



Appeal Decision

Site visit made on 9 December 2019

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 December 2019

Appeal Ref: APP/G3110/D/19/3237284

23 Blackbird Leys Road, Oxford OX4 6HH

- 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 Abazi Losha against the decision of Oxford City Council.
 - The application Ref 19/01081/FUL, dated 24 April 2019, was refused by notice dated 2 July 2019.
 - The development proposed is a loft conversion.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The Council has suggested that the development should be considered as encompassing a two-storey extension to the appeal property and not simply a loft conversion. However, the appeal form does not indicate that the description of development was formally changed by the appellant, so I have used that from the application form in my above heading.
3. The development to which this appeal relates has already been carried out. Plans have been submitted showing a proposal, but they do not fully accord with what has been constructed at the site. Of note are discrepancies in the window configurations at first and second floor and that the second floor dormer has been constructed with its rear face aligned with that of the lower floors, whereas the plans show it recessed slightly behind the eaves line. I have considered the appeal on the basis of the development as it exists at the site, with regard to the submitted plans.
4. 3 sets of plans have been provided. There are plans showing a single storey side projection before the construction of a two-storey side extension; plans showing a scheme that was previously permitted following an earlier appeal¹ at the site; and plans showing the proposal. Despite concerns set out in the Council's second reason for refusal about the accuracy of the plans, I am satisfied that the proposal can be clearly understood.

Main Issue

5. The main issue is the effect on the character and appearance of the area.

¹ Appeal Ref: APP/G3110/D/15/3140876

Reasons

6. The appeal site is at the end of a terrace of similar dwellings. Whilst there are variations in the architecture of the wider area, immediately around the site are other two-storey terraces with a comparable appearance set broadly at right angles to one another. Combined with little variation in the eaves and ridge lines, this gives the area a formal, structured appearance.
7. In allowing the earlier appeal, the Inspector noted that some of the dwellings had been altered undermining the uniformity of the area, which I also observed. The Inspector went on to find that the proposal would be set back from the principal façade of No. 23 creating a subservient extension that did not harm the character or appearance of the wider area or result in a cramped overdevelopment of the site. The presence of this earlier permission is a material consideration of significant weight.
8. Whether or not the current proposal were considered as a two-storey extension with loft conversion or simply as a loft conversion, the proposal before me differs significantly from that previously permitted. I note that the facing materials would be complementary to the existing dwelling and there would be limited change from the previous scheme when viewed from the front. However, whilst it would not encroach any further to the boundary and so would not create an over intensive development of the site, the scale of the dormer window spanning the entire width of the dwelling would be a dominant feature at second floor level when viewed from the rear.
9. In its current form, the dormer appears as a continuation of the lower floors such that when viewed from Furlong Close and the footpath alongside the site to Blackbird Leys Road, it appears as a 3-storey dwelling. Set further back from the main rear walls of the adjoining dwellings it stands visually apart from the two storey form of the remainder of the terrace and is incongruous in the context of the lower dwellings and surrounding pitched roofs. The overall size and position the dormer feature at the end of the terrace has the effect of creating a dwelling that does not visually complement its surroundings.
10. The proposal shown on the plans, which depict the dormer set back behind an eaves line, would do little to reduce this harm. Whilst it may appear more as a roof addition rather than a full 3-storey elevation, the set back would be small and its size and scale would remain dominant, especially as it would stay flush with the side elevation. Whether or not it could be considered high quality, it would not be sympathetic or sensitive to the characteristics of the wider area. I, therefore, find that the proposal, whether as built or as shown on the plans, harms the character and appearance of the area.
11. The Council's first reason for refusal cites Policy CP10 of the Oxford Local Plan 2001-2016 (LP) which relates to the siting of development to meet functional needs and provide satisfactory living conditions. However, there is no clear evidence as to why there is a conflict with this particular policy and I do not find one.
12. However, collectively, LP Policies CP1 and CP8, Policy HP9 of the Oxford Sites and Housing Plan 2011-2026 and Policy CS18 of the Oxford Core Strategy 2026 include aims that seek to ensure development responds appropriately to its surroundings, relates well to its setting, and respects the character and appearance of the area. Whilst some specific criteria of the policies may be

satisfied, the proposal may retain existing architectural details and use compatible materials, the harm that I have identified would cause a conflict with the aims of those policies when read as a whole.

Other Matters

13. The appellant has referred to local precedents. Indeed, a similar development at the neighbouring No.25, which sits at right angles to the appeal site on the opposite side of the footpath to Furlong Close, is already dominant in the street scene and has changed the appearance of the immediate locality. However, I have no particular evidence about the circumstances that led to the construction of that neighbouring development so I cannot draw a direct comparison and it does not justify the harm to the character and appearance of the area from the appeal proposal.
14. It may be possible to construct similar dormers under permitted development (PD) rights. However, I have no substantive evidence as to what it may be possible to construct as PD at the appeal site. I understand that the proposal would provide more versatile accommodation and I am also told that the accommodation provides much needed additional bedroom space for the appellant, but I have no detailed information about these needs, now or in the longer term. Therefore, I give these matters very limited weight.
15. The National Planning Policy Framework (the Framework) includes similar aims to the policies with which I have found conflict in respect of the design of new development. Whilst the proposal may satisfy some other elements of the Framework I, therefore, find conflict with the Framework when read as a whole so it does not indicate a decision other than in accordance with the development plan.
16. I note that there were no local objections to the application. However, this cannot automatically be taken to imply support so would be a neutral consideration. Accordingly, it does not provide a reason to deviate from my findings.

Conclusion

17. For the reasons given, the other matters do not outweigh the harm that I have identified in respect of the main issue. Therefore, the appeal is dismissed.

M Bale

INSPECTOR