



Appeal Decision

Site visit made on 20 May 2019

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 June 2019

Appeal Ref: APP/G3110/W/19/3223974

1 Aldebarton Drive, Oxford, OX3 9SJ

- 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 David White against the decision of Oxford City Council.
 - The application Ref 18/02931/FUL dated 19 November 2018, was refused by notice dated 10 January 2019.
 - The development proposed is the erection of a new dwelling attached to the existing dwelling at 1 Aldebarton Drive, Oxford.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues to be considered are i) the impact of the proposal upon the character and appearance of the area and ii) whether the proposal can comply with national space standards.

Reasons

Character and Appearance

3. The appeal site is located at the end of a row of terraced properties, a corner plot, at the junction between Aldebarton Drive and Barton Village Road. From my site visit I noted that the properties in the immediate area are all set back from the road which contributes to the overall character and appearance of Barton Village Road by giving a sense of openness around the junction. I find that open areas of space, either side of the road, are a defining characteristic. The absence of development on the appeal site contributes towards this. The appeal site is prominent in views along Barton Village Road.
4. The estate is acknowledged to be high density with limited spacing between many dwellings and dwellings generally filling their plot width, however, the location of the proposal would move development forward of the building line along Barton Village Road. Development forward of this building line reduces the sense of openness and would result in a prominent feature regardless of design or use of differing land levels.
5. The appeal site is also restrictive in size. As a result of the plot size the proposed dwelling has a chamfered edge to the elevation facing Barton Village Road which is as a result of contrived design which I find presents itself as being cramped.

6. I do not find the scheme at 2 Aldebarton Drive comparable to the appeal proposal. The proposal was for an extension (acknowledged to have since been converted to a dwelling) but was one which was a notably subservient addition to the host dwelling. Additionally, it was not situated in a comparable location, it was not in a prominent location at a road junction.
7. Similarly, with the proposal at 48 White Road, whilst in a prominent corner plot, the proposal was designed with a lower ridge height and was set back from the front building line, appearing subservient allowing it to not be visually intrusive. The submitted plans, and decision notice, for 20 Cranmer Road do not evidence the site context in the immediate area for me to be able to assess any comparisons between the sites. Whilst the appellant has provided further examples of other side extensions, the majority are only evidenced by a first line of an address, reference number and a photograph. I have no evidence before me suggesting where these examples are located nor any plans to appreciate the site context. As a result of this I am able to attribute little weight to such schemes in determining this appeal.
8. Sites and Housing Plan 2011 – 2026 (adopted in 2013) (HP) Policy HP9 does encourage efficient use of land, however, it states that this should be done whilst respecting the site context. HP Policy HP10, though not a policy included in the reasons for refusal, does allow redevelopment of residential gardens but again this is so long as there is no unacceptable harm to the character of the area.
9. Due to its scale, design and location the new dwelling would harm the open character and appearance of the area around the junction. The harm identified is not reduced because the estate is of no special or historic interest, or in a Conservation Area or because side gardens do not have any special protections. I have no evidence before me that suggests that this kind of development is acceptable in principle. No precedent is set, each case must be considered on its own merits.
10. The proposal would conflict with Oxford Local Plan 2001 – 2016 (adopted in 2005) (LP) Policy CP1 which requires proposals to be of a high standard of design that respects the character and appearance of the area and LP Policy CP8 which requires proposed development on sites with a high public visibility to retain features which are important to the character of the local area.
11. The proposal would also conflict with Oxford Core Strategy 2026 (adopted in 2011) (CS) Policy CS18 which requires development to respond appropriately to the site and its surroundings and HP Policy HP9 which requires residential development to respect the site context.

National Space Standards

12. The Council have submitted evidence¹ demonstrating their adoption of Technical housing standards – nationally described space standards 2015 (National Standards). This was in response to the Ministerial Statement² which set out how the Government wished local planning authorities to implement the new National Standards. The Council clearly set out, in the Technical Advice

¹ Oxford City Council Technical Advice Note 1A, May 2016

² Planning update March 2015, written statement to Parliament by the Rt. Hon. Sir Eric Pickles MP, 25th March 2015

Note, how the new National Standards would be applied in preference to the more basic standard set out in HP Policy HP12. I find, therefore, that the National Standards are applicable to this proposal.

13. I place little weight upon the fact the proposal is of a similar size to the existing dwellings in the terrace. The living conditions of previous developments, which would not now meet the National Standards, are not the benchmark for new development. The National Standards seek to improve housing standards in new development going forward.
14. I note the appellant states that revised internal layouts have been submitted with this appeal, however, from the internal layouts³ before me it would appear such plans have not been submitted with the appeal. The Council confirm they have not seen these plans either. I am, therefore, unable to confirm that the Council's second reason for refusal has been addressed in accordance with paragraph 10 of the National Standards.
15. Even if the stated amendments, to provide a double bedroom, had been provided and deemed acceptable the appeal would still have been dismissed due to the impact on character and appearance outlined above. Based on the evidence before me the proposal is contrary to HP Policy HP12 which requires new dwellings to provide good-quality living accommodation, in conjunction with the National Standards.

Other Matters

16. Due to the Housing and Growth deal, only a three-year housing land supply is required in Oxford. This combined with a 2018 Housing Delivery Test result of above 75% means that paragraph 11 of the National Planning Policy Framework (the Framework) is not engaged. Even if paragraph 11 of the Framework was engaged the adverse impacts of the proposal, as I have outlined above, would significantly and demonstrably outweigh the small benefit of a single dwelling when assessed against the policies in the Framework as a whole.
17. Whilst the Framework does encourage use of brownfield land, overall, making effective use of land should also improve the environment and promote healthy living conditions. The starting point in determining this appeal is the current development plan as outlined in Section 38(6) of the Planning and Compulsory Purchase Act 2004. I find, in the case of this appeal, there are no material considerations to indicate a departure from the development plan as being justified.

Conclusion

18. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Randle

INSPECTOR

³ Plan reference: A111, A113, A115 and A117 (all rev C dated November 2018)