



Appeal Decision

Site visit made on 8 June 2021

by Elaine Benson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 October 2021

Appeal Ref: APP/G3110/D/20/3264058

29 The Grates, Oxford OX4 3LJ

- 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 Khurshid Khushi against the decision of Oxford City Council.
 - The application Ref 20/01350/FUL, dated 8 June 2020, was refused by notice dated 4 September 2020.
 - The development proposed is demolition of garage and rear extension. Erection of a two-storey side and rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effect of the extension on the character and appearance of the surrounding area and on the living conditions of neighbouring occupiers.

Reasons

3. The erection of a flat-roofed single-storey rear extension across the width of the appeal property (No 29) has consent under the prior development procedure and could be constructed. It is a credible fall-back position. The appeal proposal includes a wider ground floor extension with a pitched roof in addition to a two-storey side extension and a first-floor bedroom addition above the central part of the rear extension.
4. The centrally located rear bedroom extension would be an overly bulky, deep and uncharacteristic form of development with a top-heavy and unsympathetic roof design. When it is assessed alongside the main house roof and the other elements of the proposed extension, the rear elevation would have an uncoordinated and somewhat confused appearance. It would not be of a subservient scale and form and would sit uncomfortably and disproportionately on the rear of the property itself. This amounts to poor design.
5. The side extension element of the proposal would be set in from the boundary, maintaining a gap between it and the side of the neighbouring house, No 27, which is at a slightly higher ground level. I am not convinced by the Council's evidence that a wide gap between dwellings is the predominant character of the area, particularly as No 27 has been extended in a similar way, space between houses varies in the locality and there are a number of two-storey side extensions. I also find that the proposed fenestration would be in keeping with the host property and local design variety.

6. However, the degree of set back from the front elevation and the lower roof ridge height would be minimal and would not achieve a sufficient degree of subservience to the host property. I am informed that the standards set out in the Council's *Design Guidance Sheet 2 (Side Extensions)* would not be met. However, this document has not been provided. Other side extensions in the locality date from different development plan periods and policies, but in any event the existence of poor-quality development does not justify allowing further harm.
7. Overall, I conclude that the first-floor rear extension and side extension elements of the proposal would not respect the character or appearance of the host property or of other properties in the surrounding area. Accordingly, the scheme conflicts with Policy DH1 of the Oxford Local Plan 2036 (LP) which requires development to be of high design quality.
8. In terms of the impact on the living conditions of neighbouring properties, the first floor of the side extension would not extend beyond the rear elevation of No 29. The neighbour's side windows at No 27 appear to have been added through extending and altering the property and I can therefore give little weight to any loss of light or outlook to them. The proposal would not harm the living conditions of the occupiers of No 27.
9. Having regard to the height and depth of the rear single-storey extension and the orientation of Nos 29 and 31, the effect of this part of the development on daylight and sunlight levels reaching the neighbouring ground floor rear window would be little different to the impact of the 'prior approval' scheme. As No 31 has its own extension, it would be unreasonable to conclude that the single storey element of the appeal proposal would create an unacceptable tunnelling effect. However, due to its height, bulk and depth, the first-floor rear bedroom extension would have an overbearing impact on the rear window and garden of No 31, such as to harm the living conditions of its occupiers.
10. For the foregoing reasons I conclude that the proposal conflicts with LP Policy H14 which seeks to ensure that neighbouring amenity is protected, specifically because of the overbearing effect on an existing neighbouring home.

Conclusion

11. For the reasons set out above I conclude that the appeal should be dismissed.

Elaine Benson

INSPECTOR