



Appeal Decision

Site visit made on 31 January 2022

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 February 2022

Appeal Ref: APP/G3110/W/21/3280589

52 Foxwell Drive, Oxford OX3 9QE

- 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 Ms Jessica Jackson against the decision of Oxford City Council.
 - The application Ref 21/00532/FUL, dated 24 February 2021, was refused by notice dated 17 June 2021.
 - The development proposed is a new two-storey end terrace dwelling to create an additional two bedroom dwelling and separate driveway at 52 Foxwell Drive, OX3 9QE.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the banner heading above is taken from the application form. However, amended plans were submitted during the course of the application to delete the on-site parking provision. The Council made its decision against the amended plans and I have determined the appeal on the same basis.

Main Issues

3. The main issues are:
 - a) the effect of the proposal on the character and appearance of the area; and
 - b) whether the scheme meets the relevant policy requirements in respect of sustainable design and construction.

Reasons

Character and appearance

4. No 52 Foxwell Drive is a two-storey, end of terrace house which is located at the junction of Foxwell Drive and Steep Rise. The proposed dwelling would be appended to the side gable of the property, extending the terrace and bringing the built form closer to Steep Rise. This type of development has already taken place on corner plots elsewhere within Foxwell Drive. The most successful examples, notably Nos 2A/B, 10A, 16A, 44A and 54A Foxwell Drive, replicate the gabled form of the existing building and also match, as closely as possible, the width of other dwellings in the row. These developments read as natural additions to the local townscape.

5. The proposed dwelling would be much narrower than No 52 and it would be wider at the rear than at the front. The resulting stepped gable would be an incongruous design feature which fails to respond to the simple form and mass of the host building and the uniformity of the terrace as a whole. I acknowledge that a similar approach was taken at No 40A Foxwell Drive but in my view that development is out of character with its surroundings and unduly cramped within its plot. Accordingly, it is not a template to be used elsewhere.
6. The Council makes reference to the sense of openness conveyed by the side garden of No 52. However, the area's spacious character derives mainly from the large public open space to the north of Foxwell Drive. As other schemes in the area have demonstrated, the development of side gardens on corner plots need not be harmful to the character or appearance of the area. In this particular case, it is not the loss of garden that is harmful *per se*, but the discordant design and cramped appearance arising from the narrow building frontage relative to other properties in the row. These aspects of the development would be detrimental to the street scene.
7. I noted at my site inspection that the submitted plans are inaccurate insofar as the elevations do not reflect the actual size, position and proportions of the existing windows. The appearance of the proposed dwelling could be improved by adjusting the fenestration. It would also be possible to condition matching materials. However, this would not overcome the identified harm.
8. Policy DH1 of the Oxford Local Plan 2036 (OLP) sets out a requirement for high quality design that creates or enhances local distinctiveness. OLP Policy G6 states that permission will be granted for new dwellings on residential garden land provided that, inter alia, the proposal responds to the character and appearance of the area and the size of plot to be developed is of an appropriate size and shape to accommodate the proposal, taking into account the scale, layout and spacing of existing and surrounding buildings, and the minimum requirements for living conditions. There is no dispute that the proposal would provide a satisfactory living environment for future occupants. However, its design would cause unacceptable harm to the character and appearance of the area and for this reason there would be conflict with the development plan.

Sustainable design and construction

9. Refusal reason 2 relates to the absence of an Energy Statement to demonstrate compliance with OLP Policy RLP1. This policy requires, amongst other things a 40% reduction in carbon emissions from a code 2013 Building Regulations (or future equivalent legislation) compliant base through on-site renewable energy and other low carbon technologies and/or energy efficiency measures.
10. The appellant has supplied an Energy Statement during the appeal process. This proposes solar panels and an air source heat pump, together with passive design and energy efficiency measures. The Council contends that full details of the recommended measures, and also rainwater harvesting, should be provided and shown on the plans prior to determination of the application. However, it seems to me that the measures would be straightforward to implement and unsurprising additions, being the type of works that could ordinarily be carried out by householders without needing permission. In the event that I was minded to allow the appeal, a condition could be imposed to secure further information for the Council's written approval.

Planning Balance and Conclusion

11. The proposal would deliver a new 2-bed home and thereby contribute to the supply of housing in the City. However, the modest benefit of one unit would be outweighed by the harm to the character and appearance of the area. For this reason and having regard to all other matters raised, including the permission granted recently for 74 Foxwell Drive and arguments relating to the efficient use of land, I conclude that the appeal should fail.

Robert Parker

INSPECTOR