



Appeal Decision

Site visit made on 8 November 2022

by A J Sutton BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 November 2022

Appeal Ref: APP/G3110/D/22/3302702

22 Marsh Lane, Headington, Oxford, Oxfordshire OX3 0NF

- 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 Andrew Job against the decision of Oxford City Council.
 - The application Ref 22/00326/FUL, dated 7 February 2022, was refused by notice dated 3 May 2022.
 - The development proposed is described as 'Demolish existing side garage. Proposed rear lean-to single storey extension 3 metres deep. Proposed two storey side extension with hip-to gable roof. Proposed front lean-to single storey to form porch and part of new garage.'
-

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 host property and the surrounding area.

Reasons

3. The appeal property has a prominent end of row position, fronting Marsh Lane which is a main road into the City Centre. It is one of paired dwellings in a row of similar semi-detached properties that have a style typical of the Mid 20th Century. This style, defined by hipped roofs, bay windows and the symmetry of paired dwellings, provides a strong rhythm and consistency in the built form in this part of the road.
4. I observed on the site visit that there are examples of side extensions at properties near No 22. But these extensions generally appeared subservient to the original dwelling and in this regard these changes do not significantly disrupt the consistency of the built form in the area. There are also a few properties with loft conversions that have altered the hipped form. However, significant alterations such as these are exceptions in this part of the street scene.
5. The proposal would comprise a substantial side extension to the existing dwelling. While the extension's roof ridge would be lower than the main roof, the first-floor mass of the extension would not be set back and would match the existing front building line of the dwelling. It would not appear a subservient addition to the host property in this regard.
6. The ground floor element of the extension would protrude significantly forward of the existing front building line. Incorporating a garage and porch, it would

cover a substantial width of the dwelling's front elevation. Built close to the bay window with its footprint protruding beyond this existing window, it would diminish the appearance of this original feature. The generally consistent front building line of the row of properties along this part of the road would also be significantly breached and harmfully disrupted.

7. The plans submitted show a hipped roof at the front but with a gable end at the side elevation of the dwelling, and this is reflected in the description of the proposed development. This gable end would be out of keeping in a roofscape that is positively dominated by hipped forms. In this prominent location, this harmful change at roof level would significantly erode the existing positive consistency and rhythm of this feature in the area.
8. Although the appellant indicates that the proposed roof would overhang, this is not indicated on the submitted plans that, if this proposal was approved, would form the basis of the development. The harm to the appearance of the dwelling and street scene resulting from the proposed gable end would be compounded by the lack of overhanging eaves shown on these plans, and this would further draw attention to the inconsistent and uncharacteristic form.
9. The appeal property appears relatively unaltered at its front elevation, and this is the case for its paired dwelling. Unlike its paired dwelling it has a single attached garage, but as this is a small structure, I saw that the original pleasing symmetry of these dwellings is largely retained.
10. While this proposal would remove the existing garage this would be replaced by a substantially larger structure, the design of which would be out of character with the built form in the area, as outlined above. The harmful effect of this substantial structure on the appearance of this dwelling would not be negated by using materials that match the host and surrounding properties. Moreover, while it would not result in a harmful loss of space between properties, the incongruous changes to the roof and front elevation of No 22 would considerably unbalance the current positive symmetry between this property and its paired dwelling, and this would detrimentally erode the consistency in the built form in this part of Marsh Lane.
11. In light of the above, I find that the proposal would have a harmful effect on the character and appearance of the host property and the surrounding area. It would in this regard be contrary to Policy DH1 of the Oxford Local Plan 2036 which states that planning permission will only be granted for development of high quality design that creates or enhances local distinctiveness.

Other Matters

12. My attention has been drawn to examples of other existing extensions that match the original building line of properties and/or that comprise projecting garages and porches. However, with the exception of 33 Marsh Lane, all these examples are on other streets, where these changes do not visually influence or alter the character of Marsh Lane near the appeal property. Furthermore, the developments at Nos 27 and 28 Old Marston Road and 38 Cherwell Drive, have resulted in new dwellings and are not directly comparable to this proposal which would extend an existing dwelling. The examples identified outside Marsh Lane have not been persuasive in favour of the appeal for these reasons.

13. The side extension at No 33 is not set back at the first floor, but the protruding porch covers a relatively small section of the front elevation of that property, and there is a gap between that feature and the garage. It is distinctly different from the proposal before me in these regards. This aside, I have not been provided with the details regarding the approval of that development. As one of few extended properties in the area, it also has limited influence on the character of the area. In any event developments elsewhere do not in themselves provide a justification for harmful development at the appeal site.
14. I have had regard to the loft conversions in Marsh Lane which are understood to have been constructed under permitted development rights. These rights are generally not subject to the process applicable to proposals requiring planning permission, which includes the consideration of development plan policies. In any event, I observed, while these developments interrupt the consistency in the roofscape along Marsh Lane, they are limited in number. And visually the changes at these properties are confined to roof level, which would not be the case for this proposal. Moreover, there is nothing before me that would suggest that the appellant could or would take this course of action in the event this appeal was dismissed. I am also mindful that a loft conversion to the appeal property would not provide the flexible living space that a two-storey side extension could provide. And while the proposal subject of this appeal may be harmful, a less harmful scheme could be advanced which would better suit the appellant's growing family. Consequently, these developments have not altered my findings in this case for these reasons.
15. No objections to the proposal have been submitted by neighbouring residents. However, a lack of objection does not mean a lack of harm and I must consider wider interests in reaching this decision. No issue has been raised in respect to harmful effects on neighbours' living conditions, but this is an expectation of development and therefore a neutral factor in this case.
16. I have taken account of the benefits of this proposal in respect to extending the living accommodation in a property well related to services and public transport, improved energy efficiency and the resolution of damp problems at the property. However, this harmful scheme would not be the only means of securing these benefits and therefore these matters do not weigh in favour of the proposal.

Conclusion

17. For the reasons stated above and having regard to the development plan taken as a whole and all relevant material considerations the appeal is dismissed.

A J Sutton

INSPECTOR