



Appeal Decision

Site visit made on 11 March 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: 17 April 2025

Appeal Ref: APP/G3110/D/25/3359764

15 Glebelands, Oxford, Oxfordshire OX3 7EN

- 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 Mrs Lina Zvigaitiene against the decision of Oxford City Council.
 - The application Ref is 24/02352/FUL.
 - The development proposed is described as a “retrospective application to install cladding on side elevation in replacement of brick slips, and the retention of built garden pergola/trellis structure and raised decking”.
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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 Matters and Main Issues

3. The appeal form uses the description on the decision notice. However, I am satisfied that the description on the application form, which I have used above, accurately describes the development to which the appeal relates. In addition, the Council have raised no objections to the decking, and I have no reason to disagree. My recommendation therefore focusses on the remainder of the above mentioned works and specifically, in regard to the Council's concerns thereon, their effect on a) the living conditions of the occupiers of Number 13 Glebelands (No 13) with particular regard to outlook and light; b) the character and appearance of the area; and c) the Lye Valley Site of Special Scientific Interest (SSSI) with particular regard to drainage.

Reasons for the Recommendation

Living Conditions

4. The pergola/trellis structure abuts the boundary of No 13 with no separation gap and it extends above the existing boundary treatments. No 13 is sited at an angle to No 15 whereby the garden tapers to a point with only two boundary treatments compared with the typically seen three.
5. The wooden structure presents a blank elevation at a significant height above the existing boundary treatment. It creates an oppressive façade looming over the garden space of No 13. Whilst it is to the opposite side of the dwelling, the garden

space serving it is small to which the tall timber elevation emphasises and encloses this space. The combination of the dwelling plus the wooden panel results in a minimal amount of unincumbered elevation which would exacerbate the feeling of enclosure. This in combination with only two boundary treatments to serve the garden would unacceptably harm the outlook within it. The structure is a sufficient distance away from the property to not result in a harmful impact to the immediate outlook to the occupiers inside the property. Moreover, due to the positioning of the house, it would not result in unacceptable harm to the light afforded to the property and garden.

6. Both main parties have referred to a previous single storey rear and side projection which was granted on the appeal site to which the appellant has advised is comparable to this scheme in height. However, it is key to note that this scheme described is a sufficient separation distance from No 13 and wouldn't have the same impacts as the pergola. With this and the above in mind, and notwithstanding my findings on light, the development results in an unacceptably poor standard of outlook for the users of the garden to No 13, being detrimental to their living conditions. It would therefore conflict with Policies H14 and RE7 of the Oxford Local Plan (OLP) 2036 which amongst other things, seek to ensure that living conditions of occupiers of properties are protected.

Character and Appearance

7. The appeal site is a two storey dwelling which has been previously extended. The planning history includes cladding to the front elevation of the dwelling. The wider buildings in the surrounding area consist of semi-detached and detached dwellings which generally are either pebble dash or plain render. Any extended elements to properties are to the rear and are well disguised. These features in combination lend to the pleasant consistency of the character and appearance of the area.
8. The cladding to the side of the property mirrors the approved cladding on the front. Whilst it presents a sheer blank elevation which would be visible in the street scene, it would still harmonise with the front elevation of the building. In addition, the finish and colour of the cladding would sit comfortably with the pebble dash render viewed on the adjacent buildings.
9. The timber pergola, by virtue of its permanency, form and height is similar to a timber wall and single storey structure. Whilst it would be marginally viewed from the street scene when entering Glebelands, the material choice would sit comfortably against the timber cladding on the dwelling. When viewed in isolation with the dwelling, it is not something so out of place to suggest it is inappropriate or results in unacceptable harm. Resultantly, its modern appearance would sit pleasantly with the overall design of the dwelling which naturally stands out in the street notwithstanding these works.
10. The proposals take an unconventional appearance, however for the reasons given above, it would not detract from the overall character and appearance of the area nor result in unacceptable harm. This main issue would therefore not find conflict with Policy DH1 of the OLP 2036 which seeks to ensure that development proposals are of a high-quality design, amongst other things.

Lye Valley SSSI

11. The Council's third reason for refusal references a lack of information on how the development would drain. I appreciate that the Council have not had sight of the drainage report due to the procedure for householder appeals. However, this is the only way the appellant can look to address the refusal reason.
12. The drainage strategy on the face of it certainly appears that it could be finished in such a way that the overall scheme would be drained effectively and has the capability to do so. However, even if this were the case, it wouldn't change the harm found with the other main issues and would not lead the proposal to be allowed. Therefore, subject to the drainage scheme being acceptable, this main issue would not find conflict with Policies RE2 and G2 of the OLP 2036 which amongst other things, seeks to ensure that development proposals have appropriate drainage measures in place.

Other Matter

13. I appreciate that the pergola would maintain privacy for the occupants of the appeal dwelling and neighbours. This would however be at the expense of other living conditions harms which I have set out above. Moreover, it is unclear as to whether said structure would be the sole means of achieving such aims. I therefore afford this matter very limited weight.

Conclusion and Recommendation

14. The appeal scheme would not comply with the development plan, specifically in regard to the first main issue. I have found in the appellants favour on the second and third, but this would be a lack of harm in each case and thus neutral in any balance. There are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with the development plan. I therefore recommend the appeal is dismissed.

E Street

APPEAL PLANNING OFFICER

Inspector's Decision

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

John Morrison

INSPECTOR