



Appeal Decision

Site visit made on 14 July 2020

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 July 2020

Appeal Ref: APP/G3110/W/20/3247021

105 London Road, Headington, Oxford OX3 9AH

- 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 Simon Ryde (Bradford Securities Ltd) against the decision of Oxford City Council.
 - The application Ref 19/02853/FUL, dated 1 November 2019, was refused by notice dated 27 December 2019.
 - The development proposed is erection of 3 x 1-bed apartments (Use Class C3) at second floor level. Provision of bin and cycle stores and formation of new access to the rear.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 3 x 1-bed apartments (Use Class C3) at second floor level, provision of bin and cycle stores and formation of new access to the rear at 105 London Road, Headington, Oxford OX3 9AH in accordance with the terms of the application, Ref 19/02853/FUL, dated 1 November 2019, subject to the conditions set out in the attached Schedule.

Preliminary Matters

2. The description of proposed development shown on the Council's decision notice and the appellant's appeal form is more concise than that shown on the planning application form, and I have therefore used it in the heading above and the decision.
3. During the course of the appeal the Council adopted the Oxford Local Plan 2016 – 2036 (the OLP) on 8 June 2020 and I give full weight to the relevant policies. Policies CIP1, CIP4 and GSP4 of the Headington Local Plan 2017 – 2032 have been saved, the other policies set out in the decision notice have now been superseded. The Council and the appellant had the opportunity to comment on the new adopted policies.

Main Issues

4. The main issues are the effect of the proposed development on (i) the character and appearance of the building and the surrounding area, and (ii) the living conditions of the occupiers of neighbouring properties, with particular regard to outlook and privacy.

Reasons

Character and appearance

5. The appeal property is an attractive 2 storey building located in a prominent corner position in Headington District Centre. The external elevations are constructed in red brick, including brick and stone detailing, and the fenestration comprises sash windows with vertical proportions. A ground floor bay window and stone portico are positioned on the London Road and Old High Street elevations respectively. Whilst the existing 2 storey side/rear extension does not provide the same quality of materials and detailing as the original building, the overall composition makes a positive contribution to the character and appearance of the area. The building is identified in the Headington Neighbourhood Plan Character Assessment as a Historical Asset, and I consider that it should be regarded as a non-designated heritage asset due to its architectural and historic significance.
6. The proposal would see the introduction of a second floor extension, finished in vertical metal cladding with a bronze anodised finish. The height of the extension would be proportionate to the existing building, and its set-back from the external walls would provide a subservient appearance. It would not appear top-heavy or dominant in relation to the existing building. Furthermore, given the location of the appeal site on a corner plot, the additional height would integrate satisfactorily with the townscape, which includes taller buildings.
7. There would be an appropriate contrast in materials to enable old and new to be read, and this would help break up the bulk of the elevations. The proposed bronze anodised finish of the cladding would be sympathetic to the red brick of the existing building.
8. The massing of the proposal would be further aided through the stepped footprint and the step down in height along Old High Street. This ensures that the proposed extension would respect the proportions of the existing building and not appear bulky. Furthermore, the fenestration would respond to the existing building because the proposed windows would align appropriately with the first floor windows below, and they would have elegant vertical proportions to reflect the existing windows.
9. I appreciate that the Council has concerns about views of the proposal from the west. Nevertheless, given that the appeal property adjoins No 103 I do not consider it unreasonable that the western side elevation of the front part of the extension would have limited articulation. Furthermore, views of the proposal from the west in London Road would be restricted by existing buildings.
10. For these reasons, I conclude that the proposal would preserve the character and appearance of the building and the surrounding area. The proposal would therefore accord with Policies DH1, DH2 and DH5 of the OLP and Policies CIP1, CIP4 and GSP4 of the Headington Local Plan 2017 - 2032. These policies, amongst other things, seek high quality design that creates or enhances local distinctiveness; and development that has regard to the impact on the significance of a local heritage asset, and its design is informed by the significance of the asset and its conservation.

Living conditions

11. No 103 London Road includes a first floor flat. The evidence before me shows that the neighbouring property has a first floor rear bedroom window adjacent to the boundary with the appeal site. There is already a degree of enclosure to this window due to its recessed position between the 2 storey rear extension of that property and the existing side wall of No 105. Whilst the proposal would result in additional built form, its set-in from the boundary would ensure that the additional impact on the outlook from the neighbouring bedroom would be limited. Consequently, the proposal would not cause significant harm to the living conditions of the occupiers of the first floor flat No 103.
12. No 4 Old High Street has windows in the southern side elevation, including a principal bedroom window, that overlook the car park of the appeal site and the rear of the commercial buildings in London Road. The Council states that the existing building is around 16 metres from the neighbouring property at its closest point. Whilst the proposal would introduce additional built form, given the level of separation that would be maintained it would not appear overbearing or cause an unacceptable sense of enclosure to the neighbouring windows.
13. Turning to privacy, the existing building already has first floor rear windows that look towards the side windows of No 4. I appreciate that the commercial use of the existing building limits the hours of the day that it is likely to be occupied. Nevertheless, whilst the proposed residential use would increase the level of occupation, the separation provided between the proposed second floor rear windows and the side windows of No 4 would be appropriate in an urban environment. Consequently, the proposal would not cause a significant loss of privacy to the occupiers of No 4.
14. In respect of the proposed rear balcony, the Council acknowledges that it is unlikely that there would be direct overlooking due to the position of the neighbouring bedroom window in relation to the balcony. I appreciate the Council's concerns in respect of a perceived loss of privacy, however the balcony would be modest in size and would serve only one dwelling. Taken together with the limited opportunities for direct views, the proposal would not cause a significant loss of privacy to the occupiers of No 4.
15. For the above reasons, I conclude that the proposed development would not cause significant harm to the living conditions of the occupiers of neighbouring properties, with particular regard to outlook and privacy. The proposal would therefore comply with Policies H14 and RE7 of the OLP, which seek to safeguard the amenity of neighbouring properties.

Other Matters

16. I have had regard to the objection from a local resident, which, in addition to the above issues relating to privacy and outlook, raise concerns in respect of loss of light to No 4 Old High Street and additional noise from the proposed development. The officer's report states that the proposed development would not cause a detrimental loss of light to No 4 because the level of separation means that the proposal would comply with the 45 degree guidelines from the windows of No 4. I agree.

17. The north-facing balcony would not generate a significant increase in noise because it would be modest in size and would serve only one flat. Furthermore, the position of the balcony above the neighbouring windows, at a separation of around 16 metres, would limit noise transmission to the neighbouring windows.
18. The officer's report states that the proposed development would not harm the setting of the Old Headington Conservation Area. Given my findings on the first main issue and the distance to the Conservation Area, I see no reason to take a different view. Furthermore, I have had regard to the objection from Headington Heritage, however this would not alter my decision.

Conditions

19. In addition to the standard time limit condition, I have imposed a condition requiring the development to be carried out in accordance with the approved plans as this provides certainty.
20. A condition to require approval of the external materials of the development is necessary in order to protect the character and appearance of the building and the surrounding area. In the interests of proper planning and to avoid any potentially abortive works, it is appropriate that the materials should be approved prior to the installation of the external finishes.
21. A condition relating to details of bin and cycle storage provision is necessary to maintain the character and appearance of the area and to meet sustainable transport objectives.
22. Conditions relating to water efficient design and the submission of an energy statement are necessary to minimise the environmental impact of the proposed development, in accordance with Policy RE1 of the OLP. In order to avoid any potentially abortive works, it is appropriate that the energy statement should be approved prior to the commencement of development.
23. A condition to require the submission of a construction traffic management plan for approval is necessary in the interests of highway safety. As this condition relates to activity throughout the construction phase, a pre-commencement condition is justified.
24. A condition to require the submission of a scheme to provide that the residents of the proposed development have no entitlement to residents parking permits or visitor permits is necessary. This is in order to prevent additional parking in surrounding roads and encourage the use of sustainable transport facilities, in accordance with Policy M3 of the OLP.

Conclusion

25. For the reasons given above, and having had regard to all matters raised, I conclude that the appeal should be allowed.

C Osgathorp

INSPECTOR

Schedule of Conditions

- 1) The development to which this permission relates shall be begun within a period of three years commencing on the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved drawings:-

340/P/001; 340/P/002; 340/P/003 Rev A; 340/P/004 Rev A; 340/P/005 Rev B; 340/P/006; and 340/P/007.
- 3) Prior to their installation, samples of the materials to be used in the external elevations of the development hereby permitted shall be provided to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved materials.
- 4) Prior to the commencement of the development hereby permitted, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall identify:
 - The routing of construction vehicles;
 - Access arrangements for construction vehicles;
 - Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

Construction work for the development hereby permitted shall be carried out only in accordance with the approved plan.

- 5) Prior to the commencement of the development hereby permitted, an energy statement shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved statement.
- 6) Prior to the occupation of the development hereby permitted, details of cycle storage and bin storage, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the storage areas and means of enclosure have been provided within the site in accordance with the approved details. Thereafter the storage areas shall be retained solely for the purpose of the storage of cycles and bins.
- 7) Prior to the occupation of the development hereby permitted, a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development have no entitlement to residents parking permits and residents visitor parking permits (other than a disabled person's badge issued pursuant to section 21 of the Chronically Sick and Disabled Persons Act 1970 or similar legislation). The approved scheme shall be implemented prior to the occupation of the development and shall be retained and operated for so long as the use hereby permitted continues.
- 8) The development hereby permitted shall not be occupied until the Building Regulations (2010) Approved Document G sanitation, hot water safety and water efficiency, Category G2 water efficiency, Optional requirement G2 36 (2)(b) has been complied with.