



Appeal Decision

Site visit made on 21 June 2022

by Emma Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th July 2022

Appeal Ref: APP/G3110/D/22/3299360

12 Henley Avenue, Oxford OX4 4DJ

- 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 Craig Tucker against the decision of Oxford City Council.
 - The application Ref 22/00182/FUL, dated 24 January 2022, was refused by notice dated 7 April 2022.
 - The development proposed is the conversion of the loft, including installation of two first floor windows on the east facade, a flat roof dormer on the north facade and a velux window on the south facade.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of the loft, including installation of two first floor windows on the east facade, a flat roof dormer on the north facade and a velux window on the south facade at 12 Henley Avenue, Oxford OX4 4DJ in accordance with the terms of the application, Ref 22/00182/FUL, dated 24 January 2022, and the plans submitted with it, 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; MJ01, MJ02, MJ03, MJ04, MJ06, MJ07, MJ08, MJ09, MJ10, MJ11 and MJ012.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as set out on the submitted application form.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no first floor windows shall be constructed on the south or west facing elevations of the extension hereby permitted.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Preliminary Matters

3. The Council used a different description on its decision notice to that in the above heading, to which I have had regard in reaching my decision. The description that I have used comes from the application form.

Reasons

4. The appeal site comprises a brick and tile bungalow in a predominantly residential area, the dwelling is orientated at an oblique angle to the front boundary of the property. The property has a front gable with pitched roof single storey projecting elements with a lower ridge height than the main dwelling, to either side. The dwelling has an existing single storey flat roof element to the side elevation, which lies to the rear of the pitched roof side projection. The proposed loft conversion includes the provision of a number of new first floor openings including a dormer window, as well as a first floor extension to the side elevation.
5. The surrounding residential properties include a range of traditional and modern architecture, with a variety of roof designs including hipped, pitched and flat roof properties. A number of the dwellings, including the appeal property, have flat roof elements and additions.
6. The proposed extension would introduce a first floor flat roof element to the side of the host property, which would replace the existing single storey pitched roof. Although close to the height of the main ridge, it would be lower in height than the ridge height of the main dwelling and set in from both the front and rear elevations. Notwithstanding the flat roof design, as a consequence of the height and scale of the extension, it would appear as a visually subordinate addition.
7. Whilst the high level of the extension would make it visible within the surrounding area, given the presence of other flat roofs in the vicinity, including the existing single storey flat roof extension at the appeal property and modern flat roof dwelling immediately adjoining the appeal site, the proposed flat roof design would not appear as an alien feature or out of character with the host dwelling or surrounding residential development.
8. As a result of the orientation of the dwelling together with the scale and design of the first floor extension, I find that it would not appear unduly visually prominent when viewed from Henley Avenue.
9. For the reasons set out above I conclude that the proposed development would be sympathetic to the host dwelling and would not have a harmful effect on the character and appearance of the area. Accordingly, I find no conflict with policy DH1 of the Oxford Local Plan 2036, which seeks to ensure development is of high quality design and enhances local distinctiveness or policies in the Framework which seek good design.

Conditions

10. A condition to remove permitted development rights for first floor windows in the south and west facing elevations of the extension is necessary to ensure the development would not result in overlooking of the adjoining properties. I have amended the wording suggested by the council for clarity.
11. As the development will not increase the non permeable area a condition relating to surface water drainage is not necessary. As a consequence of the internal height of the proposed rooflight it would not lead to a loss of privacy to the occupiers of the adjoining residential property at 14 Henley Avenue. As such there is no need for a condition to require it to be obscure glazed.

Conclusion

12. For the reasons set out above, the appeal is allowed.

Emma Worley

INSPECTOR