



Appeal Decision

Site visit made on 26 July 2023

by Ian McHugh DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 October 2023.

Appeal Reference: App/C3105/D/23/3320031

4 Manor Road, Fringford, Bicester, OX27 8DH

- 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 James Boardman against the decision of Cherwell District Council.
 - The application Ref 22/02773/F, dated 5 September 2022, was refused by notice dated 13 January 2023.
 - The development proposed is a first-floor extension above existing lounge, extension to rear of existing garage to provide utility/workshop space with home working office above, new pedestrian access gate to front, pv panels to south facing roof, new external boiler, oil tank and rainwater harvesting tank.
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Decision

1. The appeal is dismissed insofar as it relates to the first-floor extension above existing lounge and pv panels to south facing roof. The appeal is allowed insofar as it relates to the extension to rear of existing garage to provide utility/workshop space with home working office above, new pedestrian access gate to front, new external boiler, oil tank and rainwater harvesting tank, and planning permission is granted for the extension rear of existing garage to provide utility/workshop space with home working office above, new pedestrian access gate to front, new external boiler, oil tank and rainwater harvesting tank at 4 Manor Road, Fringford, Bicester, OX27 8DH in accordance with the terms of the application, Ref 22/02773/F, dated 5 September 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Proposed Site Plan (excluding the first-floor extension above the existing lounge and pv panels to south facing roof), Proposed Garage Elevations and Section, dated 10 August 2022; Proposed Ground Floor Plan (only insofar as it relates to the extension to the rear of the garage), dated 10 August 2022; Proposed First Floor Plan (only insofar as it relates to the extension to the rear of the garage), dated 10 August 2022.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby approved (the extension at the rear of the existing garage) shall match those used in the existing building.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupants of number 2 Manor Road (number 2).

Reasons

3. The appeal property is a relatively modern detached dwelling, which is situated within a small development of properties that vary in terms of their design and appearance. The appeal dwelling has previously been extended at the rear and a single storey garage is on one side.
4. The proposal contains several different elements. These are a first-floor extension at the rear with pv roof panels, an extension at the rear of the garage with a home-working office above, a new pedestrian gateway at the front, new external boiler, oil tank and rainwater harvesting tank on one side of the property.
5. The Council has no objections to the garage extension, the pedestrian access or the external boiler, oil tank and rainwater harvesting tank. I have no reason to disagree with the Council's conclusion on these elements of the proposal. The garage extension would be acceptable in terms of its scale and appearance and the pedestrian access, external boiler, oil tank and rainwater harvesting tank would all be relatively discreet minor works that would have little impact on the appearance of the site or on neighbouring properties.
6. However, the Council considers the first-floor extension above the existing lounge to be unacceptable because it would have an overbearing impact on number 2. It argues that the proposal would conflict with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and with Saved Policy C30 of the Cherwell Local Plan 1996.
7. Amongst other things, these policies require new development to have consideration for amenity and to ensure that amenity standards are acceptable to the Council. In addition, my attention has been drawn to the Council's Home Extensions and Design Guide 2007 (HEDG), which provides guidance in relation to distances between properties. The Council points to a proposed separation distance of 10.5m, whereas the HEDG advises a distance of 14m.
8. The proposed first-floor extension would increase the height of that section of the building by 1.3m. It would provide an additional bedroom and en-suite. In addition, solar panels would be installed on the south-facing roof slope.
9. In response to the Council's concerns the appellant has submitted a Daylight, Sunlight and Overshadowing Assessment (April 2023), which concludes that adequate levels of sunlight and daylight would be maintained and that the impact on the occupants of number 2 would be acceptable. I concur with this conclusion in respect of light levels.
10. Notwithstanding, the impact on outlook is also a consideration. Although the appeal property is separated from number 2 by a public footpath, I observed at my site visit that number 2 has a relatively short rear garden and that the rear wall of the dwelling facing the proposed extension contains a number of windows, plus a conservatory. In my opinion, the increased height and mass of the proposed first-floor addition would be an overly dominant and overbearing structure that would unacceptably impact on the outlook from both

inside and outside of number 2. Therefore, this element of the appeal proposal would conflict with the provisions of the Development Plan, as referred to in paragraphs 6 and 7 above.

11. In reaching my decision, I have noted that the existing separation distance between the two properties will not be reduced. I also note that the HEDG has not been formally adopted and, therefore, it carries limited weight. Nevertheless, my decision is based on a planning judgement, following my observations at the site visit.

Conditions

12. The Council has suggested conditions in the event of the appeal being allowed. I have imposed the standard condition requiring the approved development to commence within 3 years. I have also imposed a condition listing the approved plans, insofar as they relate to the extension to rear of the existing garage, new pedestrian access gate to front, new external boiler, oil tank and rainwater harvesting tank.
13. A further condition is imposed requiring the use of matching external materials in the garage extension. This is necessary to ensure a satisfactory external appearance.

Conclusion

14. For the reasons given above, the appeal is allowed in relation to the extension to rear of the existing garage to provide utility/workshop space with home working office above, new pedestrian access gate to front, new external boiler, oil tank and rainwater harvesting tank. With regard to the first-floor extension above the existing lounge and pv panels to south facing roof, the appeal is dismissed.

Ian McHugh

INSPECTOR