



Appeal Decision

Site visit made on 6 March 2024

by A Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st March 2024

Appeal Ref: APP/G3110/W/23/3331213

17A Crowell Road, Oxford, Oxfordshire OX4 3LL

- 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 Pascal Pert of Lionsfield Ltd against the decision of Oxford City Council.
 - The application Ref is 23/01510/FUL.
 - The development proposed is demolition of existing conservatory and garage; erection of two storey building to provide 1 x 1-bed dwelling house (Use Class C3); provision of amenity space, car parking and bin and cycle stores; and provision of solar panels to South, West and East facing elevations.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the development would provide satisfactory living conditions for its future occupiers with respect to internal and external space;
 - the effect of the development on the living conditions of the occupiers of 17 and 17a Crowell Road with regard to their outlook; and
 - the effect of the development on the character and appearance of the area.

Reasons

Living conditions – future occupiers

3. The Council suggests the property would have a floor area of about 60m², which is not disputed by the appellant. Policy H15 of the Oxford Local Plan (OLP) refers to the Nationally Described Space Standard (NDSS). This states that a two-storey one-bed house must measure a minimum of 58m², and a two-storey two-bed house must measure at least 70m².
4. The development is described as a 1-bed dwelling, and one bedroom is shown on the plans. However a study, of nearly equivalent size to the bedroom, is also shown at first floor level. The Council state this room is large enough to be a single bedroom. Though I do not doubt the appellants suggestion that in this location in this city a dwelling with a study would be welcome, there is no way to control the use of this room or the future occupiers. It is more likely, in my view, that the study would be used as an additional bedroom. When considered as a two-bed unit, the proposal would not meet the minimum size as set out in

the NDSS. It is recognised that the study could be deleted to make the bedroom larger, but I must consider the plans before me.

5. The development would provide a garden area to its east side and to its front. OLP policy H16 sets out that the amount of private garden space should be equivalent to the size of the house. Whilst the total area of garden space would meet this, most of it would be to the front of the house so would not be private unless screened by tall planting or other means of enclosure. It would not be reasonable to rely on planting to achieve this privacy, and more formal means of enclosure would require separate planning permission. The existing garden at No 17a is not private, but that should not justify the lack of sufficient private garden space here.
6. In summary, the internal and external space provided by the development would not be sufficient to provide the future occupiers with satisfactory living conditions. The proposal would therefore fail to accord with policies H15 and H16 as set out above, and OLP policy G6 which requires developments to provide minimum living conditions as set out in policies H15 and H16.

Living conditions - neighbours

7. The proposed two storey building would be located in the existing garden of No 17a. It would be roughly in the same position and have the same sized footprint as an existing garage.
8. The whole of the rear elevation of the proposed dwelling would be in close proximity to the rear garden of the neighbouring property at No 17. Although there would be a gap between No 17a and the proposal for sunlight to penetrate through to the garden of No 17 for some of the day, the dwelling would significantly limit the amount of sunlight reaching No 17, particularly compared to the amount it receives at present over the garage. Moreover the development at two storeys high and less than a metre from the boundary, would appear overbearing when the residents of No 17 are using their garden.
9. The dwelling at No 17 has patio doors and a separate glazed door on its rear elevation. However the view from these doors towards the site is largely blocked by a concrete outbuilding in the garden of No 17 which is around 2m in height. Although the new dwelling would be visible above this outbuilding, it would be at an angle and at a good distance.
10. Regarding No 17a; with the existing conservatory removed, the Council state there would be a gap of around 7m between the side elevation of the proposed house and the host dwelling. At present, there are patio doors which lead into the conservatory from a dining room, and the drawings also show a new window to serve a kitchen would be provided on this side of the building. The new house would dominate the view from these facing windows. However both the kitchen and the dining room are also served by other windows. As such the outlook from these rooms, and the light received in them, would not be unacceptable.
11. As such, although the development would not harm the outlook from the rear windows at No 17 or 17a, it would have an adverse effect on the outlook from the garden of No 17 and hence would unacceptably impact on the living conditions of the occupiers of this property. The development would therefore conflict with OLP policy RE7, which aims to ensure that the amenity of

neighbours in terms of sunlight and outlook is protected, and OLP policy H14 which seeks the same but specifically with regard to sunlight.

Character and appearance

12. The appeal site accommodates a detached two storey dwelling on the corner of the junction of Crowell Road and Hampden Road. Aside from this house, and the house at 19a on the other side of the junction, all of the other dwellings in Hampden Road and on this part of Crowell Road are semi-detached. Also, all of the houses generally have hipped roofs, are of similar dimensions and have bay windows in various forms. Overall there is a strong degree of consistency in the design of the houses.
13. The proposal would be a detached, two-storey, hipped roof property and would front Hampden Road. It would reflect the host dwelling in all these respects. It would contrast with the neighbouring properties in Hampden Road insofar as it would be detached and would be wider than each individual semi-detached unit. But it would be narrower than the elevation of No 17a that faces Hampden Road and so in this respect would represent a transition between the differing forms. Furthermore in terms of its detailed design and proportions it would respect the corresponding features of both the dwellings in Hampden Road and in Crowell Road.
14. It would be substantially taller than the garage which currently occupies this part of the garden of No 17a. Nonetheless, the openness currently provided here is not a strong characteristic of the area and it is notable that the view when looking across the existing garden from Hampden Road is dominated by a large multistorey building in the commercial centre of Cowley a short distance behind the site.
15. Overall, the proposal would not unacceptably harm the character and appearance of the area. It would therefore accord with policies DH1 and G6 of the OLP which, respectively, support high quality design and seek to ensure development of residential garden land responds to the character of the area.

Conclusion

16. Although the proposal would not harm the character and appearance of the area, it would harm the living conditions of neighbours and would fail to provide satisfactory living conditions for its own future occupiers. It would therefore conflict with the development plan taken as a whole and there are no other considerations that indicate a decision other than in accordance with the development plan. As such the appeal is dismissed.

A Owen

INSPECTOR