



Appeal Decision

Site visit made on 28 March 2023

by O Marigold BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25TH April 2023

Appeal Ref: APP/G3110/W/22/3310302

109 London Road, Headington, Oxford OX3 9HZ

- 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 Gareth Bertram Limited against the decision of Oxford City Council.
 - The application Ref 22/00016/FUL, dated 5 January 2022, was refused by notice dated 15 September 2022.
 - The development proposed is erection of rear extension incorporating ground floor (Class E) accommodation with two one-bedroom apartments at first and second floor level, including the use of the first and second floor of the existing building as residential.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the area, and
 - whether the proposal would provide adequate living conditions for the occupiers of the proposal in respect of outlook.

Reasons

Character and Appearance

3. The property consists of a modest two-storey mid-terrace building, currently in commercial use. The site lies within the Headington District Centre, which has buildings that vary in their design and height. Many properties in the same terrace as the appeal site have been extensively extended at a large depth into the yards behind the properties, as far as a rear service road. These include 111 London Road adjacent to the site, where a rear extension uses dormers to achieve a subservient form of second-floor accommodation.
4. The proposal has been reduced in scale from that originally submitted to the Council and would have its second storey set back, with only a balcony fronting the service road. To the front of the property, facing London Road, only the rooflights of the proposal would be visible, with the rest of the scheme being screened by the existing building.

5. However, from the junction of London Road, Old High Street and Windmill Road, and from further west along London Road, public views of the upper part of the side of the proposal would be clearly obtainable. A varied range of building heights, designs and roofscapes can be seen from these locations, which are not identified as key viewpoints of value in the Headington Neighbourhood Plan (NP), dated July 2017. Nevertheless, these are busy, public locations in the centre of Headington.
6. The roof of the proposal would be seen above the existing parapet of properties that front onto Old High Street. The proposed ridge line would be tall, competing with the ridge of the host building fronting London Road, and the eaves of the shallow pitched roof of the proposal would sit above those of its host. Therefore, although the site is not within a Conservation Area or of particular architectural value, the proposal would not complement the design of the existing building.
7. The long depth of the proposal would also be clearly apparent in these views. This would contrast with the deep extensions to other properties in the terrace, which are screened by existing buildings. As a result, rather than continuing the established built form, the side profile of the proposal would appear excessively large and dominant when viewed against the host building from which it would extend. As such, the proposal would appear incongruous in the street scene.
8. Public views from this direction would include the proposed side 'cut outs', forming balconies to provide light and outlook to the kitchens. No similar features locally have been drawn to my attention, and the form of these cut outs would be somewhat jarring and contrived in appearance. As such, the design of the side elevation would add to the discordant effect of the proposal on the street scene.
9. When seen from the service road, the height and large depth of the proposal, together with the scale of the buildings adjacent to it, would limit the degree of visual connection between the proposal and the host building. Even so, the eaves and ridge lines of the adjacent properties would still be visible. In that context, and even with the proposed set back at second storey level, the proposal would appear excessively tall and bulky when seen from the rear, because of its large overall height and scale.
10. Therefore, for the reasons given above, I consider that the proposal would harm the character and appearance of the area. As such, it would not accord with policies DH1 and RE2 of the Oxford Local Plan (OLP), adopted June 2020. These require a high quality of design that creates or enhances local distinctiveness, and is compatible with the surrounding area, including its scale. Similarly, the proposal would fail to comply with NP Policy CIP1, which requires that development respects and enhances local character, and with the National Planning Policy Framework (the Framework), which requires proposals to be sympathetic to the surrounding built environment.

Living Conditions

11. The kitchens of the proposed flats constitute habitable rooms. They would have their outlook provided by small side balconies that would face directly towards a blank wall of the adjacent property, making the kitchens somewhat enclosed. The side windows serving the living rooms would also be small and would face

towards the rear of properties on Old High Street at a close distance. This would further limit the outlook available to occupiers.

12. However, occupiers of the kitchens would still have some degree of outlook from these openings. Furthermore, sufficient levels of outlook, as well as sun and daylight, would be available to occupiers of each unit from the other windows and the rear balcony serving each flat. These would serve their bedroom and living rooms in addition to the side windows. As such, occupiers within each unit as a whole would have a reasonable degree of outlook.
13. Concerns have been expressed by local residents that the proposal would harm the living conditions of future occupiers because of noise and disturbance from the nearby supermarket loading bay and lorries serving it. However, the site is already within a mixed commercial and residential environment and where a degree of noise would be expected and anticipated by future occupiers. I am therefore satisfied that occupiers would not suffer unduly from external noise or disturbance.
14. As such, the proposal would provide adequate living conditions for the occupiers of the proposal in respect of outlook. The Council has referred to OLP Policy H14 in its Decision Notice, but this policy does not refer to outlook, and so I see no conflict with it. In any case, the proposal would comply with the Framework in respect of its requirement for a high standard of amenity for future users of the development.

Other Matters

15. The proposal would make a positive contribution to the supply of housing, on a small site that can be delivered quickly. Future occupiers of the proposal would make a positive social and economic contribution to the area, as would its construction economically. It would also maximise density, making more efficient use of land, on a site well located for the services and facilities of Headington. However, due to the proposal being for only two units of accommodation, such benefits carry only limited weight.
16. The proposal would also create an integrated and more efficient ground floor Class E Use. However, this element of the proposal does not inherently rely on the additional stories above, and the harm caused by them, and so I give this benefit only limited weight.

Conclusion

17. For the reasons given, I have found conflict with the Development Plan as a whole. The material considerations in this case do not indicate a decision other than in accordance with the Development Plan. This leads me to conclude that the appeal should be dismissed.

O Marigold

INSPECTOR