



Appeal Decision

Site visit made on 7 January 2020

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 April 2020

Appeal Ref: APP/G3110/W/19/32321425

Rear of 13, Circus Street, Oxford OX4 1JR

- 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 Vivant c/o JPPC against the decision of Oxford City Council.
 - The application Ref 19/00818/FUL, dated 30 March 2019, was refused by notice dated 23 May 2019.
 - The development proposed is demolition of rear projection. Erection of two-storey extension to rear of frontage building to create 2x1-bed flats (Use Class C3). Associated works, including private amenity space and bin and cycle store.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposal would preserve or enhance the character and appearance of the St Clements and Iffley Road Conservation Area (SICA); and the effects of the proposal on the living conditions of occupants with regard to the quality of amenity space.

Reasons

Character and appearance

3. The appeal site as edged red on the submitted location plan¹ comprises land to the side and rear of 13 Circus Street (No 13). No 13 is a two-storey property at the end of a terrace in a simple form and design with brick façades under a slate ridged roof with gable ends. This property and the appeal site are prominently located on the corner of Circus Street and Alhambra Lane.
4. Alhambra Lane is a narrow vehicle/pedestrian access off Circus Street which is closed at its other end by a converted coach-house. It is fronted by largely subservient outbuildings in a range of styles which are mainly single storey with some two-storey buildings with modest heights as a consequence of incorporating first-floor accommodation in the roof space. There are also areas free of buildings which are used for vehicle parking and storage. These outbuildings and areas generally serve the rear of terraces that front Cowley Road and Iffley Road. The range of buildings and spaces give the lane a varied and settled appearance with no single building being unduly prominent.

¹ Drawing no 9/10

5. The appeal site faces Alhambra Lane and along with the foundations of a demolished garage it also incorporates a subordinate, part single and part two-storey rear wing to No 13 (flat 13b). This largely traditional element with its narrow plan form and open space about it is typical of those found with modest domestic terraced properties of this age and which characterise the historic pattern and form of development along this part of Circus Street, as evident in views from Alhambra Lane. As such, No 13 and the appeal site positively contribute to the SICA.
6. The main part of the extension has been designed to appear as a standalone dwelling with an active frontage to address Alhambra Lane. It is also subordinate in height to No 13. Nonetheless, the appeal site is generally wider than other plots along Alhambra Lane. Consequently, and despite the attention to materials and fenestration, with its elongated principal elevation and by filling the extent of its plot, along with being close to the boundary with the lane, the proposed extension would be unduly prominent compared to most of the buildings along Alhambra Lane, as well as dominating views of No 13 from along Alhambra Lane.
7. In addition, the principal element of the extension would be joined to No 13 by a flat-roofed recessed link which incorporates amenity areas for two of the existing flats at this property. Although this link would assist in reducing the overall mass of the extension, it also introduces expanses of brickwork with limited articulation which would appear particularly uncharacteristic. I am not persuaded that the subsequent personalisation of the proposed amenity areas would enliven this link.
8. Furthermore, as a consequence of the extent of development proposed to the rear of No 13, a series of enclosures are required along the side gable of No 13 for the storage of refuse/recycle bins and bicycles. In part, these enclosures are outside the appeal site and limited details are provided in respect of the materials for these. Nevertheless, such enclosures in the proposed location would be uncharacteristic of the area and highly prominent in views from both Circus Street and Alhambra Lane. Further, despite Alhambra Lane not being a main thoroughfare, the desirability of preserving or enhancing the character and appearance of the conservation area still applies.
9. For the above reasons, the proposal would introduce an unduly prominent and uncharacteristic form of development which reflects poor design quality and would fail to preserve or enhance the character and appearance of the CA. I consider such harm to be less than substantial.
10. Paragraph 196 of the National Planning Policy Framework ('the Framework') states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
11. I acknowledge that the development would improve the quality of the existing flats and provide additional accommodation. This would also generate construction activity. Therefore, there would be some social and economic benefits arising from the proposal. However, given the modest scale of the proposal, such benefits would be limited.

12. Having special regard to preserving or enhancing the character or appearance of the CA², despite finding the harm to be less than substantial, I still attach significant weight to this. Such harm can be outweighed by public benefits. Having given limited weight to the public benefits identified in this instance, they are not sufficiently forceful to outweigh the less than substantial harm that I have identified.
13. For the above reasons, the proposal is contrary to Policies CS18 of the Oxford Core Strategy 2026 (CS) and Policies HE7, CP1, CP6, CP8, CP9 and CP10 of the Oxford Local Plan 2001 to 2016, and Policy HP9 of the Sites and Housing Plan 2011-2026 (HP). Together the design aims of these policies seek to ensure that new developments preserve and enhance the character and appearance of conservation areas. This includes ensuring that proposals are of a high standard of design, which respond appropriately to the site and surroundings including historic or local character.
14. Accordingly, I also find conflict with relevant provisions of the Framework with regard to protecting the historic environment.

Living conditions

15. Based on the Council's evidence, the land to the rear of No 13 was historically accessible as communal amenity space for the four flats associated with No 13. Nonetheless, based on the present arrangement of No 13, it is only directly accessible from flat 13b. Therefore, despite this area being previously available for all the flats, it has limitations due to its accessibility. Irrespective, the loss of the existing amenity area needs to be considered in the context of the proposal.
16. With the exception of the attic accommodation at No 13, all the existing and proposed flats would incorporate outdoor terraces or balconies which meet with the Council's minimum size requirements. Despite the balcony and terrace area for flats 13b and 13e respectively, being an irregular shape, I am satisfied that overall these would provide sufficient space to accommodate a small table and chairs, along with providing drying out and circulation areas to meet the requirements for one-bedroom flats.
17. The outlook from the balcony for flat 13b would be onto the adjacent car park. Nonetheless, in the context of a built-up urban environment, some overlooking of this nature is likely. Therefore, I do not consider the proposed arrangement to be unacceptable. However, and notwithstanding its orientation, the terrace for flat 13e would be largely enclosed by fencing about 1.8m in height, this would significantly restrict the outlook and light available to it making it a particularly bleak and unsatisfactory space.
18. For the above reasons, the proposal fails to provide quality amenity space for the occupants of the development. I therefore find conflict with the aims of Policies CP1 and CP10 of the CS and Policy HP13 of the HP which amongst other things require high-quality design in proposals which cater for the outdoor needs of developments, including the usability of such spaces.

² Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

Other Matters

19. My attention has been drawn to previously approved schemes at the appeal site, which also include the incorporation of the area to the side of No 13. On the information available to me, these schemes are different in terms of design, scale, layout, landscaping and appearance and therefore not comparable to the appeal scheme. As such, I have determined the appeal scheme on its merits.
20. The appellant is willing to accept conditions to address details in relation to the enclosure for the terraced area to flat 13e, along with refuse and cycle storage. Nonetheless, in the absence of detailed schemes for these and given the sites sensitive conservation area location, I do not consider the use of conditions to be appropriate.

Conclusion

21. For the above reasons, and having regard to all matters raised, I conclude that the appeal should be dismissed.

M Aqbal
INSPECTOR