

---

# Appeal Decision

Site visit made on 9 May 2024

**by G Powys Jones MSc FRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 17.05.2024**

---

**Appeal Ref: APP/V3120/D/24/3338739**

**6 Buchan Place, Kingston Bagpuize, Abingdon, OX13 5GE**

- 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 John Coombes against the decision of Vale of White Horse District Council.
  - The application Ref P23/V2694/HH, dated 4 July 2023, was refused by notice dated 9 February 2024.
  - The development proposed is a two-storey side extension incorporating garage at ground floor and bedroom with en-suite at first floor. New single storey rear conservatory with 'Lantern' Roof. Construction of an indoor swimming pool, plant room and 'Chilling Area'. Demolition of existing garage.
- 

## Decision

1. The appeal is dismissed.

## Preliminary matters

2. Reference is made to a previous planning permission<sup>1</sup> affecting the property. This permission authorised similar elements as proposed now, but the design differed. In the previously permitted scheme, the existing detached garage was to be extended and used as a swimming pool. In the current scheme, the garage would be demolished, and the swimming pool incorporated within an extension to the host property.
3. The previous permission has not been implemented; accordingly, the relevance of the Framework's advice<sup>2</sup> referred to by the Council is questionable. However, the permission is extant, and I shall therefore treat it as the appellant's fall-back, being material to my considerations and attracting significant weight.
4. The Council has not specifically objected to the proposed conservatory or side extension, and I have no reason to either.

## Main issues

5. The main issues are the effect of the proposed development: (a) on the character and appearance of the host property and its surroundings, and (b) on the living conditions of the occupants of 5 Buchan Place with reference to visual impact.

---

<sup>1</sup> Ref P23/V1588/HH dated 17 October 2023

<sup>2</sup> National Planning Policy Framework paragraph 140

## Reasons

### *Character and appearance*

6. The appeal property, a detached dwelling, is set in a secluded cul-de-sac well beyond the fringes of the settlement. The development is comprised of a mixture of dwelling types, but of a themed design. The host property is a brick-built detached dwelling sitting in a wide plot. It has a sizeable, detached garage to the rear.
7. The side extension proposed would appear virtually identical in its scale and appearance to that previously granted permission when viewed from the front. It would take up virtually the whole width of the drive leading to the garage. The lengthy rear extension proposed to house the pool would have a pitched roof. Its ridge would be set at a lower level than that of the host property and the proposed side extension and in this regard the rear extension could be said to achieve a semblance of subservience. However, the mass, scale and length of the rear extension would to my mind appear disproportionately large and imbalanced in relation to the scale of the extant dwelling.
8. Nevertheless, because of the virtual closure of the gap at the front between the appeal property and 5 Buchan Place, the rear extension would not be noticeable from public viewpoints within the cul-de-sac. It would be seen from outside the cul-de-sac, from the south, from the access road leading to a business park. However, the existing garage, particularly if it were extended as previously approved, would be closer to the access road and would have at least an equivalent visual impact when viewed from this quarter.
9. Taking account of the fall-back position, and despite my reservations on the scale and length of the proposed rear extension, I conclude that the development would not harm the character and appearance of the surrounding area. Accordingly, despite the conflict that arises with some provisions of policy CP37 of the Council's Local Plan (LP) directed to achieving good quality design, the conflict is insufficient to warrant refusal on this ground.

### *Living conditions*

10. Although not directly specified in either the officer report or the second reason for refusal, the residents most likely to be affected by the proposal occupy 5 Buchan Place, which is an end of terrace property immediately to the east of and sharing a common boundary with the appeal dwelling.
11. I suspect that the occupants of this dwelling would have become accustomed to the presence of the appeal property's extant rear garage. In the previously approved scheme, the garage would be extended southwards, alongside No 5's outbuilding sited at the southern extremity of their garden. That extension, given the existence of their outbuilding, would have little effect on them, and a gap providing some visual relief would remain between the garage and the approved side extension.
12. In comparison, although skewed away from the boundary separating the respective properties, the proposed rear extension would be perceived as an unrelieved mass of solid form when viewed from No 5's rear garden. Its roof would be higher than that of the demolished garage and, in my view, it would

prove intrusive and oppressive, materially and injuriously affecting the neighbouring residents' enjoyment of their rear garden.

13. Accordingly, and taking full account of the fall-back position, I conclude that the proposed rear extension would prove harmful to the next-door residents by reason of its adverse visual impact. Thus, a clear conflict arises with those provisions of LP Development Policy 23 directed to protecting neighbouring amenities.

### **Other matters**

14. All other matters raised in the representations have been taken into consideration, including the references to the guidance contained in the Joint SPD<sup>3</sup>. I have noted the practical and financial justification for the amended scheme. Whilst aware that no local resident objected to the proposal at application stage, I am called upon to exercise my own planning judgment. No other matter raised is of such strength or significance as to outweigh the factors that led me to my overall conclusions set out below.

### **Overall conclusions**

15. Taking account of the fall-back position, on balance I find for the applicant in respect of the first of the main issues, that of the effect on the character and appearance of the host property and its surroundings. However, on the second issue, that of the effect of the development on neighbouring residents, I find against the appellant. I consider this to be sufficient reason to dismiss the appeal.

*G Powys Jones*

INSPECTOR

---

<sup>3</sup> Joint Design Guide, Supplementary Planning Document