



Appeal Decision

Site visit made on 26 October 2022

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 November 2022

Appeal Ref: APP/G3110/W/22/3296430

16 Ladenham Road, Oxford, OX4 6AZ

- 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 Rose Properties Limited against the decision of Oxford City Council.
 - The application Ref 21/03272/FUL, dated 24 November 2021, was refused by notice dated 24 March 2022.
 - The development proposed is erection of 2 storey side extension to form 1 bed dwelling, including bin and bike stores.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In March 2020 the Council granted planning permission for a side extension to No 16 (Ref 20/00176/FUL). That scheme comprised an extension of 3.5m in width. In the event that the current appeal were to be unsuccessful it appears reasonably likely that that scheme would be implemented. Therefore it represents a realistic fallback position in the context of this appeal (the Fallback Scheme).

Main Issues

3. The main issues are:
 - the effect of the proposal on the living conditions of the occupants of 14 Ladenham Road (No 14) with respect to privacy;
 - whether the proposal would provide acceptable living conditions for its future occupants with respect to outlook, privacy and internal space; and
 - the effect of the proposal on the character and appearance of the surrounding area.

Reasons

Living conditions for the occupants of No 14

4. The front bedroom window of the new dwelling would face onto the side elevation of No 14. The separation distance would be in the region of 7.3m. At first floor level No 14 has two windows, one of which is said to be a landing window and the other a bedroom window. Thus the proposal would enable

views from the proposed bedroom window into the bedroom and landing windows at No 14 at reasonably close range.

5. The appellant suggests that the proposed front bedroom window could be obscure glazed to prevent overlooking. Whilst the bedroom would have a rear facing window that would be clear glazed, the front window would be the main window for the only bedroom in the proposal. Therefore a requirement for it to be obscure glazed would unacceptably diminish the quality of the living environment for its future occupants. There may be alternative room layouts that would achieve an acceptable relationship between the proposed bedroom and first floor windows at No 14. However the appeal process should not be used to evolve a scheme¹. In the interests of transparency and fairness to all relevant parties I have determined the appeal on the basis of the plans before me.
6. Therefore the proposed development would unacceptably harm the living conditions of the occupants of No 14 with respect to privacy. Accordingly it would conflict with Policy H14 of the Oxford Local Plan 2036 (June 2020) (Local Plan). Amongst other matters this requires that proposals achieve suitable levels of privacy for existing and future users. It would also be contrary to paragraph 130 of the National Planning Policy Framework (Framework) which seeks to ensure proposals achieve a high standard of amenity for existing and future users.

Living conditions of the future occupants of the proposal

7. I do not consider the proximity of No 14 to be so close as to create an unacceptable outlook from No 16. Oblique views are likely to be afforded from the proposed front bedroom window into the public realm on Ladenham Road. However as reasoned above, the proposal would result in an uncomfortably direct relationship between the proposed first floor bedroom and the existing bedroom and landing windows of No 14.
8. Whilst the landing window is not a habitable room, there would be the impression of being overlooked from this window. In addition, the first floor bedroom window at No 14 would be afforded clear views into the proposed bedroom window at reasonably close range. Therefore, in the particular circumstances of this case it would not achieve acceptable living conditions for its future occupants with respect to privacy. For the reasons already given, the use of obscure glazing on the proposed front bedroom window would not provide an acceptable solution here.
9. The appellant has calculated the gross internal floorspace to be 58.75m² and therefore exceeding the minimum floorspace set out in the nationally described space standards². That requires a floorspace of 58m² for a one bedroom, two person property. The Council on the other hand has calculated that the proposal would amount to 56.9m² gross internal floorspace and therefore found that it would fall short of that standard.
10. The Council has also raised concerns about discrepancies in the proposed building measurements between the appellant's submitted plans. For example, the appellant describes the proposal as being 5.8m wide and 6.2m deep.

¹ Procedural Guide - Planning appeals – England (March 2021): Paragraph M.2.1

² Technical housing standards – nationally described space standard (March 2015), Department for Communities and Local Government

Whereas, using the proposed elevations plan (Ref 16Laden4.1.2) the Council has measured the proposed extension to be 6m wide by 7.5m deep at first floor level, and 5.5m deep on the groundfloor. In addition, the Council's measurements from the proposed floor plan (Ref 16LADENREV3) were different again, being 6.2m by 7.1m. It also appears to me that there is some inconsistency in the proposed dimensions between plans.

11. In the absence of correct and accurate plans I am unable to properly and definitively determine whether or not the proposal would achieve suitable living conditions for its future occupants with respect to the quantity of internal space. Though not determinative in light of the above, I note also that the representation from the occupants of No 14 states that their boundary is shown incorrectly on the submitted plans. No robust evidence is before me to the contrary.
12. Accordingly, whilst the proposal would provide suitable living conditions for its future occupants with respect to outlook, it would not be acceptable with respect to their privacy. Furthermore I cannot conclude with sufficient certainty that the proposal would provide adequate internal living space for its future occupants. Therefore, overall I find that the proposal would not comply with Policy H15 of the Local Plan. This requires that proposals achieve good living conditions for future occupants and comply with the nationally described space standard.

Character and appearance

13. The site is located in a residential area where houses appear to have been constructed at a similar time and to a similar typology. There is a relatively uniform pattern of development, with terraced blocks of predominantly two storey houses fronting on to the road or communal green space. Despite a relatively high density of development, the direct visibility of houses from the public realm and the lack of overlap between adjacent frontages, results in a pleasing simplicity of layout. In addition, gaps between terraced blocks, particularly at first floor level, provide welcome breaks in the built form. This uniformity of layout, together with the visibility of house frontages from the public realm, are defining positive features of the character and appearance of the area.
14. The proposed new dwelling would have a front door facing on to the public realm. However, much of its front façade would overlap with the side elevation of No 14. It would be set back from the building line of No 16 and therefore appear at odds with the consistent building line. Although it would have a slightly lower ridge line, it would appear cramped and contrary to the pleasing simplicity of layout that is typical in the locality. Even accepting that the proposal has a width of 5.8m and no greater, that represents a sizeable two storey extension in comparison to the width of the existing property. Though not visible in long views, from the public realm in the vicinity of the appeal site, there would consequently be a noticeable closure in the gap between No 16 and No 14 at first floor level.
15. In addition, the proposed development would occupy space currently used for storing bins for No 16. Therefore a new bin storage area and cycle storage is proposed immediately in front of No 16 as well as a separate provision for the new dwelling. Consequently there would be an increase in residential

paraphernalia at the front of No 16. This would emphasize the cramped nature of the proposal.

16. Therefore the proposal would unacceptably harm the character and appearance of the surrounding area. As such it would be contrary to Policy DH1 of the Local Plan. This generally seeks to ensure proposals achieve a high quality of design with respect to local characteristics. It would also be contrary to Policy G6 of the Local Plan which relates to proposals on garden land. Amongst other matters this requires that proposals are designed to take into account the spacing of existing buildings in the locality. The proposal would also be contrary to the guidance in paragraph 130 of the Framework, which sets out that development should be sympathetic to local character.

Other Matters

17. A previous application for a side extension at No 16 was dismissed at appeal (Ref APP/G3110/W/20/3244676) in June 2020 (the 2020 Appeal). That proposal was to create two new flats adjoining the existing house. The Council's appeal statement for this appeal refers to the 2020 Appeal scheme as being an 8m wide extension. Whereas the appellant refers to that scheme as being a 6m wide extension. Nonetheless, I have found that the current proposal would unacceptably harm the character and appearance of its surroundings. Therefore, whilst the proposed development may be somewhat narrower than the 2020 Appeal scheme, that does not reduce the harm that I have found would arise from the current proposal.
18. The Fallback Scheme, granted subsequent to the 2020 Appeal, would extend the existing building by 3.5m to the side, occupying part of the visible gap between existing buildings. Whilst it would overlap with the side elevation of No 14, the extent of the overlap would be noticeably less than the appeal scheme. The appellant states a difference of 2.3m in width between the Fallback Scheme and the appeal proposal, which is not inconsequential in the context of this site. In addition the Fallback Scheme would read as an extension to the existing building rather than a new independent dwelling. As such, the proposal would likely result in greater clutter at the front of the property and consequently appear much more intrusive in the street scene. Therefore, the Fallback Scheme would be markedly less harmful than the appeal proposal and does not alter my conclusions in respect of character and appearance.
19. The proposal would provide a single private dwelling in an accessible location. This would contribute to the supply of single bedroom houses within Oxford and the Government objective of boosting the supply of homes. Small sites can make an important contribution and can be built out relatively quickly. I have taken into account that the proposed dwelling could be constructed to high environmental standards, which would form a public benefit in environmental terms. Furthermore, the construction of the dwelling would provide short term benefits to the local and wider economy; and the occupants would be likely to stimulate consumer spending, boost local labour supply and help to support local services, which would all constitute benefits in social and economic terms. An absence of harm in respect of matters such as highways and parking, and private garden space are neutral considerations.
20. However I have found that the proposal would harm the living conditions of the occupants of No 14 with respect to privacy. Also, it would not provide acceptable living conditions for its future occupants with respect to privacy.

Furthermore I am not satisfied that it would provide sufficient internal space for its future occupants. I have also found that it would harm the character and appearance of the surrounding area. Whilst it could be said to make efficient use of land, the appeal site is within a built-up area and much of the proposal would occupy residential garden land which is excluded from the definition of previously developed land as provided in the Framework glossary at Annex 2. In any event, delivery of a new dwelling here would be at the expense of achieving good design.

Conclusion

21. Therefore, having considered the development plan as a whole along with all other relevant material considerations, I conclude that the appeal should be dismissed.

Rachel Hall

INSPECTOR