
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: 20 August 2020

Appeal Ref: APP/G3110/W/20/3248539

45 Spring Lane, Littlemore, Oxford OX4 6LF

- 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 P Armstrong against the decision of Oxford City Council.
 - The application Ref 19/02886/FUL, dated 5 November 2019, was refused by notice dated 13 January 2020.
 - The development proposed is the demolition of existing garage and erection of a two storey 1 x 3 bed dwellinghouse. Provision of car parking, bin and bicycle storage and amenity space.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. The description of development on the application form is blank. Therefore, despite the appellant stating that this has not changed in section E of the appeal form, I have taken the description from the Council's Decision Notice. I am satisfied that this accurately describes the proposal.
3. The Oxford Local Plan 2036 (LP) was adopted 8 June 2020. Therefore, policies within the 2005 Oxford Local Plan, the Sites and Housing Plan 2011-2026 and the Oxford Core Strategy 2026 have been replaced with the LP. The Council has stated that policies G6, HP15 and HP16 are now relevant to this appeal. These policies have similar objectives to those previously referred to. Consequently, I shall take the new policies into account in my decision, which I do not consider would cause prejudice to any party.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of Spring Lane, and
 - the effect of the proposal on the living conditions of future occupiers, with particular regard to the size and quality of internal and external space.

Reasons

Character and appearance

5. The appeal site is within a residential area, at the terminus of a cul-de-sac. Spring Lane consists of a variety of house types. Although, there is no predominate house type design, existing dwellings are traditional in character. Local dwellings include traditional window arrangements and largely address the street with balanced forms and designs. There is no clearly defined front building line and gaps to the side of dwellings are mostly the width of an alley way for garden access.
6. Most front gardens are enclosed with walls, including the host dwelling adjacent to the appeal site. As such, the majority of front gardens make a positive contribution to the street through the provision of landscaping and green space. Subsequently, driveways largely have a limited visual impact on the character of the street being discrete and understated. Spring Lane terminates at a railway line. A pedestrian crossing point provides a route over the line into the adjacent residential estate. The appeal site is a side plot to an existing dwelling and is alongside the railway line. The site currently contains a single garage, driveway and gardens. This makes a positive contribution to the character and appearance of the street.
7. In regard to siting, the footprint of the proposed dwelling would be slightly ahead of the neighbouring dwelling. It would retain a gap of around one metre to the side wall of the adjacent dwelling, forming an access to the rear. Consequently, the siting would complement the arrangement of local residential development to the north of the site. However, it would be immediately adjacent to the boundary with the railway line. Such proximity would result in the appearance of a constrained development from wider views.
8. The form of the proposed dwelling would be a two-storey rendered building with a pitched roof. The footprint of a rear corner would be chamfered to account for the side boundary cutting into the plot by around 45 degrees. However, the result of this footprint would create an idiosyncratic roof design that is not evident within the local context. Moreover, the roof would be highly visible to long views from the pedestrian crossing and further to the south. Consequently, the roof design would emphasise the appearance of the constrained plot. This would therefore result in a dwelling with a poor relationship to the surrounding area.
9. In terms of design, the proposed window style would consist of traditional and contemporary elements. The more modern elements would include some tall thin openings on the side elevation facing the railway line. However, this contrast of styles would create a discordant appearance that would be out of keeping with the wider area. Moreover, the front elevation would have limited relief with articulation only being formed by the window openings. The front elevation would subsequently have an unexceptional appearance. The development would therefore include additional idiosyncrasies that would further reduce its capability to integrate successfully into the local character.

Therefore, the design and external appearance of the proposal would further emphasise the proposal's discordant nature.

10. Taking the above points together, the design would represent an inappropriate addition to the streetscene. It would therefore have a harmful effect on the character and appearance of Spring Lane. Accordingly, the proposal would not satisfy policy G6 of the LP which seeks development within residential gardens to respond to the local character and for the plot to be of an appropriate size and shape to accommodate the proposal.

Living conditions

11. In consideration of internal space, Policy H15 of the LP requires new dwellings to provide good quality living accommodation and accord with the Government's Nationally Described Space Standards. Bedrooms one and three would be significantly below these minimum requirements. These rooms would not include sufficient space for the day-to-day needs of future occupiers. Furthermore, although the appellant has offered to amend the scheme to have only two-bedrooms, amended plans have not been submitted. Irrespective, such a revision would be a materially different proposition and an appeal should not be regarded as an opportunity to evolve a scheme. As a consequence, I find that the proposal as it stands would include small bedrooms that would demonstrably compromise the functionality of the first floor.
12. In regard to outdoor space, Policy HP16 of the LP requires dwellings to have access to a private garden that would be commensurate with the size of the proposed dwelling. This policy also requires consideration of the overall shape and the usability of the space. The proposal would provide outside space in a rear and front garden. However, the rear garden is a small area, that would also accommodate a cycle store. As a result, this area would be constrained and provide limited benefit to users. As a consequence, the rear garden would be unlikely to suit the requirements of a family dwelling and future occupiers would be likely to make more use of the larger front garden.
13. The appellant's 3D imagery shows that the front garden would be enclosed by high fencing, affording a degree of privacy to users. However, being located adjacent to the footway, its general usefulness would be limited. This would not be of an adequate size to enable future occupiers to make good use of the space. Furthermore, the users of the garden would suffer general disturbance due to the proximity of the footpath and highway that would reduce its tranquillity. The appellant refers to this relationship being no different to back-to-back dwellings adjacent to a footpath. Although any such examples have not been drawn to my attention, I do not find the proposed front garden to be comparable to local examples. The space would be adjacent to a driveway, highway and railway line and therefore the noise and lack of general privacy would be likely to be significant. This would compromise its usefulness and quality.
14. Taking the above points together, the proposal would include poor quality outdoor and internal space. Subsequently, this would have a harmful affect on the living conditions of future occupiers.
15. Accordingly, the proposal would be contrary to policies HP15 and HP16 of the LP, which seeks amongst other things for new dwellings to provide good quality

living accommodation and for gardens to be of an adequate size and proportion.

Other matters

16. A local approved development for a dwelling at 17 and 19 Kestrel Crescent has been drawn to my attention. I have observed that a dwelling has been constructed to the side of No 17, forming an end terrace property. Its plot appears to be rectangular in form, with a rear garden. Its design complements the surrounding character and is within a row of similar sized plots and dwellings. This is not therefore comparable to the appeal site or its context. Consequently, this has had only a limited bearing in my consideration of the merits of the proposal.

Planning balance and conclusion

17. The National Planning Policy Framework seeks to significantly boost the supply of housing. The proposal would deliver a family dwelling on a windfall site within an accessible urban location. However, the provision of one new dwelling would have a negligible impact on the Council's supply of new housing stock. This merit therefore does not indicate that a decision should be made other than in accordance with the development plan when taken as a whole. This therefore would not represent the sustainable development for which the Framework advocates a presumption in favour. There are no other material considerations, that would outweigh this conflict.
18. For the above reasons, the appeal is dismissed.

Ben Plenty

INSPECTOR