



Appeal Decision

Site visit made on 7 February 2024

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5TH March 2024

Appeal Ref: APP/G3110/D/23/3334195

1 Marlborough Road, Oxford OX1 4LW

- 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 B Waterston against the decision of Oxford City Council.
 - The application Ref 23/01928/FUL, dated 11 August 2023, was refused by notice dated 26 October 2023.
 - The development proposed is loft conversion and alteration of detached house.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. Marlborough Road is a residential street which runs along a north-south axis between the River Thames to the north and park areas to the south.
4. Notwithstanding the description on the application form, the host property is a two storey end-terrace dwelling, located on the east side of the street at its most northern end. The northern flank elevation of this property faces the River Thames and its principal elevation faces Marlborough Road. Despite some mature landscaping along the river frontage, the host property is in a prominent position, next to pedestrian and cycle linkages along the River Thames. As such, views of the host property are afforded from parts of the River Thames and Marlborough Road.
5. I acknowledge that the surrounding area including Marlborough Road, displays some variety in its built form i.e., in the types of dwellings, building heights, styles and the facing materials in use. Even so, the prevailing character of Marlborough Road is defined by two storey terraced housing, which is of brick construction, incorporating pitched roofs finished in tile or slate.
6. The host property was erected in the 1970s and replaced a garage associated with 3 Marlborough Road. This property has subsequently been extended and altered, in particular along its side and rear elevations. Nevertheless, and despite including a double height bay and garage style door, in views from along Marlborough Road, its principal elevation does exhibit the same architectural language of the terraces which characterise this part of the street.

This includes the general arrangement of its front door and fenestration which mirror those on neighbouring terraces, the incorporation of similar details such as headers and use of like materials.

7. In fact, even though the host property incorporates a wider frontage, because of the careful attention to design and materials, this property is settled within the wider terrace and positively contributes to a generally traditional and cohesive street scene, which gives this part of the street its distinctive character.
8. Although described as a loft conversion on the application form, the proposal is for a roof extension. The proposed extension would incorporate a taller eaves and ridge height than the adjoining terrace. Moreover, this extension would incorporate a completely different roof form and slope relative to the wider terrace that the host property is a part of. As such, the proposed extension would appear uncharacteristic of the area. This would be exacerbated by the use of an atypical roofing material comprising standing seam pre-weathered Zinc. This, with the incorporation of aluminium windows, would give the proposed extension a contemporary appearance. These, along with the imposition of solar panels along its front roof slope with a strong vertical emphasis, would make this extension particularly apparent.
9. Whilst I do not consider that individual elements of the proposal to be unacceptable, together these would result in a contemporary and uncharacteristic addition to a traditional terrace property.
10. The appellants have drawn my attention to the southern end of the terrace which the appeal site is a part of. This includes properties with front dormers. However, these are modest in size and do not significantly alter the roofscape. Also, whilst the end building is three storeys, this is a more modern building which serves as a bookend and reflects the three storey building on the opposite corner and others nearby. Furthermore, the materials and forms for the upper storeys of these buildings broadly reflect the lower sections.
11. The appellants assert that the proposed roof extension takes a design cue from a building on the opposite of Marlborough Road. Nevertheless, this building does not form part of a terrace and is located along the River Thames where there is a greater variety of architecture. As such, these and other buildings in the area are not comparable and, in my view, do not lend support to the proposal.
12. Because of its design and form, the proposed extension would not reflect the external appearance of the host property and therefore would fail to assimilate with this and the wider terrace that this is part of. Consequently, the proposal would erode the existing general arrangement and cohesiveness of the terraces and would appear incongruous, to the detriment of the character and appearance of the area.
13. Accordingly, the proposal would be contrary to Policy DH1 of the Oxford Local Plan 2036, which says that planning permission will only be granted for development of high quality design that creates or enhances local distinctiveness.

Other Matters

14. The host property benefits from a Lawful Development Certificate for proposed development. This comprises the formation of a rear dormer in association with a loft conversion, insertion of 3 rooflights to the front elevation and insertion of 12 solar panels to the front and rear roof slopes, which was granted in July 2023. To this end, I am mindful that these alterations would bring some change to the host property, including its principal elevation.
15. For significant weight to be afforded to the above fallback position, there needs not only to be a reasonable prospect of it being carried out in the event that this planning permission were to be refused, but also needs to be more harmful than what would be allowed by the scheme for which permission is sought.
16. Given that the appellants are seeking to extend the host property, there is a reasonable prospect of the fallback position being carried out in the event that this appeal were to be dismissed. Nevertheless, as the proposed alterations largely utilise the existing roof form, I consider the fallback to be less harmful and therefore this attracts limited weight.
17. I also appreciate that the appellants are seeking to make efficient and effective use of the appeal site and incorporate renewable technologies. Even so, there is nothing to suggest that such aims could not be achieved through a less harmful proposal.
18. I have also taken account of the National Planning Policy Framework, December 2023 ('The Framework') in so far as this is relevant to the main issue. Whilst the Framework says that decisions should allow upward extensions. This is subject to where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene and is well-designed, which is not the case here for the reasons set out above.

Conclusion

19. For the above reasons, I conclude that the appeal should be dismissed.

M Aqbal

INSPECTOR