



Appeal Decision

Site visit made on 25th January 2019

by J Slominski BA(Hons) MCD

an Inspector appointed by the Secretary of State

Decision date: 29th April 2019

Appeal Ref: APP/G3110/D/18/3207155

14 Burdell Avenue, Sandhills, Headington, Oxford OX3 8ED

- 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 C and E Fulger and Serban against the decision of Oxford City Council.
 - The application Ref 18/01023/FUL, dated 05 March 2018, was refused by notice dated 03 July 2018.
 - The development proposed is a single storey rear extension and two storey side & rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on (a) the character and appearance of the surrounding area, and (b) the living conditions at nos. 12 and 16 Burdell Avenue, with particular regard to outlook.

Reasons

Character and Appearance

3. At my site visit, I observed that several semi-detached houses on Burdell Avenue have been extended with two storey side extensions, including nos. 4, 6, 10, 12, and 16, with mixed success in terms of the visual impact. As a result, many of the gaps between properties have been enclosed and views between the properties are no longer characteristic of the area. The designs of those extensions vary but they generally avoid a terracing effect and respect the original symmetry of the pairs of semi-detached houses, by being substantially set back from the front elevations. No. 12, which together with the appeal site forms half of the semi-detached pair, is an exception with a flush two storey side extension which has unbalanced the original symmetry.
4. When viewed from the street, the proposed extension would be set back from the front elevation by 1.1m and slightly set in from the side boundary maintaining a small gap of 0.7m. Although the extension would not restore the original symmetry, it would be characteristic of the local pattern of development and would have an acceptable impact on the street scene.

5. The width of the extension would result in the reduction of a small visual gap between nos.14 and 16. However as I have noted above that views between the properties do not define the area's character, the result would not be harmful to the open and spacious character of the area.
6. However, when viewed from the rear garden, the proposed extension would be very large. The surrounding rear elevations do not have a uniform appearance, with almost all of the adjacent houses having been substantially extended to the rear in the past. Due to the varied positions of the buildings within their plots there is no consistent rear building line, and some of the buildings project further rearward than others. However, at first floor the proposal would be substantially deeper than the adjacent two storey extensions at nos. 12 and 16, and much larger than most of the surrounding rear extensions. Due to its excessive depth at first floor level it would excessively dominate the appearance of its setting in views from the surrounding gardens, to the detriment of the local character.
7. Although I am of the view that the extension's width would not be harmful to the character of the street scene, the depth of the two storey extension would be highly visible from the rear and would have an unacceptable impact on the character and appearance of the area. It would therefore be contrary to Policies CP1 and CP8 of the Adopted Oxford Local Plan 2001-2016; Policy CS18 of the Core Strategy 2011-2026, and Policy HP9 of the Sites and Housing Plan 2011-2026 which together seek to maintain a high standard of design that respects the character and appearance of the area.

Living Conditions

8. The Council has not raised specific issues with regard to the proposal's impacts on the light, outlook, or privacy afforded to the residents of the neighbouring properties. Instead the Council's concern is that the rear extension would have an overbearing effect on no. 12 (in particular, its conservatory) and no. 16 Burdell Avenue and would result in the perception of overlooking.
9. The conservatory at no.12 has a solid brick side elevation wall facing the appeal site, and a translucent roof. As the extension would be no deeper than no.12's conservatory, and mostly hidden from internal view behind the side wall, it would not be harmful to the outlook from that conservatory. However, due to its excessive height and depth it would very visible through the roof of the conservatory and its overbearing presence would always be felt by the occupants at no.12. It would therefore result in a dominating impact on living conditions at one of the main living spaces at no.12.
10. The proposal would also be deeper than the rear extension at no.16. The nearest first floor window at no.16 is obscured glazed with no outlook, and at ground floor level the properties are separated by a boundary wall and fence, and no.16's single storey garage which projects significantly further rearwards than the proposed extension. Due to the presence of that garage, and the separation distance from the nearest habitable rooms at no.16, the proposed extension would not result in an overbearing impact on the residents at no.16.
11. The neighbouring houses have windows on their rear elevations, and as such the rearmost portions of the rear gardens are overlooked by windows. The proposal would include Juliette balconies on the rear elevation which would cause similar levels of overlooking towards the surrounding gardens. Although

the proposed windows would be taller than some of the surrounding windows, the potential for overlooking would not be materially different and would not result in harm to the living conditions of the nearby occupiers.

12. I therefore find that the proposed extension, whilst large, would not result in unacceptable harm (or "perceived" harm) to privacy. It would, however, result in an overbearing impact on residents at no.12 and would not comply with Policies CP1 and CP10 of the Adopted Oxford Local Plan 2001-2016 and Policy HP14 of the Sites and Housing plan 2011-2026 which seek to safeguard the amenities of other properties.

Conclusion

13. The proposed development would result in unacceptable harm to the character and appearance of the area, and to the living conditions of neighbouring occupiers at 12 Burdell Avenue. Consequently, for the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Jan Slominski

INSPECTOR