



Appeal Decision

Site visit made on 1 June 2021

by S A Hanson BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 July 2021

Appeal Ref: APP/G3110/C/20/3264695

55 White Road, Cowley, Oxford OX4 2JL

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Lachhman Singh Daudhar against an enforcement notice issued by Oxford City Council.
 - The enforcement notice, numbered 19/00309/INV, was issued on 11 November 2020.
 - The breach of planning control as alleged in the notice is Without planning permission, the erection of a conservatory ("the Conservatory") on the Land in the approximate location shown coloured blue on the Plan.
 - The requirements of the notice are (i) Demolish or dismantle the Conservatory and remove the hardstanding on which the Conservatory stands, and (ii) Remove all materials and rubble arising from step (i) above from the Land.
 - The period for compliance with the requirements is (i) 3 months and (ii) 4 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended (the 1990 Act).
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Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

The appeal on Ground (a) and the deemed planning application

Main Issues

2. These are the effect of the development on (i) the character and appearance of the host dwelling and the surrounding area and (ii) the living conditions of the occupants of the neighbouring property regarding loss of light and outlook.

Reasons

Character and appearance

3. The appeal property is a brick built semi-detached dwelling located on the eastern side of White Road which is within a predominantly residential area. The property benefits from a previous ground floor extension to the rear. Beyond this, the property has been extended by a further 9m in the form of a conservatory. To the side of the conservatory is a utility room. The structures are joined along their length. The conservatory joins the rear of the house, whereas there is a gap between the utility and the rear of the property. To comply with the notice, the Council require only the demolition and removal of the conservatory.

4. Policy DH1 of the Oxford Local Plan 2036 (Adopted June 2020) (the LP) requires development to be of high quality design that creates or enhances local distinctiveness. The extent of the development from the rear of the host dwelling combined with the design of the conservatory and the use of materials, which contrast starkly with the house, result in an incongruous form of development. The scale of the conservatory extension is disproportionate to the semi-detached property and results in an overly intensive and bulky form of development to the rear of the house.
5. The appeal property and its neighbours benefit from lengthy rear gardens and there are examples of generous extensions and outbuildings to the rear of some. However, the depth of the extension to the appeal property and the cumulative impact, due to its connection with the adjoining utility room, make the conservatory appear unduly bulky. The conservatory and utility dominate the rear of the property, encompassing the entire width of the dwellinghouse and the width of the garden between the common neighbouring boundaries.
6. The development is an overly bulky and insensitive form of development which is visually harmful to and erodes the character and appearance of the original dwelling and surrounding area. This is particularly so because the development is clearly visible from neighbouring properties due to low level intervening boundary fences which allow for longer views into the site. Overall, the development fails to demonstrate high quality design and respond appropriately to the character and appearance of the area. The development therefore fails to comply with policy DH1 of the LP.

Living conditions

7. The conservatory lies along the shared boundary with No 53 White Road. The addition of the conservatory to the existing rear single storey extension extends the built form by a further 9m at a height of 2.6m. The total depth of the development along this common boundary is some 15m from the original rear elevation of the dwellinghouse. The extent of the built form is significant and together with its height and position on the common boundary with the neighbouring property, will have a negative effect on the occupants of No 53. It is likely that the conservatory will have an impact upon the level of daylight entering the neighbouring property and I have no doubt that the conservatory has an overbearing impact when viewed from the neighbouring property leading to an undesirable feeling of enclosure.
8. Overall, I find that the development directly conflicts with Policy H14 of the LP which requires development to safeguard the amenity of neighbouring dwellings in terms of light and outlook and ensure that development does not have an overbearing effect to existing homes.

Other matters

9. The appellant argues that a solid 2m high wall could be erected along the boundary without the need for planning permission. However, this would be lower than the roof level of the conservatory and would be a linear structure rather than a building. Furthermore, he maintains that an outbuilding could also be erected without the need for planning permission. This may be so, providing it does not infringe the limitations and conditions in Schedule 2, Part 1, Class E of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). These options are said to represent a marginal

difference in scale and effect from what has been built. However, these proposals are not formally presented as an alternative and I am not convinced that such a fall-back position is realistic. I therefore afford this limited weight.

Conclusion

10. Overall, there are no material considerations to indicate a determination other than in accordance with the development plan. For the reasons given above, I conclude that the appeal on ground (a) should not succeed and I shall refuse to grant planning permission on the deemed application.

S A Hanson

INSPECTOR