



Appeal Decision

Site visit made on 27 July 2024

by Elaine Benson BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd August 2024

Appeal Ref: APP/V3120/D/24/3343112

195 Poplar Grove, Kennington, Oxford, Oxfordshire OX1 5QT

- 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 Dr and Mrs J and C Fernwood against the decision of the Vale of White Horse District Council.
 - The application Ref is P23/V2454/HH.
 - The development proposed is single-storey rear extension, demolition and rebuilding of the utility room walls, loft conversion, front porch, attached garage and repositioning of the site access.
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Decision

1. The appeal is allowed and planning permission is granted for single-storey rear extension, demolition and rebuilding of the utility room walls, loft conversion, front porch, attached garage and repositioning of the site access at 195 Poplar Grove, Kennington, Oxford, Oxfordshire OX1 5QT in accordance with the terms of the application, Ref P23/V2454/HH, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) 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 unless otherwise indicated in the approved drawings.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: PAR01, EP01, SIP002, LOC001, SIP001 and PP01.

Main Issues

2. The main issues in this appeal are the effect of the appeal proposal on the character and appearance of the host property and the surrounding area, and its effect on the living conditions of neighbouring occupiers.

Reasons

3. The area surrounding the appeal property contains 1930's bungalows which were originally all of a similar size and style. The majority have since been enlarged and altered. Their designs vary in complexity and include many conversions to chalet-style bungalows with first-floor accommodation. Consequently, there is no longer a unity of design in the area.

4. The character of the original bungalow, particularly the front, forward projecting element, would still be apparent from the front elevation. The side carport/garage would be set back, as is the existing garage, and would not add further width to the bungalow. As proposed, raising its roof would slightly increase the dominance of the original building. A pitched roof over the flat roof extension would be set back into the site and lower at the rear. The proposal would therefore accord with the requirement of the Council's Joint Design Guide SPD (JDG) that the original building remains the visually dominant element.
5. The proposed side dormer windows would reflect those used in the surrounding area and would not appear out of keeping within the street scene. The small, proposed porch and kitchen extensions would have a modest impact on the appearance of the rear of the bungalow. The proposed increase in roof height, altered roof pitch and the dormers would mainly be towards the rear of the property. The depth of the garage element would broadly match the depth of the outbuildings at the rear of No 197 and is a common layout in the locality. Views of the rearward parts of the proposed development would be limited or unavailable from the public realm due to intervening buildings, structures and landscaping. Thus, there would be no conflict with Paragraph 96 of the JDG which indicates that extensions which are not visible from the street can be expressed in many forms.
6. I agree with the Council that parts of the proposal do not comprise simple, uncomplicated building forms as required by the JDG. However, the alterations would sufficiently complement and coordinate with the original dwelling, without significantly increasing its footprint, scale, form and massing. Furthermore, notwithstanding that some nearby extensions may pre-date the current design guidance and policy, many have complex roof forms and they are part of the built context. Furthermore, the JDG indicates that 'building forms used along a street should create rhythm and interest', 'articulation of massing and roof line can help to present variety along the building frontage' and that 'subtle variations in the height and width of buildings can add visual interest to the street, making it more attractive and interesting.' The proposal would contribute acceptable design variety and would not conflict with this JDG in this regard.
7. Replacing the flat roof over one of the existing rear extensions with a pitched roof would improve the appearance of the extension and its design relationship with the original bungalow. It would better respect development in the wider context of the appeal site, whilst complying with the aim of the JDG to avoid the use of flat roofs. This altered element of the building is set sufficiently back from the front of the building to retain a subservient appearance and would keep the overall massing down.
8. I conclude that within its context, the proposed development would be sufficiently proportionate and subservient to the built form of the original bungalow. The enlarged bungalow would be considerably less bulky than many of the developments in Poplar Grove and would not harm the character and appearance of the host dwelling, or of the surrounding area. The design of the proposal broadly complies with the design objectives of Core Policy 37 (Design and Local Distinctiveness) of the Local Plan 2031 Part 1 (LP1), the Council's design principles set out in the JDG and the provisions of the National Planning Policy Framework (the Framework).

9. Turning to the impact of the proposal on the occupiers of neighbouring properties, the ground level slopes downwards towards the rear of the bungalow. Its steepest point is the area to the front of the property and it levels out at its rear, before falling steeply in stages in the rear garden. No 197 Poplar Grove (No 197) is at the same level as the appeal bungalow. They are separated by a driveway which leads to the neighbours' outbuildings which are located behind the property and against the boundary.
10. The proposed single-storey carport and detached garage would be sited adjacent to the boundary with No 193 and would replace a smaller garage set back a similar distance from the frontage of 195 but would extend deeper to the rear of the site. The garage roof would pitch away from the boundary. The rear, and potentially most affected part, of No 193 Poplar Grove (No 193) is at a higher level than No 195 following the erection of an extension and patio which extend to the site boundary. The rear structure appears to be some 0.5m higher than the adjoining level at No 195 and helps mitigate any effects of this element of the appeal proposal.
11. To assess the impact of development on neighbouring occupiers, the JDG requires compliance with the '45° rule' and the '25° rule', assessed in accordance with the Building Research Establishment (BRE) technical calculations and guidance. The rear elevation of No 193 contains a number of glazed elements. The appeal evidence convincingly indicates that shading from the proposal would be insignificant and that light levels to the rear windows of both neighbouring houses would not be compromised. Furthermore, No 193's extension and patio are already shaded by the neighbours' own laurel tree on the southern border and the boundary fence.
12. Having regard to the foregoing factors, I am not convinced by the Council's evidence that the proposal would appear as a dominant addition on the boundary or that the span of the carport and detached garage would result in harmful over-shadowing to the rear patio of No 193. Furthermore, if a structure were to be built in accordance with the 'Permitted Development' allowances, it would be likely to shade No 193 more than would the appeal proposal. This is a material consideration in this appeal.
13. Loft conversions often result in the overlooking of neighbouring rear gardens. However, the proposed garage would block the view of No 193's garden from the rear balcony. Similarly, in respect of No 197, that property's own garage, shed, trees and hedging would screen the view from the rear of the loft conversion.
14. Accordingly, the evidence leads to the conclusion that the proposed extended dwelling and the detached garage would not result in unacceptable harm to the living conditions of the occupiers of Nos 193 or 197 by reason of loss of light, being overbearing, overshadowing or overlooking. Accordingly, the proposal complies with Development Management Policy DP23 of the Local Plan 2031 Part Two, the guidance in the JDG and the provisions of the Framework.
15. I have had regard to all other matters raised, including the comments of neighbouring occupiers and Kennington Parish Council. None affect my conclusions.
16. For the reasons set out above, the appeal is allowed. I have included a condition identifying the approved drawings for the avoidance of doubt and in

the interests of proper planning. External materials should match the existing bungalow, unless otherwise indicated on the approved drawings. This is controlled by a further condition.

Elaine Benson

INSPECTOR