
Appeal Decision

Site visit made on 13 September 2022

by Nichola Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2022

Appeal Ref: APP/G3110/W/22/3292693

320 Banbury Road, Oxford OX2 7ED

- 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 Robin Swailes Design & Development against the decision of Oxford City Council.
 - The application Ref 21/03187/FUL, dated 17 November 2021, was refused by notice dated 1 February 2022.
 - The development proposed is conversion and extension of existing garden annexe to 1 bed dwelling house. Provision of bin/bike stores.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

3. 320 Banbury Road is a large end of terraced red brick and render property set within a street scene of similar large dwellings. Dwellings within the row form part of a perimeter block in which large 2 and 3 storey dwellings are set within spacious plots with long rear gardens. Whilst many dwellings within the row and the perimeter block contain outbuildings within rear gardens, there is a clear distinction in hierarchy between the more formal, prominent front elevations of the dwellings and the secondary role of outbuildings, which are generally located to the rear of the dwellings. This results in a pleasant, well-ordered residential character and appearance to the surrounding area.
4. The appeal site has been subdivided into flats and bin and bike storage is located within the rear garden on an area of hardstanding. The rear garden contains a detached annexe which is larger than other outbuildings found in the surrounding area. This annexe is surrounded by an area of established planting and is separated from the main dwelling by boundary treatment. Notwithstanding this the site generally conforms with the aforementioned surrounding hierarchical layout and makes a positive contribution to the distinctive pattern of development.
5. The proposal would extend the existing annexe to the rear to form a self-contained one-bedroom dwelling. The proposed extension would result in a 'C' shaped building comprising 3 pronounced separate blocks of differing heights and roof forms, each of which would have a sedum roof. Finishing materials

- would comprise timber and metal cladding. The dwelling would be accessed from the passageway to the side of the main dwelling.
6. Given the existing boundary treatment which separates the host dwelling from the annexe, the proposal would be unlikely to introduce significant additional boundary treatment or further compartmentalising of the site. Additionally, whilst the proposal would likely incorporate some additional hardstanding, in particular around areas of bin and bike storage and the dwelling access, this in itself would not represent a significant change from the existing site layout. However, the contemporary single storey building design, with its varied and staggered roof form, modern palette of materials and lack of street frontage would be inconsistent with the form and layout of dwellings in the surrounding area. Consequently, whilst the proposal has been designed to be of the appearance of an outbuilding, it would be of a form and scale which would be out of character with the surrounding area. Furthermore, the proposal would involve the loss of an undeveloped garden area. This would increase the proportion of built form relative to the overall plot which would harmfully diminish its spaciousness and greenery. This would not be compensated for by the use of sedum roofs.
 7. The siting of the dwelling in the rear garden would not be seen from nearby streets, and glimpses of the structure from the churchyard of St Michael and All Angels Church, which adjoins the site to the east, would be limited by existing boundary planting. Nevertheless, the dwelling would be apparent in private views from a number of surrounding properties. The proposed dwelling has been designed to appear as an outbuilding in materials and roof form and would replace an existing outbuilding present in these views. However, by virtue of its scale and modern design, the proposed dwelling would appear as a discordant feature and would have a greater visual impact than the existing annexe. The appellant states that existing established planting will remain and could be enhanced through a landscaping condition. However, based on my observations on site, the removal of some established planting will be necessary to facilitate the extension, the creation of the proposed access and the insertion of openings. The loss of this planting would not be compensated for through additional landscaping. This, coupled with the increase in scale of the structure and its discordant design, would increase the visual impact of the proposal when seen from the surrounding properties. This would not be mitigated by the use of sedum roofs which would fail to mask the overall visual impact.
 8. An appeal at the same property for the amalgamation of 2 no. flats to create 1 x 1 bed dwelling (Use Class C3), the extension and alteration of windows and doors to garden annexe to create 1 x 1 bed dwelling (Use Class C3) and provision of bin and bicycle storage and communal amenity space was dismissed in 2020¹. The current proposal relates solely to the conversion and extension to the annexe. The appellant has sought to address the issues raised in this appeal by amending the design of the dwelling to one that is less bulky and more subservient in design and appearance with a less prominent roof. Notwithstanding this, the proposed dwelling would occupy the same position within the plot and a similar area of the appeal site. Consequently, it would still be inconsistent with the character of the surrounding area. Therefore, for the foregoing reasons, the scheme would still in my view be unacceptable overall.

¹ APP/G3110/W/20/3254040

9. For the reasons outlined above, the proposed dwelling would diminish the feeling of spaciousness and disrupt the prevailing pattern of development and would thereby cause harm to the established character and appearance of the surrounding area. Therefore, the proposal would not accord with those aims of Oxford Local Plan 2036 (2020) (LP) Policies DH1 and S1 which set out a presumption in favour of sustainable development and require that proposals are of a high-quality design that create or enhance local distinctiveness. I also find conflict with those aims of LP Policies RE2 and G6 which require that development proposals make efficient use of land, including residential development on garden land, provided that the proposal is compatible with the site and responds to the character and appearance of the area. Furthermore, it would conflict with those aims of Policy HOS4 of the Summertown & St Margaret's Neighbourhood Plan (2019) which, whilst generally supportive of development in rear gardens, require that any attractive prevailing character of the area should be protected. I also find conflict with para 130 of the National Planning Policy Framework, which requires that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.

Other Matters

10. The site is adjacent to St Michael and All Angels Church, which is a grade II listed building. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, when considering planning proposals, decision makers should have special regard to the desirability of preserving listed buildings or their settings. The significance of the church lies in part in its aesthetic qualities which the list description refers to as an Early English Style. However, the proposed extension to the annexe building would be set back from the boundary with the church thereby retaining separation and the boundary treatment between the proposal and the modern extension at its western end. In the absence of evidence to suggest to the contrary, the proposal would preserve the setting of the listed building.
11. I note that the proposed self-contained dwelling would be similar in terms of use, access and activity levels to the existing annexe, and that the Council have raised no concerns regarding harm to the living conditions of neighbouring residents. Additionally, I note that the proposed dwelling would comfortably fit onto the appeal site and meet the minimum internal and outdoor amenity space standards set down in LP Policies H15 and H16, would be served by adequate bin and bike storage as required by LP Policies DH7 and M5, and would meet the sustainable design and construction requirements of LP Policy RE1. I also note that the Council has not raised concerns regarding impact on biodiversity. However, I have determined this appeal on its individual planning merits and none of the other matters outweigh or overcome my conclusion on the main issue.

Conclusion

12. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise². The proposal would add to the choice of housing in an accessible location and would use previously-developed land. This small site

² Section 38(6) Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

would make a modest improvement to existing housing stock. Additionally, there would be short-term economic benefits associated with construction, potential benefits to local businesses in the longer term, and potential benefits to biodiversity resulting from the green roof. Nevertheless, the development plan requires new development to sufficiently respect the local character and context. The harm identified in relation to this would not be outweighed by the benefits of the proposal.

13. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

Nichola Robinson

INSPECTOR