The Planning Inspectorate

Appeal Decision

Site visit made on 28 February 2022

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th March 2022

Appeal Ref: APP/Q3115/D/21/3286860
1 Crispin Place, Wallingford OX10 0DR

- 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 Mrs Alice Walton against the decision of South Oxfordshire District Council.
- The application Ref P21/S2926/HH, dated 28 June 2021, was refused by notice dated 23 August 2021.
- The development proposed is a first floor rear extension.

Decision

1. The appeal is allowed and planning permission is granted for a first floor rear extension at 1 Crispin Place, Wallingford OX10 0DR in accordance with the terms of the application, Ref P21/S2926/HH, dated 28 June 2021, and the plans submitted with it, subject to the conditions set out in the schedule below.

Preliminary Matters

2. With the appeal, the appellant submitted an updated location and site plan[1]. It corrects an error in the original plan[2] that showed the side elevation of the proposed first floor rear extension closer to the appeal site boundary and with a taller roof. It also omits sections S-01 and S-02 and is now consistent with what is shown proposed in the elevation and floor plans. Having regard to the 'Wheatcroft Principles'[3], no party would be prejudiced and I have, therefore, considered the appeal on the basis of the updated plan.

3. The main parties agree that, in error, the Council's decision notice refers to No 36 Goldsmith's Terrace, instead of Lane. I was able to view the appeal site from the sitting room, kitchen and rear garden of this bungalow.

Main Issue

4. The main issue in this case is the effect of the proposed development on the living conditions of the existing occupier of No 36 Goldsmith's Lane, having particular regard to outlook.

Reasons

5. The appeal property is a semi-detached house in a residential area close to the centre of Wallingford, in the Wallingford Conservation Area (the CA). The proposed first floor rear extension would be constructed above part of a single

[1] Drawing number 2164.G.7, Issue PLANNING V.3
[2] Drawing number 2164.G.7, Issue PLANNING V.1
[3] *Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]*

storey rear extension already granted planning permission by the Council but not yet built. The extension would be relatively close to the appeal site boundary with the rear garden and rear elevation of No 36 Goldsmith's Lane. However, it would be narrow in vertical height and short in depth. It would also be stepped in, behind the side (end) elevation of the appeal property, further away from No 36, and the fully hipped roof would be inset below the main roof, with a shallow pitched roof plane angled and receding away from No 36. Despite an elevated position, it would be limited in built form and extent.

6. While the sitting room of No 36 has a large main rear window, it faces more towards the front of the appeal property. As a result, the extension would not be observed in most normal views from this room and only to a limited extent in very oblique standing views. The kitchen of No 36 would be more directly opposite the extension. Seated at a table and chairs it would be noticeable in line of sight through the kitchen window, albeit a more distant view from the far side of the kitchen. Most standing activity in the kitchen would be closer to this window where the angle of view out increases. The extension would, therefore, be significantly less conspicuous in the context of these wider views in both directions and upwards towards the sky.

7. The rear garden of No 36 is relatively short with a single storey flat roofed store building in one corner. It limits active use of this part of the garden, and shields a small patio area, which would be close to the extension. Despite the proximity of the tall two-storey side (hipped) elevation of the appeal property, the garden at No 36 is sited behind the low, single-storey mainly flat roofed form of the bungalow. It is also quite wide, extending forward of the front of the appeal property and in the other direction faces towards the open rear gardens of adjoining dwellings above boundary fences. The extension would be off-set to one side of the garden. The mainly open, spacious character of the rear garden would, therefore, be maintained.

8. Consequently, despite the slightly lower level of No 36 relative to the appeal site, and even if the extension would be 7.7m from the rear elevation of No 36, as the Council suggests, it would be seen as a change but not be unduly oppressive or overbearing. Furthermore, I appreciate that the Council's Design Guide (the DG) refers to a minimum 12m separation between habitable room windows and a flank wall[4], but I note that this is 'general advice'. Moreover, the DG recognises that the 'context' of a site means that 'it will not always be possible for a development to satisfy each point in the criteria' and it is necessary to consider 'mitigation'[5]. I have considered the context of the site in terms of the juxtaposition between the appeal property, the extension and No 36 and mitigation in terms of the detailed design and siting of the extension.

9. Taking all of the above into account, I find that the development would not have an adverse effect on the living conditions of the existing occupier of No 36 Goldsmith's Lane, having particular regard to outlook. Consequently, it would comply with Policy DES6 of the Council's Local Plan[6] which includes that development should not have a significant adverse impact on the amenity of neighbouring uses having regard to dominance or visual intrusion. It follows that I do not find conflict with the requisite parts of the DG in these regards. The Council has also referred to some policies in the Wallingford

[4] South Oxfordshire Design Guide supplementary planning document, 2016 – Section 6, criterion 6.12
[5] DG - Part 1, page 12
[6] South Oxfordshire Local Plan, adopted December 2020

Neighbourhood Plan, May 2021. I consider the most relevant is Policy HD1 which includes that development should respond positively to local surroundings. The proposal would also comply with the National Planning Policy Framework (the Framework) which seeks to achieve well-designed places with a high standard of amenity for existing occupiers.

Other Matters

10. The special interest and significance of the CA[7] reflects the importance of the town located on an important crossing of the River Thames, a historic pattern and layout of built form, including bridge, and large, landscaped open areas with an 11th century motte and bailey castle. The extension is small-scale and its effect is very localised such that it would not affect the character or appearance of the CA in these terms. Consequently, there would be no harm to, or loss of, the significance of this designated heritage asset and the development would therefore preserve the character and appearance of this part of the CA and the CA overall. I note that the main parties agree.

11. Despite some local resident concerns, the relatively limited overall size of the extension, and its siting, would not overdevelop the appeal property or the appeal site, nor would it have any meaningful adverse effect on natural light received by any adjoining dwellings or gardens. The appeal property already contains first floor rear facing windows and these would be replicated in the extension. Albeit slightly closer to some adjoining dwellings and gardens, there would therefore be no material increase in overlooking. I appreciate that a similar extension has been submitted to the Council before, amended and finally removed from another planning application, and that the Council has previously resisted the extension. However, I have considered the proposal and this appeal on its individual planning merits.

Conditions

12. The Council has suggested some conditions. I have considered these, and where necessary modified the wording in the interests of clarity, in light of the tests in Framework paragraph 56 and Planning Practice Guidance[8]. In addition to the standard time limit condition, conditions are necessary to specify the approved plans, to ensure certainty, and so that the development is carried out with external materials that match those used in the appeal property. Both of these conditions are in the interests of the character and appearance of the appeal property and the area, including the CA. For the avoidance of doubt, the appellant's statement of case refers to drawing numbers '2164 G5-1' and '2164 G6-1'. The suffix '-1' appears in the electronic file names, neither plan is annotated as such. Condition 2 therefore omits the suffix.

Conclusion

13. For the reasons given above I conclude that, subject to conditions, the proposal is acceptable and therefore the appeal should succeed.

Robin Buchanan

INSPECTOR

[7] Council's Wallingford Conservation Area Appraisal, adopted April 2018
[8] Paragraph 21a-003-20190723

Schedule of Conditions (3)

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:

- 2164.G.7 Issue PLANNING V.3 Location and site plan
- 2164.G.5 Issue PLANNING V.4 Existing first floor plan
- 2164.G.6 Issue PLANNING V.4 Existing elevations plan
- 2164.G.5 Issue PLANNING V.3 Proposed first floor plan
- 2164.G.6 Issue PLANNING V.3 Proposed elevations plan

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.