



Appeal Decision

Site visit made on 29 September 2020

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2020

Appeal Ref: APP/G3110/D/20/3256577

24 Southmoor Road, Oxford OX2 6RD

- 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 Mrs C Scott against the decision of Oxford City Council.
 - The application Ref 20/01008/FUL, dated 24 April 2020, was refused by notice dated 8 June 2020.
 - The development proposed is erection of single storey rear extension – re-submission.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Oxford Local Plan (2020) (LP) has been adopted since the appeal was submitted. Policies CP1 and CP10 of the Oxford Local Plan (2005) and Policy HP14 of the Site and Housing Plan (2013) have been superseded by new Policies in the LP. As such Policy CP1 has been superseded by Policy DH1 and Policies CP10 and HP14 have been superseded by Policy H14.

Main Issue

3. The main issue is the effect of the proposed development upon the living conditions of the occupants of 26 Southmoor Road, with specific regard to outlook.

Reasons

4. The appeal property comprises a mid-terrace dwelling. The property to the rear has a rear extension that extends the full width of the garden. No 26 has a rear wing projection with a window in the side elevation and door in the rear elevation that serve the kitchen. A predominantly glazed door in the rear elevation of the main dwelling serves a snug/home office and is the primary source of natural light to that space.
5. I acknowledge the findings of the daylight assessment and that the existing rear projection breaches the Council's guidance. However, the impact of the existing dwelling and the proposed development along the boundary with No 26 would cumulatively result in a more visually prominent form of development.
6. Notwithstanding the door in the rear projection and the form of the roof, the proposed development due to its height, length and position would result in an

increased sense of enclosure to the occupants of No 26, when outdoors in the section of the garden neighbouring the appeal property and inside. It would result in a form of development which would appear oppressive and overbearing severely diminishing their living conditions.

7. There is no credible evidence before me that a taller fence or wall would be constructed, as such I have given this factor limited weight in coming to my decision.
8. The absence of any comment from the occupants of No 26 counts neither for nor against the proposal and does not lead me to reach a different conclusion on the main issue.
9. I conclude that the proposed development would adversely affect the living conditions of the occupants of the neighbouring property. This would be contrary to Policies DH1, RE2 and H14 of the LP which, amongst other things, requires high quality development and reasonable privacy, daylight and sunlight for occupants of existing homes and which state that planning permission will not be granted for any development that has an overbearing effect on existing homes.

Conclusion

10. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR