



Appeal Decision

Site visit made on 7 October 2024

by P D Sedgwick BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 October 2024

Appeal Ref: APP/C3105/D/24/3346691

14 Sandford Green, Banbury, Oxfordshire, OX16 0SA

- 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 Miss Urszula Picheta against the decision of Cherwell District Council.
 - The application Ref is 24/00633/F.
 - The development proposed is demolition of outbuilding and erection of single storey rear extension with sliding door to the rear and 2 no roof windows. The whole external walls would be insulated and rendered.
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Decision

1. The appeal is dismissed insofar as it relates to the whole external walls would be insulated and rendered. The appeal is allowed insofar as it relates to the demolition of outbuilding and erection of single storey rear extension with sliding door to the rear and 2 no roof windows and planning permission is granted for demolition of outbuilding and erection of single storey rear extension with sliding door to the rear and 2 no roof windows at 14 Sandford Green, Banbury, Oxfordshire, OX16 0SA in accordance with the terms of the application, Ref 24/00633/F, and the plans submitted with it, so far as relevant to that part of the development hereby permitted and 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 development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; Dwg Nos: TQRQM24082151658651; 005_001a; 005_001c.
 - 3) 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.

Preliminary Matter

2. The appellant has not provided a Statement of Case (SoC) but has submitted amended plans¹ for the refused scheme and has asked that I consider these plans as part of the appeal. The main differences between the refused

¹ 005_001 Revision A; 005_001a Revision A; 005_001b Revision A; 005_001c Revision A

application and the revised scheme are that the house and extension would not be externally insulated and rendered, and the rear extension would be flat roofed, rather than mono-pitched, and lower where it would connect to the rear wall of the existing house. There is no evidence that the amended plans formed part of the scheme that the Council made its decision on, or that the amended scheme has been subject to any form of public consultation. It would not therefore be fair or appropriate to consider these amended plans within my decision as the acceptance of such would deprive those who should have been consulted on the changed development the opportunity to comment. As such, I will base my decision solely upon the plans that were assessed by the Council as part of the original planning determination.

Main Issues

3. The main issues are the effect of the proposed development upon the:

- character and appearance of the local area; and,
- living conditions of occupiers of 13 Sandford Green, with particular regard to light and outlook.

Reasons

Character and appearance

4. Sandford Green is a housing estate comprising 2 storey semi-detached houses set back from a road which surrounds a triangular central area of open space laid to lawn and covered in mature trees. The appeal site is part of a group of houses set back from the road behind a square of open space accessed by a footpath around it. All the houses are similarly designed and constructed of red brick which is exposed and contributes to the character and appearance of the area.
5. The proposed development includes a single storey rear extension which would be subservient to the main house, not visible from the street and would use roof tiles matching those of the main house. Its design is acceptable in this regard.
6. The proposed development also includes the installation of external insulation and rendering on all outside walls, covering the existing brickwork which I have noted is a key characteristic of the estate. The Council's Officer's report and reasons for refusing the application indicate that, in terms of the design of the development, it is the external render that is of concern. I agree that it would appear incongruous and out of character with the adjoining house and other houses nearby, none of which are rendered.
7. The proposal would therefore conflict with Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 (2015) (LP Part 1), Saved Policies C28 and C30 of the Cherwell Local Plan (1996) (LP), Cherwell's Residential Design Guide Supplementary Planning Document (2018) (SPD), the Cherwell Home Extensions and Alterations Design Guide (2007) (Extensions Design Guide) and the National Planning Policy Framework (2023) (the Framework) which require high quality design which contributes positively to an area's character and identity.

Living conditions

8. The proposed rear extension would extend to the same depth as an outside WC, store and workshop that has been demolished. It would extend across the full width of the house. Its mono-pitched roof would be approximately 3.6m high where it joins the house and drop to approximately 2.7m at eaves level, which corresponds with the height of the previous outbuilding. No 13, the adjoining house, has retained its outbuildings which extend to a similar depth as the proposed extension but are flat roofed.
9. The Council is concerned that the proposal would lead to a tunnelling effect harming the outlook from No 13's ground floor window. However, No 13's windows are set away from the boundary wall and the proposed extension is also slightly set in from the boundary. In my view, there would be enough distance from the windows to ensure that the extension would not be overly oppressive on its own, or in combination with No 13's outbuilding, to justify withholding planning permission, particularly given the length of No 13's garden which would allow views beyond both buildings lessening any sense of enclosure. This also appears to have been the view taken by the Council on a similarly sized extension that was previously permitted, although I do not have the details of that scheme to enable a direct comparison.
10. Given the orientation of the houses and gardens, the extension would lead to some reduction in direct sunlight entering No 13's ground floor rear windows, in the afternoon, and overshadowing of the garden area in front of them. However, most of the garden would be unaffected and the reduction in light on the ground floor would not be to a level that it would significantly harm the living conditions of No 13's occupiers. Overall, I conclude on this main issue that the proposed development would not conflict with Policy ESD15 of the (LP Part 1), saved Policy C30 of the LP, the Extensions Design Guide and the Framework which seek to protect the amenity of neighbouring development in terms of outlook and light.

Other Matters

11. I have found that the ground floor rear extension would be acceptable and note that it would be constructed of brick to match the existing materials. Given that it could be constructed without the proposed external cladding and render being applied to it, and the rest of the building, I consider these elements of the proposal to be physically and functionally separate. I therefore consider a split decision would be appropriate to allow planning permission for the rear extension element of the proposal.

Conclusion and Conditions

12. For the reasons given above I conclude that the appeal should succeed in relation to the rear extension. However, in relation to the whole external walls being insulated and rendered the appeal should be dismissed.
13. I have attached the standard time limit condition and a plans condition as this provides certainty. I have also added a condition concerning materials to ensure a satisfactory appearance.

P D Sedgwick

INSPECTOR