
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/21/3277188
30 Weldon Road, OXFORD, OX3 0HP

- 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 Kousay Latif against the decision of Oxford City Council.
 - The application Ref 21/00521/FUL, dated 23 February 2021, was refused by notice dated 26 April 2021.
 - The development proposed is described as the construction of a two-storey side and rear extension and internal alterations.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Part of the description of the proposed extension given by the Council - in the 5th paragraph of the Officer's Report under the heading 'Visual Impact' - would appear to be inaccurate and/or referring to a different proposal. In addition, the photograph supplied as part of the appellant's appeal statement would appear to be of different property altogether. I have not considered these elements of the case.

Main Issues

3. The main issues in this case are the effects of the proposed extension on:
 - The character and appearance of the area around Weldon Road, and
 - The living conditions of the occupiers of No 30 Weldon Road by way of amenity space.

Reasons

4. No 30 is a semi-detached house situated on the north-eastern side of Weldon Road, at a point where it turns from a north-south orientation to an east-west orientation. The appeal property is a House in Multiple Occupation (HMO), currently with 4 HMO rooms. Weldon Road is characterised largely by semi-detached houses. Those along the southern part of the road have shorter front gardens but longer rear gardens than those of the houses around the north-eastern corner of the road, which include the appeal property. Gaps between the houses are relatively narrow at a little over 2 metres. The gap between Nos 28 and 30 is also narrow at the front, such that it appears in character with the rest of this section of the road.

5. The proposed extension at No 30 would be two-storey and would be set back over 6.5 metres from the front elevation of the house. It would project some 3 metres beyond its existing side elevation and 4 metres beyond the existing main rear elevation. It would have a hipped, pyramidal roof.
6. The Council contends that due to its position on the rear corner of the existing house and its overall bulk and mass, the proposed extension would form an awkward and unusual visual relationship with the existing house extension and would fail to reflect the prevailing pattern and grain of development in the surrounding area. In addition, because of its limited size, awkward shape and proportions, the remaining rear garden would fail to provide an adequate area of private open space to the detriment of residential amenity.
7. The appellant contends that when viewed from the front, the proposal would have minimal impact on the street scene due to the angle of the adjacent No 28. Moreover, the rear of dwellings that back onto 30 Weldon Road have a wide variety and form which do not appear to form a 'prevailing grain and pattern'. Moreover, he contends that the existing building has an external footprint of 61.45m², while the remaining garden after the proposal will be 119.2m². He accepts that the shape of the garden is irregular but that there is sufficient remaining space for a range of domestic activities.
8. 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 H16 of the LP indicates that planning permission will only be granted for dwellings that have direct and convenient access to an area of private open space, to meet certain specifications, including that houses of 1 or more bedrooms should provide a private garden, of adequate size and proportions for the size of house proposed, which will be considered to be at least equivalent in size to the original building footprint. In addition, consideration should be given to the overall shape, access to and usability of the whole space to be provided, and that communal spaces should provide a variety of space, including provision of space to sit and to play, and that space is adaptable to the changing needs of residents, being easy to maintain with resilient materials, but with opportunities for communal gardening or food growing.

Character and appearance

9. The proposal would result in a large two-storey side/rear extension wrapping around the south-east corner of the existing house. It would be set well back from the front elevation but, with a width of 3 metres it would have the effect of largely blocking views through the gap between Nos 30 and 28.
10. In view of its large scale and its siting at and beyond the rear corner of the existing house, it would appear incongruous in its setting, and out of character with the rest of the houses along this southern section of Weldon Road. It would not appear subservient to the existing house and would have a somewhat over-dominant impact on it. Although the full scale of the proposal would not be prominent in the street scene, the extension would be harmful to the character and appearance of the host property in its context.
11. On this issue, therefore, and in the light of the above, I find that the proposed extension would be harmful to the character and appearance of

this part of Weldon 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 appeal property currently has 4 HMO rooms and an HMO licence for 5 occupants. From the submitted plans it would appear that the ground floor contains one bedroom along with communal facilities including a kitchen, dining room and lounge. The first floor contains the other 3 bedrooms and a bathroom. The appellant states that the proposal seeks a two-storey rear extension to allow space for a larger communal area on the ground floor and an additional bedroom on the first floor.
13. The submitted plans show that the proposal would result in the ground floor containing two bedrooms and a combined living/kitchen area. The combined communal area would have a floorspace of 29m² whereas the current communal rooms total around 31m². The first floor would have 4 bedrooms, one of which would be of an equivalent to a double bedroom size. The overall impact of the proposal would, therefore, be to have a house with 6 bedrooms and a potential occupancy of 7 persons.
14. The potential increase in occupancy would clearly have an additional impact on the use of the existing internal communal space, which would be smaller than that already existing. This would, in my opinion, inevitably also put additional pressure on the external amenity space to the rear of the house.
15. The appellant contends that the existing building has an external footprint of 61.45m², and that the remaining garden after the proposal would be 119.2m². However, in this case, the footprint of the building following construction of the extension would then become significantly larger than that of the existing building, and it is unclear whether the figure given for the remaining garden includes only the private amenity space to the rear. In any event, the proposed extension would result in the private communal amenity space being of an irregular shape, which would limit its effective usability for a variety of purposes.
16. On this issue, therefore, given the likely increase in the number of occupants, and the relatively limited scale of the private communal amenity space, along with its awkward shape, I find that the proposal would not provide adequate effective amenity space for the occupants of No 30. On this basis, the proposal would conflict with policy H16 of the LP.

Conclusion

17. I find that the proposed extension would be harmful to the character and appearance of the area around Weldon Road, and that it would be harmful to the living conditions of the occupiers of the appeal property by way of unsatisfactory private amenity space. Accordingly, I dismiss this appeal.

J D Westbrook

INSPECTOR