



Appeal Decision

Site visit made on 13 June 2023

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 03 July 2023

Appeal Ref: APP/Q3115/W/22/3313989

15 Elton Crescent, Wheatley, Oxford OX33 1UZ

- 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 Matthew Dungey against the decision of South Oxfordshire District Council.
 - The application Ref P22/S0713/FUL, dated 22 February 2022, was refused by notice dated 1 July 2022.
 - The development proposed is proposed demolition of existing garage and conservatory, part single, part two storey rear extension and alterations to the existing dwelling, subdivision and erection of new dwelling and alteration to the vehicular access and parking.
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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
 - the living conditions of the occupiers of 17 Elton Crescent (No 17) with particular regard to light and outlook.

Reasons

Character and Appearance

3. Elton Crescent consists predominantly of semi-detached dwellings, with some terraces. Houses in Elton Crescent are generally set back behind front gardens with large gaps between each semi-detached pair, particularly at upper levels. These factors mean that the Crescent has a spacious, low density and suburban appearance. The houses have a degree of variety in their design, and some properties have been significantly extended. However, the original regular semi-detached layout and grain remains recognisable.
4. 15 Elton Crescent (No 15) is one half of a semi-detached pair. The gap to its neighbour, No 17, is larger than many others locally. It is proposed to erect a two-storey detached dwelling within this gap, and to extend No 15 itself to the rear. The proposed new dwelling would have a height and design of similar appearance to its neighbours.
5. However, because of its size and width, the proposed new dwelling would result in large additional built form, that would fill much of the gap to the boundary

with No 17 when viewed from the front. As such, it would significantly reduce the spaciousness of the street scene hereabouts. Furthermore, the detached position and footprint of the proposal, within an existing row of predominantly semi-detached units, would not reflect the prevailing form and layout of houses hereabouts. It would therefore appear out of place and significantly harmful in the street scene.

6. Other dwellings locally have been drawn to my attention in the appellant's Supplementary Design Statement, including two examples of detached units. However, the detached bungalow fronting Roman Road is in a position that does not have the same recognisable regular pattern of houses as at Elton Crescent. The detached dwelling at Leyshon Road is at the end of a row and so is somewhat separated from the rhythm of the built form of that road. The other examples given are of semi-detached or terraced dwellings. As such, I can draw few meaningful comparisons between these examples and the proposal.
7. Following the Council's decision on the appeal application, planning permission has been granted for side and rear extensions to No 15¹. Planning permission has also been granted² for the creation of a separate unit to the side of No 15 formed by a two-storey side extension (the fallback). A copy of the approved plans has been provided to me. At ground floor level, the fallback would be detached from No 15 and divided from it by a passageway.
8. Nevertheless, the fallback would be attached at first floor storey and roof levels. Visually, from the road, it would give the appearance of being adjoined to No 15, albeit forming a separate unit. As a result of its attached form, the fallback would better reflect the prevailing character of properties locally. Furthermore, its hipped roof and resultant greater distance from No 17 would give a somewhat more spacious appearance to the street scene than the proposal. As such, the fallback is preferable to the proposal and so does not justify the harm that it would cause.
9. For the reasons given above, the proposal would harm the character and appearance of the area. As such, it would be contrary to policy DES1, and DES2 of the South Oxfordshire Local Plan (SOLP), adopted December 2020. These policies require that the proposal must respect the grain and massing of its context and enhance local character. It would also conflict with the similar requirements of Policy H1 of the Wheatley Neighbourhood Plan, made May 2021.

Living Conditions

10. No 17 is a semi-detached dwelling, with a garden to the side and rear. As well as a glazed side porch, the property has a rear-facing kitchen window and a rear conservatory. The proposal would project well beyond the rear building line of No 17 and on a slightly higher ground level. As such, it would be clearly visible both from within No 17 and its garden.
11. However, the end section of the proposed new dwelling would have a narrower width than its core. Only a relatively small part of the widest two-storey section of the proposal, containing part of Bedroom 3, would extend beyond the rear

¹ LPA reference P22/S2763/HH

² LPA reference P22/S3577/FUL

building line of No 17. The furthest two-storey parts of the proposal would be set back to the side and rear, with single-storey sections infilling the rest of the footprint of the proposed dwelling.

12. As a result, there would be only a relatively short length of two-storey built form closest to the shared boundary beyond the rear building line of No 17. Even at its closest, the proposal would be set back from this boundary, limiting its effects. The single storey elements of the proposed new dwelling, although lengthier, would be largely screened by existing boundary treatments and so their impact would not be significant.
13. For these reasons, and notwithstanding the difference in ground levels, the proposal would not result in an unduly dominating or overbearing form of development when seen from the windows of No 17 or its garden. For the same reasons, the proposal would not result in an unacceptable loss of light to the windows or gardens of No 17.
14. Accordingly, I find that the proposal would not harm the living conditions of the occupiers of 17 Elton Crescent with particular regard to light and outlook. As such, it would comply with SOLP policy DES6, which requires no significant adverse impacts on neighbouring uses including in respect of light and dominance.

Other Matters

15. Construction of the proposal would make a positive economic contribution to the area, as would its occupants both socially and economically. It could be developed quickly and would be built to high environmental standards. However, the same can also be said of the fallback, which would not cause the harm that I identify.
16. The proposal would provide a larger three-bedroom unit compared with the two bedrooms of the fallback. However, I have little substantive evidence that there is a greater need for three-bed units locally and the proposal, for a single dwelling, would make only a little contribution to any such need. I therefore give limited weight to this benefit.

Planning Balance and Conclusion

17. I have found no conflict with the Development Plan with regard to the effect of the proposal on the living conditions of No 17. However, for the reasons given, I have found that the proposal would conflict with the Development Plan, read as a whole, in respect of the character and appearance of the area. 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