



Appeal Decision

Site visit made on 8 September 2020

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2020

Appeal Ref: APP/G3110/W/20/3255364
57 Headley Way, Oxford OX3 7SR

- 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 Warren Allen against the decision of Oxford City Council.
 - The application Ref 19/03252/FUL, dated 11 December 2019, was refused by notice dated 6 February 2020.
 - The development proposed is conversion of garage to create 1 x 1 bed dwellinghouse (Use Class C3). Provision of bin and bicycle stores.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have had regard to the amended scheme that shows the bedroom to the rear, living area to the front and an extra window in the side elevation. The Council has had an opportunity to comment on these revisions and amended plans have been sent to parties notified of the original planning application. As such, no injustice would be caused by considering these changes. However, the appellant has also referred to amendments to the proposed cycle stores and the boundary line between the proposal and 57 Headley Way (No 57). There are no plans that show these revisions and such changes may prejudice other parties. Accordingly, my assessment is based on the submitted drawings.
3. The Oxford Local Plan 2036 (LP) has been adopted since the Council's decision and so the policies in the refusal reasons no longer form part of the development plan. The appellant has had the opportunity to comment on the LP policies and so is not prejudiced by the change in policy circumstances.

Main Issues

4. The main issues are (i) the effect on the character and appearance of the area, (ii) the amount of external space to serve the occupiers of No 57 and of the proposal, and (iii) whether acceptable internal living conditions for the occupiers of the proposal would be provided in terms of light and outlook.

Reasons

Character and appearance

5. The garage is an unusual building on Bowness Avenue due to its flat roof and proximity to the road. However, as an ancillary outbuilding it has a limited influence on the street's character. Boundary fencing would screen the sub-

division of the plot and the garden to serve the proposal from the road. However, the alterations to the front elevation would be clearly visible and would highlight the change to a dwelling. As such, the proposal would increase the status of the building and its effect on the area's character.

6. Irrespective of the proposed external finishes or landscaping, the single storey flat roof dwelling would stand out as an incongruous residence amongst traditional 2 storey pitched roof houses. Also, the close proximity of the dwelling to the rear boundary would be apparent from the street and would be at odds with views of spacious back gardens between nearby properties. The referred to dwelling at 2 Coniston Avenue is not seen in the same context as the appeal property and is different in appearance. As such, it does not provide a precedent that would address the incongruity of the proposal.
7. For these reasons, I conclude the development would harm the character and appearance of the area. Consequently, in this regard, it would be contrary to LP policy G6 which seeks to ensure development responds to an area's character.

External spaces

8. The proposal would reduce the size of No 57's back garden so it would be smaller than the footprint of the house. Also, the private outdoor space would be reduced by the proposed cycle store or any alternative secured by a planning condition. As such, the amount of private garden would not be commensurate to the size of No 57, irrespective as to whether it is used as a house in multiple occupation or by a single household.
9. As it would not be part of a larger building, the proposed dwelling would not be a flat or maisonette. Its private garden would also be smaller than the building's footprint.
10. While occupiers of No 57 and the proposal would have access to outdoor space for drying clothes and sitting out, for the above reasons I conclude inadequate external space would be provided to comply with the requirements of LP policy H16. As such, the proposal would be contrary to this policy which aims to provide satisfactory outdoor spaces for the occupiers of dwellings.

Internal living conditions

11. Despite the proximity of the proposed fence, the patio doors would provide full height glazing that would allow an adequate amount of light to the proposed bedroom. Also, views from the doors would provide an acceptable outlook over the fence towards No 57 and the sky. The rooflight and proposed side and front windows would allow an appropriate level of light to the kitchen and living area. These rooms would have clear views out towards the garden and the street.
12. For these reasons, I conclude the proposal would provide acceptable internal living conditions for residents in terms of light and outlook. In this regard, it would comply with LP policies H14 and H15, which seek to provide reasonable internal living conditions for occupiers of property.

Other Matters

13. It is unlikely the development would lead to a reduction in car use as a parking area to serve No 57's residents would remain to the front of the property. The proposal would provide a dwelling with good access to facilities and would

represent an efficient use of land. However, a single additional dwelling would be provided and there is no substantive evidence of a lack of housing land supply or unmet demand for small dwellings. As such, the proposal would lead to only modest benefits that would fail to override the identified harm.

Conclusion

14. The proposal would provide acceptable internal living conditions for occupiers. However, the harm that would be caused to the character and appearance of the area and in terms of inadequate private external space are the overriding considerations. The proposal would conflict with the development plan when read as a whole and material considerations do not lead me to a decision otherwise. Consequently, the appeal does not succeed.

Jonathan Edwards

INSPECTOR