
Appeal Decision

Site visit made on 7 January 2025 by E Street BSc (Hons) MSc

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 March 2025

Appeal Ref: APP/G3110/D/24/3354926

25 Herschel Crescent, Oxford OX4 3TS

- 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 Amad Hassan against the decision of Oxford City Council.
 - The application Ref is 24/01740/FUL.
 - The development proposed is described as “retrospective application for use of outbuildings as ancillary annexes”.
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Decision

1. The appeal is dismissed.

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 Matter

3. Notwithstanding the description above, and from what I observed on site, the subject of the appeal is converted buildings ready for human habitation. However, there is no compelling evidence to suggest that they are currently being used as annexes and therefore the appeal has been assessed on a part retrospective basis.

Main Issues

4. The main issues are the effect of the proposal on a) the living conditions of neighbouring occupiers, with particular regard to noise and disturbance; b) whether it would provide acceptable living conditions for future occupants with specific regard to internal living space; and c) the character and appearance of the area.

Reasons for the Recommendation

Living Conditions – Noise and Disturbance

5. The two outbuildings serving the property are sited to the rear of the existing dwelling to which their access would be either via the main house or down the side of the property. The immediate neighbour has windows in close proximity to the side access on both the ground and first floor with a modest height fence separating the two pathways.
6. The change of use could reasonably accommodate up to 4 people in total by demonstration of a double bed in each building. The use of the buildings as

annexes would introduce a more intensive use at unsociable hours compared to an incidental outbuilding. It is likely that there would also be an intensification of the use of the side access to the property due to the detached nature of the annexes. In addition, personal circumstances such as work shift patterns or social practises would lead to an increased use. Even though annexes have some reliance on the host dwelling, independent users of the annexes could still access their unit without going through the property. This would be uncommon and unusual given a typical residential unit would be accessed by the front door.

7. There is no mechanism to control the times and days the occupiers would access the units which would result in additional noise and disturbance at unusual times of the day. The intensified use of the side access would be perceived mostly by the side windows of the neighbouring property and would result in unacceptable noise and disturbance due to the number of occupants and occurrence of use along with the close proximity between the properties. Resultantly, the proposal would cause harm to the living conditions of neighbouring occupiers, thereby conflicting with Policies H14 and RE7 of the Oxford Local Plan 2036 (OLP) which, amongst other things, seek to ensure that the living conditions of occupiers of properties are protected.

Living Conditions – Future Occupiers

8. The outbuildings are modest structures which in both instances have the capability of containing a sleeping area and a shower room. The larger of the two based on the evidence provided and what was viewed on the site visit consists of a sink area, a fridge and a small area of living space but not a full kitchen. I am not convinced that either units could be capable of being self-contained with no reliance on the host dwelling due to the space provided, small footprint and limited accommodation offering. The very fact that the buildings would not meet the space standard is a good indicator as to why they would not be suitable as self-contained dwellings. In addition, there would be no feasible way to subdivide the outdoor amenity space which would allow access to each separate unit.
9. Resultantly, the development would not provide self-contained dwellings, and the Nationally Described Space Standards are not applicable in this case. Therefore, the proposal would comply with Policies DH1, RE7, H15 and H16 of the OLP which, amongst other things, seek to ensure that the living conditions of occupiers of properties are protected.

Character and Appearance

10. The semi-detached buildings with spacious gaps between them are the prevailing type with a uniform building line and open front gardens. Any instances of outbuildings and garages are to the rear of properties and are not visible in the street. This combination lends a pleasant consistency in the built form and contributes positively to the character and appearance of the area.
11. As above, the buildings are relatively modest and internally would not amount to self-contained dwellings. They are a close distance from the property and well contained in the garden in such that they would be read as spatially and sufficiently related thereto. In addition, the smaller of the two is clearly a converted garage and the larger takes the appearance of a typical outbuilding. They still retain the appearance of an ancillary building and not a dwelling competing with the main house. Notwithstanding the host dwelling is a house in multiple occupation, it is

clear there is a functional link between the host dwelling and the outbuildings. Whilst the siting would be undesirable for two new dwellings, I remain unconvinced that the buildings would be viewed as new dwellings in this location. Resultantly, the proposal would comply with Policy DH1 of the OLP by virtue of not resulting in harm to the character and appearance of the area. Amongst other things, these policies seek to ensure that development proposals are of a high-quality design and standard.

Conclusion and Recommendation

12. The appeal scheme would not comply with the development plan, specifically in regard to the first main issue. I have found in the appellant's favour on the second and third, but this would be a lack of harm in each case and thus neutral in any balance. I have been given no compelling reason, taking into account other material considerations advanced, to deviate from the development plan. I therefore recommend that the appeal should be dismissed.

E Street

APPEAL PLANNING OFFICER

Inspector's Decision

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

John Morrison

INSPECTOR