The Planning Inspectorate

Appeal Decision

Site visit made on 6 August 2019

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 September 2019

Appeal Ref: APP/V3120/D/19/3230406
105 Northcourt Road, Abingdon, Oxfordshire OX14 1NN

- 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 Nick Suckling against the decision of Vale of White Horse District Council.
- The application Ref: P18/V1637/HH, dated 26 June 2018, was refused by notice dated 20 March 2019.
- The development is changes to roof, dormers, rear and front extensions, summer house and swimming pool (built).

Decision

1. The appeal is dismissed insofar as it relates to the extensions and alterations to the existing house, annexe, new roof incorporating rooms within roof space and dormer windows, and summer house. The appeal is allowed insofar as it relates to the swimming pool, and planning permission is granted for a swimming pool at 105 Northcourt Road, Abingdon, Oxfordshire OX14 1NN in accordance with the terms of the application, Ref: P18/V1637/HH, dated 26 June 2018, and the plans submitted with it, so far as relevant to that part of the development hereby permitted.

Procedural Matters

2. The description of development was amended from 'changes to roof, dormers, rear and front extensions, summer house and swimming pool (built)' to 'retrospective application for extensions and alterations to the existing house and self-contained annexe. New roof incorporating rooms within roof space and dormer windows. Erection of a summer house and swimming pool.' This also the description used by the appellant on the appeal form. I consider this to be a more precise description of the development and have determined the appeal on this basis.

3. At the time of my site visit, the external alterations to the dwelling had been completed, in addition to the outer walls of the annexe. Furthermore, excavations of the swimming pool have taken place. I have dealt with the appeal on this basis.

4. The built form of the dwelling differs from the plans submitted to the Council for consideration. These variations comprise the insertion of an additional first floor window on the eastern elevation; amendments to the type of windows on the ground floor front elevation; the use of mock sash windows as opposed to casement windows; and a reduction in size of the rear ground floor sliding

door. I have been provided with a plan that shows these amendments. Whilst different from the originally submitted plan, I will consider this revised plan as it is similar to the details on which the Council based its decision. I am therefore satisfied that no party would be prejudiced by this.

5. The Council has confirmed that the Vale of White Horse Local Plan 2031: Part Two (2017) has been found sound. However, whilst I have had regard to this document, as it has not been formally adopted by the Council, it does not yet carry full weight.

Main Issues

6. The main issues are:

- the effect of the development upon the character and appearance of the surrounding area; and
- the effect of the development upon the living conditions of the occupiers of adjoining properties, with particular reference to 103 Northcourt Road.

Reasons

Character and appearance

7. The appeal site contains a detached dwelling that is set back from Northcourt Road. To the north and west are educational institutions, however, residential accommodation is located to the east and south. There are some variations in terms of siting, but buildings are generally constructed from a traditional palette of materials and feature pitched roofs, except for the college and a relatively small development of flats. The rear and side boundaries of the property are marked by wooden fences, which are supplemented by planting.

8. Owing to the availability of views of the side of the dwelling from the west, the side elevation is especially prominent. This results in an inappropriate form of development, as owing to the significant expanse of flat roof, the dwelling is at significant variance from the prevailing character. In particular, the presence of pitched roofs is a defining characteristic. This has been eroded through the development, which is therefore incongruous.

9. The inappropriate form of development is exacerbated by the fact that the dwelling has also been subject to a full height front extension. Taken in conjunction with the significant flat roof section and other extensions that have also been carried out, the resultant building is of significant bulky proportions that does not accord with the more traditional designs and dimensions of neighbouring properties.

10. I recognise that the single storey side and rear extension is a relatively small element of the development. However, it is, in parts, visible from some public view points and contributes to the overall bulky character of the development.

11. I note a general lack of front dormer windows within the vicinity. The introduction of such windows is therefore contrary to the prevailing vernacular. Furthermore, the dormer windows are sited near the roof's ridge. This would form an unduly strident feature on a particularly prominent roof slope.

12. I am aware that the site features a significant amount of landscaping on the front boundary. Whilst this provides some screening, it does not mitigate the

inappropriate form of the development given that views of the upper floors and roof of the dwelling remain visible. Furthermore, unencumbered views of the development are possible from the driveway entrance.

13. In reaching this view, I have had regard to the presence of the college buildings to the west. Whilst these buildings are constructed to a more modern design, the use of the site is clearly not residential, and therefore it is appropriate that a different design approach be used. The small development of flats (comprising two separate buildings) at the corner of Northcourt Road and Saxon Court, has differing heights, which means that they are more effectively screened when viewed from various vantage points in Northcourt Road. Additionally, none of these buildings feature dormer windows. In consequence, I do not believe that the presence of these buildings requires me to set aside my previous observations.

14. I am aware that planning permission had previously been granted for extensions, including roof alterations at the property. Whilst these were of a similar height to the scheme before me, I note that this permission was for a smaller front extension, featured a hipped roof, had a smaller flat roof section, and did not feature any dormer windows. Accordingly, this permission was for a significantly different scheme. I am therefore of the view that it does not compel me to disregard the harm that I have identified.

15. The summerhouse is an outbuilding which contains a snooker room, storage areas and pumping equipment for the swimming pool. It is particularly large given that it encompasses the full width of the garden and has a significant height that exceeds the boundary treatment. It therefore does not have the appearance of an ancillary building within a rear garden, which characterises other outbuildings within the area. In addition, whilst not a Conservation Area, the site is adjoined by a college and a school. Therefore, the neighbouring sites are, in a sense, open to the public and likely to be used by a larger number of people. Consequently, this prominence means that this element of the development also has a notable adverse impact upon the area's character.

16. I acknowledge that the Council has stated that the swimming pool falls under the definition of permitted development. However, as planning permission was sought for this installation, I must consider its planning merits. Owing to its positioning at the rear of the property and the fact that it is screened by the site's boundary treatment, combined with the works being below ground level, I conclude that the retention of this would not harm the character and appearance of the area. In addition, as this is a separate structure from the summerhouse, I am of the view that the two elements of the development are severable.

17. Whilst I have concluded that the retention of the swimming pool would not cause harm to the character and appearance of the area, this does not outweigh the harm associated with the other elements of the development. I therefore conclude that these have an adverse effect on the character and appearance of the surrounding area contrary to the requirements of Policy CP37 of the Vale of White Horse Local Plan 2031: Part 1 (2016) and the Vale of White Horse Design Guide (2015). Amongst other matters, these seek to ensure that new developments positively respond to sites and their surroundings; are visually attractive; have appropriate scale and massing; and that dormer windows are acceptable in scale and set within the roof slope.

Living conditions

18. The appellant's dwelling is sited further back from the road than the neighbouring property at No. 103. Consequently, the eastern elevation of the appeal dwelling is directly adjacent to the rear garden of the neighbouring property. Whilst there is a pedestrian access to the east of the appeal site, this is comparatively narrow. Accordingly, No. 105 is in proximity to the adjoining garden.

19. Owing to the relative positions of both the appeal dwelling and the neighbouring house, the development would run in proximity to the shared boundary with the garden at No. 103 for a notable distance. Furthermore, due to the flat roof portion of the development, for a significant portion of this distance, the dwelling appears to be three storeys in height. The cumulative impact of this is that the development results in an overly dominant and overbearing effect. This significantly diminishes the living conditions of the adjoining property.

20. The effect is exacerbated by the relatively small set back of the appeal property from the shared boundary, which cannot be appropriately mitigated. I have also given weight to the fact that, as is common, the rear garden of No. 103 is the only private amenity space at that property, which is not adjacent to a public road. Therefore, the change to its surroundings is particularly concerning.

21. I therefore conclude that the development has an adverse impact upon the living conditions of No. 103. The development therefore fails to comply with Policy DC9 of the Vale of White Horse Local Plan (2011) and the Vale of White Horse Design Guide (2015), which, amongst other matters, seek to ensure that consideration is given to the impacts on the occupiers of neighbouring properties; and that developments are not overly dominant, or visually intrusive.

Other Matters

22. The appellant has suggested that the Council cannot currently demonstrate a five year housing land supply, and that this development has benefit in that it would be able to house a larger family. Whilst this may be the case, such benefits would be diminished by the fact that in doing so, a house that could be occupied by a smaller family would be lost. Furthermore, if I were to apply the tilted balance of Paragraph 11(d) of the National Planning Policy Framework, I would find that the harm as concluded previously would significantly and demonstrably outweigh the benefits bought by the introduction of a larger dwelling into the local housing supply.

23. I realise that the site is sustainably located and therefore the residents of the development (which may be a greater number than was envisaged when the house was originally constructed) would have access to services and public transport provision. I also realise that the site has been previously developed for housing. However, these benefits do not overcome the harm to the character and appearance of the area, or the living conditions of the occupiers of neighbouring properties.

24. The appellant has noted that no objections were submitted to the Council by the occupiers of No. 103. Whilst this may be the case, it is incumbent on me to

assess the scheme based on its merits and with reference to the relevant planning policies. I also acknowledge the appellant's suggestion that the side windows could be glazed with obscure glass. Whilst this would prevent any notable loss of privacy, it would not overcome the harm as previously concluded.

25. Although I have given the personal circumstances of the appellant careful consideration, I am mindful that, in general, planning decisions regarding land use need to be made in the public interest. Therefore, I find that these do not outweigh the unacceptable nature of the development.

Conditions

26. I have had regard as to whether conditions need to be imposed regarding the swimming pool. Given that works have commenced, conditions regarding the timescale for the implementation of the development or prescribing the approved plans are unnecessary. By reason of the type of development permitted, and its positioning, I do not believe that the choice of materials in which it may be completed would lead to a notable adverse impact upon the character and appearance of the locality.

27. I have had regard to the Council's suggested condition regarding the need for new parking to be implemented prior to the development being first occupied. As a domestic swimming pool is unlikely to lead to a significant increase in vehicle movements, I do not believe that the condition is required in this specific instance.

Conclusion

28. For the reasons given above I conclude that the appeal should be allowed insofar as it relates to the swimming pool and dismissed insofar as it relates to the extensions and alterations to the existing house, annexe, new roof incorporating rooms within roof space and dormer windows, and summer house.

Benjamin Clarke

INSPECTOR