



Appeal Decision

Site visit made on 13 November 2024

by Eleni Marshall BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2024

Appeal Ref: APP/G3110/D/24/3349045

9 Gordon Close, Oxford, Oxfordshire, OX3 0RG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Xhevahir Kaci against the decision of Oxford City Council.
 - The application reference is 24/01236/FUL.
 - The development proposed is alterations to roof to form hip to gable in association with a loft conversion. Formation of 1no. rear dormer and insertion of 4no. rooflights to front roofslope and 1no. rooflight to rear roofslope. Alterations to roof height to existing side extension and insertion of 2no. rooflights to side elevation. Insertion of 1no. window to side elevation. Provision of bin storage (part retrospective).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have utilised the Council's description of the development as per the decision notice as I feel it more concisely describes the development.

Main Issue

3. The main issue is the impact of the proposal upon the existing dwelling, visual amenity, and character of the area.

Reasons

4. The appeal site is located at the end of a row of terraced dwellings and is on a corner plot between Gordon Close and Broughton Close. The front of the site boundary is chamfered as a result of the curve into Broughton Close with access via the existing drop curve being on the corner itself between the two roads in question. At the time of my site visit I walked along Gordon Close and Broughton Close and noted that the properties are generally set back from the road which gives a sense of space within the estate. The set back and general openness around the site is more notable within Broughton Close itself and any examples of extensions are appropriate to their host dwelling.
5. I understand, from the Council's evidence, that application reference 21/02101/FUL granted planning permission for replacement of an existing single storey flat roof garage with a single storey side extension and a two-storey enlargement to the rear. I also note that, prior to this application, there is notable planning history including appeals that have previously been dismissed but I have considered the proposal before me on its own merits against the local plan as it is a starting point for determination in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004.

6. The proposal before me seeks part retrospective permission for the development as described within the header of the decision letter. The proposal seeks to comparatively enlarge the previously approved single storey side extension (approved under 21/02101/FUL) in order to accommodate habitable rooms within the roof area of the structure. The proposal would result in the overall height of the side extension being increased by in the region of 1.7 metres (to in the region 5.3 metres). This would ultimately result in the ridge of the proposed side extension exceeding the eaves height of the host dwelling and visually appearing to be akin to a one and half storey extension to the side of the dwelling.
7. I find that the scale of the proposed side extension would result in a visually inappropriate enlargement to the side boundary of the site. The visual implications of the proposal would be exacerbated as a result of the side extension having a ridge height higher than the eaves of the host property which I do not find to represent high quality design and, overall, I find that the design of side extension as proposed would draw undue, negative, attention to the appeal site within its corner plot and that the proposals would fail to comfortably co-exist with the existing form and proportion of the host dwelling.
8. The appellant's Statement of Case (SOC) makes reference to extensions at 11 Gordon Close (no.11) and I noted, during my site visit, that no. 11 has constructed a side extension towards Broughton Close. I do not find that the extension at no. 11 is comparable to the proposal before me in terms of design. The two-storey side extension at no. 11, whilst of greater height and scale, is visually appropriate in terms of design and respects the host dwelling. The extension at no.11 continues the eave height of the property, is set back from the front elevation, and set down from the ridge and does not attract undue attention within the street scene. The extension leaves the original dwelling clearly legible within the site context.
9. The previously approved, and constructed, a single storey side extension at the appeal site before me was considered appropriate due to the Council finding that it respected the character of the plot. The proposal before me would, comparatively, erode the openness of the plot impeding views into and out of Broughton Close which is itself, a narrow road. This would be combined with the existing extension, on the opposite side of the road, and would impact upon the character of the area as a result of an enclosing effect. The proposal would impact upon the general openness around the junction between Broughton Close and Gordon Close in a prominent location.
10. I understand, from the Council's delegated report and evidence, that whilst separate consent/approval was issued for enlargements (hipped roof to gable extension as well as a flat roof boxed rear dormer which extends across the whole width of the main roof) such consent/approval was obtained separately. The submitted scheme is stated to illustrate construction of roof enlargements that do not benefit from an extant lawful development certificate as a result of the fact that they would directly connect to both the completed rear extension and the enlarged side extension proposed within this appeal.
11. It is not within the scope of this appeal to consider whether elements of the proposal would, or would not, fall within the scope of permitted development (as a householder application/appeal) and I understand that the Council consider it unclear whether the dormer would still fall under permitted

development which is the reason why it was included within the amended description of development which I have utilised in the header of this report as outlined within procedural matters. The appellant's Statement of Case outlines that they do not have full details of other approved changes at the appeal site placing reliance upon a Council's subsequent statement, however, as discussed below (in other matters) there is no provision for such an approach within this type of appeal. I have, therefore, based my decision on the evidence that is before me at the point of determination, in the form of the Council's delegated report, as I have no evidence before me to dispute the Council's approach or comments to the contrary within the appellant's SOC.

12. Based upon the plans before me the intersection between the rear dormer and the two-storey rear element would result in an awkward and incongruous relationship which is visually complex, overly fussy, and entirely at odds with the host property and the character of the surrounding area. I find that a combination of the roof forms, as shown on the submitted plans, would result in built form which would be harmful to the design characteristics of the site and that the legibility of the host dwelling's original proportions and layouts would almost be entirely lost. I consider the proposal as submitted to represent an unbalanced and incongruous mass of varying roof forms which would be widely visible from within the street scene of Broughton Close. The would ultimately represent poor design in the context of the host dwelling and the character and appearance of the area.
13. The previously approved single storey side extension, and set down two storey rear projection, retained a degree of subservience and harmony with the existing dwelling based upon the approved drawings which have been provided by the Council. Whilst I acknowledge that the proposed side extension would be lower than the main part of the original dwelling, I do not find that this overcomes the concern as to design and suitability of the proposal in the context of the host dwelling for the reasons I have outlined. Whilst the flow internally may accord with the family needs and I acknowledge that the proposal seeks to provide the appellant's family with a house, that they feel they need, I do not find that the proposal would add appropriate (positive) interest to the street scene nor retain its overall, mature, residential character.
14. The proposal before me, as per the submitted plans, would by reason of its siting, scale, massing, form, and appearance result in an incoherent, bulky, and overly prominent addition that would reduce the openness of the site and dominate the simple and modest proportions and appearance of the host dwelling. The proposal would result in inappropriate and poorly designed development which I find would cause notable harm to the visual amenity and local character of the area. The proposal would be inconsistent with Oxford Local Plan 2036 (adopted 2020) policy DH1 which outlines that planning permission will only be granted for development of high-quality design that creates or enhances local distinctiveness.
15. The proposal would also be contrary to paragraph 135 of the National Planning Policy Framework 2023 (the Framework) which seeks to ensure developments function well and add to the overall quality of the area, are visually attractive as a result of good architecture and are sympathetic to local character. Paragraph 131 of the Framework, also confirms that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what

the planning and development process should achieve and paragraph 139 outlines that development that is not well designed should be refused.

Other Matters

16. The appellant's SOC makes reference to awaiting a Council reply, and an ability to respond to this/defend their (the appellants) views, during the appeal process. There is, however, no provision for a Council SOC or final comments from the appellant within this type of (householder) appeal process. On this basis I do not have a full explanation before me as to what is, or is not, previously approved at the appeal site in the context of the proposals before me as outlined within paragraph 1.5 of the appellant's SOC other than the matters noted above in the context of the evidence before me.
17. In a similar manner I note that, within the Council's decision notice, it is stated that there are inconsistencies between the submitted plans and the situation as built on site as the alterations to the roof including the rear dormer are not shown on the submitted existing drawings. This is acknowledged and whilst I have considered the proposals based upon the plans before me the discrepancies between as built and the plans are ultimately of limited weight given my findings against the main issue above which result in the appeal being dismissed.

Conclusion

18. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Marshall

INSPECTOR