

Appeal Decision

Site visit made on 24 January 2024

by E Pickernell BSc MSC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 March 2024

Appeal Ref: APP/G3110/D/23/3317670

4 Stainfield Road, Oxford, Oxfordshire OX3 9DH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Kreshnik Pali against the decision of Oxford City Council.
 - The application Ref is 22/02040/FUL.
 - The development proposed is the erection of two storey side and rear extension, a single storey rear extension, five rooflights, hip to gable roof extension, rear roof dormer to facilitate a loft conversion and associated internal and external works within the curtilage of a single family dwelling.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr Kreshnik Pali against Oxford City Council. This is the subject of a separate decision.

Preliminary Matter

3. I have taken the description of development from the application form, however I have removed reference to a private car park, new vehicular access and a dropped kerb, as revised plans removing these elements were received by the Council prior to the determination of the application and the decision was made on the basis of the revised drawings.

Main Issues

4. The main issues are:
 - the effect of the proposed development upon the character and appearance of the host dwelling and the area;
 - whether or not the proposed development would result in the construction of a separate dwelling;
 - whether the proposed development would have an acceptable effect on the living conditions of occupiers of 2 Stainfield Road (No.2) with regard to light and outlook;
 - whether the proposed development would provide acceptable living conditions for future occupiers with regard to the standard of accommodation; and
 - the energy efficiency of the proposed development.
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Reasons

Character and appearance

5. Stainfield Road is primarily characterised by semi-detached pairs of dwellings, although on the same side of the road as the appeal site, there is a short terrace of dwellings. Although there is some variety in building form locally, including a number of extensions, the properties in the immediate context of the appeal site follow a consistent building line, and have a common material palette of rendered walls and tiled roofs. This provides a degree of consistency and overall, the area has a relatively regular, ordered character. Generally, although there are some single storey structures and extensions in the gaps between buildings, generous gaps at first floor and roof level remain between the pairs and groups of dwellings which contribute to the spacious character of Stainfield Road.
6. The appeal property comprises a semi-detached dwelling with a hipped roof on the west side of Stainfield Road. The area is gently sloped and consequently the appeal site is set slightly below road level and the adjacent property at 6 Stainfield Road (No.6) is slightly elevated above the appeal site.
7. The proposed two storey side and rear extension would be attached to the side elevation of the existing dwelling within the gap between the appeal property and No.6. The proposed extension would not directly adjoin No.4 and therefore would not result in a terracing effect.
8. However, it would be constructed up to the boundary of the site with a two-storey flank wall which would project beyond the existing rear elevation of the host dwelling. The extent of this side elevation combined with the proposed gabled roof would add considerably to the bulk and mass to the side of the building which would result in an incongruous and dominant addition to the dwelling and a significant reduction in the visual gap between the appeal property and No.6. The remaining gap would be narrower than those between existing buildings in the street at first floor and roof level and this would result in a harmful effect on the spacious and regular character of the area and a cramped appearance to the plot.
9. I acknowledge that it is not uncommon for semi-detached pairs of dwellings to become asymmetrical through alterations, including hip-to-gable roof extensions, and I saw several examples of such extensions nearby. However, the overall scale of the proposed side and rear extensions, combined with the gabled roof form of both the parent dwelling and the extension would unbalance the semi-detached pair to a greater degree than most of the other extensions I noted nearby. The appellant has pointed out that the appeal property could be extended via a hip-to-gable roof extension, dormer, and single storey side and rear extensions without the need for planning permission. Be that as it may, any such extensions would not be as substantial as the proposal now before me.
10. I also note that there are buildings in the vicinity which were originally constructed with gabled roofs, however these are an established feature of the area and are distinct from the hipped roofed semi-detached dwellings such as the appeal site property. I saw on my site visit the two-storey side extension which was allowed on appeal at 20 Stainfield Road (No.20), however the host dwelling has retained its hipped roof form, the roof of the side extension is also

hipped, and the side extension does not project to the rear of the host dwelling. Furthermore, there was a larger gap between No.20 and the adjacent dwelling than exists at the appeal site. Therefore, the circumstances of this case differ significantly from that which is now before me.

11. In support of the appeal the appellant has provided several examples of extensions in surrounding streets which they consider are comparable with the appeal scheme. A number of these are extensions which are of differing design and scale to the appeal scheme, or to streets which have a different character to Stainfield Road. I acknowledge that some of the examples, whilst not in close proximity to the site, resulted in a significant closure of the gaps between buildings. However, these examples serve to demonstrate that such extensions can change the nature of the relationship between buildings, to the detriment of the character and appearance of the area.
12. For these reasons the proposal would be harmful to the character and appearance of the host dwelling and the area. It would therefore conflict with Policy DH1 of the Oxford Local Plan 2036 (Adopted June 2020) (LP) which seeks to ensure that development achieves a high standard of design. Policy RE7 of the LP is mentioned in the reason for refusal but this does not relate to character and appearance and is not relevant to this main issue.

Whether a separate dwelling

13. The Council contend that the proposed side extension would be tantamount to a self-contained residential unit that would not reflect the grain, pattern and form of development in the area.
14. The proposed development is described as extensions to the host dwelling and would be physically attached thereto. Although the side extension would have its own front door and staircase there would be connection to the host dwelling via a ground floor door. Furthermore, there would be no separate access from the road and the garden would not be sub-divided.
15. The proposal has been designed to support multi-generational family living, however the layout, design and physical relationship between the existing dwelling and proposed side extension demonstrates a clear connection with the main dwelling. As such the proposed development would not be a separate residential unit. Any future desire to occupy the side extension as an independent residence would require planning permission.
16. As the proposed development would comprise extensions to the host dwelling, and not the formation of an independent dwelling. Therefore, in relation to this main issue, I find no conflict with Policy DH1 of the LP which seeks to ensure that development creates or enhances local distinctiveness. Policy RE7 of the LP is mentioned in the reason for refusal but this does not relate to the pattern of development and is not relevant to this main issue.

Living conditions of neighbouring occupiers

17. The proposed single storey rear extension would be adjacent to the boundary of the appeal site with the attached property, No.2 which has ground floor windows on the rear elevation.
18. The LP at appendix 3.7 outlines a methodology to assess the effect of proposals on the daylight reaching neighbouring properties. It states that in normal

circumstances, no development should intrude over a line drawn at an angle of 45° in the horizontal plane from the midpoint of the nearest window of a habitable room and rising at an angle of 25° in the vertical plane from the cill. Based on the evidence before me the proposed single storey extension would intrude over a line drawn as described above and as such the proposal would be likely to result in a loss of daylight within the room served by the nearest ground floor window.

19. The rear elevation of No.2 is northwest facing, and whilst the proposed extension would be in relatively close proximity to the nearest ground floor window, given the orientation and the relatively modest depth of the proposed single storey rear extension I am satisfied that the proposal would not result in a significant loss of direct sunlight reaching the windows of No.2. Furthermore, although the extension would exceed the height of the boundary treatment between the two properties, because of its relatively modest depth it would not be a dominant feature in views from this window and would not result in an adverse impact on outlook.
20. Whilst I have found that the proposal would result in a loss of daylight to the nearest window at No.2, the appellant has pointed out that a single storey extension could be constructed to the rear of the appeal property of 3m in depth and 3m in height without the need for planning permission. I have been provided with no substantive evidence that this is not the case.
21. I am satisfied that if the appeal proposal were not erected there is every likelihood that such an extension would be built. Therefore, in considering the effects of the proposal on the living conditions of No.2, I have taken into account the fallback position as described above. In my judgement this would have a similar impact to the appeal proposal.
22. In this context I conclude that the proposal would not have an unacceptable effect on the living conditions of the occupiers of No.2. The proposal would therefore accord with Policies H14 and RE7 of the LP which seek to ensure that development protects the living conditions of neighbouring occupiers.

Living conditions of future occupiers

23. The proposed extensions would provide additional living and kitchen accommodation on the ground floor. The submitted drawings are drawn to stated scale and therefore, even if the scale bar is incorrect, the plans are sufficient to allow an assessment of the proposals.
24. The internal layout indicated on the drawings shows that the kitchen would be relocated to the side extension, however it would be similar in size and layout to the existing kitchen and there is no substantive evidence before me that this would not be of an acceptable size. The room within which the kitchen would be located would benefit from bifold doors on the rear elevation and I have no reason to consider that this room would receive insufficient light or be claustrophobic.
25. Although the living area which is proposed in the side extension would be relatively small, this would be in addition to the generous living and dining spaces which are proposed to be provided within the parent dwelling and rear extension.

26. Overall, the proposal would provide adequate living conditions for future occupiers with regard to the standard of accommodation. Therefore, the proposal would accord with Policy H15 of the LP which seeks to ensure that developments provide good quality living accommodation.

Energy efficiency

27. Policy RE1 of the LP requires that an Energy Statement should be submitted with proposals for new-build residential development. However, it states that this is not required for householder applications.
28. Given my conclusions above that the proposals represent extensions to an existing dwelling and not an independent dwelling, I am satisfied that in this case there is no requirement under Policy RE1 for an Energy Statement to be submitted.
29. For these reasons the proposal does not conflict with Policy RE1 of the LP which requires proposals for non-householder developments to be accompanied by an Energy Statement.

Conclusion

30. I conclude that the proposals do not represent an independent dwelling, would not have an unacceptable effect on living conditions of neighbouring occupiers having regard to light and outlook, would provide an acceptable standard of accommodation and do not conflict with local policies in respect of energy efficiency. However, the proposal would be harmful to the character and appearance of the host dwelling and the area. I therefore conclude that the proposal conflicts with the development plan as a whole and there are no material considerations that outweigh that conflict. Therefore, the appeal is dismissed.

E Pickernell

INSPECTOR