
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: 13 August 2020

Appeal Ref: APP/G3110/D/20/3252934

81 Oliver Road, Oxford OX4 2JH

- 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 Mrs Shahnaz Akhtar against the decision of Oxford City Council.
 - The application Ref 20/00111/FUL, dated 11 January 2020, was refused by notice dated 6 April 2020.
 - The development proposed is the demolition of the existing rear extension and erection of a single storey rear extension, insertion of 1no. window to north elevation, 1no. rooflight to north elevation and insertion of 3 no. windows to east elevation.
-

Decision

1. The appeal is dismissed.

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, policy CS18 of the Oxford Core Strategy 2026, March 2011 and policy HP9 of the Oxford City Council 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. The LP was at an advanced stage of preparation at the time of the decision, which is reflected in the then emerging policy DH1 being cited on the decision notice. Moreover, the appellant has referred to policy DH1 as part of her appeal statement¹ and there have been no fundamental changes upon adoption. 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 to remove a first floor rear extension. Accordingly, I have taken the description of development from that given on the appeal form and decision notice rather than the original planning application form, as this reflects the revision.

Main Issue

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

¹ Paragraphs 5.13 and 7.21, Appellant's Appeal Statement

Reasons

Character and appearance

5. Oliver Road comprises mostly of two storey traditional residential dwellings arranged in short terraces or semi-detached houses. The layout and appearance reflect a distinction between the more formal, prominent front elevations of the dwellings in contrast to the long gardens and associated outbuildings, that are generally located to the rear of the dwellings. The regular plots and configuration of built form results in a well ordered, spacious sub-urban character to the area. 81 Oliver Road is an end of terrace dwelling that generally accords with the attributes typically seen in the area. As such, it reinforces the prevailing character and appearance.
6. The proposal would replace the existing single storey rear extension with a larger one that would project some considerable depth from the original rear facade of the property, and across the full width of the plot. The depth of the projection would be broadly equivalent to the depth of the main body of the host dwelling. This would result in a development, albeit single storey, that would have an elongated appearance disproportionate to the original dwelling that would encroach to an unacceptable extent into the rear garden. Consequently, it would adversely erode the spacious sub-urban layout to the detriment of the character and appearance of the area. This would not be fully addressed by the use of sympathetic materials.
7. The restricted height and siting of the extension to the rear of the main house reduces its prominence in the street scene which would, to a certain extent, mitigate the harm. Nevertheless, it would be visible from the adjacent access to nearby rear gardens, as well as in private views from a number of nearby properties.
8. I acknowledge that many properties in the vicinity, including the appeal property, have had alterations and extensions at the rear and in addition, most have some form of detached domestic outbuilding. Consequently, the greater variety and informality to the rear of dwellings forms part of the surrounding settlement pattern. Even so, my observations of the site were that the depth of the built form proposed would be generally greater than the rear extensions in evidence in the immediate vicinity. This would be to such a degree that it would appear incongruous in this context.
9. Reference is made to planning permissions for single storey rear extensions concerning other end of terrace properties on the northern side of Oliver Road. The closest example to the appeal site is at 65 Oliver Road². Although the delegated report indicates that the proposal was large and bulky, reference is made to the extension of 5.3m which was not considered to be significantly detrimental. Nevertheless, based on the plans provided this measurement appears to be taken from the already extended property and so cumulatively, the extension would have a depth broadly similar to the proposal before me. However, in my view, it serves to illustrate that extensions of significant depth diminish the prevailing layout and have a negative impact. As such, it would not justify allowing more such developments.

² Planning reference 17/02013/FUL, Appendix C of Appellant's Appeal Statement

10. The other cases highlighted³ appear materially different to the appeal proposal in that 33 Oliver Road, at approximately 6m in depth, is markedly smaller by comparison. Furthermore, based on the limited information provided, the example at 57 Oliver Road appears to replace an existing conservatory of a similar depth. Moreover, these two examples are located some distance from the appeal site and consequently, do not form part of its immediate context. As such, they are of limited weight. In any event, the proposal must be determined on its own planning merits
11. My attention is drawn to paragraph 126 of the National Planning Policy Framework (the Framework) which encourages the provision of maximum clarity about design expectations at an early stage, whilst allowing a suitable degree of variety where this would be justified. However, policy DH1 of the LP refers to the design checklist in Appendix 6.1 of the LP and stipulates that planning permission will only be granted where proposals are designed to meet the key design objectives and principles for delivering high quality development contained within it. Consequently, this broadly accords with paragraph 126 of the Framework. The checklist is intended to inform design proposals and includes guidance on the design and alteration of buildings by asking whether the proposal respects the form, scale, character and appearance of the existing building⁴. For the reasons outlined, the proposal before me would fail to do so.
12. Accordingly, I find that the proposal would be unacceptably harmful to the character and appearance of the area contrary to policy DH1 of the LP. This policy states, amongst other matters, that planning permission will only be granted for development of high quality design that creates or enhances local distinctiveness.

Other matters

13. The proposal would provide additional and improved internal accommodation beneficial to the appellant and her family which the restrictions experienced during the Covid-19 pandemic have emphasised. Nevertheless, these benefits do not address nor outweigh the harm I have identified to the character and appearance of the area.
14. Furthermore, the acceptability of the proposal in terms of the impact on the living conditions of neighbouring residents is a neutral factor, as this is a matter that would have been required in any event, to meet the policies of the development plan.

Conclusion

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

Helen O'Connor

Inspector

³ Planning reference 19/00774/FUL 33 Oliver Road and 57 Oliver Road, Appendices B and D of Appellant's Statement of Case

⁴ Appendix 6.1, Design and alteration of buildings, p224 of LP