



Appeal Decision

Site visit made on 21 March 2023

by Michael Evans BA MA MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 April 2023

Appeal Ref: APP/C3105/D/23/3314185

7 Bernard Close, Yarnton OX5 1QP

- 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 and Miss Nyle and Stephanie Matthews and Rockett, against the decision of Cherwell District Council.
 - The application Ref 22/01917/F, dated 28 June 2022, was refused by notice dated 14 October 2022.
 - The development proposed is described on the application form as "A two storey side extension with pitch roof over and roofing tiles to match existing, roof pitch and profile to match existing, single storey rear extension with lean-to roof over, roofing tiles to match existing and cavity wall construction with facing brick to match existing".
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues in this appeal are:
 - The effect on the living conditions of the occupiers of the adjacent dwellings at 3, 4 and 5 Bernard Close, with particular regard to whether the development would appear overbearing and light levels.
 - The effect on the streetscene and the character and appearance of the locality.

Reasons

Living conditions

3. The appeal concerns a two storey dwelling with its flank wall facing towards a terrace of two storey dwellings. The proposed two storey side extension would project towards these properties. The Appellant indicates that the addition would be about 7.4m from no. 3 and 10.2m from nos. 4 and 5. I saw at my site visit that this would result in the extension being unduly close. Moreover, the Council's Cherwell Home Extensions and Alterations Guide, 2007, advises that such distances should be a minimum of 14m. The side of the host dwelling is approximately 13m from no. 4 and therefore currently at odds with the guidance. However, it would extend significantly closer to all three properties and be especially near in relation to no. 3, at little more than half the suggested distance.

4. The extent to which the full two storey extension is set down and back at the front would be relatively modest. As a result, it would be a fairly substantial addition. With the appreciable bulk and scale of the gable ended extension projecting unduly close to the neighbouring properties, this would result in an overly oppressive sense of enclosure. In consequence, the development would appear overbearing and, for similar reasons, unacceptably reduce light levels.
5. I agree that the outlook at the rear of a dwelling is generally more important than that at the front. However, the neighbouring houses have ground and first floor windows at the front which are, nevertheless, still important to the quality of the residential environment for occupiers of these dwellings through their outlook and receipt of light. Moreover, to relax the minimum distance of 14m to the degree required in this case would represent an undue level of flexibility, despite it comprising a guideline rather than being in a development plan policy.
6. The Appellant explains that the whole of the addition would be directly in front of no. 4. It is also pointed out that 1.2m and 1.6m of the width would be directly forward of nos. 3 and 5 and that this is only a fairly small proportion of the full width of these neighbouring dwellings. However, this illustrates that the impact in relation to no. 4 would be particularly detrimental given the resultant degree of prominence.
7. Furthermore, views of the addition as a whole from inside the other dwellings would not be at a particularly oblique angle. Therefore, despite these considerations the extension would be unduly prominent to the outlook from these adjacent houses as well, given its proximity and size. This would be the case despite the addition not being directly in front of all the front windows at nos. 3 and 5.
8. I note that no objections to the proposal have been raised by neighbours. However, this does not, in itself, confer acceptability on the proposal, which I must consider on its own merits. For the above reasons, I conclude that the proposal would harm the living conditions of the occupiers of the adjacent dwellings. There would be conflict with Cherwell Local Plan 1996 (LP), Policy C30 and Cherwell Local Plan 2011-2031 Part 1 (LPP1), Policy ESD 15, which, among other things, both seek to prevent such adverse effects.

Character and appearance

9. The extended dwelling would abut the path that enables pedestrian access to the adjacent properties. However, the front gardens would still be between it and the front of the neighbouring dwellings. The locality is not characterised by a significant degree of spaciousness, with gaps between dwellings in Bernard Close often being fairly modest. Despite the development being readily visible from the street, the resultant gap between buildings would be compatible with the pattern of development in the vicinity. In these circumstances, the enlarged dwelling would not appear cramped or incongruous.
10. It is therefore concluded that the streetscene and character and appearance of the locality would not be harmed. LP Policies C28 and C30, with LPP1 Policy ESD 15, taken together and, among other things, intend that development should be sympathetic, compatible with and complement the character of the context and streetscene, which would be complied with.

Other considerations

11. The Appellant has provided the details of a side extension granted planning permission at the appeal site. This comprises a single storey addition that would have its ridge about 2m lower than that of the current proposal. The approved scheme would, as a result, be noticeably lower and less bulky despite also abutting the footpath. It would therefore have a significantly lesser impact on outlook and light levels at the neighbouring properties despite being within the guideline distance of 14m. In consequence, it provides no significant support for the appeal.
12. The National Planning Policy Framework (The Framework) indicates that developments should promote a high standard of amenity for existing and future users. However, this would not be achieved in this instance with the scheme therefore conflicting with the Framework.
13. The Council points out that despite the loss of some space, the Council's parking standards would still be met.

Conclusion

14. It is concluded that there are no other considerations, including all other matters raised and the acceptability in relation to character and appearance, that would justify accepting the development. Given the harm that would arise in relation to the fundamental planning consideration of living conditions, it is therefore determined that the appeal fails.

M Evans

INSPECTOR