



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: 05 February 2025

Appeal Ref: APP/G3110/D/24/3347994

21 St Thomas Street, Oxford, Oxfordshire OX1 1JJ

- 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 Abdul Rashid against the decision of Oxford City Council.
 - The application Ref is 24/00368/FUL.
 - The development proposed is two-storey rear extension to existing property.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024. My decision is made in the context of the revised Framework and I am satisfied that no interested party has been prejudiced by my approach.

Main Issues

3. The main issues are:
 - The effect of the proposed development upon the character and appearance of the host property and area including whether it would preserve or enhance the character or appearance of the Central (City & University) Conservation Area (CA);
 - The effect of the proposed development upon the living conditions of the occupiers of 22 St Thomas Street with regard to daylight, sunlight and outlook; and
 - Whether the proposal would provide adequate amenity space for occupiers of the host property.

Reasons

Character and appearance including the effect upon heritage assets

4. The appeal property lies within the Western Fringe area of the CA and derives its significance, in part, from a fragmented historic character and street pattern. Whilst St Thomas Street retains its medieval street pattern the built form is fragmented with former industrial buildings, small blocks of terrace dwellings with a tight urban grain juxtaposed with more modern development with large floorplates and a greater scale. The appeal property forms part of one such terrace, dating back to

the Victorian period, comprising a mid-terrace two storey dwelling with a subservient outrigger and a more recent flat roofed single storey rear extension.

5. I acknowledge that the later additions to the dwelling are substandard. However, the proposed extension in terms of its height and projection would be disproportionately and uncharacteristically large unduly dominating the rear of the host property.
6. The rear of No 21 is visible from Woodbine Place and the proposal on account of its overall bulk and elongated form would unacceptably draw the eye appearing as an unduly obtrusive and incongruous presence, despite the use of sympathetic materials. As such, the proposal would adversely affect the character and appearance of the host property and the surrounding area.
7. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) outlines a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
8. The Framework advises, at paragraph 212, that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 213 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have clear and convincing justification.
9. In this particular instance I find that the harm to be less than substantial but nevertheless of considerable importance and weight. Under such circumstances, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
10. The proposed development would involve refurbishment of the entire property, including the windows. This would indeed be a public benefit of the proposal by improving the front elevation of the dwelling positively contributing to the appearance of the historic street scene. It would also bring existing housing stock back into occupation as a family home. That said, the proposed extension on account of its scale, mass and design would adversely affect the character and appearance of the host property and area.
11. Taking the above into consideration, I conclude, that, on balance, the proposed development would adversely affect the character and appearance of the host property and would fail to preserve the character and appearance of the Central (City & University) Conservation Area. The proposal would fail to satisfy the requirements of the Act, the Framework and conflict with Policies DH1 and DH3 of the Oxford Local Plan (2020) (LP) which, amongst other things, require high quality design that enhances local distinctiveness and proposals to respond positively to the significance, character and distinctiveness of heritage assets and locality.

Living conditions of existing occupiers

12. The proposed rear extension would be positioned along the boundary with 22 St Thomas Street. The closest ground floor window in relation to the appeal property serves a habitable room.
13. The two-storey height of the proposed rear projection, together with its overall length and position along the boundary with No 22 would result in an unacceptable sense of enclosure for the occupants of this property. It would result in a form of development which would be unduly oppressive and overbearing severely diminishing their living conditions.
14. The presence of the proposed development projecting along the boundary, would not only have a significant enclosing effect on the outlook from the rear of this property, but would also overshadow it resulting in an unacceptable loss of sunlight and daylight for the occupiers.
15. I acknowledge that due to the original design and construction the relationship between the properties and windows do not accord with the 45/25 degree rule set out in Appendix 3.7 of the LP. However, the development as proposed would further compound the situation in terms of loss of light and outlook and is not sufficient justification for a scheme that I have found to be harmful. Whilst upper floor windows would accord with the 45/25 degree rule this would not overcome my concerns with regard to this main issue.
16. I conclude that the proposed development would adversely affect the living conditions of the occupiers of 22 St Thomas Street by reason of loss of daylight, sunlight and outlook. It would be contrary to LP Policies H14 and RE7 which, amongst other things, require new developments to provide reasonable daylight and sunlight for existing homes and to prevent overshadowing and overbearing effects.

Amenity space

17. LP Policy H16 states that dwellings should provide a private garden at least equivalent in size to the footprint of the original building. The existing garden is irregular in shape and the usable amenity space is limited to an area sited behind the existing single storey rear extension. The proposed development would further reduce the amount of usable space for occupiers.
18. I acknowledge that the amenity space proposed would be limited in size and would not fully accord with the policy. However, I find that the amount of useable amenity space would be large enough to accommodate outdoor seating and other domestic paraphernalia. The garden area proposed would be adequate for occupiers given that on a constrained urban site, such as the appeal site, it would be difficult to achieve the recommended size.
19. I am also mindful that occupiers would benefit from convenient access to services and facilities within the city centre and would also have the option of local parks and green spaces including Castle Mill Stream and the River Thames for recreational purposes. In this regard and on this issue, I find that the development accords with LP Policy H16 which seeks direct and convenient private open space.

Conclusion

20. Whilst I have found in favour of the appellant on the third main issue, this does not overcome the harm identified on the first and second main issues and for the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR