



Appeal Decision

Site visit made on 24 March 2025

by D R Kay BA Dip.Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 16 April 2025

Appeal Ref: APP/V3120/D/24/3348584

17 White Road, East Hendred, Wantage, Oxfordshire, OX12 8JG

- 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 M Bree against the decision of Vale of White Horse District Council.
- The application Ref: P24/V0771/HH.
- The development proposed is 'Two-story side extension to accommodate a large downstairs bedroom for an elderly disabled relative and a new master bedroom upstairs. Along with a single-story rear extension is proposed to create a new kitchen dining area.'

Decision

1. The appeal is allowed, and planning permission is granted for the erection of a two-storey side extension, and single-storey rear extension to 17 White Road, East Hendred, Wantage, Oxfordshire, OX12 8JG in accordance with the terms of the application, Ref: P24/V0771/HH, subject to the conditions in the attached schedule.

Preliminary Matters

2. The appeal drawings contain an error in the annotation of the elevations. The elevation annotated as 'south' is the 'west' facing elevation. The elevation annotated as 'east' is the 'south' facing elevation. The elevation annotated as 'north' is the 'east' facing elevation, and the elevation annotated as 'west' is the 'north' facing elevation. This has led to some inconsistencies in the LPA's delegated report. For the purposes of this report, I have used the corrected elevational descriptions.
3. The appeal site is located just within the northern boundary of the North Wessex Downs National Landscape ('National Landscape'). In decision making within such areas, planning authorities must seek to further the conservation of the landscape and its scenic beauty. However, given the householder nature of development and the village context of the site, the LPA do not consider that an extension on the plot would conflict with the statutory purposes of the National Landscape. I concur with that view.
4. The description of development in the decision section has been amended to remove the purpose of the rooms identified in the application description. As the proposal does not constitute a change of use, and permission is granted for development, the description of the individual use of the rooms is superfluous.

Main Issues

5. The main issues are the effect of the proposals on i) the character and appearance of the host dwelling and the area, and ii) the living conditions of neighbours because of overlooking or a perception of overlooking.

Reasons

Character and Appearance

6. The appeal property consists of a two-storey semi-detached dwelling constructed in brick walls under a pitched and hipped roof covered in a dark clay/concrete tile. The property forms the south-eastern corner of a group of semi-detached former council dwellings, constructed in a mix of brick and painted render, which are arranged in a U-shape around a pedestrian footpath which provides access from White Road. There is no vehicular access to the appeal site or any of the other dwellings.
7. The U-shaped form of development results in a somewhat disjointed relationship between the properties and their respective gardens, particularly for the properties at the corner locations, much of the garden to the appeal property being located to the south and east of the dwelling.
8. The appeal proposal would introduce a two-storey extension to the south facing gable of the existing dwelling. A single-storey extension to the rear, would run the length of the two-storey extension and overlap onto the existing house. The two-storey extension would have a pitched roof, the pitch matching that of the existing dwelling, and the ridge of which would be set below that of the existing dwelling. The west elevation of the proposals would be set back from the west facing front elevation of the existing house by some distance and would have a projecting gable with a pitched roof. The roof of the single-storey extension would follow a shallow asymmetric pitched roof form.
9. The South and Vale Joint Design Guide 2022 Supplementary Planning Document (SPD), identifies design principles for householder extensions. Having reviewed the appeal proposals against the criteria, I find that the proposals would accord with the majority, the extension being set back from the front elevation, following the pitched roof format of the host dwelling whilst matching the pitch and setting the ridge below that of the host to become subservient. The west elevation would have a projecting gable with pitched roof and window format which mirrors that of the host dwelling, and therefore follows the scale and character.
10. The asymmetric pitched roof single storey extension to the rear is non-traditional. However, the SPD does allow rear extensions which are not visible from the street or public rights of way, and which do not impact on neighbour's amenity to be expressed in many forms, including through the use of contemporary architecture. I find the proposals would accord with this description.
11. One area of divergence are the materials proposed for the extensions to the dwelling, which would not match those of the existing dwelling. The walls would be larch timber, whilst the roof would be metal. However, the SPD does allow at paragraph 5.27 for divergence if there is justification explaining the appropriateness of the alternative proposed. The appellant, in the Design and Access Statement submitted with the application, identified that the materials were chosen to soften over time to blend the extensions into their surroundings. The darker brick walls

and clay/concrete roof tiles of the existing building would therefore remain the more dominant element of the property, which would accord with the requirements of paragraph 5.28.

12. Therefore, for the above reasons I find no conflict between the proposals and Core Policy 37 of the Vale of White Horse Local Plan 2031-Part 1(2016) (the Local Plan). This policy requires, amongst other things, new development to be of high-quality design that responds positively to the site and its surroundings, that establishes a distinct identity whilst not preventing innovative responses to context.

Living Conditions

13. The appeal proposals would be situated to the south and east of the existing dwelling and would form a more direct relationship between the accommodation and the garden area. A fence of approximately 2m in height is present to the western and southern boundaries, providing screening between the ground floor windows of the proposals and adjacent properties thus maintaining privacy.
14. The combination of the height of the single-storey extension to the rear of the property, the extent of its projection from the existing properties' rear (east) elevation and its distance from the boundary with 18 White Road (No.18) to the north, results in the proposals meeting the 45-degree rule from neighbouring habitable rooms as evidenced on drawing number 0028 DR 200.
15. The garden to the south side of the southern boundary of the appeal site at the location of the two-storey extension is a portion of garden in the ownership of number 15 White Road (No.15), a property which is remote from this portion of garden, and which has a fully contiguous area of garden immediately adjacent to the property itself for its amenity use. A narrow pathway runs along the rear of the garden of number 16 White Road (No.16) connecting the two elements of No.15's garden. Accordingly, whilst the area to the south of the appeal site is within the ownership of No.15, it is not their main area of external amenity space. I therefore attach less weight to the impact of potential or perceived overlooking of the appeal proposals on this area of garden, as I would if this had been the sole external amenity space available to No.15.
16. The southern gable of the two-storey portion of the extension would have two oriel windows in it. The lower one would be screened by the 2m high fence. However, the upper one would afford a view over the remote portion of No.15's garden, and to the open grassland beyond. This oriel window, which would serve the proposed new master bedroom would be, however, not the only window within this new bedroom, as two further windows would be present in the east facing elevation. Accordingly, the application of a suitably worded condition requiring this first-floor oriel window to be obscure glazed and fixed shut, would remove the possibility of overlooking on users of the adjacent portion of the garden of No.15.
17. The privacy of the occupiers of No.16 is protected from the windows at ground floor level in the west facing elevation of the proposals, by the 2m high boundary fence. The side elevation of No.16 at this location is single storey in height and has doors and small windows to secondary accommodation. The first-floor window in the west facing elevation of the proposal would serve the en-suite to the master bedroom. This is denoted as being obscure glazed. A suitably worded condition requiring any opening lights within 1.7m of floor level within this window to be maintained locked shut, would ensure the privacy of adjacent occupiers of No.16.

18. Therefore, subject to the application of a suitably worded condition on the glazing and locking arrangements of the first-floor oriel window in the gable wall, and the west facing window in the en-suite bathroom, I find no conflict with Development Policy 23 of the Local Plan 2031 Part 2, which requires development proposals to demonstrate, amongst other things, that they will not result in significant adverse impacts on the amenity of neighbouring uses in relation to privacy, daylight or sunlight, dominance or visual intrusion.

Other Matters

19. I note one of the appellants' reasons for pursuing the application is to provide a large bedroom at ground floor level, for an elderly disabled relative. I have therefore, given due regard to the public sector equality duty for a person with protected characteristics under the Equality Act 2010, and have attributed some weight to this matter. Therefore, taken alongside the lack of conflict I have found with the Local Plan otherwise, I am satisfied that allowing the appeal would be a proportionate response in this regard.

Conditions

20. Condition 1 is required to comply with the requirements of Section 91 of the Town & Country Planning Act 1990. Condition 2 is required for the avoidance of doubt and in the interests of proper planning. Condition 3 is required to ensure the privacy of the occupants of neighbouring properties.
21. A condition has not been applied relating to the materials of the external surfaces of the development matching those of the existing building, as requested by the LPA, as this would run counter to the condition requiring development to be carried out in accordance with the approved plans (Condition 2), the materials of the external surfaces of the proposed development being identified on the approved plans.

Conclusion

22. For the reasons set out above, I conclude that the appeal proposals accord with policies within the Vale of White Horse Local Plan 2031-Part 1(2016) and Part 2 (2019), and that there are no other material considerations, including policies in the Framework, that would justify determining other than in accordance with it. Therefore, the appeal should be allowed.

D R Kay

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin no later than three years from the date of this approval.
2. The development permitted shall be carried out in accordance with the details shown on the following approved plans: Location Plan & Block Plan 0028 DR 001, Proposed Location Plan & Block Plan 0028 DR 002, Proposed Floor Plans 0028 DR 200, Proposed Elevations 0028 DR 201.
3. The first-floor extension of the dwelling hereby permitted shall not be occupied until the south facing oriel window to the master bedroom, and the west facing window of the master bedroom en-suite have been fitted with obscured glazing, and no part of those windows that are less than 1.7 metres above the floor of the room in which they are installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.