
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: 19 August 2020

Appeal Ref: APP/G3110/D/20/3251077

22 Bateman Street, Oxford OX3 7BG

- 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 Mohammed Saddiq against the decision of Oxford City Council.
 - The application Ref 20/00074/FUL, dated 9 January 2020, was refused by notice dated 5 March 2020.
 - The development proposed is a single storey side extension to form a garage.
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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, CP8 and CP10 of the Oxford Local Plan 2001-2016, policy CS18 of the Oxford Core Strategy 2026, March 2011 and policies HP9 and HP13 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. However, policies DH1 and H16 of the LP which refer to high quality design and placemaking and outdoor amenity space standards respectively, cover broadly similar territory. Furthermore, given the advanced stage of preparation of the LP at the time of the decision the then emerging policies are cited on the decision notice. The appellant has been given the opportunity to comment on the LP as part of the appeal. Therefore, I am satisfied that my consideration of the LP would not result in prejudice.
3. For the avoidance of doubt, policies CIP1 and GSP4 of the Headington Neighbourhood Plan 2017-2032 (NP), also cited on the decision notice, remain part of the development plan.

Main Issues

4. The main issues are the effect of the proposal on (i) the character and appearance of the area and (ii) the living conditions of future occupants having particular regard to the provision of garden space.

Reasons

Character and appearance

5. Bateman Street is a predominantly residential street within a network of streets arranged in a broadly grid-like layout. Although there is some variety in the

age and appearance of dwellings, there are a notable number of Victorian and Edwardian terraced or semi-detached houses presenting directly, or closely, onto the street. This is characteristic of New Headington and roads east of Windmill Road within which the appeal site is situated and is referred to in the Area 11 Character Assessment underpinning policy CIP1 of the NP. The coherence derived from their relatively simple form, regular plot rhythm and historical detailing is particularly distinctive and contributes positively towards the street scene. Overall, notwithstanding some variety in the built form, the street has a pleasant, traditional character and appearance.

6. 22 Bateman Street is an end of terrace dwelling in a group with 18 and 20 Bateman Street. In comparison to nos. 18 and 20 it has undergone considerable alteration and extension including a two-storey side extension, alterations to the window proportions, introduction of dormer windows, application of render and the provision of hardstanding to the front of the dwelling. Cumulatively, these alterations dilute the traditional character and appearance of the terraced group. Nevertheless, vestiges of the traditional characteristics of the building are discernible from its generally simple form and direct relationship to the street. Furthermore, as the two-storey side extension is broadly equivalent to the width of the original dwelling, it balances the width of nos. 18-20 taken together, and respects the rhythm of the terrace overall.
7. The proposal would add a single storey lean-to garage to the side of the dwelling. In isolation the proposed extension is modest in scale. However, in this context it would cumulatively extend the width of no.22 even further. This elongation, in combination with the proportions of the garage door opening, would give a horizontal emphasis to the building. Consequently, it would undermine the balance and vertical rhythm of the terraced group as a whole, and further dilute the traditional appearance of No.22.
8. In addition, the proximity and open aspect of the terrace to the street would mean that this would be particularly visible in the public domain from Bateman Street, some views from New High Street and in terminating views from Perrin Street. This would exacerbate the harm.
9. Reference is made to the variety of buildings and alterations within the vicinity of the appeal site. I acknowledge that the context does include some single storey flat roof garaging and less than traditional developments. Nevertheless, although these form part of the street scene, they tend to weaken the overall sense of place. Policy DH1 of the LP stipulates that planning permission will only be granted for development of high quality design that creates or enhances local distinctiveness and is therefore, seeking to reinforce high quality design or raise the standard of design quality. As such, and consistent with the design checklist approach set out in Appendix 6.1 of the LP, elements in the surrounding area that have a negative impact should form part of a contextual analysis, but it does not follow that they set a template for future design proposals.
10. Furthermore, even though the appeal site may not be within a conservation area, this does not indicate that it lacks local distinctiveness or any attributes worthy of enhancement. Neither does the absence of objections from local amenity groups lead me to a different view.
11. The appellant asserts that the continuation of the terrace at single storey level would have a vernacular design and be typical of the area. However, my

observations were that lean-to single storey garaging was not a prevalent feature of the Victorian and Edwardian terraced houses nearby.

12. I accept that the modest scale of the proposal overall would mitigate against the degree of resultant harm. Nevertheless, this would not obviate the harm entirely and is therefore, insufficient justification to allow the proposal.
13. Accordingly, I find that the proposal would fall short of a high quality design that creates or enhances local distinctiveness and would therefore, be harmful to the character and appearance of the area contrary to policy DH1 of the LP. In addition, it would conflict with policies GSP4 and CIP1 of the NP which, amongst other matters, require development to respect and respond appropriately to the local character of the area.

Living conditions

14. From the information provided, No.22 is an existing house in multiple occupation¹ providing seven bedrooms across three floors. The proposed garage would not alter this arrangement.
15. Policy H16 states that planning permission will only be granted for dwellings that have direct and convenient access to an area of private open space and sets out standards according to the size of dwelling. For houses of 1 or more bedrooms a private garden of adequate size and proportions for the size of house proposed, should be at least equivalent in size to the original building footprint. The explanatory text for the policy states that new homes should provide some open space that allows the occupants to enjoy fresh air and light in privacy². On this basis, it is reasonable to suppose that car parking space would not comprise outdoor amenity space. Furthermore, whilst the policy is applicable to the assessment of new dwellings, it is not expressly stated that the standards apply when alterations are proposed to existing dwellings, such as in the case before me.
16. The appellant indicates that the intended area for the proposed garage is currently used for car parking and I have seen little evidence to show otherwise. At my visit I observed the area was paved providing hardstanding with no obvious planting, seating area or drying facilities in evidence. Furthermore, given the open aspect and proximity to the street, it would not represent a private or secure space for such activities. Accordingly, although the Council refers to this area as outdoor amenity space³, its appearance and primary function are not commensurate with this, rather it is a parking space.
17. Limited provision of outdoor space exists to the rear of the building which would remain the case as part of the proposal. The Council states that this area measures approximately 22.5sqm relative to the original footprint of the building at approximately 52.5sqm⁴. This suggests that the existing configuration of amenity space for the house in multiple occupation already falls short of the standards in policy H16 of the LP. This would remain unchanged as a result of the proposal. The Council's objection is largely predicated upon the space in question currently comprising outdoor amenity

¹ Paragraph 2.1 Appellant's Appeal Statement and Existing Floor Plans drawing number 22bateman1.4.1

² Paragraph 3.71 LP

³ Council's delegated report

⁴ Council's delegated report

space in order for harm to arise from its loss. The balance of evidence before me shows otherwise.

18. Accordingly, whilst I accept that the garden space at the site may not be ideal, the evidence does not show it would be materially worsened or reduced as a result of the proposal. The existing shortfall in outdoor space provision when assessed against policy H16 of the LP would remain unchanged. In these circumstances, I do not find that tangible harm to the living conditions of future occupants having regard to the provision of garden space would arise as a result of the proposed development. On this basis, it would not amount to a conflict with policy H16 of the LP.

Other matters

19. The acceptability of the proposal in terms of highway safety and the impact on the living conditions of neighbouring residents are neutral factors, as these are matters that would have been required, in any event to meet the policies of the development plan. Accordingly, they do not surmount the harm identified to the character and appearance of the area.

Conclusion

20. Although I did not find harm in relation to the living conditions of future occupants, I nevertheless found that there would be unacceptable harm to the character and appearance of the area. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

Helen O'Connor

Inspector