



Appeal Decision

Site visit made on 21 December 2021

by R Walmsley BSc, MSc, MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2022

Appeal Ref: APP/C3105/D/21/3283064

50 Spruce Drive, Bicester OX26 3YN

- 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 B Trafford against the decision of Cherwell District Council.
 - The application Ref 21/02075/F, dated 14 June 2021, was refused by notice dated 10 August 2021.
 - The development proposed is first floor extension and partial garage conversion.
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Decision

1. The appeal is dismissed.

Main Issues

2. These are the effect of the proposal on the character and appearance of the area and on the living conditions of neighbouring occupiers, with particular regard to outlook and privacy.

Reasons

Character and appearance

3. The area surrounding the appeal site exhibits visual interest owing, in part, to the varied juxtaposition of houses and a variety of building forms. Nonetheless, within this there is a common building style and palette of materials and some repeated building layouts which creates visual consistency. The appeal property is no different; it is appreciated as an integral part of the residential estate, not least because of its style and materials which complement other properties in the area. However, being single storey and on a bend, the house stands prominently and apart from other houses in the area.
4. Extending the property would correspond with the two-storey height of existing properties. However, the added bulk and mass at first floor level would exacerbate the building's prominent position in the street, creating a dwelling that would appear unduly dominant and incongruous. The grey window frames and a projecting porch would reinforce the incongruity of the dwelling. Whilst porches are not uncommon in the area, the porch proposed, given its notable extension forward of the property's building line and exposed position in the street, would not be the subservient feature exhibited elsewhere.
5. The development would exceed the highest part of the existing roof and therefore, for this reason alone, could not be constructed under permitted

development. There is not, therefore, a fallback position which weighs in favour of the appeal.

6. And so, in light of my comments, the development would be unduly dominant and incongruous in the street and therefore would be harmful to the character and appearance of the area, contrary to policy ESD15 of the Local Plan Part 1 (2015) and saved policies C28 and C30 of the Local Plan (1996) which amongst other things, seek development that complements and enhances the character of its context.

Living conditions

7. The form and scale of the development would create a greater sense of enclosure for neighbouring residents when in their garden. However, given the reasonable distance of the development from the neighbouring gardens, it would not appear overbearing and so would not be harmful with regard to outlook.
8. As the windows to the en-suite and bedroom would be obscure glazed and with a sill at 1.7m above finished floor level respectively, the privacy of adjoining neighbours when in their garden would not be harmed. Nonetheless occupiers of the appeal property would overlook the gardens from the window on the new landing. Given the proximity of this window to the neighbouring gardens, privacy would be lost to the latter. Although the window is to a non-habitable room, it relates to an area of the house that would be well used.
9. The appellant is agreeable to a condition, should permission be granted, that requires the landing window to be obscure glazed and only openable 1.7m above finished floor level. This would mitigate any harm identified through overlooking. I see no reason why an appropriately worded condition would not be capable of securing adequate mitigation for privacy.
10. Accordingly, with a condition as discussed, the development would not have a harmful effect on the living conditions of neighbouring occupiers, with particular regard to outlook and privacy. The development would not, therefore, be contrary to policy ESD15 of the Local Plan Part 1 (2015) and saved policy C30 of the Local Plan (1996) which amongst other things, seek development that provides acceptable standards of amenity and privacy.

Conclusion

11. The proposal would not result in harm to the living conditions of neighbouring occupiers, with particular regard to outlook and privacy. However, I have found harm to the character and appearance of the area. There are no benefits to outweigh this harm and no material considerations to indicate that the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, the development conflicts with the development plan and the appeal is dismissed.

R Walmsley

INSPECTOR