



Appeal Decision

Site Visit made on 29 October 2021

by James Blackwell LLB (Hons) PgDip

an Inspector appointed by the Secretary of State

Decision date: 10 November 2021

Appeal Ref: APP/G3110/W/21/3279509

88 Bernwood Road, Oxford OX3 9LQ

- 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 Mrs F. Hafiz against the decision of Oxford City Council.
 - The application Ref 21/01178/FUL, dated 26 April 2021, was refused by notice dated 30 June 2021.
 - The development proposed is the erection of single-storey annexe to the rear garden to be used as ancillary accommodation to the main dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. When taken together, I am satisfied that the application plans adequately identify the location of the proposed annexe. On this basis, the appeal can proceed on the plans submitted.
3. Since determination of the planning application, the 2019 iteration of the National Planning Policy Framework (Framework) has been superseded. The main parties have had the opportunity to comment on the changes. I have therefore determined this appeal with regard to the current version, published in July 2021.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal property is a semi-detached dwelling located in a built-up suburb on the north-eastern fringe of Oxford. Properties in the area are sited in close proximity to one another and near to the road, which means the street scene is generally dominated by residential built form.
6. The appeal property benefits from a long and substantial garden to the rear, which follows a gentle upwards gradient, with its rear sitting noticeably higher than the ground level of the main house. Subject to a few exceptions, neighbouring gardens are comparable in size and remain largely undeveloped, which means the local housing layout is generally characterised by single-tier development. The large and undeveloped gardens in the area provide a sense of verdant openness, which provides a welcome contrast to the prevalence of built form within the street scene. This contributes positively to the character of the wider area.

7. The proposed annexe would be sited to the rear of the garden, and would have an overall footprint of approximately 48m². Given the footprint of the appeal dwelling itself is approximately 55m², visually, the annexe would appear broadly similar in scale to the main property. As a result, it would not appear subservient nor ancillary to the main dwelling. Irrespective of whether the annexe could be seen from the street, its substantial size and scale would interrupt the prevailing sense of openness which is attributed to the undeveloped gardens in this area, which would be harmful to the character of the wider area.
8. This disruption to openness would be further exacerbated by the height of the proposed annexe. It would be approximately 3m tall, which means it would sit much higher than the boundary fences which separate the appeal dwelling from its neighbours. Although the garden is partly screened by mature trees, the gaps in between mean that the annexe would still be readily apparent from neighbouring properties. Moreover, given the annexe would be sited at the very rear of the property, its height would be further exaggerated by the sloping topography of the garden, as it would be sited within the garden's most elevated section. As a result, the annexe would appear especially prominent, adding to the adverse impact on the openness of the area.
9. In terms of internal useable space, the proposed annexe would measure approximately 36m², which would be just 1m² shy of the nationally described space standard for a single-occupancy dwelling. Whilst I appreciate occupation of the annexe could be controlled via condition, due to its substantial size, the annexe could nonetheless still be visually perceived as a separate and standalone dwelling. It would therefore have the appearance of backland residential development, which would jar with the grain of single-tier development which typifies the area.
10. For these reasons, the development would harm the character and appearance of the area. It would therefore conflict with Policy DH1 of the Oxford Local Plan 2036 (adopted 2020), which requires new development to achieve high quality design which responds properly to local character and distinctiveness.

Other Matters

11. Whilst I note there are some similarities between the proposal and the existing outbuilding in the rear garden of no. 90, the evidence suggests that this outbuilding has been constructed unlawfully without the benefit of planning permission. It therefore shouldn't be used as a precedent to justify unacceptable development which does not accord with the development plan.
12. I note the appellant's willingness to amend the siting and dimensions of the proposed annexe to mitigate against its impact. However, I must determine this appeal based on the plans in front of me, and any alternative proposals would need to be the subject of a separate application.
13. In terms of design, the proposed materials and external appearance of the annexe would appear sympathetic to the surrounding landscape. However, this is a neutral factor and would not outweigh the harm to the character of the area arising from its overarching scale.

14. Although I appreciate that the proposed annexe would provide much needed accommodation for the appellant's family, such benefit would again not outweigh the harm identified in this instance.

Conclusion

15. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal should be dismissed.

James Blackwell

INSPECTOR