



Appeal Decision

Site visit made on 6 February 2024 by Max Webb BA(Hons) MSc MRTPI

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 April 2024

Appeal Ref: APP/C3105/D/23/3331376

1 Elizabeth Rise, Banbury, Oxfordshire OX16 9LZ

- 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 G Ashraf against the decision of Cherwell District Council.
 - The application Ref 23/01952/F, dated 14 July 2023, was refused by notice dated 7 October 2023.
 - The development proposed is described as "2 storey rear extension, removal of chimney on south west elevation (revised scheme of 22/03323/F)".
-

Decision

1. The appeal is allowed and planning permission is granted for 2 storey rear extension, removal of chimney on south west elevation at 1 Elizabeth Rise, Banbury, Oxfordshire OX16 9LZ in accordance with the terms of the application, Ref 23/01952/F, dated 14 July 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 00-ST-02 Rev D, 00-PR-EL-01 Rev E, 00-PR-FP-01 Rev D, 00-PR-FP-02 Rev D and 00-PR-FP-03 Rev D.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The Government published a revised version of the National Planning Policy Framework (Framework) on 19 December 2023. Whilst I have had regard to the revised national policy as a material consideration, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

4. The submitted plans also show front extensions, side extensions, ground floor rear extension and removal of chimney. Although the Council has included these elements in its revised description of development, they already benefit from planning permission and I saw on site that work had commenced. Therefore, this recommendation relates only to the additional development proposed.
5. I have amended the description of development in the decision above to remove words that do not refer to acts of development.

Main Issues

6. The main issues in this appeal are the effect of the proposed rear extension on the character and appearance of the area and on flood risk.

Reasons for the Recommendation

Character and appearance

7. The appeal site is a detached dwelling situated on a relatively large plot at the end of a row of detached dwellings. Properties in the wider area vary in size, with other properties near the appeal site being large and some having been extended substantially in the past. The host dwelling has already been extended significantly and is now of a similar size to properties on adjoining streets rather than its immediate neighbours.
8. The proposed rear extension would add some additional bulk at first floor level, however it would not be disproportionately large in relation to the building either individually or cumulatively with the approved extensions. Whilst the resulting dwelling would be larger than the immediately neighbouring property, it would not be out of scale with other properties in close proximity. Consequently, it would not appear out of keeping with the surrounding area or street scene.
9. The extension would be set in from both sides of the host dwelling and would not extend any further from the rear elevation than the approved ground floor rear extension. Large windows and balconies at first floor level are not uncommon in residential areas, and the design of the extension respects that of the host dwelling and the previously approved extensions. The proposal would not encroach any further into the rear garden, and consequently, would not result in overdevelopment of the appeal site.
10. The proposal would not therefore harm the character and appearance of the area. It would therefore comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031 (adopted 2015), which expects new development to reflect local distinctiveness, including in terms of mass and scale.

Flood risk

11. The Council's reason for refusal refers to the proposal resulting in excessive hardstanding and consequent surface water run-off. No additional hardstanding is proposed as part of this appeal scheme, however. If the appellant intends to carry out such work, it may need a separate planning application or may be permitted development. Permitted development legislation for hardstanding requires provision to be made to manage surface water run-off as part of the development.

12. The proposed rear extension would not result in any additional ground coverage than has already been approved, so would not result in additional flood risk. Consequently, I find no conflict with Policy ESD 15 in this respect.

Other Matters

13. There is considerable distance between the appeal property and the neighbours to the rear due to the length of their gardens. Therefore, there is sufficient distance to the gardens and windows to the rear to prevent any harmful overlooking from the French doors proposed. The extension would be set in from the boundaries with neighbours to the side, such that while it would be visible, it would not result in significantly affect the outlook from those properties. Therefore, the proposal would not have significant adverse impacts on the living conditions of neighbouring occupiers.
14. The proposal is for one additional bedroom, and while the plans show five double beds, this would not be unusual in a large family dwelling. There is no substantive evidence before me that this additional bedroom would generate significant additional demand for parking or services compared to the existing situation, particularly as the Council's parking standards do not require any additional parking for changes from three to four bedrooms.
15. Concerns have been raised about the loss of trees and habitats from the site previously, however the proposal before me would not increase the footprint of the building beyond what has previously been approved, so would not result in any additional impacts in this regard.
16. All proposals must be considered on their own merits, having regard to the particular circumstances of the site and development. Therefore, allowing this appeal would not set a precedent for other sites where circumstances would likely be different.

Conditions

17. I recommend the standard time condition and compliance with the approved plans are necessary for reasons of certainty. A materials condition is necessary to protect the character and appearance of the area.

Conclusion and Recommendation

18. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed subject to conditions.

Max Webb

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and my representative's recommendation and I agree with the reasoning set out above. On that basis the appeal is allowed subject to the conditions listed above.

L McKay

INSPECTOR