



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: 19 October 2020

Appeal Ref: APP/G3110/D/20/3254264

11 Spencer Crescent, Oxford OX4 4SN

- 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 Akhtar Hussain against the decision of Oxford City Council.
 - The application Ref 20/00217/FUL, dated 24 January 2020, was refused by notice dated 23 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, it 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. Both parties were provided with the opportunity to comment on this matter and I have taken the representations received, including the relevant policies in the LP, into account in my consideration of this case.

Main Issues

4. The main issues in this case are the effect of the proposal on:
 - the character and appearance of the existing property and surrounding area; and
 - the living conditions of the occupants of No 9 Spencer Crescent (No 9) and No 1 (No 1) Dashwood Road, with particular regard to light and outlook.

Reasons for Recommendation

Character and appearance

5. Spencer Crescent is a pleasant and suburban residential street, made up of two storey terraced or semi-detached dwellings. It was evident from my site visit

that the surrounding rear elevations are variously altered with single storey projections of varying lengths and a two-storey projection visible.

6. The appeal property has a single storey extension to the rear which would be demolished to allow for a larger single storey extension as proposed. Although the extension would be a similar depth to the host property, its single storey scale would ensure that it would be a subordinate addition which would not compete with the host property.
7. Whilst extending further into the rear garden than the existing extension, I am satisfied that the amount of undeveloped garden that would remain would reflect the character and appearance of the locality. Moreover, being sited centrally within the terrace of which the appeal property forms part, the extension's limited height, existing boundary treatment and landscaping would ensure that it would not be unduly prominent in the street scene. It would be viewed from nearby properties in the context of other rear extensions nearby.
8. Accordingly I find that the extension would respect the character and appearance of the existing property and the surrounding area, in accordance with LP Policy DH1, which requires development to be appropriate to the immediate context and of a high quality that creates or enhances distinctiveness.

Effect on living conditions

9. The proposed extension would be constructed in close proximity to the party boundaries with No 1 and No 9. It would project significantly beyond the rear elevation of No 1, and to a lesser degree to the rear elevation of No 9.
10. No 9 has a single storey projection on the boundary with the appeal property. Whilst described by the Council as a conservatory, the submitted floor plan shows this room as a storeroom, and my site visit indicated that this was the case. The kitchen window to this property is located away from the party boundary and given the relationship that would exist to the new extension, I am satisfied that the proposal would not result in a loss of light to this room to the degree that would be harmful to the living conditions of occupiers of this property. Moreover, the proposal would not have a harmful effect on the outlook from this window, because of the separation that would exist between the respective features.
11. In light of the above I conclude that the proposal would not be harmful to the living conditions of the occupiers of No 9, and in this regard there would be no conflict with LP Policy RE7 which seeks to protect the amenity of neighbours or LP Policy H14 which, amongst other matters requires that reasonable daylight is provided to occupants of existing homes.
12. No 1 also has a small rear projection; however, this is set away from the boundary with the appeal property. The submitted existing ground floor plan shows that the rear facing kitchen of this property is only served by a small window and partly glazed door. The plan illustrates that the existing extension of the appeal property breaks the 45-degree line when drawn from the window and door. Whilst this is not definitive, it is indicative of a detrimental impact upon light reaching these small windows. The additional depth of the proposed extension would clearly exacerbate this impact.

13. Whilst No 1 has a large side garden, it has a small rear garden. The new extension would extend along the party boundary with No 1 for almost the full length of the garden. It would be much taller than the existing boundary treatment and would appear as a prominent, dominant, imposing blank wall which would be overbearing on the outlook from the rear windows of this property. The substantial depth of the extension would also result in a sense of enclosure to these areas. As a consequence, the kitchen and rear garden would be likely to be less pleasant areas within which to spend time in.
14. In light of the foregoing, it is concluded that the proposal would have a harmful effect on the living conditions of the occupiers of No 1 Dashwood Road in terms of light and outlook. The proposal therefore conflicts with LP Policy RE7 which seeks to ensure that the amenity of neighbours is protected and LP Policy H14 which seeks to provide reasonable daylight to existing homes and prevent development which has an overbearing effect on them.

Other Matters

15. The appellant has pointed to a number of nearby developments at Nos 36, 42, 67 and 97 Asquith Road¹. Three of these examples are for prior approval applications and are therefore not comparable with the proposed extension. With regards to the development at No 67, the plans show that the extension steps away from the adjoining neighbour's boundary and the projection past the neighbouring rear projections is very limited. In terms of impact upon the living conditions of neighbours therefore, this is not comparable to the extension proposed. The developments at No 56 St Martins Road and No 74 Asquith Road² are located on corners and the separation distances to neighbouring properties is greater to that before me. They are also not comparable to the proposal before me.
16. It is acknowledged that the extension would improve the accommodation of the appellant in a suitable location, however, it would do so in a manner that would be harmful to the living conditions of neighbouring occupiers, in conflict with the development plan. This matter does not provide justification for harmful development.

Conclusion

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

B Phillips

APPEAL PLANNING OFFICER

Inspector's Decision

19. 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

¹ Planning application numbers 18/02773/H42, 18/01325/H42, 15/00503/FUL & 16/02490/H42 respectively.

² Planning application numbers 07/02309/FUL and 05/01625/FUL respectively.