



Appeal Decision

Site visit made on 30 April 2019

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 May 2019

Appeal Ref: APP/G3110/W/18/3216586
28 Sandfield Road, Oxford OX3 7RJ

- 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 Chris Coghill against the decision of Oxford City Council.
 - The application Ref 18/00837/FUL, dated 27 March 2018, was refused by notice dated 5 October 2018.
 - The development proposed is the erection of two 3 bed semi-detached dwellings at land to the rear of 28 Sandfield Road.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - The character and appearance of the surrounding area;
 - The living conditions of future residents with particular regard to the provision of outdoor space;
 - The living conditions of existing residents at 30 Sandfield Road with particular regard to privacy, and;
 - Highway safety with particular regard to pedestrians.

Reasons

Character and appearance

3. Sandfield Road generally comprises large detached residential properties, many dating from the 1930's, set within generous grounds. The regular spacing, defined set back from the street and mature trees and gardens result in a pleasant, verdant, and spacious character to the street scene. The appeal site is one such detached property on a corner site with Woodlands Road, onto which the appeal proposal would front. Woodlands Road has a quieter character with fewer properties facing onto it and appears as a supporting, linking road between the principal residential roads within the wider, well-ordered residential layout.
4. The appeal proposal would introduce a pair of semi-detached houses on the lower portion of garden land perpendicular to 28 Sandfield Road. The plots for

the proposed dwellings are considerably smaller than those generally established in Sandfield Road, and their presence would diminish the feeling of spaciousness and disrupt the well-ordered, prevailing pattern of development between those properties on the western side of Sandfield Road and the eastern side of Staunton Road.

5. In addition, the proximity of the dwellings to Woodlands Road does not respect the deeper set backs seen in the vicinity, including those located further to the west on the northern side of Woodlands Road. Although I accept the height of the development is reasonably in keeping, the semi-detached dwellings would nevertheless have a prominence at odds with, and unacceptably harmful to, the established ordered pattern of development and hierarchy of roads.
6. To a certain extent planting along the front boundary of the appeal proposal would assist in reducing the prominence of the dwellings in the street scene. However, given the limited space available and the proximity of principal windows such planting is unlikely to provide a significant screen, and would not fully address the harm identified.
7. I acknowledge that the additional dwellings would provide an active frontage and surveillance onto Woodlands Road where this is presently limited. However, there is little evidence to suggest that the area is one where pedestrians currently feel unsafe or intimidated such that added surveillance at this location would provide a notable benefit.
8. The proposal would result in the partial removal of a close boarded fence of a somewhat ordinary appearance. Even so, in allowing views of the taller garden trees and planting, it preserves the spacious character of the area. Consequently, its removal would not justify permitting a development harmful to the character and appearance of the area. I accept that the appeal site is not located within a conservation area. However, this does not prevent it from having a distinctive character, which is outlined above.
9. My attention is drawn to objectives in the development plan to provide new residential development that makes efficient use of land with a mix of housing. Nevertheless, this should be balanced with other objectives in the development plan that require new development to sufficiently respect the local character and context. The harm identified in relation to this would not be outweighed by the higher density and size of the units provided by the proposal.
10. Although the appellant refers to the appeal proposal as located on previously developed land in a built up, fully residential area, on that basis it is not clear how this would fall within the definition of previously developed land contained in the National Planning Policy Framework, which excludes residential gardens in such circumstances.
11. The appellant asserts that the development at 2a Woodlands Road establishes a pattern and density consistent with that proposed in this case. This detached bungalow is located some distance to the south west of the appeal site and as it was granted consent in the 1980s, it would have been considered against a different policy background. As such, it has limited relevance as a direct comparison with the present case, which I have, in any event determined on its own merits.

12. Accordingly, for the reasons outlined above, I find that the proposal would have a harmful impact on the character and appearance of the area contrary to policies CP.1 and CP.8 of the Oxford Local Plan 2001-2016, November 2005 (LP), policy CS18 of the Oxford Core Strategy 2026, March 2011 (CS), policies HP9 and HP10 of the Sites and Housing Plan 2011-2026, February 2013 (SHP) and policies CIP1 and GSP4 of the Headington Neighbourhood Plan 2017-2032. Whilst these respective policies cover a range of matters, they have an objective in common which seeks to ensure that new development constitutes high quality design that respects and enhances the character of the local area.

Living conditions of future residents

13. Policy HP13 of the SHP states that new dwellings should have direct and convenient access to an area of private open space that should be of adequate size and proportions for the size of house proposed. The supporting text indicates that this should provide sufficient space for a private garden for children to play in, for family activities and although a minimum space standard is not employed, an area at least equivalent to the original building footprint is expected.
14. Whilst the main garden area located to the rear of the dwellings is private, the usable space would be smaller than the footprint of the proposed dwellings. The appellant relies on an additional area to the front of the dwellings to provide outdoor seating which is relatively small, divorced from the main garden area and would not have a similar relationship with principal living areas at rear of the proposed houses. Given the proximity to the road, even though it is south facing, this area is unlikely to function as a convenient or particularly private area of garden. The side garden area highlighted at 28 Sandfield Road is more generous and, in any event, did not appear at my site visit to be used as a seating area.
15. The appellant has pointed out the accessibility to nearby open space, which weighs in favour of the proposal but does not outweigh the general principles outlined in the development plan policy for providing adequate open space within the site to meet the likely needs of the occupants.
16. I have had regard to the size of garden and outdoor seating used at 2a Woodlands Road. However, as a relatively modest bungalow the occupants are more likely to use the outdoor space in a different manner than the occupants of a larger 3 bed family home. Furthermore, given the age of the development it was not considered against policy HP13 of the SHP, and so is of limited weight.
17. Accordingly, although the rear gardens would provide sufficient privacy and convenient access, I am not persuaded that they are of a sufficient size relative to the size of the 3-bedroom dwellings proposed. As such, I find that the proposal would make inadequate provision for outdoor space and as a consequence, would have a harmful impact on the living conditions of the future residents of the dwellings. This would be contrary to policy HP13 of the SHP which, amongst other matters, requires new houses to provide a private garden of an adequate size.

Living conditions of existing residents

18. The human sight line study submitted by the appellant shows that the first floor bedroom windows in the rear elevation of the dwellings would allow direct views to the lower portion the garden at 30 Sandfield Road. The orientation and proximity of the windows to the boundary would result in a significant loss of privacy which would be likely to materially diminish the adjacent occupiers' enjoyment of their garden.
19. There is little evidence to support the appellant's assertion that future occupiers would generally focus on their own garden rather than overlook those adjacent. Neither is there any guarantee that bedrooms would be occupied to a lesser extent during the day, and it would not be unusual to have a desk in a bedroom for work or study purposes. In any event, whether occupied or not, the perception of overlooking would remain given the presence of the windows and this would result the harm to the living conditions identified.
20. I acknowledge that a degree of overlooking is to be expected in residential areas and I am referred to an appeal decision¹ to support this position. Be that as it may, the appeal proposal would be likely to affect the more secluded part of the garden at No.30 such that the degree of the impact would be particularly marked. Furthermore, in the case referred to there was a fall-back position of a previously approved residential development to which the Inspector gave weight in considering, and comparing, the impact from overlooking. It is therefore not directly comparable to the circumstances before me.
21. Whilst planting adjacent to the boundary with 30 Sandfield Road might assist in partially screening views, it would be unlikely to achieve the necessary height in relation to the first-floor windows. Therefore, I am not persuaded that this heavily mitigates the potential for overlooking as the appellant asserts. This is especially so given the limited depth of the rear garden space for the proposed dwellings.
22. In support of the proposal the appellant points to the extension permitted at 30 Sandfield Road and its relationship with 28 Sandfield Road. However, this related to the extension of the existing property and the relationship of the new windows, and rooflights were not significantly different to those already in existence. Unlike the appeal proposal, it did not introduce new dwellings in a materially different configuration. Given the differences with the appeal proposal, this attracts limited weight.
23. Accordingly, I find that the proposal would result in an unreasonable level of overlooking to the rear garden of 30 Sandfield Road, thereby unacceptably affecting the living conditions of the adjacent occupiers, contrary to policy CP.10 of the LP, and policy HP14 of the SHP which amongst other matters, seek to safeguard reasonable levels of privacy for adjacent occupiers.

Highway Safety

24. The appellant has provided drawings numbered 1588_100a and 1588_101 that show pedestrian visibility splays into the proposed access points of 2m x 2m in accordance with the diagrams for visibility splays in Oxfordshire County Council's Residential Road Guide, 2003 – Second edition (2015). The plans indicate that the visibility splays would be within the appeal site boundary, and

¹ Reference APP/G3110/W/17/3188129

as such, could be kept free from obstruction. There is little evidence to the contrary from the Council on this point.

25. Notwithstanding the significant number of concerns raised in relation to the amount of traffic and the number and vulnerability of pedestrians, the Highway Authority did not object to the principle of new residential access points in this location, subject to appropriate visibility being provided. In addition, the Highway Authority found the level of off-street parking provided to be acceptable given that the site is in an accessible location to nearby facilities and public transport. Furthermore, it is within the Headington West Controlled Parking Zone. There is little robust evidence that would justify taking a different view.
26. Therefore, based on the evidence before me, the proposal would achieve a reasonable level of pedestrian visibility for the scale of the development proposed and as such, would not result in an unacceptable impact on highway safety. It follows that I find no conflict with policy CP.1 of the LP which includes suitable highway and access arrangements amongst the general criteria that new development is required to meet.

Other Matters

27. There would be a benefit in providing additional housing in an accessible location, nevertheless, given the modest contribution the proposal would make to overall housing provision, this does not outweigh the degree of harm identified arising from the appeal proposal.

Conclusion

28. Although I have not found harm to highway safety arising from the development, I have concluded that unacceptable harm would result in relation to the other main issues of character and appearance of the area, and the living conditions of future and existing residents. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

Helen O'Connor

Inspector