



Appeal Decision

Site visit made on 10 January 2024

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st February 2024

Appeal Ref: APP/G3110/D/23/3332689

317 Hollow Way, Oxford, Oxfordshire, OX3 7JE

- 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 Basil Varghese against the decision of Oxford City Council.
 - The application Ref 23/01447/FUL dated 27 June 2023, was refused by notice dated 22 August 2023.
 - The development proposed is erection of a part single, part two storey front and side extension. Removal of 1no. chimney. Insertion of 1no. window and alteration to 1no. window to rear elevation.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have utilised the Council's description of the development as per the decision notice as I feel it more concisely describes the development.
3. Since the submission of this appeal the National Planning Policy Framework 2023 was revised in response to the Levelling-Up and Regeneration Bill: reforms to national planning policy consultation on 19 December 2023. Given the nature of the proposal, and the refusal reasons stated (which relate to the Local Plan) I do not consider this revision to impact upon the determination of the appeal before me.

Main Issues

4. The main issues within this appeal are the impact of the proposal upon i) the character and appearance of the host dwelling, pair of semi-detached dwellings and street scene, ii) neighbouring residential amenity with regard to overbearingness and outlook and iii) surface and groundwater flow to the Lye Valley SSSI.

Reasons

Character and appearance

5. The appeal site is a two storey, semi-detached, dwelling located on the northwestern side of Hollow Way. The proposal seeks permission for a part single, part two-storey front and side extension along with other alterations as outlined in the development description. I note, from the submissions before me, that permission has already been granted (application reference 21/02260/FUL) for the erection of a part single, part two-storey front extension and a single-storey side extension and removal of one door and insertion of

two windows to the rear elevation. The Council confirm that the proposal before me seeks to use the same footprint as the single-storey side extension but built up to two-storey height. At the time of my site visit I noted that building works were taking place on site with built form (breeze block stage) being present as result of the existing approval.

6. I note, from my site visit that within the vicinity of the appeal site many properties have been extended and/or altered but I find that none of the extensions that I saw particularly stood out, overall, and were generally modest in scale and design. The exception to this is 315 Hollow Way (no. 315), which stands on the corner of Bulan Road and Hollow Way. Whilst I note, and acknowledge, this site I have no details before me as part of this appeal as to the relevant permissions for the extensions in question and I find that no 315 does appear to be an isolated example of such large, cumulative, extensions. The site is, I find, an example of development which has left the original host dwelling entirely unrecognisable and is something which I find should not be replicated. It negatively stands out, visually, within its immediate site context due to its prominent location.
7. The proposal before me seeks to extend to in the region of 3.5 metres in width beyond the original side elevation of the property at two-storey scale with a setback in the region of 0.5 from the front of the existing gable projection for a depth in the region of 7.85 metres. The proposal would have a hipped roof matching the eaves and ridgeline of the host dwelling, however, at the front it would have a pitched gable. It is also proposed to alter the roof above the current bay window so that it would span across the full width of the frontage, forming a canopy above the entrance.
8. Again, I note that under the previous planning permission, there was a single storey side extension and a front two-storey infill extension. The proposals before me would, however, result in a form of development which would fail to read as subservient in the context of the host dwelling. The lack of differentiation at ridge and eave height means that the original scale and character of the host dwelling would be completely overwhelmed, and illegible, as a result of the proposed extensions. The host dwelling, originally, is an L shaped form which mirrors the adjoining semi-detached property, and the proposals would also therefore contribute to the pair of semi-detached dwellings becoming completely unbalanced.
9. As previously outlined, whilst many of the properties within the vicinity of the appeal site have been extended and/or altered, none been extended in a nature which is comparable to the appeal proposal before me. A single storey side extension, as already granted, would maintain the visual balance of the semi-detached properties and some uniformity at first floor and roof level. The proposals before me would increase the number of projecting gables to three and, albeit there is permission for two gables, the addition of the third would considerably change the character and appearance of the dwelling which would result in a much wider dwelling as a result of scale and massing at first floor and roof level.
10. I note that the appellant states that the proposal only increases the front elevation by a third and only increases the footprint by half, however, the visual proportions of the dwelling would result in considerable change when viewed from within the street scene along Hollow Way with very similar

western and eastern gables. Overall, the extensions would be prominent additions, would appear as a bulky form of development which would fail to retain sufficient subservience to the host dwelling, would appear prominent in the street scene and would detrimentally impact upon the character and appearance of Hollow Way as well as the pair of semi-detached dwellings within which the appeal site stands.

11. In addition, when viewing the appeal site from the nearby pedestrian crossing and, for example, outside St Francis Church, the proposal would be highly visible from within the street scene due to the positioning of no. 315 which has a diagonal orientation to the road. The side elevation of the appeal property, at a depth of 7.85 metres, would be a solid, blank, wall at two-storeys which would result in a significant expanse of built form and completely close off existing views through the appeal site. The approved single-storey side extension, as approved, would not result in this impact. The character of the original dwelling would not be maintained as the front elevation would be entirely overwhelmed by the cumulative extensions within the proposal before me and entirely detract from the existing structure. Whilst rear elevation may be maintained, the extension, as shown from the proposed rear elevation, would not be subservient as a result of continuation of the existing rear elevation in terms of eave and ridge height.
12. As a result of scale, form, siting, detailed design and overall massing of the two-storey side extension, when combined with the front extensions proposed, the proposal would be contrary to Oxford Local Plan 2036 (LP) Policy DH1 which confirms that planning permission will only be granted for development of high quality design that creates or enhances local distinctiveness and where proposals are designed to meet key design objectives and principles for delivering high quality development.

Neighbouring Residential Amenity

13. No. 315 is noted, by the Council, to have been extended and now accommodates three units which includes a flat known as 315a Hollow Way (315a). The proposal would result in a two-storey side extension which extends for around 7.85 metres in depth with a height, to the eaves, in the region of 4.85 metres which would be constructed around 0.5 metres from the shared boundary with 315a. This would result in the window, serving the lounge of 315a being in close proximity to the proposal which would mean that the occupiers of the flat would be looking towards a large blank wall when utilising the lounge. The window would be almost opposite the midpoint of the proposed extension, which means that occupiers of 315a would have their views limited as a result of the extension with this being the only window serving the lounge.
14. I note the appellant's comments that it was the choice of no. 315 to extend closer to the appeal site, however, as part of the proposal, it is still necessary to assess the residential amenity of neighbouring occupiers based upon the site characteristics and occupation at the point of determination. I do not find that the side extension facing the rear of 315a and 315b as well means that impact is further mitigated. Based upon the site plan before me (3898Holl) I find that the proposal would likely be an overbearing form of development when experienced from the lounge of no. 315a and that this would detrimentally impact upon the outlook from this habitable room. I have no evidence before

me to suggest that there is still plenty of visibility to the east and west sides when taking into account the site plan. When utilising the lounge window, within natural views in the room, those views would be directly at the proposed side extension wall.

15. I note that the Council do not raise any impact relating to residential amenity with regard to any other adjoining properties and nor do they raise any issue with regard to loss of daylight. Whilst I find no reason to conclude differently on those matters a lack of impact to the majority of adjoining properties does not overcome the harm which I have identified for the occupiers of 315a more specifically with regard to overbearingness and outlook. The proposal would therefore be contrary to LP Policy H14 which is clear that planning permission will not be granted for any development that has an overbearing effect on existing homes. The proposal would also be contrary to LP Policy RE7, which seeks to ensure that the amenity of occupiers and neighbours is protected.

Surface and Ground Water Flow

16. It is a requirement of LP Policy RE8 that within the surface and ground water catchment area for the Lye Valley SSSI, development will only be permitted if it includes SUDS and where an assessment can demonstrate that there will be no adverse impact on the surface and ground water flow to the Lye Valley Site of Special Scientific Interest (SSSI). LP Policy G2 states that planning permission will not be granted for any development that would have an adverse impact on sites of national or international importance (SSSIs).
17. The proposal stands within the surface water and ground water catchment area for the Lye Valley SSSI, and I note that the proposed development would have the same footprint as the extensions previously approved under 21/02260/FUL. The proposal before me seeks to build a two-storey extension rather than a single-storey side extension. As a result of this, I find that it is unlikely that the proposal would result in significant additional run off or surface water/ground water issues as a result of an increase in height over the same footprint as has previously been approved.
18. Whilst I note that the current application was not accompanied by a drainage strategy I find, as outlined above, that it is likely that the implications for surface water and ground water would be broadly similar as a result of the proposed scheme compared to the existing, approved, scheme. The Council's delegated report outlines that a condition was previously used on 21/02260/FUL to ensure that the measures contained within the drainage strategy are implemented and maintained on site. Had I found the proposal acceptable in all other regards, a condition could have been applied to require submission, and approval, of a drainage strategy to ensure that such proposals were still acceptable in terms of potential impact upon the Lye Valley SSSI.
19. Subject to a condition, I find the proposal would have been consistent with LP Policy RE4 which requires an assessment that can demonstrate there will be no adverse impact on the surface and ground water flow to the Lye Valley SSSI and LP Policy G2 which states that planning permission will not be granted for any development that would have an adverse impact on sites of national or international importance.

Other Matters

20. The appellant notes numerous, unnamed, low rise and high-rise tower blocks which are stated to be far more domineering than the modest side extension being proposed, however, I find such a statement to be of limited relevance to the proposal and the main issues that are before me. It is noted that the development would be contained within the curtilage of the property and that all surrounding fences, walls, and bushes would remain unaffected as a result of the proposal with materials being utilised to match the existing house. A lack of ecological impacts is noted; however, these factors do not overcome the harm and issues I have identified under the main issues above.
21. The appellant references similar properties which are listed, under that same heading, in their submission but no further detail is provided other than the initial address and a limited description in brackets (such as, for example - rear or side extension). I have acknowledged, within my assessment of the site, that a number of properties within the vicinity of the appeal site have undergone alteration and/or extension, however, with the exception of no. 315 I find no examples of cumulative extensions which are comparable to the appeal proposal which is before me. The proposal would therefore be an uncharacteristic addition to both the host dwelling, pair of semi-detached dwellings and the street scene.
22. The appellant has also referenced three planning applications but has only provided reference numbers. No further information has been provided as to these approvals, such as images, planning decisions and/or plans to evidence their relevance to the appeal proposal which is before me. It is acknowledged that consistency is key to maintaining public confidence in the planning process. Despite this each case should be considered on its own merits but as stated, no further information as to the other sites has been submitted which means I am unable to consider their relevance in terms of the context of the appeal proposal which is before me.
23. In relation to the appeal referenced at 20 Stainfield Road, it would appear that the appellant has copied and pasted some of the decision letter, however, a full copy of the decision and the plans are not available and furthermore I note that the decision pre-dates the current Local Plan and the Framework and the extension was stated to have a ridge height set down from the existing building. This is not the case within proposals before me. Reference to this appeal does not, therefore, result in a material consideration within the determination of the proposals before me which I have considered on their own merits against the Local Plan in accordance with S38(6) of the Planning and Compulsory Purchase Act 2004.

Conclusion

24. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Randle

INSPECTOR