



Appeal Decision

Site visit made on 28 December 2024

by **A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 February 2025

Appeal Ref: APP/G3110/D/24/3352425

18 Bradmore Road Oxford OX2 6QP

- 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 Otmar Szafnauer against the decision of Oxford City Council
 - The application Ref is 23/01769/FUL.
 - The development proposed is Erection of a single storey annex with basement. Formation of boundary wall to west elevation. Insertion of 1no. door to north boundary wall.
-

Decision

1. The appeal is allowed and planning permission is granted for Erection of a single storey annex with basement. Formation of boundary wall to west elevation. Insertion of 1no. door to north boundary wall at 18 Bradmore Road Oxford OX2 6QP in accordance with the terms of the application, Ref 23/01769/FUL and the plans submitted with it, subject to the schedule of 8 conditions attached to this decision.

Preliminary Matters

2. The description of development appearing on the application form differs from that used in the decision notice. As the latter more accurately describes what is proposed I have referred accordingly.
3. The Council give three reasons for refusal (RFR). RFR2 relates to the statutory requirement, set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCAA) that decision-takers should have regard to matters which, in this case, would necessarily be addressed by proper consideration of the matters that the Council has set out in the first refusal reason. This 'general duty' cannot be, of itself, a reason for refusal. RFR3 expresses concerns as to information about drainage but also states 'the scheme has the *potential*¹ to warrant reasons for refusal in terms of...(etc)'; which suggests that the Council's concerns on drainage would likely be resolved by information submitted under pre-commencement conditions to address those matters in the event of such conditional permission being granted. Consequentially I consider that neither RFR2

¹ Emphasis added

nor RFR3 are determinative of the outcome of this appeal and will not be addressed in this decision.

Main Issue

4. The main issue is, therefore, the effect of the development upon the character and appearance of the area including upon the special character and appearance of the North Oxford Victorian Suburb Conservation Area (NOVSCA).

Reasons

5. 18 Bradmore Road (No.18) is an extended, very substantial Victorian house laid out over four levels and attached to, but not paired with, its neighbour, and fairly described as a 'striking pair of Gothic styled semi-detached houses of yellow brick with red brick string courses and stone window dressings'. It is located within the Norham Manor character area² of the North Oxford Victorian Suburb Conservation Area (NOVSCA) being one of the first parts of this nineteenth-century suburb to be developed. The character appraisal points to particular features of the area which are material to the main issues to be addressed in this appeal. No.18 is not specifically referred to in that document but lies at the Corner of Bradmore Road, which is laid out with 'picturesque informality', and Crick Road which maintains the very wide and open character of this part of the suburb albeit with some houses of more modest scale.
6. The proposal intends the construction of a ground floor annex and basement within the rear garden area, adjacent to this part of the Crick Road, including the replacement of the currently absent high boundary wall.
7. The Council suggest that corner sites "*have a particular character with rear gardens being open to views from the street and allowing views into the collection of rear gardens.....amalgamating and thus magnifying the impact of the individual back garden and making a more considerable contribution to the contribution that gardens make to the special character and appearance of the place*" (emphasis added). However, this is not supported by the character appraisal which notes the absence of focal points; and that those on corner plots (such as No.18) do not exploit the prominence of their position. No.18 presents a largely blind elevation to Crick Road³ and, as the character appraisal makes clear, originally would have had a '*high brick wall (to) protect the privacy of back gardens at the end of a run of plots*'⁴ and thereby screening what lies immediately behind those walls from the street. Such treatment would have addressed the part of Crick Road frontage which is considered in this appeal.
8. The Council express concern that the proposal would be apparent from other locations, however as the topography appear generally flat it is not clear what viewpoints, other than upper floors of nearby buildings or passing high vehicles, are referred to. It is likely that even if the Sedum roof were visible from some higher viewpoint, it would be at a distance and not prominent, similarly the screen wall if erected close to its original height (and the annex at no greater height) would

² As defined in the Councils Character Appraisal of NOVSCA (undated)

³ Albeit altered by the recent extension to the *piano nobile*

⁴ Character appraisal Page 25

permit views above it of trees and similar vegetation in adjoining gardens such that users of the public realm are not directly aware of the proposed annex.

9. The appellant's design approach seeks to argue that the proposal would not be apparent in the street scene and that this equates to an absence of harm to the NOVSCA. However, the detailing and height of the proposed replacement wall would be of great importance to the character and appearance of the street scene and, in consequence, to the preservation or enhancement of the special character of the Conservation Area. Whilst character of a Conservation area is not governed only by what is seen nor limited to what occurs in the public realm, in this case the preservation of the special character of this part of the NOVSCA would be, in my view, achieved to the extent that the spacious and calm character of the area and of its roads are retained, and in that regard fulfilment of the ambition expressed in the appellant Design and Access Statement (DAS) that the proposal would be '*completely hidden from the public realm*' is key, albeit not entirely determinative of the acceptability of what is proposed, and it is to that important point I now turn.
10. No.18 is a single dwelling house and has therefore successfully resisted the negative factors referred to in the character appraisal that come with changes to institutional or other non-residential use. However, it has been subject to extension and change, notably the recent construction of a rear-facing, cantilevered side extension and the turreted front-facing addition which successfully integrates with the original building. Whilst these are plainly apparent in the street scene it is not evident that the special character of the NOVSCA has been harmed by these changes.
11. The position with the proposed annex is, however, not equivalent as what is proposed would occupy a significant portion of a rear garden and a general awareness of built incursions into gardens would undermine the understanding of NOVSCA as a planned suburb with spacious qualities. Consequently, and noting the range of concerns raised, I consider whether the proposal would conflict with the relevant policies of the development plan or fail to preserve or enhance the character and appearance of the NOVSCA will follow from consideration of the likely success of the proposal in achieving the ambition of the appellant set out in paragraph 9 above. In that regard the appellant has provided no construction or topographical details to demonstrate that what is drawn can be built within the very strict limits of height proposed, however, noting the principles embodied in Paragraph 11(c) of the Framework and the exhortation of the Framework⁵ that decision-makers at every level should seek to approve applications for sustainable development where possible, it is appropriate to consider whether the proposal can be made acceptable in planning terms by the application of suitable conditions, which I now do.
12. Although some documents refer to the boundary (screen) wall as existing, it is not; and I have nothing before me to confirm its height or construction. To be consistent with surrounding development it is likely that the wall would have been constructed in English Bond 9-inch brickwork with a suitably detailed brick coping. The likely extent of that wall may be judged from a black boarded screen adjacent to the proposed annex location beginning at the stone-capped brick pillar which currently

⁵ Paragraph 39

terminates the dwarf wall and surmounted cast railings that wrap the remainder of the frontage of No18. The Council suggest a height of around 1.77m, for the original wall which would seem to align with the 22 courses of Victorian brick found in the remaining brick pillar, below its stone cap. The appellant suggests the wall would be 2.0m in height to screen the proposed annex building behind. Whilst this may seem an incremental difference, even small differences become apparent when touching existing fabric such as the beforementioned pillar where (as the submitted drawings⁶ seem to indicate) an unfortunate collision with the stone pillar cap would be apparent from a height of 2.0m. I consider that the height of the screen wall (and the related building) and its detailing as an authentic replacement to be the principal consideration in this matter and, further, that the height of the replacement boundary wall should be as close to the original wall as possible such that any grant of permission should be conditioned accordingly.

13. Other considerations would be the potential for Incidental equipment or fittings, or the construction of the roof and its proposed sedum planted surface to intrude above the height of the screen wall as this would undermine the basis of acceptability. However, large-scale construction details and transverse sections through the building and screen wall to demonstrate all matters have been considered could be required as a condition. No development should proceed before the Council are satisfied on these important points of detail such that harm to the significance of the designated heritage asset is avoided or minimised.
14. It is on that basis I conclude the proposal would preserve the special character and appearance of the NOVSCA and would accord with policies DH3 (and as relevant DH1) of the Oxford Local Plan which seek high quality design that is responsive to its surroundings and to preserve or enhance the special character and appearance of heritage assets⁷. In reaching that conclusion I have also attended to the general duty for decision-takers set out in Section 72(1) of the LBCAA. Consequently, for the reasons given and taking all matters raised into account the appeal should succeed subject to conditions appended. In addition to the usual plans and timing conditions, my reasoning provides justification for a number of conditions which I do not need to repeat here however as conditions pertaining to height and appearance have specific relevance to the basis of my decision these should be matters to be satisfied before the development is commenced.

Andrew Boughton

INSPECTOR

SCHEDULE OF 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: 1479_SHO_P15C; 1479_SHO_P16C; 1479_SHO_P17C; 1479_SHO_P18C; 1479_SHO_P20C; 1479_SHO_P23; 1479_SHO_P27.

⁶ North elevation proposed

⁷ When the designated heritage asset is a Conservation Area. No listed building is affected by these proposals

- 3) No part of the development hereby approved, including ducts, ventilation equipment or flues or any other element, fixture or fitting incidental to the construction or use of the development hereby approved shall extend above the height of the replacement boundary wall, such height to be determined in accordance with Condition 4 here appended.
- 4) Prior to the commencement of the development hereby approved, and notwithstanding the information appearing on the plans listed as approved above, the following details shall be submitted to, and approved in writing by, the local planning authority:
 - I. A topographical survey to record levels to the garden, pavement and existing boundary features in the vicinity of the development.
 - II. Detailed construction sections of the replacement boundary wall, annex and basement at a scale of 1:50 or greater which shall show the elements of construction and the resultant finished levels of floors and all upper surfaces of the building and wall including the detail design of the green roof.
 - III. Elevation details of the proposed replacement boundary wall at a scale of 1:50 to the entire length of wall including the existing brick pillar and finished levels; details at a scale of 1:20 of brick coursing, the proposed door or gate, any decorative elements, details of capping, creasing or string courses where appropriate and junctions of the wall with other boundary elements.

The development shall proceed wholly in accordance with the approved details unless otherwise approved by the local planning authority in writing.

- 5) Prior to the commencement of any works above ground level a sample panel of brickwork to be used in the external surfaces of the development shall be constructed on site for the written approval of the local planning authority. The panel shall include proposed pointing, the use of English Bond and a sample heading or capping of the replacement boundary wall. The samples shall be retained until the completion of the development.
- 6) Prior to the commencement of development a scheme for drainage shall be submitted and approved in writing by the local planning authority. Such scheme shall provide information referred to in the Council's third reason for refusal in the matter hereby determined. The development shall be completed in accordance with the approved details.
- 7) Prior to the commencement of the development hereby approved, a scheme for the implementation of archaeological investigation shall have been submitted to, and approved in writing by, the local planning authority. The approved programme of works shall be carried out and completed in accordance with the details approved unless otherwise agreed in writing by the local planning authority.
- 8) Prior to first occupation of the development hereby approved a scheme of hard and soft landscaping which has previously been submitted to, and approved in writing by, the local planning authority shall be undertaken. The plan shall include proposed tree and shrub planting including reinstatement specification

following construction, treatment of paved areas, and areas to be grassed or finished in a similar manner. The entire landscaping scheme including the green roof shall be completed by the end of the planting season immediately following completion of the development.