



Appeal Decisions

Site visit made on 20 July 2020

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 August 2020

Appeal Ref: APP/G3110/W/20/3249416

9 Gordan Close, Oxford OX3 0RG

- 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 Xhevahir Kaci against the decision of Oxford City Council.
 - The application Ref 19/02793/FUL, dated 27 October 2019, was refused by notice dated 20 December 2019.
 - The development proposed is for the demolition of garage, conservatory and shed. Proposed side extension over 2 stories in order to provide for a 1-bedroom property. Proposed single-storey rear extension onto the existing house, subdivision of garden and frontage areas.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The Oxford Local Plan 2036 (LP) was recently adopted. As a result, policies referred to in the Council's Decision Notice in regard to the 2005 Oxford Local Plan, the Core Strategy and the 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 Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the surrounding area, and
 - the effect of the proposal on the living conditions of existing and future occupiers with particular respect to the amount of outdoor space available for the occupiers of the appeal site and for those of 9 Gordan Close (No 9).

Reasons

Character and appearance

4. The appeal site is within a residential area of predominantly semi-detached properties. The area is characterised by low front boundary walls, planted front gardens and dwelling set back from the highway. These form a relatively consistent front building line. The site is on a comparatively prominent corner plot. The road to the side leads to properties of Broughton Close. These consists of a small group of semi-detached dwellings creating a loose

horseshoe formation around a turning head. These are set back from the highway and result in a strong sense of spaciousness. The appeal site consists of a garage, driveway and gardens used in connection with the host property. The space to the side of the property is largely open. Existing built form steps away from Boughton Close which contributes to the identified sense of space. Therefore, whilst the appeal site is not within or adjacent to any identified heritage assets, it includes positive characteristics. Accordingly, the site makes a positive contribution to the character and appearance of the area.

5. The proposed dwelling would present a bay window to the front and a front door on its side. It would be connected to, but narrower than, No 9 and neighbouring dwellings. Furthermore, the front garden would be small, being a corner plot. Consequently, the dwelling would appear constrained in comparison to the style and width of local dwellings. The design would replicate some design features of the connected dwelling. However, this would result in the formation of a dwelling that would appear compressed on the end of the row. This form of dwelling, as a narrow end terrace property, would not reflect the width or character of local dwellings.
6. Also, when on site I observed that 11 Gordan Close had been extended with a two-storey side extension. This is around one metre from the footway of Boughton Close. However, this is mostly behind a side fence and is subservient to the main dwelling. Whereas the proposed dwelling would be an overt addition to this prominent location. Its exposed side would emphasise the presence of a separate dwelling.
7. The previously dismissed appeal reported that the proposed subdivision of the site would result in the creation of two narrow plots that would be uncharacteristic of the area. It also found that it would have an enclosing effect on the street. Therefore, whilst the proposal the subject of the current appeal would now be set away from the footway, it would still represent an uncharacteristic form of development. Each case must be considered on its own merits. However, I concur with the findings of the previous appeal decision that the proposal would also have a demonstrably harmful impact on the character and appearance of the area.
8. Consequently, the proposed dwelling would result in a form of development that would be uncharacteristic of the local area. Moreover, although a gap to the footway would be retained, this would not significantly mitigate the impact of the proposed development on the street. As a result, the proposal would have a harmful impact on the character and appearance of the surrounding area.
9. Accordingly, the proposal would not accord with policies G6 and DH1 of the LP which seek new housing development to respond to the local character, for plots to be of an appropriate size and shape and for development to be high quality.

Living conditions

10. The appellant has indicated that the front garden would not be used as a private garden area. I have therefore considered the rear garden as the sole private amenity space within the proposal. The Council has not referred to any numerical requirements for garden sizes. However, Policy H16 of the LP requires new dwellings to have access to a private garden of adequate size and

proportion for the size of the proposed house. It also states that this should be at least equivalent in size to the footprint of the original building. However, the proposed rear garden would be substantially smaller than the footprint of the original dwelling.

11. Also, the garden retained by the host dwelling would be small and provide limited outdoor private space. Furthermore, the retained garden would not be comparable in size and shape to the majority of local gardens which in contrast are generally larger. The retained garden would therefore be unlikely to be capable of meeting the normal needs of a family dwelling. Furthermore, the limited space would be further compromised by its proximity to the adjacent proposed garden and its associated parking space. Subsequently, the proposal would result in substantial harm to the living conditions of the existing occupiers of No.9.
12. The proposed dwelling would be of a similar height and greater depth in comparison to the existing dwelling of No.9. Therefore, its overall scale would be substantial, and it should therefore afford access to a garden area of proportionate and commensurate size. In contrast, the proposed garden would be a small restricted space. Moreover, it would be adjacent to a driveway to its rear and highway to one side. Consequently, although having only one bedroom, the proposed garden would not be in proportion to the scale of the proposed dwelling and would be of limited practical use.
13. The proposed rear garden area would be marginally deeper and wider than the proposal subject to the recently dismissed appeal. It would also be directly accessible. However, the identified concerns would not be addressed by this slight increase in area. Therefore, the proposal would provide an inadequate private garden to the detriment of the living conditions of future occupiers.
14. Accordingly, the proposal would not satisfy policy H16 of the LP which seeks private gardens of an adequate size and in proportion to the proposed dwelling.

Other matters

15. In walking around the local area, I observed that Rylands is a small infill development to the south of Gordan Close. This consists of a small cluster of dwellings that look onto a shared surface with 'open plan' frontages and rear private gardens. The appellant identifies that these have similar garden sizes to the proposed scheme. However, there is insufficient detail in evidence to confirm this. In any event, the character of that estate is substantially different to the appeal site and its surrounding area. This therefore does not set a precedent for this appeal. I have therefore attributed limited weight to this.

Conclusion

16. The National Planning Policy Framework seeks to significantly boost the supply of housing. However, the undermining of the Council's plan-led approach to the delivery of housing would outweigh the limited social and economic benefits associated with the provision of a single dwelling at this location.

17. Moreover, I conclude that the appeal proposal would conflict with the development plan when taken as a whole and does therefore not represent the sustainable development for which the Framework advocates a presumption in favour. There are no other material considerations, including the Framework, that outweigh this conflict

18. For the above reasons the appeal is dismissed.

Ben Plenty

INSPECTOR