



Appeal Decision

Site visit made on 3 June 2024

by V Goldberg BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th July 2024

Appeal Ref: APP/D3125/W/24/3336974

59 Barrington Close, Witney, Oxfordshire, OX28 5FJ

- 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 Mark Ellen against the decision of West Oxfordshire District Council.
 - The application Ref is 23/02476/FUL.
 - The development is described as 'change of use to residents land from amenity to residential. Retention of existing timber boundary fence. Single Storey side extension'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant seeks to regularise the change of use of the land to the side of the appeal site (No 59) from amenity to residential use; and the enclosure of this land with a close-board and trellis timber fence. I saw during my visit that these elements of the development described in the banner heading above, have already been carried out. It is also proposed to extend No 59 with a single-storey flat roof side extension. I have dealt with the appeal on this basis.

Main Issue

3. The main issue is the effect of the change of use and fencing, and the proposed side extension, on the character and appearance of the appeal site and wider area.

Reasons

4. No 59 comprises an end of terrace, two-bedroomed, two-storey dwelling situated at the edge of Barrington Close, a series of cul-de-sacs lined by dwellings in the residential area of Witney. Built form locally is defined by short terraces, pairs and detached two storey houses, grouped by common design approach, materials, scale, and pitched tiled roofs. Dwellings tend to be forward of the plot, with gardens extending to the rear. I observed side additions to properties in Barrington Close tend to be garages with pitched roofs and on a much smaller footprint relative to the host dwelling. Despite some variety in materials and form, Barrington Close has a sense of cohesion and appearance of a planned late 20th century residential estate.
5. Located off a turning head and close to a nearby Public Right of Way (PRoW), No 59 is characterised by its modest scale, which features a similar narrow footprint, materials, pitched roof and shared building line with its attached

- neighbour. Owing to the location relative to the street, the blank brick gable end and pitched roof is particularly obvious.
6. Prior to the fencing off and use of adjacent amenity land, No 59 occupied a relatively narrow plot, with a short garden extending to the rear. The Council considers that the change of use and associated boundary fencing is out of keeping with the surroundings. The position of the boundary fence follows the line of the stone wall further along the street. Furthermore, the absence of development to the side of No 59 means a degree of separation and spaciousness has been maintained. Therefore, while noting the Council would have preferred a brick wall to timber fencing, I do not think the change of use nor fence have harmed the character and appearance of the host property or the wider area.
 7. The appellant makes the point that the size of the extension has been reduced to sit comfortably within the space. However, the proposed side extension would be set only marginally in from the front and rear elevation of the host dwelling. Although the use of the garden increases the overall plot size, the rear elevation of the proposed extension would still reach close to the flank wall of No 61 and create a tight and awkward relationship with this dwelling. Therefore, even with a flat roof under 3 metres in height, the gap between development and the sense of spaciousness provided at this corner plot would be notably reduced.
 8. The Council has measured the width of No 59 as around 4m, and the proposed extension around 3.3m; and calculates a total increase in the footprint of around 58%. The proposed extension would almost double the size of the existing kitchen space while the proposed bedroom would be larger than either of the two existing bedrooms. Therefore, relative to the modest size and form of No 59, the footprint of the proposed extension would be disproportionately large.
 9. Despite the use of matching brick and the single storey height, the flat roof form of the proposed extension would have an uncomfortable relationship with the roof pitch and flank elevation of No 59. The appeal site is relatively tucked away on Barrington Close, and the extant fence would conceal the lower portion of the extension. However, the junction of the flat roof with the flank wall would be visible above the fence and the jarring relationship with No 59 would be perceptible from nearby houses and the adjacent PRoW. Overall, the proposed extension would be incongruous and incompatible with the coherent design of No 59, and the prevailing development pattern in Barrington Close.
 10. My attention has been drawn to various single-storey side extensions within walking distance of the appeal site. I do not know the planning circumstances nor precise locations of the examples given. Although some single storey extensions with varying setbacks, materials or flat roofs may exist in the wider vicinity, they are the exception rather than the norm, especially in the Barrington Close context. Moreover, the images provided do not appear directly comparable in respect of the narrowness of the host dwelling and the width of the extension relative to it. Even if the dimensions of the proposed extension are comparable to a single storey garage converted to habitable use, the proposal is not for a garage conversion. Furthermore, the garages that I saw on Barrington Close tend to occupy a smaller footprint and be set further in from the front and rear elevations compared with the appeal scheme.

11. For the reasons identified above, whilst I do not take issue with the use of the land and its enclosure by timber fencing, I conclude that the proposed side extension would harm the character and appearance of the appeal site and the wider area. Conflict therefore arises with Policies OS2, OS4 and H6 of the West Oxfordshire Local Plan 2031 and the West Oxfordshire Design Guide, insofar as they seek to ensure development is of a proportionate and appropriate scale to its context, demonstrates high quality design, and respects the character of the surrounding area.

Other Matters

12. There have been no objections to the proposal from the Town Council, or other interested parties. There would be no harm in respect of highways, parking or outdoor amenity space. The case is made by the appellant that the proposed extension would provide an accessible ground floor bedroom and bathroom to 'future proof' their home and be of significant improvement to their lifestyle. Bearing in mind that the proposed bedroom would be bigger than either of the existing bedrooms, and that the appellant has indicated they would consider a different design, it casts doubt whether the same benefits could not be achieved in a less harmful way. Moreover, the needs and wishes of the appellant could change, whereas the harm I have identified would be permanent. Therefore, the benefits to the appellant and creating accessible living space carry little weight in favour of the appeal scheme.
13. I note that the appellant would have been amenable to amending the design of the proposal and their statement includes images of a possible lean-to design. Even if the Council failed to engage during the planning application stage, the appeal process should not be used to evolve a scheme. If the appellant considers that a modified design, such as a pitched or lean-to roof, would overcome the Council's concerns, a fresh planning application should be made.

Conclusion

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

V Goldberg

INSPECTOR