



Appeal Decision

Site visit made on 22 March 2024

by P D Sedgwick BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10.04.2024

Appeal Ref: APP/C3105/D/24/3337036

5 St Peter's Close, South Newington, Banbury, Oxon, OX15 4JL

- 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 Craig Simms against the decision of Cherwell District Council.
 - The application Ref 23/02770/F, dated 6 October 2023, was refused by notice dated 27 November 2023.
 - The development proposed is single storey rear extension and loft conversion.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the interests of clarity, in the banner heading above I have referred to the description of the proposal given by the appellant on the appeal form as this gives a clear description of the type of development proposed which reflects that used by the Council in their decision notice.
3. At the time of my site visit, I saw that the development was substantially complete. I also note that the application has been submitted retrospectively. The existing extensions were the subject of a previous appeal¹ which was dismissed. The plans submitted for the proposed development, subject of this appeal, would reduce the height of the roof ridge on the rear extension and remove the floor to ceiling windows on the first floor rear gable. I have dealt with the appeal on the basis of those plans.

Main Issues

4. The main issues are the effect of the proposed development upon:
 - the character and appearance of the building and surrounding area; and,
 - the living conditions of occupiers of No 6 St Peter's Close, with particular regard to light, outlook and privacy.

Reasons

Character and Appearance

5. The appeal site relates to a single storey semi-detached bungalow set back behind a large front garden. Other houses nearby are also semi-detached and

¹ APP/C3105/D/22/3295182)

share the same simple design with some minor variation, such as external finishes and the position of front doors and chimneys.

6. The existing rear extension ridgeline exceeds the height of the main roof. The proposal would lower the extension roof ridge, squaring it off so that it would no longer be visible from the street, thus partially addressing the concerns of the previous Inspector, but giving the roof an incongruous appearance. The extension would remain across the full width of the property and because the ground slopes down away from the house, its ground floor level is substantially above the rear garden, which is accessed via steps from a centrally positioned door down to a raised patio. Either side of the steps the rear wall below the floor level is exposed. The height difference and exposed wall adds to the sense of the extension dominating the rear of the property, rather than appearing subservient to it.
7. No other houses visible from the appeal site had a rear extension of a similar height and depth, consequently it would appear out of scale and character with both the host property and the surrounding area. The proposed development would therefore conflict with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 (2015) (CLP), saved Policies C28 and C30 of the Cherwell Local Plan (1996) (LP) and the National Planning Policy Framework (2023) (the Framework) which require high quality development compatible with the scale of the existing building and the character of the area.

Living Conditions

8. The extension is on the boundary with No 6 St Peter's Close. Its eaves project from the main roof on the appeal property where it joins No 6. Thus, the extension walls are higher than on both houses. In combination, the pitched roof, higher walls, and depth of the extension creates a dominant and overbearing presence when viewed from the nearest window on No 6 and from its garden close to the back of the house. It also causes overshadowing and loss of light in the morning. Whilst the removal of the first floor window would prevent overlooking into No 6's garden and any loss of privacy, the slight reduction in roof height would not overcome the overbearing impact and overshadowing, which were also noted by the Inspector as reasons for dismissing the previous appeal. I therefore conclude on this main issue that the proposed development would cause unacceptable harm to the living conditions of occupiers of No 6 St Peter's Close and would conflict with Policy ESD15 of the CLP, Policy C30 of the LP, and the Framework which require development to provide acceptable standards of amenity.

Other matters

9. A neighbour raised concerns regarding drainage affecting her property and the lack of a party wall agreement for the extension roof to connect to her roof. These matters are for the appellant and neighbour to resolve and do not add to my reasons for dismissing the appeal.
10. The appellant has suggested that the proposed development would make the property more suitable for small families and improve the housing stock. However, no evidence has been provided to me of a need for larger housing within the area and as such I accord it little weight. In any case, any benefits arising from the additional accommodation do not outweigh the harm that I have identified.

Conclusion

11. For the reasons given above I conclude that the appeal should be dismissed.

P D Sedgwick

INSPECTOR