



Appeal Decision

Site visit made on 8 February 2024

by Martin H Seddon BSc MPhil DipTP MRTPI

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

Decision date: 28th February 2024

Appeal Ref: APP/D3125/D/23/3334535

Rosehill, Green Lane, North Leigh, Oxfordshire OX29 6TW

- 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 & Mrs Kane Kahn against the decision of West Oxfordshire District Council.
 - The application Ref 23/02382/HHD, dated 31 August 2023, was refused by notice dated 9 November 2023.
 - The development proposed is a single storey rear extension, new raised oversailing roof with roof accommodation and associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on the character and appearance of the building and area, and the effect on the living conditions of neighbours at Badgers Mount in respect of received sunlight.

Reasons

Character and appearance

3. Rosehill is a single storey dwelling with accommodation in the attic. It is located within a row of generally similar dwellings with front gardens which line the same side of the sloping road of Green Lane. Several of the dwellings have been extended, including rear roof dormers at nearby Ebute Metta and The Brambles. There are also two storey dwellings in the vicinity.
4. The Council has calculated that the proposed extensions at Rosehill would represent around an 88% increase in floorspace compared with that of the original dwelling and garage. The proposal includes large extensions to the rear and side, extension, and conversion of the garage, raising the roofline by around 1.6 metres, replacement windows and addition of Juliet balconies. There would be a substantial area of glazing to the rear extension at ground floor level. There is rear glazing at Ebute Metta and Badgers Mount, but not to the same design or extent.
5. Despite the extensions to other neighbouring properties in Green Lane those proposed at Rosehill would appear excessive and out of character because of their design, scale, and massing. They would not reflect the scale, form, and

character of the original dwelling contrary to advice in the West Oxfordshire Design Guide.

6. I find that the proposal would significantly harm the character and appearance of the building and area. It would therefore be contrary to policies OS2, OS4 and H6 of the West Oxfordshire Local Plan which seek to ensure sustainability, high quality design and development which respects the character of the surrounding area. It would also conflict with the design objectives of the National Planning Policy Framework (the Framework).

Effect on living conditions

7. The proposed extensions would have no harmful effect on the living conditions of neighbours at The Brambles, which is sited at a higher level than Rosehill. Badgers Mount is sited at a lower level because of the sloping land and has a fenced boundary to the appeal site with conifer hedging, which will already cause some overshadowing of their garden. The rear of the dwellings faces almost north towards the open countryside. There would be an increased loss of sunlight to the rear elevation of Badgers Mount during the early morning period and the proposal would be potentially overbearing because of the height, bulk and proximity of the proposed rear extension and increased roof height at Rosehill.
8. Therefore, there would be some increased harm to the living conditions of neighbours at Badgers Mount from the proposal, contrary to policies OS2, OS4 and H6 of the West Oxfordshire Local Plan and the Framework, which amongst other things, seek to protect residential amenity.

Other Matters

9. The appellant has referred to an amended design in a new application which was submitted to the Council. However, I must determine this appeal on the basis of the application which was refused by the Council.

Conclusions

10. I have taken all other matters raised into account. For the reasons given above the appeal is dismissed.

Martin H Seddon

INSPECTOR