The Planning Inspectorate

Appeal Decision

Site visit made on 23 June 2022

by L Page BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th July 2022

Appeal Ref: APP/C3105/D/22/3297392
37 Bicester Road, Kidlington OX5 2LD

- 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 Jon Coppock against the decision of Cherwell District Council.
- The application Ref 21/04043/F, dated 3 December 2021, was refused by notice dated 28 January 2022.
- The development proposed is two storey side extension.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of neighbouring occupiers in relation to outlook.

Reasons

3. The site is located at 37 Bicester Road and includes a two storey dwelling. It has a side to side relationship with a two storey block of flats at 115 to 121 Evans Lane, which includes a first floor habitable room window facing the site. There is an appreciable degree of separation between the existing side elevations of each building. Consequently, it follows that the first floor habitable room window enjoys an appreciable degree of outlook important in sustaining the living conditions of occupiers. Furthermore, it appears the window is the only source of outlook from this particular habitable room, which amplifies its importance in maintaining adequate living conditions.

4. The proposal would deliver a two storey side extension measuring around 7.2m in depth at ground floor level and 5.7m in depth at first floor level. It would project 3.5m in width from the existing side elevation, with a ridge height of 7.1m and an eaves height of 4.6m. Consequently, the appreciable degree of separation between the existing side elevations would be significantly eroded and there is no evidence the resultant separation distance would accord with guidance[1]. The habitable room window would be encroached by a blank façade of built form, and this would have a harmful overbearing effect on outlook. This would be exacerbated by the fact the window is the only source of outlook from the habitable room.

[1] As set out within the Council's Home Extensions and Alterations Design Guide 2007.

5. Whilst I appreciate that there will be some degree of set back at first floor level. The majority of the side elevation would still extend towards the neighbouring first floor window, where occupiers would still be met with a significant expanse of blank façade. Based on the plans in front of me, the mitigation provided by this set back would be limited to the extent that significant harm would remain.

6. Overall, the proposal would harm the living conditions of neighbouring occupiers in relation to outlook and conflict with Policy ESD15 of the Cherwell Local Plan Part 1 2016, and Policy C30 of the Cherwell Local Plan 1996. Among other things, these policies require proposals to consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space.

Other Matters

7. I note the planning history of the site, and that the appellant has taken steps to evolve the proposal in conjunction with neighbours, who might not object. However, these matters are not indicative of the proposal's acceptability, which has been assessed based on the evidence presented and in accordance with the development plan and associated guidance.

8. Whilst aspects of the proposal may accord with the traditional 45 degree rule, this appears to be in relation to daylight. Consequently, I have given this matter limited weight in my assessment of outlook.

9. Full details relating to the extension at 51 Bicester Road are not before me. Consequently, I am unable to make a finding on its relevance to this case or factor it into my assessment of the main issue.

Conclusion

10. For the reasons given, the appeal is dismissed.

Liam Page

INSPECTOR