



Appeal Decision

Site visit made on 23 October 2023

by P D Sedgwick BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th November 2023

APP/D3125/D/23/3320768

180 Farmers Close, Witney, OX28 1NS

- 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 Mrs Jennie Lee against the decision of West Oxfordshire District Council.
 - The application Ref 23/00451/HHD, dated 15 February 2023, was refused by notice dated 13 April 2023.
 - The development proposed is proposed first floor extension to existing ground floor extension. Proposed two storey side extension. Internal layout modifications.
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Decision

1. The appeal is allowed and planning permission is granted for proposed first floor extension to existing ground floor extension. Proposed two storey side extension. Internal layout modifications at 180 Farmers Close, Witney, OX28 1NS in accordance with the terms of the application, Ref 23/00451/HHD, dated 15 February 2023, and the plans submitted with it, subject to the following 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: 180FC-EX-01 and 180FC-PR-01 Revision B.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matter

2. The appellant in her Statement of Case requested that a different plan¹ to that which was refused be considered because it would better meet her needs. However, no amended plans were submitted with the appeal documents. Nonetheless, the Appellant's agent confirmed by email, dated 1 November 2023, that the internal layout subject of this appeal is the same as the plan to which the Appellant referred. It includes the facilities she describes as being necessary to meet her needs, the only difference being that the roof has been lowered to reduce its visual impact. As such, I will base my decision upon the plans that were assessed by the Council as part of the original planning determination.

¹ Revision C

Main Issues

3. The main issues are the effect of the proposed development upon:
 - the character and appearance of the building and surrounding area; and,
 - the living conditions of occupiers of 181 Farmers Close, with particular regard to outlook.

Reasons

Character and appearance

4. Farmers Close is a housing estate connected to the local road network by the B4022 in the west and New Yatt Road in the east. House sizes and designs are similar and relatively unaltered to the front and side. Groups of houses within the estate face in towards open spaces laid to lawn with some mature trees which give the estate an open green character. They are accessed by a network of tarmac footways which link the open spaces. Branch roads within the estate service the rear of houses providing access to groups of garages, designated parking areas and some roadside parking. The streetscape along these roads generally comprises the rear view of houses, their extensions, gardens, outbuildings, and boundary fences. Its appearance is less uniform and attractive than that of the open areas and house frontages described above.
5. The appeal site relates to a 2 storey detached house with a side extension which is set back and consequently projects beyond the main rear building line. The side extension is barely visible from the front of the house, which forms a corner plot with No 181 with only a small gap between the 2 properties. The rear of the house backs on to a bend in the road.
6. The proposed first floor extension would be above the side extension raising its eaves to the same height as on the main house, although its ridge would be set down below the main roof ridge. A 2 storey flat roofed corner section would project forward of the existing extension. The Council describe the proposed development as poorly designed, contrived and at odds with the simple form of housing elsewhere within the area. However, the existing side extension has already altered the design of the house from the simple form the Council describe. The proposed extension would not be visible from most of the footways and open space to the front of the house because of the narrow gap between it and No 181. The key characteristics that contribute to the appearance of the area, namely the unaltered front elevations of houses and open green spaces they surround, would not, therefore, be significantly affected by the proposed development.
7. I accept that adding a first floor to the side extension would make it more obtrusive when viewed from the rear. However, it would remain subservient to the main house because of its lower roof. When approaching the site from the north, the rear of other houses and trees in their back gardens would largely obscure views of it. At close quarters, the gabled side elevation of No 181 would present a backdrop to the extension lessening its visual impact. Approaching the site from the other direction, the rear elevation of houses obscure views of the appeal site until reaching the bend in the road. Thus, views of the proposed development would be limited.

8. Other houses nearby have single storey extensions, mainly consisting of rear conservatories, except No 181 which has a 2 storey side extension that projects slightly back from its main rear building line. In the context of the varied streetscape, its limited contribution to the character of the area and the restricted views of the site, I do not consider that the proposed development would cause significant harm to the character or appearance of the building or wider area. There would therefore be no conflict with Policies OS2, OS4 and H6 of the West Oxfordshire Local Plan 2031 (2018) (LP), the National Planning Policy Framework (2023) (the Framework) and the West Oxfordshire Design Guide (2016) which require development to respect the character of the surrounding area and remain secondary and subservient to the original property.

Living conditions

9. The appeal property and No 181 are laid out perpendicular to each other because of their corner position within the estate. Consequently, the side wall on No 181 faces the same direction as the rear of the appeal property and the existing side extension is visible from its windows. Direct views from them to the street are unobstructed but the side extension is nonetheless a significant presence affecting the neighbour's outlook. Raising the height of the side extension would add to that presence, particularly when viewed from the first floor bedroom window. Nonetheless, it will not encroach on existing direct views of the street, nor will it affect views from the front and rear windows towards the open spaces within the estate and No 181's back garden, respectively. Overall, I am satisfied that any additional impact on the outlook of occupiers of No 181 would not harm their living conditions to a degree that would warrant withholding planning permission. My opinion in this regard is shared by the occupiers of No 181 who support the proposal. I therefore conclude on this main issue that the proposal would not conflict with policies OS2 and H6 of the LP and the Framework which require that development should not have a harmful impact on the amenity of occupants of adjoining properties.

Other Matters

10. The Appellant has provided evidence relating to matters, which she sets out as supporting the need for the proposed changes to the property. While I am aware of my responsibilities under the Public Sector Equality Duty, and I note that the appellant has a relevant protected characteristic in this regard, in light of my finding on the two main issues above, there is no further requirement for me to weigh such matters in the planning balance.

Conditions

11. In addition to the standard condition which limits the lifespan of the planning permission I have specified the approved plans to provide certainty and imposed a condition regarding materials to safeguard the character and appearance of the area.

Conclusion

12. For the reasons given above I conclude that the appeal should be allowed.

P D Sedgwick

INSPECTOR