
Appeal Decision

Site visit made on 25 October 2021

by J D Westbrook BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 November 2021

Appeal Ref: APP/G3110/D/21/3278036
67 St Luke's Road, OXFORD, OX4 3JE

- 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 Tim Mera against the decision of Oxford City Council.
 - The application Ref 21/01097/FUL, dated 19 April 2021, was refused by notice dated 14 June 2021.
 - The development proposed is the construction of a two-storey rear and side extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effects of the proposed extension on:
 - The character and appearance of the area around St Luke's Road, and
 - The living conditions of the occupiers of No 65 St Luke's Road by way of outlook and light

Reasons

3. No 67 is a semi-detached house situated on the south-western side of St Luke's Road. St Luke's Road is characterised by semi-detached houses of similar general design and the gap between pairs of houses varies along the road. There are a number of single-storey and two-storey extensions to houses in the vicinity of the appeal property though there are no examples of pairs of two-storey extensions adjacent to one another. No 67 has a side garage while the adjacent No 65 has a flat-roofed, two-storey side extension which appears to have been constructed some time ago. The appeal property also has a full width single-storey rear extension.
4. The proposed extension at No 67 would be two-storey and would extend across to the boundary with No 65. It would be set back around 0.9 metres from the main front elevation of the house, and it would project a little under 4 metres beyond its main rear elevation, to match the depth of the existing single-storey rear extension. It would have a pitched roof alongside the existing two-storey house and a flat roof to the rear part of the extension.
5. The Council contends that the proposed two-storey extension would result in a terracing effect that would be out of character with the street and appear incongruous and visually jarring when viewed from the street in front of the house. In addition, by virtue of its scale and design, it would fail to reflect

the prevailing pattern and character of development in the area and would appear as a visually jarring and incongruous form of development that would be unacceptably harmful to visual amenity and the character of the area. Finally, because of its scale and proximity to the boundary with No 65, the extension would result in an unacceptable loss of daylight and sunlight as well as an oppressively overbearing impact for the occupiers of that house that would be harmful to living conditions and residential amenity.

6. The appellant notes the existence of the flat-roofed, two-storey extension at No 65, and that other properties in the street already have two-storey side extensions of their own. He contends that the proposal would not, therefore, be out of character either in the local area or in the context of other typical suburban locations. Moreover, the 'terracing' effect identified by the Council would only be noticed from a very small area around the appeal property itself. Finally, he contends that the proposal complies with the Council's own 45°/25° rule, and that its limited depth to the rear would not result in an oppressive or overbearing outlook.
7. Policy DH1 of the Council's Local Plan (LP), adopted in June 2020, indicates that planning permission will only be granted for development of high-quality design that creates or enhances local distinctiveness. Policy H14 of the LP indicates that planning permission will only be granted for new development that provides reasonable daylight and sunlight for occupants of existing homes, and that planning permission will not be granted for any development that has an overbearing effect on existing homes.

Character and appearance

8. The appeal statement describes No 67 as an extended family dwelling-house, although the submitted plans show it to be a House in Multiple Occupation (HMO), currently with 4 HMO rooms. The proposal would result in a large two-storey side extension with both ground-floor and first-floor having an internal floorspace of some 30 square metres. The ground-floor is shown as having an additional sitting/dining area, while the first floor would have an en-suite bedroom. The extension would have an irregular shape, widening from front to back, due to the shape of the overall plot.
9. I accept that the design of the extension, in terms of set-back from the front elevation and set down from the main roof ridge, would comply with guidance in the Council's Planning Design Guide 2 – Side Extension (DG). However, the relatively narrow front elevation of the extension would include what appears to be a separate front door, almost adjacent to the existing front door, and this results in an incongruous and visually awkward elevation to the road. Moreover, the design of the door surround and the small window to the side of the door do not reflect the door and window type and design in the main front elevation.
10. There would not appear to be any other examples along the road of adjacent two-storey side extensions that create a terracing effect. Such an effect would be the result of the current proposal and, although the visual impact would be limited to a small area around the property, it would be an alien feature, harmful to the character and appearance of the wider area. Furthermore, whilst every proposal must be assessed on its own merits, to allow this development could encourage the submission of further similar

proposals which would be progressively more difficult for the Council to resist and which could cause cumulative harm to the character of the area.

11. On this issue, and in the light of the above, I find that incongruous design features in the front elevation of the proposed extension, coupled with the resultant terracing affect caused by the proposal, would be harmful to the character and appearance of the area around St Luke's Road. It would not, on this basis, enhance local distinctiveness, and it would, therefore, conflict with policy DH1 of the LP.

Living conditions

12. The proposed two-storey extension would project a little under 4 metres beyond the main rear elevation of the existing house and it would be constructed up to the boundary with the adjacent No 65. I accept that the extension would be situated to the west/north-west of the rear elevation of No 65, and that any loss of sunlight would be restricted to a small part of the day. Similarly, any adverse effect on daylight received at the rear of No 65 would be very limited. Nevertheless, there would be some harm.
13. More significantly, the extension would result in a full-height, two-storey wall projecting nearly 4 metres along the boundary with No 65, in close proximity to the rear elevation of that property and likely to have a detrimental impact on the outlook from the windows and amenity space at the rear. By virtue of its scale and proximity, I consider that it would result in an oppressive and somewhat overbearing outlook.
14. On this issue, therefore, I find that the proposal would appear oppressive and overbearing, harmful to the living conditions of the occupiers of No 65 by way of outlook. To this must be added adverse effects on sunlight and daylight, albeit that these effects would be very limited. On this basis, the proposal would conflict with policy H14 of the LP.

Conclusion

15. I find that the proposed extension would be harmful to the character and appearance of the area around St Luke's Road, and that it would be harmful to the living conditions of the occupiers of No 65 St Luke's Road by way of outlook and light. Accordingly, I dismiss this appeal.

J D Westbrook

INSPECTOR