The Planning Inspectorate

Appeal Decision

Site visit made on 20 July 2020

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 August 2020

Appeal Ref: APP/G3110/D/20/3248923
30 Old High Street, Headington, Oxford, Oxfordshire OX3 9HN

- 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 Kendrick against the decision of Oxford City Council.
- The application Ref 19/02528/FUL, dated 26 September 2019, was refused by notice dated 20 December 2019.
- The development proposed is for single-storey rear and side extensions, loft conversion with dormer window and internal alterations to form improved residential accommodation.

Decision

1. The appeal is dismissed.

Procedural matters

2. The Oxford Local Plan 2036 (LP) has been recently adopted. Therefore, policies referred to in the Council's Decision Notice in regard to the 2005 Oxford Local Plan, Core Strategy and Sites and Housing Plan, have been replaced with similar policies within the LP. I will take this into account, which I do not consider would cause prejudice to any party.

Main Issue

3. The main issue is whether the proposed extension and dormer window would preserve or enhance the character and appearance of the Old Headington Conservation Area (CA).

Reasons

4. The appeal site is within a row of dwellings of various styles. These are generally two-storey and consist of semi-detached and detached properties. They are mostly of traditional design, being brick with pitched roofs. The appeal site is one of two similar style of dwellings in the immediate area. The appeal dwelling includes many interesting architectural details including a two-storey front projecting bay window with stone surround. It also has a two-storey rear return with brick and rendered elements. The building appears to be largely unaltered externally. It therefore retains an ordered arrangement of form, consisting of a narrow rear return behind a wider front element. Overall, the appeal site makes a positive contribution to the character and appearance of the area.

5. My statutory duty[1], requires me to pay special attention to the desirability of preserving or enhancing the character and appearance of the conservation area. Furthermore, paragraph 193 of the National Planning Policy Framework (the Framework) requires great weight to be given to an asset's conservation when considering the impact of a proposal on its significance. The site is within the Historic Core zone of the CA. The significance of the CA derives partly from its green surroundings provided by mature trees and gardens, the survival of many traditional buildings and the quality of views through the area. Although the appeal dwelling is not specifically identified as a positive building in the Council's character appraisal, it nevertheless makes a positive contribution to the streetscene.

6. The proposed single-storey extension would project to the side and rear of the ground floor. However, it would conflate the front and rear components of the dwelling with an incoherent form. Consequently, this would not follow or contribute positively to the established form of the property. It would also introduce discordant roof elements that would reinforce the lack of coherence. The proposed side gable features and the orientation of adjacent roof planes would fail to follow the established design of the dwelling. The proposed extension would therefore pay insufficient regard to the form and arrangement of the design elements of the original dwelling.

7. Turning to the dormer window, this would be a tall and prominent addition to the roof scape of the dwelling. Although, not clearly evident from the public realm, it would nevertheless be an overt addition. The proposal would be an isolated feature on the roof with limited common features to the dwelling. Its window would also be wider than existing first floor windows, thus contributing to its discordant nature. Moreover, the proposal would contrast with the design of the rear return, which has a distinctive mono-pitched roof. Therefore, whilst consideration has been made to avoid these two elements merging, the resultant effect would be the creation of an isolated feature. This separation would further emphasise its prominence. The proposed dormer would therefore have a harmful effect on the character of the existing dwelling.

8. During my visit, I observed that there were dormers on the rear roof planes of several local dwellings including 28 and 38 Old High Street. However, these dormer windows are large box dormers that occupy the width of the dwellings. These dwellings do not have a two-storey rear projection and therefore contribute a more balanced addition to each dwelling. They are also of significantly different design to the appeal dwelling. Accordingly, whilst the dormers have flat roofs, they do not create the harmful contrast of elements found with the proposal. As a consequence, the proposal would not preserve or enhance the character and appearance of the conservation area.

9. The proposed extensions would therefore not satisfy policies DH1 and DH3 of the LP. These seek development that accords with the principles of delivering high quality development and to respond positively to the significance and distinctiveness of a heritage asset. The proposal would also not accord with policies CIP1, CIP4 and GSP4 of the Headington Neighbourhood Plan 2017-2032 (2014). These require development to respond to and enhance local character, address the significance of heritage assets and respond to the scale and character of an area. These policies are in general conformity with the

[1] section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990

Framework which seek development to be sympathetic to the local character and to sustain the significance of heritage assets.

10. In terms of the advice in paragraph 196 of the Framework, the harm to the conservation area would be 'less than substantial' affecting only its immediate surroundings. The Framework sets out the need to address 'less than substantial harm' in a balanced manner against the public benefits associated with such schemes. The appellant has not advanced any specific public benefits that might outweigh the identified harm.

Other matters

11. A Certificate of lawfulness[2] for the appeal property illustrates that a smaller scheme could be implemented as permitted development. However, I find that the design of that scheme would complement the form of the appeal dwelling. This would not therefore represent a less desirable outcome if implemented. I also do not find that a rooflight would be of greater harm than the proposed dormer. The fall-back is therefore only of limited weight in my consideration of the impact of the proposal.

12. Examples of approved extensions and dormer windows within the wider area have been submitted in evidence. Many of these relate to historical decisions and I cannot be satisfied that they were therefore made in the same policy context. Nevertheless, it seems that most of these examples complement their host dwellings. The dormer designs of No 22 and 24 have some common characteristics with the proposed dormer. However, both are more integrated with existing features of the host dwelling. They are also lower on the roof slope and are more discrete in comparison to the proposal. Accordingly, although each case must be considered on its own merits, I do not find that locally approved development has established a clear precedent for the proposal. Furthermore, the approach to such proposals by other Local Planning Authorities, referred to in evidence, has no bearing on the merits of this proposal.

Conclusion

13. For the above reasons, the appeal does not succeed.

Ben Plenty

INSPECTOR

[2] Certificate of Lawfulness Reference: 19/01075/CPU