



Appeal Decision

Site visit made on 22 January 2025

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 February 2025

Appeal Ref: APP/G3110/D/24/3347625

40 Bartholomew Road, Oxford, Oxfordshire OX4 3QQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by T Khan against the decision of Oxford City Council.
 - The application Ref is 24/01020/VAR.
 - The application sought planning permission for the erection of a part first floor, part two storey side and rear extension without complying with a condition attached to planning permission Ref: 20/02907/FUL, dated 26 January 2021.
 - The condition in dispute is No 2 which states that:
The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, Location Plan; Block Plan Proposed; A105 Floor Plans – Proposed and A106 Elevations – Proposed, unless otherwise agreed in writing by the local planning authority.
 - The reason given for the condition is:
To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policy DH1 of the Oxford Local Plan 2036.
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Decision

1. The appeal is dismissed.

Background

2. Planning permission was granted in January 2021, under application Ref: 20/02907/FUL, for the erection of a part first floor, part two storey side and rear extension subject to a number of conditions. In doing so the Council imposed a condition (Condition 2) stipulating that the proposed development be carried out in accordance with the approved plans.
3. The extensions and alterations to the property have been carried out in variance to the approved plans and the appellant is seeking to vary Condition 2 to reflect what has been built on site. That said, the Council submit that there are some discrepancies between the submitted plans and what has been built. I have borne this in mind in coming to my decision. The application has been submitted retrospectively and I have dealt with the appeal on this basis.

Main Issue

4. The main issue is whether the condition is necessary having regard to the character and appearance of the host property and area.

Reasons

5. The appeal site is located on the southern side of Bartholomew Road. This side of the road comprises pairs of semi detached dwellings, that despite minor variations, display a degree of uniformity including two storey forward gable features and hipped roofs. The host property displays these architectural features in addition to a pleasant tile hung catslide roof feature that draws the eye. At the time of my site visit I observed that a two-storey side and rear extension had been constructed that extends alongside a private road. To the east of the private road is a school complex with mature trees located close to the boundary providing a degree of screening.
6. The extensions granted planning permission in 2021 were designed to be subservient to the host property with the side extension set back from the main front elevation by around 1.58m and the ridge height approximately 0.28m lower than the main roof. As built, the extension is flush with the main wall of the dwelling and the ridge height is consistent with the main roof.
7. The side extension, as built, lacks architectural subtlety being unsympathetic to the appearance of the host dwelling and overwhelming the attractive catslide roof feature. Its overall form and height results in a structure that unacceptably dominates No 40. The absence of any discernible set back from the front elevation and set down of the roof and the overall lack of subservience results in a dwelling that appears unduly large. The resultant dwelling is noticeably bulkier compared to others nearby appearing as an incongruous feature within the area harming local character and appearance.
8. Whilst the dwelling benefits from some screening and is set back from the road, the development is, nonetheless, very apparent from localised views including Bartholomew Road and the private road. The development is unacceptably at odds with the appearance of properties locally and in particular along this side of the road.
9. I conclude that the development adversely affects the character and appearance of the host property and area contrary to Policy DH1 of the Oxford Local Plan (2020) which, amongst other things, seeks high quality design that creates or enhances local distinctiveness.

Conclusion

10. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR