



Appeal Decision

Site visit made on 12 July 2021

by P N Jarratt BA DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 July 2021

Appeal Ref: APP/G3110/C/21/3271342

59 Bailey Road, Oxford, OX4 3HU

- 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 Mrs Vanessa Lai against an enforcement notice issued by Oxford City Council.
 - The enforcement notice, numbered 20/00082/ENF, was issued on 16 February 2021.
 - The breach of planning control as alleged in the notice is the erection of an outbuilding in the front garden of the dwelling on the land.
 - The requirements of the notice are
 - (i) to demolish or dismantle the outbuilding, and
 - (ii) remove all materials and rubble arising from step (i) above from the land.
 - The period for compliance with the requirements is one month and two months respectively for steps (i) and (ii) above.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended.
-

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.

Main Issue

2. An appeal on ground (a) is that planning permission should be granted for what is alleged in the notice. The main issue is the affect that the outbuilding has on the character and appearance of the area.

Reasons

3. The appeal site is a semi-detached dwelling on a corner plot within a residential area of similar dwelling types. A wooden chipboard outbuilding of dimensions 2.4 x 2.4 x 2.4 metres high has been erected in the front garden of the appeal property and is used as a storage shed. A retrospective application for the outbuilding was refused in June 2020 ((20/01501/FUL), the grounds being that the development, by virtue of its siting, height and projection beyond the established building line along Bailey Road, would result in a loss of openness and an incongruous and visually jarring form of development that would fail to take into account the views from the wider residential area and would form an inappropriate visual relationship with surrounding dwellings to the detriment of visual amenity and the character and appearance of the area contrary to DH1 of the Oxford Local Plan and the National Planning Policy Framework.

4. The outbuilding is flanked on its roadside boundary by a combination of wall, fence and mature hedging of substantial height and this boundary treatment generally hides the outbuilding from public viewpoints on Bailey Road to the south east of the site and from Phipps Road. The side of the shed is set behind a fence panel with shrubbery above, and this is visible from viewpoints to the north west of Bailey Road due to the open parking area in the front of the appeal property.
5. The appellant draws attention to an outbuilding in the forecourt area of the facing corner plot which appears to be in the side garden and has a tiled and pitched roof. This appears to respect its development context. Attention is also drawn to a further outbuilding at 73 Bailey Road. The appearance and design of this structure is harmful to the street scene but no information has been provided to indicate whether this is unauthorised or not. Nevertheless, its existence does not justify further incongruous outbuildings in the street scene.
6. Although the existing boundary treatment and the established vegetation hides the outbuilding to a large extent, this does not overcome the generally accepted approach to the location of domestic outbuildings. These are normally sited to the side of or to the rear of properties for the sound planning reason of maintaining established building lines and the street scenes created by a well-mannered residential development. This approach is reflected by the houses on Bailey Road, notwithstanding the structure at No 73 and the structure subject to this appeal.
7. A further consideration is how the outbuilding may appear in other seasons. I have viewed the appeal site in the summer when vegetation is in full leaf, which may be more extensive than in the winter months, when there might be a greater potential for the outbuilding to be more visible. Additionally, the landscaping could fail completely or die back through disease or other causes.
8. The design and materials of the outbuilding are of little merit and harm the character and appearance of the area. It is a weak argument to justify such a building because it is largely hidden from public view through boundary treatment which could change over time. It could also encourage other similar inappropriate development in the front gardens of residential property in the vicinity of the appeal property.
9. I conclude that the development is contrary to Local Plan Policy DH1 which seeks high quality design and placemaking for development.
10. The appeal fails.

P N Jarratt

Inspector