
Appeal Decision

Site visit made on 19 September 2024

by **J Bell-Williamson MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 October 2024

Appeal Ref: APP/G3110/W/24/3344049

Land adjacent to 8 & 10 Havelock Road, Cowley, Oxford OX4 3EP

- 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 Shah Khan against the decision of Oxford City Council.
 - The application Ref is 23/02754/FUL.
 - The development proposed is 'demolition of existing garage. Erection of front porch to No 8 and to No 10 Havelock Road. Alteration to 1no. door to rear elevation. Removal of 3no. windows to side elevations. Erection of two storey side extension to create a 1 x 2 bed dwellinghouse (Use Class C3). Installation of solar panels to front elevation. Provision of private amenity space, bin and cycle stores and associated landscaping (part retrospective) (amended description)'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council indicates that due to changes to the proposed plans the original description of development was amended to remove reference to the provision of an air source heat pump. The above description reflects this amended version.
3. I note that the proposal is part retrospective because the garage has been demolished and porches have been erected at the front of both properties.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of Nos 8 and 10 Havelock Road and on the street scene.

Reasons

5. The appeal site comprises Nos 8 and 10, which are two storey semi-detached dwellings separated by adjacent driveways running to the side and rear of each property. The main element of the proposal would infill this gap to create a new dwelling. Havelock Road is a residential road and the surrounding area is predominantly residential in character.
6. Reference is made to a previous unsuccessful application for a similar form of development to the current proposal¹. While I note the earlier application and

¹ Ref 22/03040/FUL.

decision, this appeal involves a separate proposal which I have considered on its own merits.

7. Policy DH1 of the Oxford Local Plan 2036 (2020) (the LP), concerning design and placemaking, says that planning permission will only be granted for development of high quality design that creates or enhances local distinctiveness. As the proposal would involve development partly on garden land, Policy G6 of the LP is relevant. This policy says that planning permission will be granted for new dwellings on residential garden land provided that, amongst other matters, the proposal responds to the character and appearance of the area, taking into account the views from streets, footpaths and the wider residential and public environment. The fact that the appeal site is not within a conservation area or other designated location does not have a direct bearing on the application of these policies.
8. I agree with the Council that the alterations to the door and windows, as well as the front porches that have been built, are limited and acceptable changes to the character and appearance of the host dwellings and street scene. The principal consideration, therefore, is the effect of the extension to create the new dwelling.
9. This part of Havelock Road comprises semi-detached dwellings, including Nos 8 and 10, which share a similar built form and original features. Prominent features include the alternating twin gables and larger central gable across the pairs of dwellings; and the layout of the dwellings with adjacent driveways running to the side of each pair of dwellings. As such, the street scene largely reflects the original layout and built forms of dwellings. The only obvious changes are the addition of front porches to a number of properties.
10. The substantive gaps between the paired dwellings creates a sense of visual relief and openness between the relatively large built forms. Furthermore, I agree with the Council that the layout creates a rhythm and regularity of development in the street scene. For these reasons, the gaps between dwellings are a positive feature that contribute to the character and appearance of the street.
11. By infilling the gap between Nos 8 and 10, the proposed dwelling would disrupt the regular layout of dwellings. Despite the lower roof height and set back of the front building line the new dwelling would, in effect, create a terrace of five dwellings, thereby undermining the character and appearance of Nos 8 and 10 and the dwellings adjoining them. This would appear particularly incongruous and uncharacteristic due to the uniform appearance and layout of the dwellings.
12. Moreover, despite the design of the front elevation to match the neighbouring properties, the new dwelling would be a focal point in the street because it would be in an incongruous position. Due to the openness of the street, the dwelling would be prominent from the public realm and dwellings opposite, from which views its incongruous and uncharacteristic appearance would be readily apparent.
13. The appellant contends that the proposal would contribute to the three objectives underpinning sustainable development, including contributing to the local economy during and after construction, making efficient use of land in a sustainable location and widening housing choice. However, the National Planning Policy Framework (the Framework) indicates that these objectives are not criteria against which every

decision can or should be judged². Moreover, these limited benefits are not sufficient to overcome the harm that has been found.

14. I have also had regard to the matters raised about possible changes to the Framework, particularly the assertion that less importance will be placed in national policy on the effect of development on local character. As the changes referred to are part of a recent consultation draft of the Framework they can only be afforded limited weight. However, as an observation, I note that the section on achieving well-designed places retains the requirement that planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment³.
15. Therefore, for the reasons given, I conclude that the proposed two storey side extension to create a new dwelling would have an unacceptably harmful effect on the character and appearance of Nos 8 and 10 Havelock Road and on the street scene. Consequently, the proposal is contrary in this regard to Policies DH1 and G6 of the LP, as described. It is also contrary to the Framework, which advocates good design. While the proposal would contribute to other objectives included in the LP and the Framework, particularly with regard to housing supply, these considerations do not outweigh the conflict with the development plan and Framework as a whole.

Other Matters

16. I have had regard to the representation made by an interested party. This does not, however, raise any additional matters in relation to the main issue in this appeal that would lead me to reach a different overall conclusion.
17. The appellant contends in support of the appeal that the proposal should be considered in the context of the presumption in favour of sustainable development included in the Framework. While I have had regard to this contention, in accordance with paragraph 11 of the Framework the presumption applies where development accords with the development plan or where there are no relevant policies or relevant policies are out-of-date, none of which applies in this case for the reasons given above. Accordingly, I give this matter limited weight and it does not alter my overall conclusion.

Conclusion

18. For the reasons given it is concluded that the appeal should not succeed.

J Bell-Williamson

INSPECTOR

² Paragraph 9.

³ Paragraph 132c).