
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/21/3287907
167 Ock Street, Abingdon OX14 5DL

- 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 Lee Molyneux against the decision of the Vale of White Horse District Council.
 - The application Ref P21/V1446/HH, dated 17 May 2021, was refused by notice dated 29 September 2021.
 - The development proposed is for a rear and side extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the appeal proposal upon: 1) The character and appearance of the area; and 2) The living conditions of the occupants of the appeal site, with specific reference to outlook and external amenity; and 3) Whether adequate off-street parking would be provided, in the interests of highway safety.

Reasons

Character and Appearance

3. The appeal site comprises an end of terrace town house located at the junction of Ock Street, a busy urban 'A' road and Victoria Road.
4. Like the rest of the terrace the appeal dwelling is finely detailed in its architecture and provides in totality a comfortable visual symmetry, consequently it can be considered to be a non-designated heritage asset.
5. The proposed extension would be constructed on the existing side garden which currently provides breathing space between itself and the public highway. I note that Wisteria House does not have such a set back on Victoria Road opposite, although having regard to that and the other cited examples, ultimately each case must be assessed on its own merits.
6. In this particular case, dwellings along the eastern side of Victoria Road are set back from the road, on the whole slightly more so than the existing flank elevation of no167 is currently.

7. I note the email trail between the appellant's agent and the local planning authority, and whilst I am not in a position to substantiate whether the online meeting held on 29 June 2021 was positive, nonetheless from reading the correspondence, it is quite clear Officers had concerns over the proposal; and had stipulated that those raised on the previous proposal had not been overcome. Notwithstanding this Officer's advice is given in good faith and cannot not bind a local planning authority to making a particular decision on a planning application.
8. I note that the design seeks to transpose some of the design features of the host dwelling, but nonetheless I consider that the principle of a two and a half storey side extension is unacceptable in this case, as the existing terrace's pleasing symmetry would be unbalanced by the proposal.
9. Irrespective of what or wasn't said by Officers of the Council, pursuant to paragraph 203 of the National Planning Policy Framework (the 'Framework'), in weighing schemes that directly affect non-designated heritage assets, a balanced judgement will be required, having regard to the scale of any harm or loss and the significance of the heritage asset. Combined with the unbalancing of the terrace, the scheme would give rise to an overdevelopment of the site which is already presently of a high density nature, with a limited curtilage and private amenity space.
10. I therefore consider that the scale, form and massing of the development would not be proportionate or in keeping with the overall character of the host building and immediate locality, and would have an adverse effect upon the character and integrity of the host dwelling and the terrace of which it forms part, a non-designated heritage asset. I find the proposal contrary to Policy CP37 of the Vale of White Horse Local Plan 2031 Part 1 – December 2016 (LPP1) which requires proposals for new development to be of high quality design that responds positively to the site and its surroundings, cultural diversity and history, conserves and enhances historic character and reinforces local identity; in addition to the Framework para. 203.

Living Conditions

11. As I intimated above, the appeal dwelling currently has a small external yard area with the rest of the amenity space within the semi-public realm, namely the front garden and the side garden area which would be built upon via the proposal. The Council's Design Guide of March 2015, where concerning building design and amenity, stipulates that for three or more bedrooms 100sqm of private amenity space should be provided. I have not been provided with the exact area of the yard, however I am reasonably certain that it falls under this level currently. The proposed extension would add an extra 4no bedrooms giving rise to 7no in total, thereby far increasing the potential level of residential occupation over and above the existing situation.
12. There may be local parks that provide outdoor areas for the future occupants if they chose to use them, but nonetheless that is not the same as having one's own private external space immediately outside their house; and which would be even further eroded upon if the majority of the rear section were to be used for the parking of vehicles. The front garden area would not be private and

indeed unlikely to be used bearing in mind its close proximity to the A415 and in any case is limited in its scope.

13. The side extension would have no set-back from the boundary with Victoria Road and therefore there would be no buffer provided. The proposed reception room at ground floor level would also have a window to its front elevation and therefore some outlook would be afforded from this. I could question the necessity of the side window in this location, however I accept that it would at least provide some additional natural lighting towards the rear of the room that it would serve.
14. More critically however would be that the first floor window within the gable end would serve a bedroom i.e. a habitable room that would have no outlook as a result of obscure glazing. Whilst I am sure that this could be designed out, it is nonetheless another factor in why I consider that the proposed development would provide unacceptable living conditions for future occupants. I accept that Wisteria House and other residential properties do have windows right on their boundaries, however many of these are clear glazed.
15. In conclusion on this matter, I find that the proposal would provide inadequate outlook from the rear bedroom at first floor level, nor would it provide adequate private external amenity space; contrary to the advice of the Design Guide and more critically LPP1 Policy CP37 which requires proposals for new development to be of high quality design. I also consider that the proposal is contrary to paragraph 130.f) of the Framework which stipulates that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Parking

16. The site is located close to the town centre, but nonetheless there is a policy requirement to provide 3no off-street car parking spaces.
17. The appellant has provided a Parking Arrangement Swept Analysis drawing which I believe was before the Local Highway Authority and the Local Planning Authority at the time that the planning application was determined. It shows 3no parking bays, all of which would accommodate a small car, but would not be policy compliant in terms of their width due to the fact of obstructions would be caused by existing and proposed walls. Furthermore, the third bay, as I highlighted above, would be created within the existing limited private yard area, thereby further accentuating the overdeveloped nature of the proposal. I accept that cycle storage could be allocated within the front garden area, but this would unlikely be as secure than if it was concealed from public view at the rear.
18. I have not been made aware of a lack of highway visibility, although I hasten to add that there would be no pedestrian visibility splay provided at least at the south-western corner of bay 2, due to the presence of the proposed extension. However, due to the fact that the parking spaces would not be policy compliant, future occupiers with larger cars may not be able to use them which could give rise to further pressures for on-street parking within an area where there is limited availability along Ock Street and in Victoria Road.

19. Therefore, I consider that the proposal could displace vehicles on to the Public Highway, contrary to its safety and is in conflict with LPP1 Policies CP33, CP35 and CP37 and Policy DP16 of the Vale of White Horse Local Plan 2031 Part 2 – Detailed Policies and Additional Sites October 2019, which together require proposals for new development to provide a sufficient level of well-integrated car and bicycle parking, to actively seek to ensure that the impacts of new development on the strategic and local road network are minimised.

Conclusion

20. Having regard to the above and all other matters raised, I conclude that the appeal be dismissed.

C J Tivey

INSPECTOR