



Appeal Decision

Site visit made on 25 July 2023

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 August 2023

Appeal Ref: APP/G3110/D/23/3319308

27 Coxs Ground, Oxford, Oxfordshire OX2 6PX

- 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 Mrs Kaye against the decision of Oxford City Council.
 - The application Ref 22/02600/FUL, dated 31 October 2022, was refused by notice dated 3 January 2023.
 - The development proposed is removal of 2no. box dormers and formation of 1no. dormer with balcony to rear roof slope.
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Decision

1. The appeal is allowed and planning permission is granted for removal of 2 box dormers and formation of 1 dormer with balcony to rear roof slope at 2 Coxs Ground, Oxford, Oxfordshire OX2 6PX in accordance with the terms of the application Ref 22/02600/FUL, dated 31 October 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved drawings: Location and Block Plans - Drawing number 12/01; Proposed Site Plan - Drawing number 12/14; Proposed Ground, First, Second & Third Floor Plan – Drawing number 12/15 and Proposed elevations – Drawing number 12/16.

Preliminary Matters

2. The application was determined on the basis of amended plans. However, because the proposed amended elevations did not match the proposed amended floor plans, I queried this with the Council. The Council has provided a copy of the correct drawing 'Proposed elevations – Drawing number 12/16'. I have determined the appeal on the basis of the amended drawings.
3. I have used the description of the proposal as set out in the Council's decision, as this more accurately describes the proposal, as amended.

Main Issues

4. The main issues are:
 - i) The effect of the proposal on the character and appearance of the area, and;
 - ii) The effect of the proposal on the living conditions of neighbours.

Reasons

Character and appearance

5. The appeal property comprises a three-storey, mid-terrace townhouse located amongst a small terrace of similar properties, which form part of a larger modern housing development. Within this development there are features such as dormers and balconies. However, these are largely integral to the original designs of the buildings and limited to front elevations.
6. Nonetheless, the appeal property has already been altered to include accommodation in the roof space. This includes external alterations in the form of two roof lights on the front roof slope of the property and two dormers along the rear roof slope.
7. Furthermore, planning permission¹ has been granted for a replacement larger dormer extension to the rear roof of the appeal property ('the approved scheme').
8. Therefore, in principle, the Council has already agreed a larger dormer extension at the appeal site. Also, in doing so the Council has accepted that the overall design, scale and massing of this would not harm the appearance of the appeal property or the character and appearance of the area. The approved scheme also represents a fallback.
9. For significant weight to be afforded to the fallback position, there needs not only to be a real possibility of it being carried out, but it would also need to be equally or more harmful than the appeal scheme.
10. Given that the approved scheme has planning consent and can still be implemented, there is a greater than theoretical possibility of this being implemented, if the appeal scheme is dismissed.
11. The principal change in the proposal before me when compared to the approved scheme is the addition of a modest balcony that extends across part of the dormer extension. However, the balcony would be recessed within the structure of the dormer. Consequently, the proposed dormer extension would be of a similar scale to the approved scheme.
12. The proposed dormer extension would feature double doors leading onto the balcony which would be enclosed at the front by a simple glazed balustrade. This would have a similar appearance to the approved scheme, which incorporates double doors and a Juliet balcony. By design, the balcony would be partly open and this would limit its massing relative to the approved scheme.
13. Therefore, irrespective of the inclusion of a balcony, the overall form, scale, massing and design of the proposal reflects the fallback scheme. As such, this carries significant weight in the determination of this appeal.
14. Because of the established landscaping which includes tall trees along the western boundary between the appeal site and the railway line, only limited and filtered views of the rear of the appeal property are available from areas near the railway line. Consequently, the extent to which the proposed dormer extension would be visible from adjoining land would be limited.

¹ Ref 22/01683/FUL

15. Despite being larger than the existing dormers, the proposed dormer extension would be lower than the ridge of the roof of the property and set back from its eaves. The dormer extension would also align with the existing windows on the rear elevation and is to be finished in materials to match the existing building. As such, the proposed dormer extension would be proportionate to the roof of the appeal property and will also assimilate with its overall form and design.
16. Drawing on the above reasons, I am satisfied that the proposal would not unacceptably harm the character and appearance of the area.
17. Consequently, I find no conflict with the overarching aims of Policy DH1 of the Oxford Local Plan (2036) ('LP') and Policy HOS2 of the Summertown and St Margarets Neighbourhood Plan, which together support high-quality design that responds positively to local character and distinctiveness.

Living conditions

18. The introduction of a larger dormer would increase the extent of overlooking of the rear gardens of dwellings either side of the appeal property. Even so, given the urban nature of the appeal site and the height associated with the appeal property and neighbouring developments, some degree of overlooking of neighbouring properties is expected and tolerated. Indeed, from the existing dormers and second floor, rear facing windows of the appeal property, views of the rear gardens of adjoining properties are already available.
19. Because the proposed balcony would be recessed within the walls of the dormer, the extent of overlooking that this allows would be similar to the approved scheme.
20. For the above reasons, I am satisfied that the actual and any perceived overlooking associated with the proposal, would not unacceptably harm the living conditions of neighbours with regard to loss of privacy. Accordingly, I find no conflict with Policy H14 of the LP, which says that planning permission will only be granted for new development that provides reasonable privacy, daylight and sunlight for occupants of both existing and new homes.

Conditions

21. In addition to the standard timescale condition, I have included a condition specifying the relevant drawings as this provides certainty.
22. Given that the approved drawings include sufficient details in respect of materials and no privacy screens are required for the proposed balcony, I have not specified the Council's suggested condition requiring details of these.

Conclusion

23. For the above reasons, I conclude that the appeal should be allowed.

M Aqbal

INSPECTOR