



Appeal Decision

Site visit made on 7 October 2019

by Tim Crouch DipUD MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Wednesday, 23 October 2019

Appeal Ref: APP/V3120/D/19/3232598

4 Chelsie House, West Way, Oxford, Oxfordshire OX2 9JU

- 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 Mrs Sandra Bickford against the decision of Vale of White Horse District Council.
 - The application Ref P19/V0030/HH, dated 9 January 2019, was refused by notice dated 12 June 2019.
 - The development proposed is pitched roof to be removed and replaced with an enlarged flat roof. Ground floor and first floor extensions to provide additional floor area.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on, firstly, the character and appearance of the existing building and surrounding area, and, secondly, on the living conditions of occupiers of 106 West Way.

Reasons

Character and appearance

3. The site is a duplex apartment to the rear of a traditionally designed pitched roof block of apartments. The proposal would replace an existing two storey pitched roof rear extension with a flat roof two storey extension covering the full width of the building.
4. The existing rear projection whilst long and substantial, has a pitched roof reflecting the traditional design of the main building, its large roof slopes and vertical emphasis. There is only a small proportion of this roof above the eaves level and it is set in from the side elevation of the property. It also has smaller single storey elements. Overall this maintains a subservience of design and scale to the main building.
5. The proposal would introduce a large, flat roof extension cutting into the roof slope above the existing eaves level. This would reduce the main roof slope and introduce a strong flat roof design with fenestration creating a horizontal design emphasis. The full width positioning, combined with the height and design would result in an extension harmfully out of scale with the existing building and dominating the rear elevation, despite being lower than the existing ridge height of the rear projection.

6. Whilst seeking a simple, uncomplicated, contemporary design, the proposal fails to reflect the characteristics of the existing building or satisfactorily integrate with it. Whilst not listed, or within a conservation area, and built in 2004 according to the appellant's statement, the building has a particular traditional architectural style and the addition as proposed, at full width, above eaves level and full flat roof would fail to appear complementary or subservient to this character.
7. My attention has been directed to the Vale of White Horse District Council Design Guide Supplementary Planning Document (2015) (SPD) and its positive references to the use of contemporary architecture. Whilst it is permissive in such locations to the rear of properties, it is also clear that the original building should remain the dominant element of the property, which the proposal would not achieve.
8. Core Policy 37 of the Vale of White Horse District Local Plan 2031 Part 1 (LP), requires all proposals to be of high quality design that respond positively to the site and its surroundings. Whilst set to the rear, and with limited public views, the proposal would be visible in the circulation space of neighbouring properties and in the context of the surrounding area.
9. I recognise that the buildings immediately to the east have a strong contemporary modern style, incorporating flat roof features, and these have been considered appropriate by the Council. However, these neighbouring properties are single buildings designed in such a consistent style. The proposal would introduce a more contemporary design but given the scale, height and width, would fail to integrate successfully with the existing building, dominating its appearance and would not complement its design. This would be despite maintaining the existing building footprint and the careful choice of materials. The proposal would therefore fail to respond positively to the surrounding area.
10. I am aware that paragraph 130 of the National Planning Policy Framework (2019) (the Framework) includes the line that "*design should not be used by the decision-maker as a valid reason to object to development*" however this is caveated to where the particular design accords with clear expectations in plan policies and is preceded by "*Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area*". Given the clear expectations of LP Core Policy 37, the guidance within the SPD and the harm I have identified, I do not consider that the openness to design within the Framework provides sufficient justification for the proposed development.
11. Therefore, the proposal would be harmful to the existing building and the surrounding area. Consequently, it would be contrary to Core Policy 37 of the LP, the guidance in the SPD, and the provisions of the Framework. Taken cumulatively, and amongst other objectives, these require development to respond positively to the site and its surroundings, to be visually attractive and of a scale, height and massing appropriate for the site and for the original building to remain the dominant element of the property.

Living conditions

12. The proposal would result in a significant length of two storey building to the east side of No 106 West Way. However, this would be set in from the side boundary and the effects of the height and scale would be mitigated by the

- existing rear single storey projections of No 106, which extend to much of this proposed length. The immediate area to the rear of No 106 closest to the proposal is then used for vehicle parking and an outbuilding. It is not considered that the proposal would create significant overbearing impacts or be visually dominating on the neighbouring property or its outdoor living space.
13. The first floor window of No 106 closest to the proposal would have a reduced rear outlook given the length of the extension proposed, when combined with the existing staggered building positioning. However, this is already restricted by the existing relationship and the further extension is not considered to be significantly additionally oppressive.
14. The proposal includes windows in the side elevation at first floor level and rear first floor balconies which could give rise to elevated overlooking onto No 106 and neighbouring properties. However, this could be mitigated with side screening to the balconies and obscure glazing of the windows to ensure that this would not be to the detriment of the living conditions of neighbouring occupiers.
15. Therefore, the proposal would not harm the living conditions of neighbouring occupiers of 106 West Way. Consequently, it would not be contrary to saved Policy DC9 of the Vale of White Horse Local Plan 2011 (2006), advice contained within the SPD or the Framework. Taken cumulatively, and amongst other objectives, these prevent development which would unacceptably harm the amenities of neighbouring properties in relation to loss of privacy, visual intrusion or over dominance.

Conclusion

16. I have found that the proposal would harm the character and appearance of the existing dwelling and the surrounding area. Whilst I consider that the proposal would not have an unacceptable effect on the living conditions of neighbouring properties, this does not outweigh the harm that I have identified on the first main issue, which would be significant and long lasting.
17. For the reasons given above, I conclude that the appeal is dismissed.

Tim Crouch

INSPECTOR