
Appeal Decision

Site visit made on 6 September 2021

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 October 2021

Appeal Ref: APP/G3110/W/20/3266154
18 Victoria Road, Oxford OX2 7QD

- 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 and Mrs David Greenhill against the decision of Oxford City Council.
 - The application Ref 20/00970/FUL, dated 18 April 2020, was refused by notice dated 3 July 2020.
 - The development proposed is new detached 4 bed three-storey sustainable dwelling and associated landscaping.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr and Mrs Greenhill against Oxford City Council. This application is the subject of a separate decision.

Procedural Matters

3. Following the Council's decision, a revised National Planning Policy Framework ('the Framework') was published. The parties have had an opportunity to comment on the implications for the appeal.
4. The appellants have supplied amended plans showing the deletion of the parking spaces on the site frontage and an alternative plan showing the existing parking space outside of the red line. Procedural guidance makes clear that the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought. My decision is therefore made against the plans considered by the Council.

Main Issues

5. The main issues in this case are:
 - a) the effect of the proposal on the living conditions of the occupiers of 22 Victoria Road, with reference to outlook, daylight and sunlight;
 - b) whether the scheme complies with the development plan in respect of parking provision; and
 - c) the effect of the proposal on the character and appearance of the area.

Reasons

Living conditions

6. The proposed dwelling would take the form of a 3-storey building with a single-storey projection at the rear. The projection would be constructed directly alongside the boundary with 22 Victoria Road and it would extend well beyond the rear wall of an existing lean-to extension belonging to that neighbour. The eaves of the proposed projection would also be relatively tall at approximately 3.3 metres, taking it significantly above the boundary fence. The height and depth of the projection, and its close proximity to the boundary, would combine to make it unduly dominant when experienced from No 22. The projection would be overbearing, harming the outlook from the rear of the neighbours' property and adversely affecting the enjoyment of their patio and garden.
7. It is contended that the rear projection would be comparable to an extension that could be erected under permitted development rights. The proposal would exceed the size limits within the regulations, albeit by a relatively small margin, and therefore the appellants' submissions do not persuade me that the scheme is acceptable. I am mindful that under the regulations a larger home extension would require consultation with adjoining owners or occupiers and this could affect the outcome of the process.
8. I note that, since the application was determined, planning permission has been granted¹ for an alternative proposal. Although the plans for that scheme show a rear projection of identical length, the roof is configured differently to reduce the eaves height to an acceptable level. This demonstrates how the appellants' objectives could be achieved in a more sympathetic manner.
9. Concerns have been raised regarding the impact of the proposal on an existing window in the side gable of No 22. This is a secondary opening for a first floor bedroom, the main window being located on the front elevation facing the street. The Council contends that the window is important for providing sunlight to the bedroom during the evening, yet the approved dwelling would be similar to the appeal scheme in that it would block direct sunlight. The officer report for the approved scheme indicates that the roof design would be less harmful, and that a render panel opposite the window would provide reflected light. However, I do not consider that the impacts would differ significantly between the two schemes. Given this, and the fact that the bedroom would be adequately lit with natural light from the primary window, I do not consider that the proposal would have an unacceptable impact on the living conditions within the bedroom.
10. Notwithstanding this finding, the harmful impact of the rear projection on the living conditions of the occupiers of No 22 would bring the proposal into conflict with Policy H14 of the Oxford Local Plan 2036 (Adopted 2020) (OLP). This states that planning permission will not be granted for any development that has an overbearing effect on existing homes.

Parking

11. The Highway Authority raised no objection to the proposal for 2 on-site parking spaces. However, its consultation response was made in the context of the now superseded Oxford Sites and Housing Plan. The Council is required in law to have regard to the development plan in force at the time of its decision. The

¹ Council Ref 20/02944/FUL

relevant policy was therefore Policy M3 of the OLP. This states that in Controlled Parking Zones or employer-linked housing areas where development is located within a 400 m walk to frequent public transport services and within 800 m walk to a local supermarket or equivalent facilities planning permission will only be granted for residential development that is car-free. In all other locations, the policy applies a set of maximum parking standards.

12. Victoria Road falls within a Controlled Parking Zone. There is no dispute that the site is within 260 m of bus stops on Banbury Road and approximately 450 m from supermarkets in the Summertown District Centre. As such, this is a highly sustainable location where Policy M3 dictates that residential development including family housing should be car free. The proposal for 2 parking spaces to serve the new dwelling conflicts with this policy.
13. A dropped kerb has recently been approved to serve a new parking space in front of No 18. On this basis, it is suggested that the existing parking space within the red line boundary on the appeal plans would be available to serve the proposed dwelling. However, any proposal which would enable residents of the development to park off-street would conflict with Policy M3, the aim of which is to secure a modal shift away from the private car and towards public transport, cycling and walking. The plans show dedicated parking areas for the existing and proposed dwellings and this is in clear conflict with the development plan. The appellants have no fallback position as they are reliant upon a grant of planning permission for the new dwelling, which would need to include a robust mechanism to ensure that parking cannot simply be added at a later date.
14. Photographic evidence suggests that the Controlled Parking Zone does not suffer from parking stress. There is no parking survey to demonstrate this conclusively, but even if it were the case it does not alter my conclusions. The purpose of Policy M3 is not so much to prevent pressure on kerbside parking, but to reduce car use to improve air quality, ease congestion and create a more attractive environment for walking and cyclists.
15. Policy M3 does allow for disabled parking and car club schemes in larger developments. Notwithstanding the proposal for the dwelling to be wheelchair accessible, there is no substantive evidence of a need for disabled parking in this particular case. Furthermore, the lack of a nearby car club facility does not provide justification for on-site parking provision.
16. The appellants draw my attention to Policy TRC6 of the Summertown and St Margaret's Neighbourhood Plan (Made 2019) (NP) which promotes the installation of electric car-charging points in all new homes. However, this pre-dates OLP Policy M3. The provision of charging points would not make the scheme acceptable.
17. I conclude that the provision for car parking in the appeal scheme conflicts with Policy M3 of the OLP insofar as this seeks to limit opportunities for parking within the city. I have taken account of all arguments raised, but there is no robust justification for making a departure from the policy.

Character and appearance

18. Victoria Road contains a diverse blend of semi-detached and detached houses in a mix of age, style, materials and designs. Although most of the properties are two-storey, many have accommodation in the roof space. In general, the

buildings are closely spaced which restricts views of the verdant gardens behind the street frontage. The appeal site is one of the few remaining undeveloped plots from when the road was originally laid out. The Council has described the site as an important gap but it has limited value in townscape terms, having the outward appearance of an infill plot. I note that since the decision notice was issued, planning permission² has been granted for a dwelling of identical width and building footprint to that being proposed under the appeal scheme.

19. The Council is concerned that the scale and form of the proposed dwelling would fail to relate sufficiently to the prevailing character of the street or the 'architectural noteworthy' property at 18 Victoria Road. The design of the new dwelling would be unashamedly modern, but this in itself would not be harmful. The NP recognises that Victoria Road is more diverse than some of the other roads in the Seven Roads Character Area. It seeks to resist the construction of 'more of the same' pastiche-Edwardian houses and strongly encourages high-quality, low-carbon architecture. Policy HOS3 of the NP supports innovative and/or contemporary designs subject to consideration of their impact on local character. I saw that there are already examples of contemporary architecture in the locality³, including a striking new dwelling at 30 Victoria Road which, despite its somewhat unusual roof profile, fits well into the street scene.
20. The proposed dwelling would also be different due to its boxy profile. Its upper storey would be built of contrasting brick to mirror the darker roof materials on adjoining roofs and it would be set back from the principal façade to create an eaves line reflective of adjacent properties. The overall height would be comparable to those buildings on either side. A sun-scoop and natural stack vent would be taller, but this would read as a modern interpretation of a chimney. The design does not translate well onto two-dimensional plans, but the appellants have helpfully supplied computer generated imagery which demonstrates how the new dwelling would relate to its neighbours and the wider street scene. The individual design would make a positive contribution to the eclectic mix of dwellings in Victoria Road and it would sit comfortably on the plot without competing for attention with other nearby properties.
21. The Council describes the proposed dwelling as monolithic, arguing that its scale is excessive and disproportionate. However, the overall form and massing would be similar to that of the approved development. Clearly there are differences, but not to the extent that would make one scheme preferable over the other from the perspective of the impact on the character and appearance of the area. It seems to me that both are equally acceptable.
22. Concerns have been raised regarding the lack of landscaping on the street frontage. Although the building forecourt would be predominantly hard surfaced, there is existing greenery within the garden of 22 Victoria Road and shrub planting is proposed along the boundary with No 18. A pair of small trees are also shown flanking the driveway entrance. This would provide an acceptable setting for the development.
23. Accordingly, I conclude that the proposal would not cause material harm to the character or appearance of the area. There would be no conflict with Policies DH1, RE2 and G6 of the OLP or Policies HOS2, HOS3 and HOS4 of the NP. These

² Council Ref 20/02944/FUL

³ 84 Victoria Road and 4 Water Eaton Road being two notable examples

collectively seek high quality design that responds to context and creates and enhances local distinctiveness.

Other Matters

24. The application is not accompanied by any information on how the site is to be drained using Sustainable Drainage Systems. Such information is necessary to comply with Policy RE4 of the OLP. However, the Council accepts that further details could be secured by planning condition in the event of permission being granted. Such a condition would pass the tests set out in paragraph 56 of the Framework.
25. Policy G6 of the OLP requires proposals for new dwellings on residential garden land to mitigate any loss of biodiversity value on the site, and where practicable enhance biodiversity through habitat creation or improvement. It is reasonable in such circumstances to expect the applicant to provide an ecological survey to inform the judgement on the extent to which any loss of biodiversity can be offset. This information was not provided with the application, but I note that an Ecology Report was included with the appeal submission. I am satisfied that the details including within this document are satisfactory and that the enhancement measures could be secured by condition.

Planning Balance and Conclusion

26. The proposed dwelling would not cause material harm to the character and appearance of the area. However, the building would have an unacceptable adverse impact on the living conditions of the occupiers of 22 Victoria Road by reason of the scale of its single-storey rear projection. The scheme would also conflict with the Council's policies for the provision of car parking in the city. These harms bring the proposal into conflict with the development plan taken as a whole.
27. I have taken account of the scheme's modest contribution to housing land supply and the sustainability credentials of the proposed design. I have also had regard to other benefits mooted in the appellants' evidence including the economic benefits from spending in the local economy and the proposal to use local contractors. However, the harm would significantly and demonstrably outweigh the benefits. As such, there are no material considerations to justify a decision otherwise than in accordance with the development plan.
28. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Robert Parker

INSPECTOR