



Appeal Decision

Site visit made on 8 November 2022

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 February 2023

Appeal Ref: APP/G3110/W/22/3296517

134 Lime Walk, Oxford, OX3 7AF

- 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 Mrs S Saxby against the decision of Oxford City Council.
 - The application Ref 21/03358/FUL, dated 24 November 2021, was refused by notice dated 3 March 2022.
 - The development proposed is described as “alterations to existing domestic outbuilding to replace end section with two-storey extension, and provide fenestration and use converted building as annexe to existing dwelling”.
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Decision

1. The appeal is allowed and planning permission is granted for the proposed alterations to existing domestic outbuilding to replace end section with two-storey extension, and provide fenestration and use converted building as annexe to existing dwelling at 134 Lime Walk, Oxford, OX3 7AF in accordance with the terms of the application, Ref 21/03358/FUL, dated 24 November 2021, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. A Bat Survey has been submitted with the appeal. Whilst this was not submitted with the application as part of the appeal process the Council and third parties have had the opportunity to comment on its contents. As such, I do not consider that my taking it into account would prejudice any party.

Main Issues

3. The main issue are;
 - The effect of the proposed development on the character and appearance of the area; and
 - The effect of the proposed development on biodiversity.

Reasons

Character and Appearance

4. The appeal site is located in a predominantly residential area generally characterised by two-storey detached and terraced dwellings. The properties vary considerably in their individual design characteristics and appearance, however, by reason of their general alignment, relatively consistent plot coverage and set back from the highway, the area has a spacious and verdant

character. There are a number of traditional dwellings in the immediate vicinity of the appeal site providing a historic character to the area.

5. The appeal site is located on the corner of Lime Walk and Old Road. The outbuilding, the subject of this appeal, is an existing outbuilding and access on to Old Road. Whilst outbuildings adjoining the highway are not a common feature of the area, the appeal building is clearly a historic outbuilding connected to the host dwelling, No. 134 Lime Walk, that provides a positive contribution to the historic character of the area.
6. The existing single-story extension on the north side of the outbuilding is constructed of materials that match the outbuilding and host dwelling. The proposal is for the conversion of the outbuilding to a residential annexe and replace the single storey extension with a two storey extension.
7. The proposed two storey extension would be located to the northern elevation of the outbuilding but would not add to the overall floorspace. It would be minimal in scale, would continue the ridgeline of the outbuilding and would use matching materials. The outbuilding, host dwelling and plot are of a sufficient size to accommodate an addition such as this without it appearing disproportionately large or overly prominent. Additionally, the modest scale of the proposed extension and its location on an elevation that is located away from nearby highways, ensures that the outbuilding would remain subservient to the host dwelling.
8. With its use of matching materials, the proposed extension would not appear out of place and would not detract from the outbuildings traditional form. Furthermore, views of the extension from Old Road would be restricted by the outbuilding, and views into the site from Lime Walk are limited and fleeting. Nevertheless, even when viewed from Lime Walk the proposed extension would appear as part of the outbuilding and would not appear dominant or prominent in the street scene.
9. Though the outbuilding is separate from the host dwelling, the modest scale of the extension, coupled with its use of matching materials and location on the northern elevation ensures that the proposal would be read as an outbuilding to the host dwelling. As such, the proposal would respect and complement the existing built form.
10. Furthermore, whilst the proposed development is for an annexe the Council consider the proposed development to have a harmful impact on the character of the area as it would appear as a new dwelling. The purpose of the proposal before me is to provide additional family living space to enable the appellants to accommodate guests. The proposed annexe would not have a separate address, utility metres, services, access, garden or parking. Whilst I note that there is access to both the front and side of the site, these are existing and I see no reason why both would not continue to be used by the whole of the family and their visitors.
11. Whilst the extension and conversion of the outbuilding would provide all the facilities for day-to-day living, it would function as an annexe with the primary occupants sharing access and outdoor space with the main dwelling. There is a paved courtyard area between the proposed annexe and the main dwelling allowing easy access between the two. As such, the proposed development would remain part of the same planning unit as the main dwelling.

12. Based on my findings above and the evidence before me I am satisfied that the proposal relates to an annexe. If the building is not used as proposed, or if there is a material change of use to create a separate dwelling, then a separate grant of permission would be required. Any unauthorised use of the building would be at risk of enforcement action.
13. Overall, I conclude that the proposal would accord with the character and appearance of the area. Consequently, it would comply with Policy DH1 of the Oxford Local Plan 2036 (2020) (LP) and Policy CIP1 of the Headington Neighbourhood Plan 2017-2032 (NP) which seek, amongst other things, to ensure that development is of high quality design that creates or enhances local distinctiveness and responds to and enhance the distinctive local character. The proposal also complies with paragraph 130 of the Framework which seeks good design sympathetic to local character.

Biodiversity

14. Bats are protected by law and their presence is a material consideration when a development proposal is being considered which would be likely to result in harm to the species or its habitat. I have a statutory duty to have regard to the conservation of biodiversity.
15. ODPM Circular 06/2005 states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.
16. The appellant provided a Bat Survey, produced by Bioscan, in support of the proposed development. The survey details that there are some cracks and crevices in the external of the building and a small number of roof tiles were slightly raised. Nevertheless, the survey notes that due to internal cladding, lighting, unlined roof and flush roof slates and the presence of cobwebs, that there is no evidence of bats and the building has no more than a low potential for roosting. The survey concludes that no further surveys are warranted.
17. I have had regard to the concerns raised by the Council, in particular the presence of cracks and crevices and proximity to woodland. Notwithstanding the proximity to the woodland, the survey details that the cracks and crevices are heavily cobwebbed and as such have not been used for roosting. During my site visit I noticed the heavy cobwebs and the internal insulation panels. As such, I have no reason to disagree with the conclusion of the survey.
18. Accordingly, I conclude that it has been satisfactorily demonstrated whether any bats which may be present on or use the site. As such, the proposed development would accord with Policy G2 of the LP which seeks, amongst other things, to ensure that developments do not result in a net loss of sites and species of ecological value. It would also comply with paragraph 174 of the Framework which seeks to contribute to and enhance the natural and local environment.

Other Matters

19. Concerns raised by local residents were largely overcome through the amended plans detailing the removal of the door on to Old Road submitted during the Council's consideration of the application. However, concerns remain regarding

the impact of the proposal on the car parking provision. The proposed development would provide additional living accommodation for the host dwelling and would not introduce a separate dwelling. As such, it would unlikely increase parking pressures to a harmful level. If the annexe were to be sold in future separate to the dwelling then planning permission would be required and the Council would then consider the associated impacts at that time.

Conditions

20. The Council has provided a list of conditions, which I have assessed in regard to the advice provided in the Planning Practice Guidance (PPG) and Paragraph 56 of the Framework.
21. I consider the condition relating to materials is necessary in order to protect the character and appearance of the area. I consider that the condition relating to biodiversity enhancements is necessary in order to ensure biodiversity features are enhanced. With regards to the condition relating to removal of permitted development rights regarding the insertion of windows and doors I consider this necessary to protect the character and appearance of the outbuilding and to safeguard amenities of nearby residents. I have altered the wording of some conditions in order to ensure they comply with the PPG.
22. With regards to the Council's request for a condition requiring further details with regards to drainage is unnecessary as the only external changes relate to a modest extension. No hardstanding, alteration to access or driveways are proposed. With regards to a condition requiring further bat survey work, I am satisfied from my site visit and the information provided that protected species are safeguarded and that there is limited potential for any bat roosts. With regards to the condition requiring the outbuilding to remain an annexe, I do not consider this necessary as separate planning permission would be required to sever this from the host dwelling.
23. The appellant has had the opportunity to view the condition but have not provided specific comments.

Conclusion

24. For the reasons given above the appeal should succeed and planning permission be granted, subject to the conditions set out in the schedule below.

Tamsin Law

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site Location Plan 2020008 - A-P-XX-005 P1
 - Site Plan 2020008 - A-P-XX-006 P1
 - Elevations 2020008 - A-E-XX-004 P2
 - Plans 2020008 - A-P-XX-003 P2
- 3) The materials to be used in the new development shall be those as specified within the submitted "Statement of Rationale for Conversion of Outbuilding into Residential Annexe at 134 Lime Walk" dated November 2021.
- 4) Prior to occupation of the development, details of ecological enhancement measures including at least one bat roosting device or bird nesting device (suitable for building-dependent species such as swift, house sparrow, house martin) shall be submitted to and approved in writing by the Local Planning Authority. Details must include the proposed specifications, locations, and arrangements for any required maintenance. The approved devices shall be fully constructed prior to occupation of the approved development and retained as such thereafter.
- 5) Notwithstanding the provisions of the Town and Country Planning General Permitted Development) Order 1995 (or any Order revoking or enacting that Order) no additional windows/doors/openings shall be inserted and no alterations shall take place to the fenestration approved other than on a like for like basis.