



Appeal Decision

Site visit made on 28 September 2020

by B Davies MSc FGS CGeol

an Inspector appointed by the Secretary of State

Decision date: 29 October 2020

Appeal Ref: APP/G3110/W/20/3255124

land adjoining 23A Westlands Drive, Headington, Oxford, OX3 9QR

- 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 Darren Aldworth against the decision of Oxford City Council.
 - The application Ref 20/00693/FUL, dated 12 March 2020, was refused by notice dated 18 May 2020
 - The development proposed is 2 x one bedroom flats. Car free development. Amenity area for each flat, bins and bike racks.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The local plan relied upon at the point that planning permission was refused was replaced by the Oxford Local Plan (2036)('OLP') in June 2020. I have therefore relied upon the policies in the new local plan in coming to a decision.

Main issues

3. The main issues are the effect of the proposal on:
 - The character and appearance of the area;
 - Living conditions of future occupiers, with particular regard to provision of indoor space;
 - Living conditions of existing occupiers of the first floor flat at No 23A, with particular regard to outdoor amenity space; and
 - Whether or not appropriate cycle parking would be provided.

Reasons

Character and appearance

4. The appeal site comprises the side garden of an extended end of terrace house on an estate, which has a layout of regular rhythm and grain. It is proposed to attach an additional structure to the side of the extension, linked at first floor level, with an access passage running between. The new building would be the same height as the extension, but would be 8 metres wide, compared to the 6 metre width of the original house and 5 metre extension. The development would therefore produce an uncharacteristically long structure, considerably

beyond a typical domestic rear addition, that would harm the balanced form of both the host building and the terrace and would read as a discordant addition when viewed from the public domain.

5. The estate is characterised by communal green spaces and large back gardens. The gaps between the buildings on the crescent contribute to the spacious, open feel, which I consider to be a positive characteristic of the estate. The gap on the corner of the crescent between Nos 23 and 25 would be entirely lost through this development, harmfully reducing the sense of openness when viewed from the public domain.
6. The pattern of development to the rear of Westlands Drive comprises regular lines of houses, which encircle the open, green space resulting from the layout of rear gardens. The side garden of No 23A is central to this open area and placing a 2-storey building at this location would intrusively disrupt the pattern, eroding the sense of openness that is distinctive to this area.
7. I appreciate that the proposal would have matching form and materials to the host property, and that the height of the building would be consistent with the extension, but these factors would not overcome the overall harm to the character and appearance of the area identified above.
8. For these reasons, the proposal is in conflict with Policies G6 and DH1 of the OLP, which require that development responds to the character and appearance of the area, taking into account views from the street, and that it should enhance local distinctiveness.

Internal living standards of future occupiers

9. Policy H15 of the OLP is clear that all proposals for new build market homes must comply with the Nationally Described Space Standard (2015)(the 'NDSS'). It is not in dispute that Flat 2 does not meet the minimum requirement for storage and the proposal does therefore not comply with Policy H15.
10. There is, however, debate regarding the Gross Internal Area (GIA) of the proposed living accommodation. The appellants maintain that the GIA of both flats is marginally above the NDSS guideline of 50 m² and the Council has calculated that it is slightly shy of this. Either way, the proposal is close to the required standard and the configuration of the rooms is conducive to everyday living, so I consider that even if there was conflict with this aspect of the policy, the harm from this would be minimal.

External space

11. The existing occupants of the two flats at No 23A both have direct access to a share of the garden. As part of the proposed development, the garden associated with the existing first floor flat would be lost, and the occupants given a garden which would be overlooked by the living room window of the new first-floor flat, resulting in a lack of external private space. This is in conflict with Policy H16, which requires that private space should be available.
12. The access to gardens for both the new and existing first floor flats would not be directly accessible from the house, which would also not meet the requirements of Policy H16.

Cycle parking

13. For all the dwellings it would be necessary to wheel a bike down a passageway and through at least one gate to access the bike storage. This does not constitute unobstructed external access to the street, as required by Policy M5 and the proposal therefore conflicts with this requirement.
14. Drawing 49402 suggests that the doors of the bike shed in the garden of the first floor flat at No 23A could not fully open. However, I consider that the plan could be re-drawn to achieve this.

Other matters

15. There would be benefits from development of 2 additional dwellings in an area with good transport links and from contribution to local services, including during the construction phase. However, these benefits are limited by the small scale of the development.
16. I appreciate that Policy RE2 requires more efficient use of land, but the policy also requires that this must be in a manner compatible with the site with regard to density, scale and form with which, for the reasons above, I do not consider the proposal meets.
17. The appellant considers this a windfall site and states that Oxford has a requirement for such, in addition to a need for new, smaller housing units. No policies or data have been brought to my attention to support these assertions however, so I have not included these factors in the planning balance.
18. There is provision in Policy G6 for development of new dwellings on residential garden land in the Oxford area, subject to certain criteria, including responding positively to local character and appearance which, for the reasons above, the proposal does not satisfy.

Conclusions

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

B Davies

INSPECTOR