



Appeal Decision

Site visit made on 5 July 2022

by Emma Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th August 2022

Appeal Ref: APP/C3105/D/22/3295182

5 St Peters Close, South Newington, Banbury, Oxon, OX15 4JL

- 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 Simms against the decision of Cherwell District Council.
 - The application Ref 21/04093/F, dated 3 December 2021, was refused by notice dated 14 February 2022.
 - The development proposed is a rear extension, porch and dormer in converted roof space.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Works at the appeal site have commenced but not yet completed. Specifically, the rear extension and front porch have been constructed. The plans before me appear to reflect the parts of the development that have taken place. For clarity, I have determined the appeal on the basis of the detail shown thereon.

Main Issues

3. There are two main issues. These are the effect of the proposed development on a) the character and appearance of the area and b) the living conditions of the occupiers of 6 St Peters Close, with specific regard to the rear extension.

Reasons

Character and Appearance

4. The appeal building is a single storey semi-detached dwelling in a street scene of similar built form set back from and facing the road to the south. The buildings are of a simple design which, whilst staggered in their presentation to the street, displaying small solar panels and contrasting in their use of external finishes, share consistencies in their roof form, shape and thus appearance which contributes positively to a pleasant sense of uniformity to the street scene.
5. The proposed gabled dormer would be sited high in the roof slope to the front elevation, close to the ridge line. In the above context, it would be read as an anomalous feature, interrupting the consistency of the street scene's roofscape. The siting and substance of the dormer would also unbalance the pair of semi-detached properties and how they present to the street.

6. As a consequence of its finished ridge height, the extension to the rear of the property is visible from the highway to the front, above the roof of the main dwelling. It is also partially visible from the side through the gap in between the properties, although this provides only limited views of the extension from St Peters Close. Despite the very modest scale of the part of the roof of the extension, which extends above the main ridge of the original dwelling, this nevertheless appears as a conspicuous feature, at odds with the rooflines of the other bungalows in the row and causing similar harm to the dormer as a result.
7. The rear extension also covers the full width of the property. The scale of the extension is emphasised by the introduction of a first floor window and the fact that the ground levels fall away from the main dwelling to the rear of the property. It would thus appear unduly dominant in relation to the original building. It would therefore fail to reflect the scale and appearance of the existing bungalow and as such would appear as an overbearing and unsympathetic addition.
8. Whilst the porch has introduced a feature that represents a deviation from the form and appearance of the existing bungalows, as a result of its height, scale and design, as well as its modest projection from the front elevation, which in any case is set back from that of the adjoining property at No 4, it does not appear as an unduly dominant feature in the street scene.
9. The porch is not harmful, but this is a neutral matter and is incapable of making other elements acceptable. The appellant suggests that the rear extension would constitute permitted development, which would weigh against any harm identified. However, and on the basis of what I have seen, I am uncertain that the extension would not exceed the thresholds set out in Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
10. For the above reasons, the appeal scheme would be harmful to the character and appearance of the area. It would therefore conflict with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 (CLP) and saved Policies C28 and C30 of the Cherwell Local Plan 1996 (LP) which seek to ensure, amongst other things, the development is of high-quality design. The proposal would also conflict with advice in the Council's Home Extensions and Alterations Design Guide (March 2007) (design guide) as well as the National Planning Policy Framework (the Framework).

Living Conditions

11. The extension to the rear of the bungalow projects a considerable distance from the rear elevation of 6 St Peters Close. Given the siting, height, scale and massing of the extension, it would appear as an unduly dominating and imposing addition when viewed from the nearest window in the rear elevation of No 6, as well as the garden space immediately to the rear of the property. Furthermore, whilst the rear gardens are north facing, the scale of the extension is such that it would lead to an unacceptable loss of light to the window in the rear elevation of No 6, particularly during the early part of the day.
12. The extension includes a rear facing first floor French door with Juliette balcony. This would introduce an opening where there are currently none in

either the appeal property or the adjoining single storey properties. Whilst the view from the new opening towards the rear garden of No 6 would be at an oblique angle, as a result of the proximity of the window to the side boundary of the site and the fact that the adjoining property currently benefits from a high degree of privacy, the new window at first floor level would give rise to an unacceptable degree of overlooking of the adjoining rear garden at No 6.

13. As a consequence, the rear extension would appear unduly overbearing and would harm the living conditions of the occupants of No 6 through loss of light, outlook and privacy. It would therefore conflict with CLP Policy ESD15 and LP Policy C30 which seek to achieve appropriate levels of amenity as well as the design guide.

Other Matters

14. Whilst the proposal may, in the appellant's view, enable the development of the building to maximise its potential, there is no compelling evidence before me to suggest that the existing accommodation is either sub-standard or that there are no other ways of achieving a similarly acceptable result to meet need. Or indeed that suitable family accommodation is not available elsewhere.
15. The fact that the proposals would promote energy efficiency in design and construction is laudable but would not be sufficient on its own to justify them in light of the harms and conflicts with the development plan they would cause. In addition, a number of other examples of similar development, including porches and dormers, have been brought to my attention. Nevertheless, the details and circumstances of each case are not before me. Nor specifics as to whether they required planning permission and why it was granted. In any case, each is to be considered on its own merits.

Conclusion

16. For the reasons given, the appeal scheme would conflict with the development plan and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance therewith. The appeal should therefore be dismissed.

Emma Worley

INSPECTOR