



Appeal Decision

Site visit made on 7 May 2019

by Tim Crouch DipUD MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Tuesday, 21 May 2019

Appeal Ref: APP/G3110/D/19/3220799 **20 Stainfield Road, Oxford OX3 9DH**

- 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 Sinisa Arambasic against the decision of Oxford City Council.
 - The application Ref 18/02802/FUL, dated 19 October 2018, was refused by notice dated 7 January 2019.
 - The development proposed is a kitchen extension at the rear, a 2 story extension on the side of the house.
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Decision

1. The appeal is allowed and planning permission is granted for a kitchen extension at the rear, a 2 story extension on the side of the house at 20 Stainfield Road, Oxford OX3 9DH in accordance with the terms of the application, Ref 18/02802/FUL, dated 19 October 2018, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: S014-003 (Proposed Plans), S014-004 (Proposed Elevations).
 - 3) The materials to be used in the proposed development shall be as specified in the application hereby approved. There shall be no variation of these materials without the prior written consent of the Local Planning Authority.
 - 4) The extension hereby permitted shall not be occupied until the window on the south elevation has been fitted with obscured glazing. The obscured glazing shall be retained thereafter.

Main Issues

2. The main issues are the effect of the proposal on, firstly, the character and appearance of the area, and secondly, the living conditions of occupiers of 22 Saxon Way with particular regard to outlook.

Reasons

Character and appearance of the area

3. Stainfield Road and the wider area is characterised by semi-detached and terraced, two storey properties. These have a consistent building line and gaps

between buildings, with the gaps larger on corner properties. Whilst of similar design, the change of external colour and building alterations that have occurred over time create a subtle variance in appearance within the street, and those within Saxon Way.

4. No 20 Stainfield Road is a corner property set at right angles to No 22 Saxon Way. The separation between these dwellings is larger than most of the gaps within the rest of the street, and within which is a modest building housing two single garages. The proposal seeks a two storey addition to the side of the property and a single storey rear projection. Whilst this would extend the property to most of the plot width, the proposed extension would have a ridge height set down from the existing building, and it would be set back from the main front elevation. This would produce a subservient appearance. By continuing the existing rear elevation building line at two storey level it would limit the bulk of the proposal as viewed at an angle within the streetscene.
5. The effect of the proposal would also be reduced in the streetscene given the floor level of the property below that of the road and partial screening which would be provided by the existing street level garages. A substantial gap and openness between dwellings would be retained and the proposal would be in keeping with the subtle variances between properties and urban grain of development.
6. Therefore, the proposal would not have a harmful effect on the character and appearance of the wider area. Consequently, it would not be contrary to policies CP1, CP6 and CP8 of the Oxford Local Plan 2001-2016 (LP) (2005), policies HP9 and HP10 of the Oxford City Council Sites and Housing Plan 2011-2026 (SHP) (2013), Policy CS18 of the Oxford Core Strategy 2026 (CS) (2011) and the National Planning Policy Framework (the Framework) (2019). Taken together, amongst other objectives, these require development to be of a high standard of design that respects the character and appearance of the area, responding appropriately to the site and its surrounding context.
7. Whilst listed in the Council's decision notice, I find that Policy HP10 of the SHP to be less relevant as it relates to new dwellings on residential garden land.

Living conditions of 22 Saxon Way

8. No 22 Saxon Way is set with its rear elevation orientated towards the site. Whilst No 22 is set below the site, to the rear of its garden on the boundary between properties are the single storey garages and a timber shed. These would mitigate much of the effect of the two storey element which would also have a roof slope away from No 22. Whilst positioned closer to the boundary than the existing building, and higher than an extension that could be erected as permitted development in this location, the proposal would follow the existing rear building line at two storey level. Therefore this would not extend the two storey built form further across the rear boundary than currently exists. These features within the garden of No 22 combined with the design and distance of the proposal would not give rise to an overbearing effect.
9. The proposed single storey extension would have a sloping roof and would be set well within the site. This design, height and positioning would also not give rise to an overbearing effect on No 22.

10. Therefore, the proposal would not harm the living conditions of occupiers of 22 Saxon Way with particular regard to outlook. Consequently, it would not be contrary to Policy HP14 of the SHP or the Framework. This prevents development that would have an overbearing effect on existing homes.

Conditions

11. In addition to the standard time limit condition, a condition is required to ensure that development is carried out in accordance with the approved plans in the interests of certainty. A condition to ensure that the materials used are as those in the application details is required to ensure an appropriate appearance of the development.
12. In order to protect living conditions of neighbouring occupiers, a restriction relating to obscured glazing in the side elevation window is required to secure the detail set out in the application plans.
13. Finally, the Council has suggested a condition, should the appeal be allowed, to restrict the use of the extension as only to be occupied as part of the family dwelling and for no other purpose. A change of use or subdivision would require further planning permission and therefore I do not consider the proposed condition to be necessary in this case.

Conclusion

14. For the reasons given above, I conclude that the appeal should be allowed subject to conditions.

Tim Crouch

INSPECTOR