



Appeal Decision

Site visit made on 24 January 2022

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2022

Appeal Ref: APP/C3105/D/20/3264808

98 Hazel Crescent, Kidlington OX5 1EL

- 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 Andrew Rugg against the decision of Cherwell District Council.
 - The application Ref 20/01984/F, dated 22 July 2020, was refused by notice dated 16 September 2020.
 - The development proposed is single-storey extension to the front and side.
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Decision

1. The appeal is allowed and planning permission is granted for single-storey extension to the front and side at 98 Hazel Crescent, Kidlington OX5 1EL in accordance with the terms of the application, Ref 20/01984/F, dated 22 July 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing nos. 19233.3, 19233.4 and 19233.5.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing dwelling.

Procedural Matter

2. During my site inspection I noted that a single-storey extension had already been constructed to the front and side of the property. This appears identical to the development shown on the proposed plans, except insofar as the appeal scheme includes an additional section of lean-to extension adjoining the boundary with 100 Hazel Crescent. The Council has confirmed that the existing extension was built under an earlier planning permission (Ref 19/02605/F).

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the area and the effect on the living conditions of the occupiers of 100 Hazel Crescent, with regard to outlook and natural light.

Reasons

Character and appearance

4. No 98 Hazel Crescent is a semi-detached dwelling within a mature residential neighbourhood of similar style properties. Many of the houses in this area have

been the subject of alteration and extension. As such, the homogeneity which may have once existed when the estate was first built has been diluted.

5. The permitted single-storey extension wraps around the front and side of the dwelling, its flank wall cranked at an angle to follow the property boundary. The proposal would extend the lean-to element across the frontage to the boundary with 100 Hazel Crescent. It is the impact of this additional section of extension that I am considering, given that the remainder of the proposed development has planning permission and is already built.
6. The Council describes the design as incongruous, but in my view it would not read as such within the street scene. Taken as a whole, the extensions would be proportionate in scale and subservient to the host building. Single-storey front extensions and porches are common features in the local area and form part of the established character. Extensions in general display a variety of designs, with some particularly prominent two-storey extensions located at junctions. The permitted extension already sits comfortably in the street scene of Hazel Crescent and the proposed lean-to would be a relatively small addition. I do not consider that it would harm the character or appearance of the area.
7. I therefore conclude that the proposal would comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 (CLP1) and saved Policies C28 and C30 of the Cherwell Local Plan 1996 (CLP). These policies are consistent with the National Planning Policy Framework in seeking good design which is visually attractive and sympathetic to the surrounding built environment.

Living conditions

8. The proposed front lean-to extension would be approximately 1.8 m deep and it would abut the shared boundary with 100 Hazel Crescent. The Council is concerned that the structure would lead to a significant loss of outlook and natural light for the occupants of the adjoining property. However, the development would comply with the 45 degree rule set out in the Home Extensions & Alterations Design Guide (March 2007). I also note that the Council has permitted similar front extensions elsewhere on the estate without raising any concerns over the impacts on neighbour amenity.
9. There would be a change to outlook for the residents of No 100 and there may be some loss of sunlight. However, the window serving the affected living room is large and south facing. Overall, I do not consider that the impact of the small extension being proposed would be so significant as to warrant a refusal of planning permission. Accordingly, I conclude that there would be no conflict with Policy ESD15 of the CLP1 or saved Policy C30 of the CLP, insofar as these seek to ensure that new development has regard to the amenity of adjoining occupiers.

Conclusion

10. For the reasons given above and having regard to all other matters raised, including the effects of the building works on the neighbours and the value of their property, I conclude that the appeal should succeed.

Robert Parker

INSPECTOR