



Appeal Decision

Site visit made on 1 February 2023

by P D Sedgwick BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th February 2023

Appeal Ref: APP/D3125/D/22/3308195

High Ridge, 46 High Street, Milton Under Wychwood, OX7 6LE

- 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 Natasha Earley against the decision of the West Oxfordshire District Council.
 - The application Ref 22/00524/HHD, dated 21 February 2022, was refused by notice dated 15th July 2022.
 - The development proposed is renovation of existing garden building.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant confirmed in writing that the name on the application form incorrectly included Mr Duncan Earley and a company name, which should have been in the agent's section. I have therefore used the name given on the appeal form in the banner heading above.

Main Issue

3. The main issue is the effect of the proposed development upon the living conditions of occupiers of neighbouring houses, with particular regard to privacy.

Reasons

4. The appeal proposal relates to a single storey outbuilding and attached shed located at the rear of the appellant's upward sloping garden to be converted into a home office and recreational space. A residential property, No 50a known as Wych Yard, is to the rear of it, and neighbouring gardens and parking for Wych Yard are to the side. Existing windows on the side of the outbuilding and shed face towards the gardens and parking area, and on the rear face towards the front elevation of Wych Yard.
5. The proposed development includes installing new, and replacing existing, windows. The replacement window on the rear elevation would be fixed and obscure glazed preventing any overlooking into Wych Yard. Similarly, the main window on the front elevation, facing towards the rear of the appellant's and the neighbour's house and garden, would be obscure glazed thus preventing mutual loss of privacy. The long narrow upper window on the front elevation would be located just below the roof and, at over 2 metres above floor height,

would ensure there would be no overlooking into neighbouring gardens and windows.

6. The proposed door on the lean to that would replace the shed, and the window on the side elevation of the outbuilding, would face towards a rear single storey extension at No 44. Glazing on the lean to door and side panel would allow some views across to No 44. However, overlooking would be limited to people entering and leaving the building and not significantly greater than is currently the case. Also, its position set back from the outbuilding wall, lower height, and the boundary fence in front of it would restrict views of No 44 to some extent.
7. I understand that the proposed side window is an amendment to the original scheme made at the Council's suggestion. Nonetheless, whereas the height of the existing window prevents overlooking into No 44, the proposed relocated window would be transparent, larger, and with a significantly lower sill. Even though it is described by the Council as a high level window, it would be possible to look directly from it into the side windows at no 44, albeit their lower half would be partly obscured by the low retaining wall. Because of the relatively short distance between the windows, the loss of privacy to the occupants of No 44 would be unacceptable. The proposal is therefore contrary to Policy OS4 and H6 of the West Oxfordshire Local Plan (2018) and Paragraph 130 of the National Planning Policy Framework (2021) which require that development should not harm the living conditions and environment of occupiers of neighbouring properties.

Other Matters

8. I have had regard to representations raising concerns over increased noise and disturbance and limited car parking provision. I agree with the Council, and the Inspector's comments in the previous appeal decision at the site¹, that the modest increase in activity associated with the proposed use would not lead to a detrimental impact on neighbours' living conditions and as such they do not add to my reasons for dismissing the appeal. Land ownership issues raised remain a civil matter rather than a planning matter.

Conclusion

9. The appellant has referred to all other matters that led to the refusal of a previous planning application having been resolved. I have no details of that scheme. Nevertheless, the resolution of other previous concerns does not outweigh the harm to the living conditions of occupiers of No 44 that I have identified. I therefore conclude that for the reasons given above the appeal should be dismissed.

P D Sedgwick

INSPECTOR

¹ APP/D3125/W/20/3259565