



Appeal Decision

Site visit made on 25 January 2025

by **J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 19th February 2025

Appeal Ref: APP/G3110/W/24/3353418

3 Toot Hill Butts Oxford OX3 8LB

- 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 Robert Inall against the decision of Oxford City Council.
 - The application reference is 23/02836/FUL.
 - The development proposed as described as the 'Demolition of garage and outbuildings and partial demolition of boundary walls adjacent to Toot Hills Butts and Colemans Hill. Erection of a part single, part two storey side extension and a first-floor side extension. Subdivision of plot to create 1 x 2 bed dwellinghouse (Use Class C3). Erection of a single storey garage. Installation of satellite dish, air source heat pump and bike stores. Formation of a dropped kerb. Alterations to fenestration, chimney, entrances, and landscaping. (amended description and plans).'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I note that the appeal documents reference the National Planning Policy Framework 2023 (the Framework). Since the submission of the appeal, the 2023 version of the Framework has been superseded by the 2024 version which was published on the 12 December 2024. The wording of the relevant paragraphs of the new Framework remains unchanged from the 2023 version (except for new paragraph numbers) and therefore did not require to be reassessed by either party in relation to this appeal. Additionally, this 2024 version of the Framework was amended on 7 February 2025 to correct cross references to paragraph 155 and for the avoidance of doubt is not intended to constitute a change of policy. As such I have considered the appeal on this basis and refer only to the updated 2025 Framework within my decision.
3. I have taken the description of the proposed development from the Council's Decision Notice as this provides more detail as to the elements requiring planning permission. I note that the Council's description is also replicated on the Appellant's Appeal Form.
4. The Council's Planning Officer Report refers to a previous planning permission¹ which consented a number of the elements as proposed in this development such

¹ Oxford City Council Planning Ref: 22/01298/FUL

as demolition of the existing garage, two storey side extension, first floor side extension, erection of a satellite dish, alterations to existing chimney and construction of new chimney, provision of dropped kerb to Colemans Hill and partial demolition of boundary wall rear access gates and a double garage. This consent is still in date and can be carried out regardless of the result of this appeal. The Appellant has also stated that this permission has been commenced. As these elements (except location of satellite dish and window placement) are the same as this current application, they will not be considered further in this appeal. Additionally, the new application contains elements which are considered acceptable by the Council such as new windows and the changing of the location of the satellite dish. I have no reason to doubt the Council's opinion on these elements and will only focus on the elements in contention between the parties which relates to the alterations and principle of the subdivision of the building to form two dwellings.

5. Reason for Refusal No.2 on the Council's Decision Notice refuses the application on the basis of no noise assessment being provided with regards to the air source heat pump. Paragraph 56 of the Framework which states that 'Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions.' I note that the Appellant in their Statement of Case (SoC) suggests that this could be resolved through a condition to which I would also agree. As such a condition in relation to this would resolve this reason for refusal and as such will not be considered further within this letter.

Main issue

6. On the basis of the above, the main issue is the effect of the proposed development upon the character and appearance of the site and the locality, with special attention as to whether the proposal would preserve or enhance the character and appearance of the Headington Quarry Conservation Area (CA).

Reasons

7. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires a decision maker to give special attention to the desirability of preserving or enhancing the character or appearance of a conservation area in the determination of a planning application.
8. With regards to undertaking development relevant design orientated policies of the Oxford Local Plan 2036 (LP) includes Policy DH1 which is a design led policy which seeks that development creates high quality design and placemaking that creates and enhances local distinctiveness and meets the key design objectives of Appendix 6.1. The Appendix gives guidance to a number of design principles such as responding to the site and using the characteristics of a site to respond to and inform development, relationships to surroundings, defining street hierarchy, taking account of user experience, and relationship to the existing street scene, amongst others. The site is also within the boundaries of the Headington Neighbourhood Plan where Policy CIP1 seeks that development respond to and enhance local character, with considerations around scale, layout, activity and siting amongst others.
9. The significance of the CA derives from its historic origins as a quarry that provided a large amount of building stone for the local area. Whilst the historic quarry is no longer in operation, the resultant and left over land is reflective of this quarrying industry with large changes in topography with winding streets and pedestrian paths

winding and responding to the topography of the area. There are a scattering of historic dwellings representing some of the worker's housing for the quarry, with a large number of infill development occurring during the early, mid and late twentieth century. Many of the streets have been developed that respond to the topography with the additions of street trees and front gardens and gaps in and around dwellings that gain views across the CA via the topographical changes providing some of the positive characteristics of the area that reinforce the qualities of local distinctiveness.

10. The appeal property is located along Toot Hill, which is a cul-de-sac that is formed along part of the edge of the CA boundary where land appears to be at its tallest point. The appeal site is part of five dwellings constructed in the mid twentieth century that are included within the CA, with dwellings further along Toot Hill being constructed later and all having frontage to Toot Hill. The dwelling on the appeal site is located further down the plot with a long driveway providing access from Toot Hill. To the side of the appeal site is a public pedestrian access and steps that follow the topography of the site and provide views across the site. The pedestrian access leads to Colemans Hill which is a cul-de-sac that predominantly provides access to the car parking areas of the rear of three apartment complexes. Whilst in my opinion the five mid-century dwellings including the appeal site along Toot's hill have neutral significance to the CA, they carry some of the positive characteristics of the CA, such as well vegetated surroundings and having an emphasis on spaces and gaps in and around the dwellings which allows views to tops of trees and the greater CA due to the topography of the site.
11. The Appellant's SoC or the Design and Access Statement presented with the original application does not provide an assessment of the design rationale where LP Policy DH1 and NP Policy CIP1 seeks an understanding as to how the proposed scheme responds to the context. Whilst the current building and use has a frontage to Toot Hill, the proposal would turn its back to Toot Hill where the front would be the rear of the property that has no direct active frontage to a road. Instead an access would be created from Colemans Hill via a new access that provides a small driveway to a double garage with the main accesses created to the side of this garage. As such the new entrances that would be created would be dominated by vehicular parking whereby the access to the front of the dwelling would not be an active frontage from the street, but would have an awkward feeling and layout that feels like the site is responding to the proposed use and the design, rather than the design responding to the characteristics of the site. Colemans Hill also does not have the experience of a residential road in terms of its character and feels more like a secondary road and rear access to provide parking to the blocks of flats. Whilst along Colemans Hill there is a pair of semi-detached bungalows at No74 and 74A Colemans Hill, unlike the proposed development, both of these dwellings have an active frontage to the road.
12. Additionally, the frontage from Toot Hill which is proposed to be the rear would contain a parking area across the width of the frontage giving a car dominated appearance to Toot Hill. The vehicular parking would also result in the removal of vegetation along Toot Hill which would remove some of the positive characteristics of the street as described previously. This would appear to be supported by the Appellant's SoC whereby comments around the few properties along Toot Hill having a raised parking space to Toot Hill and steps down as giving an 'incongruous' appearance. Despite there being some vegetation along Toot Hills frontage that does add to the positive character, I agree that the raised parking spaces do present

an incongruous appearance to Toot Hill, which would also be further exacerbated by this proposal. It is unclear on the plans whether the rear garden between the parking area would be fenced or open, but in any event would lead to an awkward and confused layout which does not respond to the characteristics of the surrounding area.

13. Whilst I appreciate comments in the Appellant's SoC that there would be no confusion from persons visiting the property as to where the entrance was, this does not take into account how the layout and buildings are experienced within the street scene which contributes to good design and placemaking.
14. I also agree with the Appellant that based upon the existing planning permission that the current occupiers could use the rear door as the front door. However, despite this the dwelling would still be experienced as having its main entrance from Toot Hill in terms of its legibility from the street.
15. I am also aware that there are some public benefits of the scheme, such as the development of a small site; contributing to housing needs of the area and the government objectives of boosting the supply of new homes; socio-economic benefits from increased local expenditure as a result of new residents, and the economic benefits from short term employment opportunities from the construction of the proposed scheme which attracts low-medium weight. However, these benefits are not sufficient to outweigh the harm caused to the character and appearance of the area, in which I attach great weight.
16. Given my above reasoning, the proposed scheme would erode the positive aspects of the locality, providing a confused and awkward layout that would not present high-quality design and place making and result in the loss of positive characteristics that contribute to the character and appearance of the area. As such the scheme would be contrary to LP Policy DH1 and NP Policy CIG1.
17. Having also considered my duty under Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the proposal would cause neutral harm to the significance of the CA.

Conclusions

18. For the reasons given above, the appeal is dismissed.

J Somers

INSPECTOR