The Planning Inspectorate

# Appeal Decision

Site visit made on 4 July 2019

**by G Powys Jones MSc FRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 22nd July 2019**

**Appeal Ref: APP/V3120/D/19/3221801**
**153 Bagley Close, Kennington, Oxfordshire, OX1 5LU**

- 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 Paul Townsend against the decision of Vale of White Horse District Council.
- The application Ref P18/V2679/HH, dated 19 October 2018, was refused by notice dated 21 January 2019.
- The development is an outbuilding in the back garden.

## Decision

1. The appeal is dismissed.

## Preliminary matters

2. Some residents have commented on the inaccuracy of the submitted plans. I share their concerns on this aspect, but given that the external shell of the outbuilding is substantially complete, I was able to properly assess its effects with regard to the main issue identified below.

3. Arrangements had been made for me to view the development from the curtilage of the next-door property, No.155 Bagley Close, which I did.

## Main issue

4. The main issue is the effect of the development on the living conditions of neighbouring residents with particular reference to visual impact and privacy.

## Reasons

5. The appeal property is a semi-detached dwelling set in a quiet residential cul-de-sac of a distinct suburban character. All the gardens in this part of the Close are relatively narrow, lengthy and they slope significantly away from the houses towards the rear. The building has been designed or adapted to reflect the slope so that its height at the front is much lower than at the rear, where it takes on almost a two-storey appearance. It is a relatively long building, and is sited fairly close to the neighbouring boundaries on either side. It has windows on both sides facing neighbouring gardens, and glazed openings on the front and rear elevations. It is clad in a white plastic material, described by the appellant as uPVC.

6. The appellant claims to have originally set out to build an outbuilding complying with permitted development limitations, but it is plain that planning permission is required for the structure. Viewed from an adjacent garden I

found it to be an overly imposing, ugly structure of an excessive size and height. I have no doubt that it would be perceived as such when viewed from other nearby gardens.

7. The appellant acknowledges that the building '..*only appears incongruous in size and scale due to the topography dropping away so rapidly toward the rear of the site and the lack of any screening along the boundary lines.*' I share the view that this is an incongruous and unneighbourly building harming the amenities of adjacent residents by reason of its adverse visual impact upon them.

8. Some of the side windows are placed that they would allow overlooking of adjoining gardens which are fairly open to view, but boundary fences are generally low, and mutual privacy is not therefore currently evident.

9. The appellant has made reference to extensions and other outbuildings granted permission by the Council as a form of justification for his unauthorized development. I am not aware of the full details, circumstances and background of those cases, and in any event I have, as required, dealt with this appeal on its merits.

10. I conclude that the development, as carried out, and as proposed to be finished, has had and would have an unacceptably harmful and detrimental effect on neighbouring residents by reason of its adverse visual impact upon them. Accordingly a clear conflict arises with those provisions of saved policy DC9 of The Vale of White Horse Local Plan directed to protecting the amenities of neighbouring properties from visual intrusion caused by new development.

**Other matters**

11. The building is situated in a sheltered position relative to the public realm, and it has little or no impact upon the latter. Principally for this reason, I do not support the thrust of the Council's first reason for refusal. However, the building's adverse impact on neighbours, for the reasons set out above, is sufficient reason to dismiss the appeal.

12. All other matters raised in the representations have been taken into account, including the comments made by local residents and the Parish Council. Although I note the comments made by the Council and residents about the proposed use of the building, the use of this as yet incomplete building had not begun at the time of my visit. No other matter raised is of such significance as to outweigh the considerations that led me to my conclusions.

*G Powys Jones*

INSPECTOR