



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: 10th July 2024

Appeal Ref: APP/G3110/W/24/3337225

72a & 72 B Windmill Road, Oxford, Oxfordshire, OX3 7BZ

- 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 Jason Ford against the decision of Oxford City Council.
 - The application Ref is 23/01709/FUL.
 - The development proposed is Erection of a first-floor rear extension, second floor rear extension. Juliet balcony and a balcony in association with a loft conversion. Insertion of 2no. roof lights to the front roof slope and 1no. window to south side elevation. Alteration to first floor rear window. Erection of new external rear stairs.
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Decision

1. The appeal is allowed, and planning permission is granted for the partial demolition and alterations to existing roof, formation of 1no dormer to rear roof slope and insertion of 2no rooflights to front roof slope in association with loft conversion. Formation of first floor rear extension with canopy and external stairs to the rear. Insertion of 1no window to side elevation, and 1no. window to rear elevation. Alterations to existing fenestration and railings. Installation of air source heat pump at 72a & 72 B Windmill Road, Oxford, OX3 7BZ in accordance with the terms of the application, Ref 23/01709/FUL and the plans submitted with it, 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 drawing nos: A100 REV A, A104 REV E, A105 REV E, A106 REV E and A107 REV E.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on the application form submitted. There shall be no variation of these materials without the prior written consent of the Local Planning Authority.
 - 4) All Impermeable areas of the proposed development, including roofs, driveways, and patio areas shall be drained using Sustainable Drainage measures (SuDS). This may include the use of porous pavements and infiltration, or attenuation storage to decrease the run off rates and volumes to public surface water sewers and thus reduce flooding. Soakage tests shall be carried out in accordance with BRE Digest 365 or similar approved method to prove the feasibility/effectiveness of soakaways or filter trenches. Where infiltration is not feasible, surface water shall be attenuated on site and discharged at a controlled discharge rate no greater than prior to

development using appropriate SuDS techniques and in consultation with the sewerage undertaker where required. If the use of SuDS are not reasonably practical, the design of the surface water drainage system shall be carried out in accordance with Approved Document H of the Building Regulations. The drainage system shall be designed and maintained to remain functional, safe, and accessible for the lifetime of the development.

Preliminary Matters

2. The description of development in my decision above has been taken from the decision notice, as this better reflects the proposal.
3. During my visit I noted that a rear dormer was in the process of being built, but it does not correspond with the plans submitted as part of this appeal. I have therefore made my assessment strictly on the basis of the plans before me.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and
 - the living conditions of the occupiers of 74 Windmill Road, with particular reference to daylight and outlook.

Reasons

Character and appearance

5. Windmill Road is a busy main road characterised by rows of brick-built dwellings of varying brick finishes and architectural features. The appeal site is a detached red brick building with shop front at ground floor, situated between houses in pale brick. Given its use, design and being detached, the appeal property appears distinct in the street scene. When viewed from Windmill Road building lines are somewhat irregular and ridge heights marginally differ. To the rear, at roof level, the road is characterised by large flat roofed dormers covered in slate.
6. Despite being large, the dormer would sit comfortably within the roof as it would be set down from the ridge, in from the sides and up from the eaves. Whilst the property may not benefit from permitted development rights, the prevailing roofscape is of heavily altered roof forms and large dormers. Accordingly, the development would respect the local character and site setting in this respect.
7. Whilst the amended ridge position and change in roof pitch would be noticeable within the row, it would not unacceptably detract from what is already a deceptively varied street scene. The impact of the proposed changes would also be mitigated by the detached and distinct nature of the property. Moreover, the additional depth of the property would be largely hidden by the flanks of the two adjacent houses.
8. The new gable to the rear would replicate other rear facing gable ends and therefore would be compatible with the prevailing character of the area. Whilst

the first-floor rear canopy would be unusual, due to its discreet position and design it would not appear incongruous in this location.

9. For the reasons identified above, I conclude that the proposed development would have an acceptable effect on the character and appearance of the area. The development is therefore compliant with Policy DH1 of the Oxford Local Plan 2036 and Policy CIP1 of the Headington Neighbourhood Plan. These policies require high quality design that responds to local character.

Living Conditions

10. There is a degree of separation between the appeal property and 74 Windmill Road. No 74 has a two-storey rear projection which extends beyond the depth of the appeal property. This existing two-storey addition impinges on the daylight serving a habitable room at first floor in the rear elevation of the neighbouring property.
11. The Council is concerned that the proposal would worsen the existing situation at No 74. Whilst the proposed dormer and canopy would be closer to No 74, given the separation distance between buildings, the aspect of the window and the position of the dormer, views from the window would be oblique and limited. Accordingly, the proposal would not be overbearing in views from this window, nor would there be an unacceptable tunnelling effect.
12. The design of the proposal with its greatest depth being on the opposite side to No 74, combined with the open nature of the canopy and separation distances would ensure that acceptable levels of daylight are received by the habitable room at No 74. The plans illustrate that the 45-degree rule is not breached by the proposal.
13. For these reasons, I conclude that the proposed development would have an acceptable effect on the living conditions of the occupiers of No 74 Windmill Road, with particular reference to daylight and outlook. As such, it would not conflict with Policies H14 and RE7 of the Oxford Local Plan 2036 insofar as they seek for development to have an acceptable impact on outlook and daylight.

Other Matters

14. There is no substantive evidence that this modest proposal would have an unacceptable effect on the integrity of the highway network.

Conditions

15. In addition to the standard time condition, it is necessary for a condition to list the approved plans in the interest of certainty and to ensure suitable materials would be used in the proposed development.
16. A condition is suggested requiring the development uses sustainable drainage methods or Approved Document H of the Building Regulations. This is necessary to avoid increasing surface water run-off and volumes to prevent an increase in flood risk.
17. Two further conditions have been proposed that refer to noise levels emitted from plant and requiring anti vibration isolators. I agree with the Council's view that air source heat pumps used for domestic premises usually have a low noise output. In addition, the property is positioned on a busy road with moderate ambient noise levels, whereby low noises are unlikely to be audible.

Accordingly, these conditions are not deemed necessary to make the development acceptable.

Conclusion

18. For the reasons given above the appeal should be allowed.

V Goldberg

INSPECTOR