

Appeal Decision

Site visit made on 14 February 2022

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 FEBRUARY 2022

Appeal Ref: APP/G3110/D/21/3288572
54 Cumberland Road, Oxford OX4 2DA

- 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 Abdus Salam against the decision of Oxford City Council.
 - The application Ref 21/01009/FUL, dated 8 April 2021, was refused by notice dated 29 September 2021.
 - The development proposed is for a first floor extension to existing property to create a larger children's bedroom, master bedroom and larger family bathroom.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor extension to existing property to create a larger children's bedroom, master bedroom and larger family bathroom at 54 Cumberland Road, Oxford OX4 2DA, in accordance with the terms of the application Ref 21/01009/FUL, dated 8 April 2021, subject to the conditions set out below:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The development hereby permitted shall not be carried out otherwise in complete accordance with the approved plans: 0102 Rev C., 0103 Rev A and 0105 Rev B.
 3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no additional windows shall be placed in the side elevations of the first floor extension hereby permitted.

Main Issues

2. The main issues are the effect of the appeal proposal upon the character and appearance of the area; and upon the living conditions of the occupants of 56 Cumberland Road, with specific reference to outlook.

Reasons

Character and Appearance

3. The appeal site relates to a one and a half storey end of terrace house with a single storey flat roof extension. It has a cranked (half hexagon) dormer window to the rear elevation of the roof which would be removed to make way for the proposal.
4. 56 Cumberland Road, adjoining, also has a flat roof single storey extension albeit slightly shallower than that at no54. The neighbouring dwelling also has a dormer window at first floor level which is essentially as originally built.
5. I accept that the extension would project well beyond the eaves of the host dwelling, but in plan form this would not be overly deep, and would appear in proportion when viewing the proposed side elevation 01, notwithstanding the fact that due to the presence of 52 Cumberland Road, very little of this would actually be seen. The roof of the extension would be of a slightly different pitch to the main roof, but public views of this would be limited to the rear garden scene; and overall I consider that it would not appear as unduly contrived.
6. I accept that the scheme would also give rise to the retention of an element of flat roof both to the rear and side of the extension, however the visual impacts of this would be restricted to within the site itself and from the rear of immediately adjacent dwellings.
7. Therefore I conclude that the proposed development would not read as an overly intensive or visually jarring form of development and consequently the character and appearance of the area would not be harmed. Notwithstanding that Policy D1 of the Oxford Local Plan 2036 (OLP) stipulates that planning permission will only be granted for development of high quality design, whilst the proposal may not win any design awards, nonetheless in view of the limited visual impacts upon the locality I find the proposal acceptable in this matter.

Living Conditions

8. The appellant has provided an annotated first floor plan which shows that direct views from the centre of the rear dormer window on no56 would not be obstructed by the proposed extension; and has also demonstrated in elevation that a view of the sky from the neighbouring dormer window would also be maintained. The proposal would comply with the 45/25° Code and would not detrimentally impact upon the light received by, or outlook afforded from the rear facing dormer serving no56.
9. I accept that the extension would project further than that previously proposed and would be higher with a pitched roof, but I am satisfied that the proposal would not give rise to an overbearing effect. Consequently I consider that the living conditions of the occupants of no56 and their living conditions would be preserved, in compliance with OLP Policy RE7 which only permit developments where the amenity of neighbours is protected.

Conclusion and Conditions

10. For the reasons set out above and having regard to all matters raised, I conclude that the appeal should succeed.
11. Other than the standard time limit condition, the Council recommends that conditions are imposed that require the development to be carried out in accordance with the approved plans and that materials used in the construction of the extension match those of the existing building. I consider that in the interests of the character and appearance of the area that these conditions are necessary.
12. In addition, the Council has also recommended that a condition be imposed that removes Permitted Development Rights for the insertion of additional windows within the side elevations of the first-floor extension. I consider that this is necessary in the interests of protecting the privacy of the occupiers of the neighbouring properties.

C J Tivey

INSPECTOR