



Appeal Decision

Site visit made on 14 September 2020 by Ben Phillips BSc MSc

Decision by R C Kirby BA(Hons) DipTP MRTPI

An Inspector appointed by the Secretary of State

Decision date: 16 October 2020

Appeal Ref: APP/G3110/D/20/3254078

20 Asquith Road, Oxford OX4 4RH

- 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 Lucas Romoli against the decision of Oxford City Council.
 - The application Ref 20/00195/FUL, dated 20 January 2020, was refused by notice dated 19 March 2020.
 - The development proposed is described as single storey rear extension.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. Since the Council's refusal of the scheme, the Council adopted the Oxford Local Plan 2036 (the LP) on the 8 June 2020. 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 and given the similar requirements of the replacement policies to those referenced by the Council, I do not consider that this would cause prejudice to any party.
4. The submitted existing plans show a rear dormer to the appeal property. This is not shown accurately and appears larger on site than shown on plan. However, this does not impact on the proposed single storey rear extension and as such this inaccuracy does not prejudice consideration of this appeal. The existing plans also shows extensive work to the rear elevation of the attached neighbour, No 18 Asquith Road. From my site visit I could see that these works – a similar rear dormer and a two-storey rear extension, are nearing completion. It is understood that at the time of the determination of this application these works had not been undertaken, however I have considered the appeal on the basis of what I saw on site and the submitted plans.

Main Issues

5. The main issues in this case are the following:

- the effect of the extension on the character and appearance of the existing property and surrounding area;
- whether the proposed development would provide acceptable living conditions for the occupiers of the host property, with regard to the provision of private garden/external living space; and
- the effect of the proposed extension on the living conditions of the occupants of Nos 18 and 22 Asquith Road, with particular regard to outlook and privacy.

Reasons for Recommendation

Character and appearance

6. Asquith Road is a pleasant and suburban residential street, made up of consistent two storey terraced or semi-detached dwellings, set back from the road with off street parking evident.
7. The appeal property is an end of terraced dwelling prominently located on the corner of Asquith Road and St Martin's Road. An existing detached outbuilding will be removed in order to make way for the extension. Given the orientation of the dwelling, the removal of the outbuilding and the separation gap between its rear elevation and No 22, the rear elevation and proposed extension would be visible from the highway. The property has been extensively extended and altered, with a hip to gable extension and full width rear dormer/roof extension.
8. Given the single storey nature of the proposed extension it would not detract from this already altered character and appearance. Similarly, in the context of the wider street scene, given the size of the side and front garden and the set back of the rear elevation from the highway, the rear extension would not appear out of context with the surroundings given the extensive and visible rear alterations to this terrace. Moreover, the extension would replace the existing unattractive outbuilding which is mostly sited closer to the highway.
9. As such, it is concluded that the proposal would not be harmful to the character and appearance of the host dwelling nor to the surrounding area, and therefore I see no conflict with LP Policy DH1, which seeks to ensure that development should be appropriate to the immediate context and be of a high quality that creates or enhances distinctiveness.

Effect on living conditions of occupiers of host property

10. The appeal property has garden areas to the rear, front and side. The proposed extension would take up much of the rear garden space, leaving the front and side garden areas as outdoor space to this family sized dwelling. Although of a reasonable size, these areas would not be particularly private, being open and visible from the road. It is unlikely that these parts of the garden would be attractive to the occupiers of the dwelling within which to spend time outdoors as a result.

11. It is unclear as to how the remaining rear garden space would be afforded privacy. However, the limited size of this remaining rear area would be unlikely to be able to accommodate domestic items associated with a family sized dwelling such as play equipment and clothes drying area. It would be cramped and would be unlikely to be a pleasant area to spend time in.
12. Given my findings, it is clear that sufficient private garden space and therefore acceptable living conditions to the occupiers of the host property would not be provided as a result of the proposal. Accordingly, the proposal conflicts with LP Policy RE7 which requires, amongst other matters for development to protect the amenity of occupiers. The proposal also conflicts with the National Planning Policy Framework (the Framework), which requires at paragraph 127 that development should promote health and well-being, with a high standard of amenity for existing and future users.
13. The requirement for garden space 'which should be equivalent to the footprint of the dwelling' referenced by the Council comes from LP Policy H16 (replacing the previous policy HP13 of the Sites and Housing Plan), however, this policy refers to development of new homes and as such is not relevant in this regard.

Effect on living conditions of the occupiers of neighbouring properties

14. The proposed extension would extend up close to the rear/side boundary with No 22 which consists of an approximately 1.6m wall. Whilst this neighbour has side elevation fenestration in its rear projection, this is at ground floor level. Given the boundary wall and the limited height and single storey nature of the proposed extension, I find that the rear facing fenestration proposed would not lead to unacceptable impact on the privacy of the occupiers of No 22.
15. Due to the extensions to the attached neighbour No 18, as shown on plan and as seen on site, the proposed extension would project some 3m further to the rear. As such, given this limited additional depth and the limited height of the single storey extension, it would not lead to an overbearing impact upon the outlook from the rear facing rooms and garden of this neighbour.
16. The Council do not raise issue with any other possible impact upon living conditions and I have no reason to disagree.
17. In light of the foregoing, it is concluded that the proposal would not have a harmful effect on the living conditions of the occupiers of Nos 18 and 22 Asquith Road. There is therefore no conflict with LP Policy RE7 which seeks to ensure that the amenity of neighbours is protected, LP Policy H14 in terms of privacy or with paragraph 127 of the Framework.

Other Matters

18. The appellant has pointed to a number of nearby developments at Nos 36, 42, 67, 74 and 97 Asquith Road, and No 56 St Martin's Road¹. The examples at Nos 36, 42 and 97 Asquith Road are prior approval applications and are therefore not comparable with the proposed extension. With regards to the development at No 67 Asquith Road, the plans show a large remaining private rear garden area. No 56 St Martin's Road and no 74 Asquith Road are flatted developments. As such the requirement for private amenity areas is different.

¹ Application numbers 18/02773/H42, 18/01325/H42, 15/00503/FUL, 05/01625/FUL, 16/02490/H42 & 07/02309/FUL respectively.

19. Given the above, I consider that the examples that I have been referred to are not directly comparable to the proposal before me. They do not provide justification for harmful development.
20. It is acknowledged that the extension would improve the accommodation of the appellant, however, in doing so it would fail to provide acceptable living conditions to the occupiers of the host property for the reasons set out above. This matter does not outweigh the harm identified.

Conclusion

21. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

B Phillips

APPEALS PLANNING OFFICER

Inspector's Decision

22. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

RC Kirby

INSPECTOR