
Appeal Decision

Site visit made on 17 March 2020

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 March 2020

Appeal Ref: APP/G3110/D/19/3242744
40 Westbury Crescent, Oxford OX4 3RZ

- 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 M A Haque against the decision of Oxford City Council.
 - The application Ref 19/01847/FUL, dated 5 July 2019, was refused by notice dated 16 September 2019.
 - The development proposed is described as a 'Two storey side and single storey rear extension (amendment of approved application Ref.17/03175/FUL'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council have provided a copy of 'Guidance Sheet 2' which provides illustrated guidance on extensions to a semi-detached dwelling. The appellant has been given the opportunity to comment on this guidance as part of the appeal process. Therefore, neither party will be prejudiced by my reference to it as part of my determination.

Main Issue

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

Reasons

Character and appearance

4. Westbury Crescent comprises an established residential area characterised by mainly two storey semi-detached houses. There is a particularly characteristic ordered layout to the area, whereby the dwellings are regularly positioned around a distinctive road layout resulting in a pleasant suburban character.
5. The appeal site lies at the junction of Westbury Crescent where it subdivides. It accommodates a semi-detached house, which together with 42 Westbury Crescent is situated at an angle on a prominent corner plot. I observed that the particular house type at the appeal property is likely to have been similar to the original houses at 48-50 and 31-33 Westbury Crescent. The first pair are located on the opposite side of the road to the south, and the second to the east terminating the view from the west.

6. This group of three semi-detached pairs are arranged around the subdivision of the road and notwithstanding subsequent alterations, differ from the majority of house types evident in the longer stretches of Westbury Crescent as they have a simpler unadorned hipped roof without a gablet above a first floor bay window. Additionally, the angled layout of this group generally allows for slightly larger separation gaps between the buildings in comparison to the prevailing pattern of development and thereby, signals the entrance point to Westbury Crescent. As such, the appeal property makes a positive contribution to the street scene.
7. The proposal to extend the dwelling would, amongst other things, introduce a two storey side extension that would continue the width of the principal elevation and elongate the roof ridge at the same height. This would alter the proportions of the original building and unbalance its appearance as part of a pair with No.42. In addition, it would dilute its role as part of the sentinel arrangement of the group of dwellings at the entrance to Westbury Crescent. These effects would be clearly visible as they concern a prominent part of the well-ordered layout and consequently, the resulting development would have a harmful impact on the distinctive character of the street scene.
8. Reference is made to 48 Westbury Crescent, a house type originally similar to, and opposite the appeal dwelling, which has been extended to the side. The width of the extension does reduce the sense of symmetrical order and space signalling the entrance to Westbury Crescent. However, this is countered to a degree by the lower roof ridge which leaves the original proportions of the hipped roof intact to a certain extent. Nevertheless, overall its presence has a negative impact and would not support the further harmful dilution of the arrangement of dwellings at this point.
9. My attention is drawn to examples of planning permissions granted for two-storey side extensions to dwellings in Westbury Crescent¹. These continued the width of the principal elevation without a setback, and in some cases provided a bay window gablet at first floor level. However, these concerned houses of a different type to the appeal proposal. Of the examples cited No.37 is closest to the appeal site but is located around the bend to the south east and would not be easily seen in contiguous views with the appeal proposal. Moreover, a two storey side extension exists at No.35, its attached pair. This is similar to the circumstances of Nos.43, 63 and 84 which are some distance to the east of the appeal site. As such, although of some relevance, the circumstances are not directly comparable to the proposal before me and therefore, are of limited weight. In any event, I have determined the appeal proposal on its own merits.
10. I also observed that two storey side extensions in Westbury Crescent were not confined to the planning applications cited. Nevertheless, as already outlined, the arrangement and spacing of houses along the main sections of the road are discernible from those flanking the entrance into it.
11. Planning permission² exists for a two storey side and single storey rear extension at the property, and the appellant points to this as a fallback position. I am reasonably satisfied that it would be likely to be constructed as

¹ 37 Westbury Crescent Ref 18/01910/FUL (Appendices C & D of Appellant's Appeal Statement), 43 Westbury Crescent Ref 18/00085/FUL (Appendices E & F Appellant's Appeal Statement), 63 Westbury Crescent Ref 15/00512/FUL, 84 Westbury Crescent Ref 14/02392/FUL.

² Reference 17/03175/FUL dated 30 January 2018

an alternative should the appeal proposal be dismissed. As such, it is a material consideration of considerable weight. Be that as it may, the approved plans³ show that the roof ridge would be stepped down and the front elevation stepped back at first floor level. This emphasises the subordinate appearance of the extension and denotes the original proportions of the hipped roof. Moreover, it accords with the design approach for side extensions to semi-detached dwellings advocated in Guidance Note 2. Although the guidance is not adopted, it attracts limited weight.

12. I accept that the proposed ground floor bay window in the front elevation would add interest to the appearance of the dwelling in comparison to the ground floor window proposed in the fall back scheme. Even so, this modest improvement does not outweigh the cumulative harm that would result from the omission of the set back at first floor level and the stepping down of the roof ridge. For these reasons, the fall back scheme would not be as harmful to the symmetry of the semi-detached pair, nor as a consequence, as prominent in the street scene as the proposal before me. Therefore, it provides insufficient justification for a proposal which would cause greater harm to the character and appearance of the area.
13. In support of the proposal the appellant highlights that there were no objections from neighbours or other third parties. Nevertheless, the absence of objections does not positively count in favour of the proposal, nor negate my duty to consider it on its own merits based on the evidence before me. I further acknowledge that the proposed materials, that would match the original dwelling, would assist in the visual integration of the two storey extension. However, this would not fully address my concerns regarding the form of the proposal.
14. I am further referred to paragraph 130 of the Framework. However, this states that 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 and the way it functions. Based on the evidence before me, I find that the proposal would undermine distinctive components of the street scene contrary to paragraph 127c) of the National Planning Policy Framework (the Framework). This stipulates that planning decisions should ensure that developments are sympathetic to the local character and history, including the surrounding built environment.
15. Accordingly, I find that the proposal would have a harmful impact on the character and appearance of the area contrary to saved policies CP1 and CP8 of the Oxford Local Plan 2001-2016, November 2005. Amongst other things, both policies include criteria that development should be of a design that respects the character and appearance of the area. Furthermore, it would conflict with policy CS18 of the Oxford Core Strategy 2026, March 2011 which, amongst other things, states that planning permission will only be granted for development that demonstrates high quality urban design that responds appropriately to the site and its surroundings.
16. Additionally, it runs counter to some of the criteria in policy HP9 of the Sites and Housing Plan 2011-2026, February 2013, which include requirements that development should respect the context of the site and make a positive contribution to local character and distinctiveness.

³ Drawing No. A367-2, Appendix B, Appellant's Appeal Statement

Conclusion

17. For the reasons given above I conclude that the appeal should be dismissed.

Helen O'Connor

Inspector