



Appeal Decision

Site visit made on 8 June 2020

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 June 2020

Appeal Ref: APP/G3110/W/20/3244676
16 Ladenham Road, Oxford OX4 6AZ

- 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 John Keown against the decision of Oxford City Council.
 - The application Ref 19/02567/FUL, dated 3 October 2019, was refused by notice dated 29 November 2019.
 - The development proposed is for the "Proposed erection of 2 x 1 bed flats on land adjacent to No. 16 Ladenham Road, OX4 6AZ".
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Decision

1. The appeal is dismissed.

Procedural matters

2. The Council has identified that the Emerging Oxford Local Plan 2036 (ELP) was submitted to examination in December 2019. Furthermore, the major and minor modifications to the Plan have been submitted for public consultation which ended in March. The Plan is due for adoption in the Summer. I have afforded significant weight to this Plan due to its advanced stage.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the streetscene,
 - The effect of the proposal on highway safety with particular respect to on-street parking, and
 - The effect of the proposal on the living conditions of future occupiers, with respect to privacy, outlook and private garden provision.

Reasons

Character and appearance

4. The appeal site consists of an end terrace dwelling. This dwelling includes a rear and side garden that includes a brick outbuilding. This has been connected to the main dwelling with a lean-to structure. The outbuilding is also connected to a similar structure that is part of the plot of 14 Ladenham Road (No 14). The immediate area consists of three groups of terraced dwellings. These overlook a green space in front with mature tree planting and a perimeter footway.

Accordingly, the dwellings only have pedestrian access to their frontages. The dwelling within the appeal site accords with this established character. The appeal site therefore makes a positive contribution to the character of the area.

5. The terraced rows create a well-defined perimeter block that address the open space in a considered manner. This includes some gaps between built form that make a positive contribution to the character of the area. The gaps retained around the corners of the terraced rows are of particular note, especially above ground floor level where they are pronounced. These create some visual balance to the built form and provide views beyond the enclosed space. The dwelling of the appeal site makes a positive and significant contribution to the gap in built form formed by one corner. The proposed development would extend to the side of the terraced row and largely remove the plot's existing first-floor gap. Although, a small gap would be created at ground floor, this benefit would not mitigate the sense of enclosure formed by the proposal and this small gap would not be perceived from wider views.
6. The proposal would be wider than the adjacent terraced properties. However, the effect of this extended width would not be overt due to its discrete corner location. Nevertheless, the proposal would look toward the side of No 14. Consequently, this would not address the nearby public space. This would therefore result in a constrained and awkward relationship to the public realm. As such, this would not complement or strengthen the existing character of the area.
7. The site is currently used as garden land in connection with No 16. Policy HP10 of the Oxford City Council Sites and Housing Plan 2011-2026 (2013)(S&HP) refers to development on residential gardens. This explains that such development would be supported provided that the proposal responds to the local character and takes into account the spacing of existing and surrounding buildings. Also, companion text at paragraph A3.10 explains that the policy aims to strike a balance between the contribution that gardens make to local character and the need to ensure suitable land can be used for well-designed residential development. The proposal would not be well designed in terms of layout and relationship to adjacent built form and would have a poor relationship to the surrounding buildings.
8. Accordingly, the proposal would not accord with policies CP1 and CP8 of the Oxford Local Plan 2001-2016 (2005)(LP) which seek, amongst other things for development to respect the character of an area and to integrate with the wider area. Furthermore, the proposal would be contrary to policy CS18 of the Oxford Core Strategy 2026 (2011)(CS) which seeks development that would contribute to an attractive public realm. The proposal would also fail to comply with policies HP9 and HP10 of the S&HP. These seek, amongst other things, for development to respond to the overall character, respect the site's context and for garden development to respond to the character and appearance of the area.

Highway safety

9. The proposed development does not include provision for parking. Parking provision within the local area consists of a combination of road-side, driveway and courtyard locations. Policy HP16 of the S&HP requires parking provision to accord with appendix 8 of the Plan. This requires that proposals, for infill housing without parking and outside of the City Centre, to robustly

demonstrate that it would not worsen or create parking congestion. This policy also states that car free parking will only be allowed in areas that have excellent access to public transport, are within a controlled parking zone (CPZ) and are within 800m of a supermarket or equivalent facility. It is not in evidence that the proposal would be located within such an area. Also, policy M3 of the ELP reinforces this approach in stating that car free schemes will only be permitted within a CPZ.

10. On my visit, I observed some capacity for on-street parking. However, this was during the day and I would expect demand to be higher in evenings and weekends. In fact, parking congestion has been identified as a local point of stress by the Highway Authority finding local parking demand to be high. Furthermore, this assertion has not been challenged in evidence. Also, the parking provision within the estate appears to be limited due to a combination of the layout and design of the estate and the narrow nature of local roads. This is of particular note as parking congestion can lead to anti-social parking, obstruction of driveways and parking in dangerous locations to the detriment of highway safety.
11. The site has good access to public transport and local services. The proposal also includes the provision of cycle parking. However, the appellant has not adequately or robustly demonstrated that the proposal would not contribute to the identified parking congestion. It is improbable that the proposal would have no effect on parking demand and would be likely to contribute towards parking congestion. The appeal site is not within an area of the City that is subject to the Council's car free policy. Having observed that local parking provision seems to be limited, I attach significant weight to the concerns raised by the Highway Authority. Moreover, the evidence does not lead me to conclude that the parking demand of the proposal would be insignificant. Accordingly, the anticipated on-street parking demand would be likely to lead to an adverse impact on highway safety.
12. As such, the proposal would not accord with policy HP16 of the S&HP. This policy requires car-free development to only be allowed in specific parts of the City and where it has been robustly demonstrated that it would not exacerbate existing parking congestion. Furthermore, the proposal would not accord with the National Planning Policy Framework (The framework) which requires development to be refused if there would be an unacceptable impact on highway safety.

Living conditions

13. The front facing windows of the proposal would look toward the side boundary wall and two-storey flank wall of No 14. The neighbouring property has a single-storey outbuilding and largely connecting extension that occupies most space to its side. No 14 also has two windows at first-floor that appear to consist of an obscurely glazed bathroom window and a landing window.
14. In terms of privacy, the distance between the landing window of No 14 and the proposal is relatively limited. As such, direct views would occur over this comparatively short distance into the proposed first-floor living room. Therefore, although the landing window serves a non-habitable room, this relationship would nevertheless result in a harmful effect. Subsequently, the proposed living room would be substantially overlooked. This type of relationship does not appear to be characteristic of the area and my attention

has not been drawn to any specific similar local cases. Whereas, the ground-floor flat would be overlooked to a lesser extent due to the elevation of the landing window.

15. Turning to the effect on outlook, the ground floor flat has two windows on its front elevation. The living room/kitchen window would be a short distance from the shared boundary wall. The boundary wall would have an oppressive effect on the outlook from this window due to its height and proximity. Although this room would also have a rear facing window this would not diminish the effect of the boundary wall. Accordingly, this relationship would have a significant impact on the outlook for occupiers of the ground floor flat. Furthermore, the separation distance to the two-storey side of No 14 would also be limited. The view from the first-floor living room window would be compromised due to the scale and proximity of the neighbouring gable end. Therefore, this relationship is awkward and would be harmful to the outlook of occupiers of both flats.
16. In terms of the provision of private garden space, Policy H13 of the S&HP requires flats to have access to direct and convenient areas of private open space. This also explains that one bed flats should have either a private balcony or terrace and for ground-floor flats to have access to a private/shared garden. The proposed ground-floor flat would have exclusive access to the rear garden, with no access provided for the first-floor flat.
17. The appellant's evidence¹ includes a survey of local parks and open space. This illustrates that there are areas of open space within a reasonable walking distance of the site. However, these would not adequately replace the policy requirement for the first-floor flat to have access to a private or shared outdoor area. Furthermore, the gap to the side of the proposal would be narrow and prevent easy access to the rear garden. Moreover, even if access by occupants of the first-floor flat was provided to the rear garden, its use would then have a significant impact on the privacy enjoyed by occupiers of the flat below due to the size of the garden. Consequently, taking these matters together, the proposal would fail to provide reasonable access to private space resulting in demonstrable harm to the living conditions of occupiers of the first-floor flat.
18. As such the proposal would be contrary to policies HP13 and HP14 of the S&HP. This seeks development to provide convenient access to private space and provide reasonable privacy for occupiers of new homes. Furthermore, the proposed development would not accord with policy CP10 of the LP which seeks development to be sited to ensure that it is orientated to provide a satisfactory outlook.

Other matters

19. The occupant of No 14 supports the proposal provided that it would not affect their intentions to extend in the future. Therefore, this support is of limited weight as the proposal could demonstrably affect the capability of No 14 to be extended in the future.
20. The Council has stated that the proposal would have adequate access to direct sunlight and daylight. The proposal has therefore been deemed to satisfy its 45-degree code as set out in Appendix 7 of the Council's S&HP. However, these are separate considerations to matters of outlook and privacy. Furthermore, an

¹ Appellant's Statement of Case- appendix 4

absence of harm in respect of sunlight and daylight can only be considered as neutral factors in the planning balance.

Conclusion

21. The Framework seeks to significantly boost the supply of housing. This includes the development of new housing on previously developed land including on garden land within built up areas such as found here. However, no identified material considerations outweigh the conflict found with the development plan.
22. Therefore, for the above reasons the appeal is dismissed.

Ben Plenty

INSPECTOR