The Planning Inspectorate

Appeal Decision

Site visit made on 5 November 2024 by M Long BA(Hons) MSc MRTPI

Decision by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 December 2024

Appeal Ref: APP/C3105/D/24/3347852
15A South Street, Banbury, Oxfordshire OX16 3LB

- 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 Alasdair Beatson against the decision of Cherwell District Council.
- The application Ref is 24/00466/F.
- The development proposed is alterations and extension to the existing house and outbuildings.

Decision

1. The appeal is allowed and planning permission is granted for alterations and extension to existing house and outbuildings at 15A South Street, Banbury, Oxfordshire OX16 3LB in accordance with the terms of the application Ref 24/00466/F, 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 the approved plans: 2208-PA-0020 Rev 04 (Floor Plans As Proposed), 2208-PA-0021 Rev 02 (Sections As Proposed), 2208-PA-0022 Rev 02 (Elevation As Proposed Sheet 1), 2208-PA-0023 Rev 02 (Elevation As Proposed Sheet 2) and 2208-PA-0001 (Site Location and Block Plan).

   3) The proposed first-floor window to the elevation of the outbuilding annotated as 'south-west elevation' on approved plan no 2208-PA-0022 Rev 02 shall be fitted with obscure glazing at all times and no part of that window that is less than 1.7 metres above the ground floor of the room in which it is installed shall be capable of being opened.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The decision notice does not identify which neighbouring occupiers that the Council considers would be affected. However, the officer report is clear that the Council's concerns relate to the effect of the single storey rear extension on outlook for occupiers of No 15 South Street. The report also sets out concerns in respect of a proposed first-floor window to the outbuilding and identifies that

this would result in a loss of privacy for occupiers of Nos 15 and 16 South Street. I have defined the main issue accordingly and the reasons for the recommendation also focus on these identified matters.

4. I am aware that following the submission of the appeal, planning permission has since been granted on the appeal site for 'Demolition of existing external toilet block. Demolition of side wall of existing 2-storey brick outbuilding. Side extension of existing outbuilding incorporating demolished toilet block footprint, to create new stairwell and wc. Removal of existing roof window and replacement with 2 new roof windows. Associated external landscaping works'[1]. However, the appellant has confirmed that planning permission differs from the appeal proposal which I have considered on its own merits.

Main Issue

5. The main issue is the effect of the proposed development on the living conditions of occupiers at 16 South Street (No 16) with particular regard to privacy and at 15 South Street (No 15) with particular regard to privacy and outlook.

Reasons for the Recommendation

6. The single-storey appeal dwelling at 15A South Street (No 15A) has an unconventional layout which includes a narrow section between the main buildings of Nos 15 and 16 and this forms a substantial projection along the shared boundary with the rear garden at No 15. It also includes a wider element with a mono-pitched roof that is set away from the boundary with No 15. That element is sited against the shared boundary with No 16 with obscure glazed windows along its side elevation facing the garden at No 16. There is also a two-storey outbuilding in the rear garden of No 15A.

7. The site is in a residential area characterised primarily by terraced properties set within narrow plots. No 15 has a two-storey outrigger that is set away from the site which has ground and first floor windows facing the site and large, glazed doors at the ground floor of its rear elevation. No 15 also has ground and first-floor windows to its rear elevation, in the space between the outrigger and the appeal site. No 16 is understood to be divided into flats and has glazed openings to the rear elevation of the building, as well as a first-floor balcony.

8. Due to the narrowness of the plots to this part of South Street, the tightly packed relationships between properties and the presence of high-level windows and balconies, there is an established degree of mutual overlooking of rear gardens that forms part of the character of this locality. These views tend to be focused towards the back ends of neighbouring gardens, whereas the proposed first-floor window to the outbuilding would face towards the rear openings on the dwellings and flats at Nos 15 and 16, as well as the rear amenity spaces that sit close to the rear elevations of these neighbouring properties.

9. Nevertheless, I am satisfied that a suitable condition to ensure that the window is obscure glazed and has restricted opening could be used to mitigate any potential harm to privacy, and the appellant has indicated they would be agreeable to these circumstances. Moreover, the window would be some distance from the rear elevations of neighbouring buildings, set away from the

[1] LPA Ref 24/01842/F

side boundaries and, in some views from the neighbouring sites, would be partially obscured by the mass of the main dwelling. These factors would further reduce any perception of overlooking and would prevent the window from having an imposing presence. Consequently, the proposed first floor window to the outbuilding would comply with the guidance in the Cherwell Residential Design Guide Supplementary Planning Document (2018) which seeks to ensure suitable privacy.

10. Given that the appeal dwelling already extends a significant distance along the shared boundary with No 15, the proposed single storey rear extension to the dwelling at No 15A would be set away from the neighbouring rear openings. Taking this into account, in combination with its modest depth and height, the extension would not be highly perceptible beyond the existing situation and so would not significantly alter the quality of outlook when viewed from the rear openings or garden of No 15. It would therefore comply with the Cherwell District Council Home Extensions and Alterations Design Guide (2007) which sets out that rear extensions should be designed so that they do not cause a loss of amenity to neighbouring buildings or gardens.

11. I conclude that, subject to appropriate conditions, the proposal would have an acceptable effect on the living conditions of the occupiers at No 16 with particular regard to privacy and at No 15 with particular regard to privacy and outlook. As such, it would accord with Policy ESD 15 (The Character of the Built and Historic Environment) of The Cherwell Local Plan Part 1 (2015) and retained Policy C30 of the Cherwell Local Plan (1996) which together, amongst other things, seek proposals that consider amenity, including matters of privacy and outlook. It would also meet the high standard of amenity requirements set out in the National Planning Policy Framework.

12. The officer's report mentions conflict with retained Policy C28 of the Cherwell Local Plan (1996). However, this was not included within the reason for refusal contained in the decision notice and a copy of this policy has not been provided. In any event, there is nothing before me to suggest that this Policy specifically relates to matters of outlook and privacy or if it did that it would alter my finding that the proposal would be acceptable in these respects.

Other Matters

13. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The site is in the Grimsbury Conservation Area (CA), which partly derives significance from its historic and political context, including its representation of the spectrum of working class and artisan housing constructed in the latter half of the nineteenth century, as well as its foundations in the principles of working-class self-help. The Council has not raised concerns regarding the CA, and having seen the context of the site and the design of the proposals, I am also satisfied that the proposed development would preserve the character and appearance of the CA.

14. The Council has also not raised concerns with any other aspects of the proposed development beyond those matters considered under the main issue. From what I have seen, I have no reason to find otherwise.

15. A concern has been raised that the extended outbuilding could be used for independent living accommodation. I have considered the appeal on the basis of the extensions applied for. In any case, the fact that the extended outbuilding could only be accessed through the dwelling at No 15A means that it is unlikely that it would be used for purposes other than ancillary to the main dwelling. Furthermore, planning permission would be required for a change of use of the outbuilding to an independent dwelling. Therefore, a condition to restrict the use of the outbuilding is not necessary in this instance.

Conditions

16. In addition to the standard time period for commencement, I recommend a condition to require that the development be carried out in accordance with the approved plans, which is necessary for certainty. There is sufficient detail regarding the proposed external materials within these approved plans and so a separate condition relating to external materials is not considered necessary to preserve the character and appearance of the dwelling.

17. As explained above, I consider that a condition to ensure obscure glazing and restricted opening to the window to the first floor of the outbuilding is necessary to safeguard the privacy of occupiers at neighbouring properties. I have identified the window on the basis of the annotations on the approved plans.

Conclusion and Recommendation

18. The proposed development would accord with the development plan. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

M Long

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed.

M Russell

INSPECTOR