



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: 12 November 2021

Appeal Ref: APP/G3110/W/21/3278667

366 Marston Road, Oxford OX3 0JD

- 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 H Arshad against the decision of Oxford City Council.
 - The application Ref 21/00702/FUL, dated 11 March 2021, was refused by notice dated 7 May 2021.
 - The development proposed is described as part two storey part single storey side and rear extension to dwelling to create 1 x 2 bed dwelling and associated works including bin and cycle stores.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. 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of the planning application, the 2019 iteration of the National Planning Policy Framework (Framework) has been superseded.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 Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - the effect of the proposed development on the living conditions of future occupiers of both the existing and new dwellings, with particular regard to provision of private amenity space; and
 - the effect of the proposed development on the Council's energy and carbon reduction targets.

Reasons

Character and Appearance

4. The appeal property comprises a two-storey semi-detached dwelling located on a prominent corner plot at the junction of Marston Road and Crotch Crescent. The frontage of the dwelling faces out onto Marston Road. There is an existing single-storey side extension extending out to the highway along Crotch Crescent, which is set substantially back from the principal frontage. The wider area is predominantly residential in character, and is primarily made up of pairs

of semi-detached dwellings which are similar to the appeal property in terms of size, style and design. These are generally set substantially back from the road within large spacious plots, which gives the area (and specifically this junction), a strong degree of openness, which contributes positively to the character of the area. This openness is amplified further by the corner grass verges at each side of the junction.

5. The proposed development would comprise a part single and part two-storey side and rear extension to the existing property, to form a new dwelling. It would encompass a new hipped roof which would sit just below the current ridge, and the front elevation of the side extension would be marginally set back from the principal frontage.
6. Notwithstanding these attempts to incorporate a degree of subservience to the side extension, the two-storey element of the new dwelling would extend out from the side elevation of the existing house by approximately 5.5m. As a result, it would project well beyond the established building line along Crotch Crescent where the houses are sited much further back from the road, thereby disrupting the strong degree of openness that characterises this junction. This would directly contravene the Council's Design Guidance¹, which clearly states any extensions on corner plots should not project more than 1.5m beyond any established building lines. Given the new dwelling would essentially border the pavement along Crotch Crescent, the extension would also imbalance the relative symmetry that currently exists between the properties on either side of the junction, as there would be a distinct mismatch in their siting. These factors would detract from the openness that characterises this junction setting.
7. 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, which requires new development to achieve high quality design which creates or enhances local distinctiveness.

Living Conditions

8. Policy H16 of the Council's Local Plan requires new residential development to make adequate provision for private amenity space. The level of private amenity space provided in connection with residential dwellings should be *at least* (emphasis added) equivalent in size to the footprint of the original building. This space should be provided in addition to bin and cycle storage.
9. The new dwelling would have a footprint of approximately 50m². The private amenity space would be sited to the rear of the property, and would measure only 42.5m². Irrespective of the useability of this space, this shortfall is significant, particularly when the policy requirement for an equivalent level of private amenity space to the building footprint is expressly specified as a minimum. Whilst there is additional garden space to the front of the property, this borders a busy road, would not be permitted to accommodate tall enough boundary treatments to render the space truly "private", and would therefore be unlikely to be actively used as garden space. As such, it would not compensate for the shortfall of private amenity space to the rear of the property.

¹ Oxford City Council Design Guidance Sheet 1, Corner Sites

10. The purpose of the minimum garden space requirements is to safeguard the living conditions of occupiers, by ensuring that gardens are adequate and proportionate to the size of the dwelling proposed. In terms of the existing dwelling (and irrespective of its footprint at the time of construction), the size of the dwelling is now substantially larger than the 47.7m² of private amenity space proposed at the rear of the property. Much like the new dwelling, this would again conflict with the minimum policy requirement, which would be to the detriment of the living conditions of its occupiers. As above, any garden space to the front of the property would not adequately compensate for this shortfall, as it would not be sufficiently private to render it properly useable.
11. For these reasons, the proposed development would fail to provide sufficient private amenity space for the occupiers of both the existing and new dwelling, which would be harmful to the living conditions of their respective occupiers. As well as conflicting with Policy H16 as set above, the development would also conflict with Policy RE7 of the Oxford Local Plan 2036, which seeks to ensure the amenity of occupiers and neighbours is sufficiently protected through provision of appropriate levels of private amenity space, whilst conserving visual privacy and outlook.

Energy and Carbon Reduction Targets

12. The appellant has now submitted an Energy Statement which demonstrates the development could achieve a 44.10% reduction in carbon emissions, when measured against a 2013 Building Regulations compliant base case. Subject to a suitably worded condition to secure approval of the specific details, the development would therefore be consistent with the Council's energy and carbon reduction targets. On this basis, the development would comply with Policy RE1 of the Oxford Local Plan 2036, which requires an Energy Statement to be submitted with applications for new residential development, to demonstrate that sustainable design and construction principles could be incorporated into the build.

Other Matters

13. Whilst I acknowledge that the existing side extension already breaches the Council's Design Guidance referenced above, given it is single-storey only and set substantially back from the front building line, it does not compromise the overarching sense of openness that characterises the junction of Marston Road and Crotch Crescent. Conversely, the additional height, bulk and forward siting of the proposed development would detract from this existing sense of openness, which would be harmful to the character and appearance of the area.
14. At the other junction of Crotch Crescent and Marston Road, I note both corner plots have been extended to accommodate an additional dwelling on each side. However, given the extension to no. 428 was approved back in 2005, it would have been assessed against a wholly different policy context. Moreover, the siting of the original dwellings on either side of this junction was already much closer to the highway, which meant the extensions could be accommodated in this location without harming any prevailing sense of openness. Unfortunately, the context of the appeal site is different, and the strong sense of openness contributes positively to the character of the wider area, and therefore warrants protection.

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