, there may be other ways in which over-looking could be addressed and this matter does not lead me to any different conclusion in the appeal before me.

Other Considerations

14. The extant 2015 planning permission is a material consideration. However, the extension currently proposed, particularly in respect of the annex, is of significantly different design, length, height and position of dormers, to the one that has permission. Moreover, the circumstances have changed with the planning permission now granted for development of the former open land to the east. Accordingly, the extant 2015 permission does not lead me to any different conclusion in respect of the proposal before me. Nor does the existence of other large extensions in the vicinity lead me to conclude that this particular proposal is acceptable.
15. I acknowledge the personal circumstances of the appellants in respect of the need for an attached annex. However, there may be other ways in which such needs can be met. Accordingly, this does outweigh the harm I have identified above.
16. Dissatisfaction has been expressed about the way in which the Council has handled this case and other planning proposals. However, this does not go to the heart of the planning matters before me and does not lead me to any different conclusions.

Conclusion

17. For the reasons set out above, and taking into account all other relevant matters raised, I conclude the appeal should be dismissed.

S Harley

INSPECTOR