The Planning Inspectorate

Appeal Decision

Site visit made on 11 August 2020

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 August 2020

Appeal Ref: APP/G3110/W/20/3252217
65 Ferry Road, Oxford OX3 0EU

- 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 William Hogg against the decision of Oxford City Council.
- The application Ref 19/03355/FUL, dated 20 December 2019, was refused by notice dated 20 March 2020.
- The development proposed is the demolition of an existing single dwelling and the erection of a new single dwelling.

Decision

1. The appeal is allowed and planning permission is granted for the demolition of an existing single dwelling and the erection of a new single dwelling at 65 Ferry Road, Oxford OX3 0EU in accordance with the terms of the application, Ref 19/03355/FUL, dated 20 December 2019, subject to the following conditions:

    1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

    2) The development hereby permitted shall be carried out in accordance with the following approved plans: Existing and Proposed Site Plans drawing no. 1902-02-01 Rev B; Existing and Proposed Plans drawing no. 1902-03-01 Rev B and Existing and Proposed Elevations drawing no. 1902-05-01 Rev B.

    3) Prior to their installation details of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

    4) The cycle and bin storage shown on drawings numbered 1902-03-01 Rev B & 1902-05-01 Rev B shall be provided prior to the first occupation of the dwelling and thereafter retained for those purposes.

    5) The dwelling shall not be occupied until a surface water drainage scheme utilising sustainable drainage methods previously agreed in writing with the local planning authority has been implemented.

    6) The dwelling shall not be occupied until (a) the relevant requirements of level of energy performance equivalent to ENE1 level 4 of the Code for Sustainable Homes have been met and the details of compliance provided to the local planning authority, and (b) the Building Regulations Part G

sanitation, hot water safety and water efficiency, Category G2 water efficiency, Optional requirement G2 36 (2) (b) has been complied with.

Procedural Matters

2. Since the Council made its decision the Oxford Local Plan 2036, June 2020 (LP) has been adopted. Accordingly, policies CP1 and CP8 of the Oxford Local Plan 2001-2016, November 2005, policy CS18 of the Oxford Core Strategy 2026, March 2011 and policy HP9 of the Sites and Housing Plan 2011-2026, February 2013 as cited on the decision notice no longer form part of the development plan. Policy DH1 of the LP which refers to high quality design and placemaking replaces those policies and is broadly similar in seeking high quality design that is responsive to its context and local character. Given the advanced stage of preparation of the LP at the time of the decision, both parties have had the opportunity to refer to policy DH1 as part of the appeal. Therefore, I am satisfied that neither party would be prejudiced by this change in policy circumstances.

3. During the course of the application the appellant submitted revised plans[1]. These made minor adjustments to the siting, eaves and ridge height and detailing of the proposed dwelling. I have made my determination based on the revised proposal.

Main Issue

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

Reasons

5. Ferry Road predominantly comprises two storey residential development. There is some variation in the house form, materials and detailing which reflects the evolution of the street over time. Nevertheless, coherence is derived from the mostly two storey structures, which have open aspects fronting onto the street with a similar set back. The close spacing of the dwellings gives a broadly regular rhythm and sense of enclosure. Overall, this results in a pleasant, visually interesting residential street.

6. The appeal site accommodates an unassuming detached bungalow which due to its limited height, shallow roof pitch and wider than average plot undermines the common characteristics of other dwellings in the street. The presence of the flat roofed garage to the side exacerbates the width of the plot and emphasises the gap between the bungalow and the adjacent dwelling. This weakens the sense of enclosure and rhythm in the street scene. Accordingly, although it respects the established set back, to a limited extent the existing dwelling detracts from the overall character and appearance of the area.

7. A replacement two-storey detached dwelling of a contemporary design is proposed. The siting of the house would respect the general building line and set back established within the street. This is shown in the comparative illustrations for the street and dwellings either side[2]. I observed that there were some slight differences in the set back of properties within Ferry Road and therefore, some modest variation forms part of the character and appearance.

[1] Drawing Nos 1902-02-01 Rev B; 1902-03-01 Rev B and 1902-05-01 Rev B
[2] Appendix 5 Building Lines of Adjacent Properties and Appendix 6 Building Lines of Ferry Road, Appellant's Grounds of Appeal

The proposed siting falls within the tolerances established. Although much of the front façade would project forward of the adjacent property at 63 Ferry Road, the difference is marginal in this context. Moreover, it would not project as far as the main building for 69 Ferry Road on the other side. As such, it would suitably integrate with the established layout and would reinforce rather than dominate the overall character.

8. A distinctive part of the development would be three gables of differing width and projection. The ridge and eaves heights used would be broadly comparable to the dwellings either side. Although the highest ridge height of the largest gable would be slightly higher, this is tempered by the other two gables which would be equivalent or below the buildings either side[3]. Consequently, the overall effect would not appear unduly high or prominent.

9. Furthermore, the use of three gables would articulate the front elevation at the most publicly visible part of the building. This would break up the overall mass of the building and counteract the width of the plot, thereby reinforcing the enclosure and rhythm elsewhere in the street scene. The use of gable fronted buildings is reasonably prevalent in Ferry Road and there are examples opposite to the site and the proposal would replace a gable fronted bungalow.

10. The Council raises concerns that the proposed gables would not be equally sized and that as a result, the middle gable would appear cramped and at odds with the character of the area. However, I observed an assortment of roof pitches and forms in Ferry Road, which the examples highlighted by the Council partially serve to illustrate. This does not result in such a strong sense of uniformity such that it leaves no room for creativity in the way gables could be utilised. Moreover, the proportions of the gables used are a response to the unusual width of the site whilst reflecting that the development remains a single dwelling. To my mind this is an example of how the proposal would have a distinctive but complementary character informed by the unique characteristics of the site as encouraged in the Design Checklist of the LP[4].

11. This approach accords with paragraph 127c) of the National Planning Policy Framework which stipulates that planning policies and decisions should ensure that developments are sympathetic to local character whilst not preventing or discouraging appropriate innovation or change.

12. Accordingly, I find that the proposal would not be harmful to the character and appearance of the area and would instead enhance local distinctiveness. It follows that I find no conflict with policy DH1 of the LP which seeks high quality design which, amongst other things, meets key design objectives and principles described in the Design Checklist of the LP.

Conditions

13. The three year period in which the planning permission may be implemented is a statutory requirement and I also consider that it is necessary to specify the plans that are approved and that the development shall be undertaken in accordance with these, as this provides certainty.

14. As the materials referred to on the submitted plans are somewhat generic, a condition to agree the details of the external materials to be used is necessary

[3] Appendix 7 Ridge and Eaves Heights, Appellant's Grounds of Appeal
[4] Plots and Buildings, Appendix 6: Chapter 6, Design Checklist of LP

as this contributes towards the overall quality of the design and its contribution towards local distinctiveness.

15. The submitted plans show details of the proposed bin storage and cycle storage provision and the Council have not raised any specific concerns in relation to these. On this basis, there appears to be no need to require further details to be submitted and agreed. Nevertheless, a condition is imposed to require their provision prior to the occupation of the dwelling and retention thereafter so to ensure that suitable provision is made.

16. The Council have suggested a detailed pre-commencement condition regarding surface water drainage. However, the evidence does not suggest that the site is at risk of flooding notwithstanding the Council's reference to policy RE3 of the LP. Even so, policy RE4 of the LP does state that all development proposals will be required to manage surface water through sustainable drainage systems or techniques. Accordingly, I have imposed a simplified condition to require this that is more proportionate to the modest scale of the proposal. Furthermore, Planning Practice Guidance (PPG) states that pre-commencement conditions should only be used where there is a clear justification, which is likely to mean that the requirements of the condition are so fundamental to the development permitted that it would otherwise be necessary to refuse the whole permission. I am not convinced a pre-commencement condition is justified in these circumstances as the details of surface water management need only be agreed prior to occupation of the replacement dwelling.

17. Policy RE1 of the LP includes specific requirements for new residential development regarding sustainable design and construction standards. These cover carbon reduction measures and require the optional higher water efficiency measures for new development of 110 litres per person per day as set out in Building Regulations Part G2 developments to encourage development that minimises the use of resources. The optional higher water standard would not otherwise apply under the general building regulations. Accordingly, a condition to require adherence to these measures is necessary and reasonable.

18. PPG further states that it is important to ensure that conditions are tailored to tackle specific problems, rather than standardised or used to impose broad unnecessary controls[5]. As no specific justification is given for the suggested condition to remove the majority of permitted development rights normally afforded to householders, I am not convinced that the proposed condition would pass the test of necessity and I have therefore, not imposed it.

Conclusion

19. For the reasons given above I conclude that the appeal should be allowed.

Helen O'Connor

Inspector

[5] Paragraph 001 ID 21a-001-20140306