



Appeal Decision

Site visit made on 14 December 2020

by James Taylor BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2020

Appeal Ref: APP/G3110/D/20/3260403

54 Foxwell Drive OX3 9QF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Abraham Thomas against the decision of Oxford City Council.
 - The application Ref 20/01660/H42, dated 8 July 2020, was refused by notice dated 18 August 2020.
 - The development proposed is a single storey rear extension with pitched roof.
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Decision

1. The appeal is dismissed.

Procedural matters

2. Under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO), planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.
3. Where an application is made for a determination as to whether prior approval is required for development which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g) to Part 1, paragraph A.4(3) provides that the local planning authority may refuse the application where it considers that the proposed development does not comply with the conditions, limitations or restrictions that are applicable to such permitted development.
4. The Council have referred to the impact of the proposal on 52 Foxwell Drive within their Decision Notice. However, I note that this is not an adjoining property and that within the delegated report the Council have assessed the impact on 54A and 56 Foxwell Drive, concluding that there would be harm to the occupiers of these 2 adjoining properties. Furthermore, the appellant has commented on the impact on Nos 54A and 56 consistent with the delegated report. Paragraph A.4(7) to Part 1 of the GDPO requires the local planning authority to assess the impact of the proposed development solely on the amenity of all adjoining premises, taking into account any representations received. I have proceeded to determine the appeal on the same basis.

Main Issue

5. The main issue is the impact of the proposed development on the amenity of adjoining premises with particular regard to light and outlook.

Reasons

6. This is an appeal against the decision to refuse to grant approval under the GPDO. This does not place any statutory requirement to have regard to the development plan. Nonetheless, insofar as relevant to the matter before me I have had regard to Policy H14 of the Oxford Local Plan 2036, Adopted 8th June 2020 which seeks to ensure a good quality living environment for residents.
7. No 56 has a ground floor window located close to the shared boundary with the appeal site facing onto its own private rear garden. There is a short section of wall immediately to the rear of the property, but otherwise the boundary is largely void of any treatment except for where planting has been trimmed back. The proposal would significantly alter this with a wall projecting 6 metres to the rear, greater in height than any wall or fence that could be erected under permitted development, and sited up to the boundary. Due to the extension's siting, depth and height it would enclose the rear elevation and area of garden immediately adjacent to the back of No 56. As such, this would be significantly harmful in terms of outlook, and given the relative orientation, cause the loss of afternoon sunlight. The effect of this would not be sufficiently mitigated by the existing soft landscaping as it would be a hard and permanent feature. The occupier of No 56 has not objected on amenity grounds, nevertheless, I am required to assess the impact on all adjoining premises.
8. The south elevation of No 54A forms the front of the property with a window near the boundary. The window serves a kitchen and the appellant states that this is not a habitable room. However, I have little evidence to support this assertion and note that the kitchen is the only south facing ground floor room at No 54A. As such, I afford any impact some weight. Furthermore, whilst the dwelling has outside spaces to the west and north, they are small and enclosed, so as to be of limited value. They are supplemented by the existing south facing patio area adjacent to the proposal. Despite being to the front of the dwelling this has an open aspect and a reasonable degree of privacy, so that it contributes positively to the amenity of the premises. The proposal would be greater in height than the existing fence and project some distance beyond the south elevation of No 54A. Due to the extension's siting, depth and height it would enclose the south elevation and area of garden immediately adjacent to the front of No 54A. As such, this would be detrimental in terms of outlook, and given the relative orientation, cause the loss of morning sunlight.
9. The appellant highlights that an extension of a similar, or even greater height, could be erected up to the shared boundaries under permitted development. However, I am mindful that this would be at least half the depth of the proposal before me. As such, I afford this limited weight in any planning balance.
10. Therefore, in conclusion on the main issue I find that the proposal would be harmful to the amenity of adjoining premises with particular regard to light and outlook. For the reasons given above, I conclude that the appeal should be dismissed.

James Taylor

INSPECTOR