



## Appeal Decision

Site Visit made on 21 July 2021

**by Jonathan Edwards BSc(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 11 August 2021**

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### **Appeal Ref: APP/D3125/W/21/3274682**

### **2 Springfield Park, Witney OX28 6EF**

- 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 Chris Durici against the decision of West Oxfordshire District Council.
  - The application Ref 21/00028/FUL, dated 5 January 2021, was refused by notice dated 19 April 2021.
  - The development proposed is new dwelling and new access on to Burford Road.
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### **Decision**

1. The appeal is dismissed.

### **Preliminary Matters**

2. A completed unilateral undertaking, made under the provisions of section 106 of the Town and Country Planning Act 1990, has been submitted by the appellant as part of the appeal. This prevents the implementation of a development granted planning permission for the sub division of the appeal property to form 2 dwellings as well as a rear extension. I have considered the undertaking in my assessment.
3. I have invited comments from the main parties on the revised National Planning Policy Framework (the Framework), issued in July 2021. However, no responses have been received.

### **Main Issues**

4. The main issues are (i) the effect of the proposal on the character and appearance of the area, and (ii) its effect on the living conditions of occupiers of adjoining properties in respect of privacy.

### **Reasons**

5. The site forms part of the back and side garden to 2 Springfield Park which lies on the corner with Burford Road. The front of the proposed house would face Burford Road and it would be readily visible in the street scene.
6. The house would be next to and would have a close visual relationship with 40 Burford Road (No 40). This is one of a pair of semi-detached dwellings which, from the front, are very similar to each other and are largely symmetrical. Moreover, this pair are at the end of a line of other semi-detached properties that appear much alike from the road. The significant level of regularity in the style, form and design of these houses forms a distinctive and attractive element of the street scene.

7. The proposed house would be detached and so it would appear narrow and have less horizontal emphasis compared to the wider pairs of dwellings in the adjoining row. Furthermore, the fenestration and door arrangement in its principal elevation would not be symmetrical and a drainpipe in the centre of the front wall would mar the street view appearance of the house. The proposed vehicular access and parking would be at odds with the adjoining Burford Road residences that have no such features. Also, the house would have no chimney and would be constructed from reconstituted stone, in contrast with the render finish to the neighbouring houses. I am unconvinced that the imposition of planning conditions would enable the re-design of the development so as to fully address all of these discordant elements.
8. The house would align with the front of No 40 and it would be of comparable height with a hipped roof. However, in a context where there is a significant degree of uniformity, the proposal would be markedly incongruous for the reasons set out above. The mix of housing styles in the wider area would not overcome the lack of harmony with the adjacent row of dwellings.
9. The house would be set back from the road and off the side boundaries and it would have no effect on a significant part of the appeal property's side garden and roadside grass verge. Therefore, while it would lead to a noticeable loss of openness, the development would not be prominent or appear unduly cramped. However, this acceptable aspect of the proposal would not redress its discordant design.
10. For these reasons, I conclude the scheme would harm the character and appearance of the area. In these regards, it would not accord with policies OS2 and OS4 of the West Oxfordshire Local Plan 2018 (LP). Amongst other things, these seek to ensure proposals form a logical complement to the existing pattern of development and contribute to local distinctiveness.

#### *Living conditions*

11. The rear facing first floor bathroom and bedroom windows of the proposed house would provide new elevated viewpoints close to the boundary with 4 Springfield Park (No 4). Direct views from the windows would be towards the centre and end of No 4's garden but there would also be views at a reasonable angle towards No 4's rear elevation and part of its garden near to the house. As such, the development would be invasive to occupants of No 4 and would lead to a sense of being overlooked.
12. A condition could be imposed that requires the bathroom window to be obscured glazed so as to prevent clear views to the outside. However, such a condition would be unreasonable in respect of the other window as it would be the only source of outlook from a bedroom. The lack of objections from the occupiers of No 4 does not resolve the harm that would be caused.
13. The house would include no windows with direct views towards 2 Springfield Park. Also, the rear windows would only allow views down No 40's back garden towards its far end, as is typical of houses positioned side by side. Therefore, the scheme would not lead to a marked loss of privacy to these properties.
14. Nevertheless, for the above reasons, I conclude the development would harm the living conditions of occupants of No 4 in respect of privacy. In these

regards, it would not accord with LP policy OS4, which amongst other things, looks to ensure development does not harm residential living conditions.

### **Other Matters and Planning Balance**

15. The submissions make reference to planning permissions granted by the Council for other dwellings on corner plots elsewhere. Limited information has been provided on these schemes and how the decisions were reached. As I am unable to draw accurate comparisons with this proposal, these other decisions do not set a precedent that I am bound to follow.
16. The development would make a more effective use of land in a location where residents would have good accessibility to services and facilities. Also, it would add to the housing stock and as a small development it is likely to be delivered quickly. Moreover, it would bring economic benefits in terms of creating construction employment and future occupiers supporting local businesses. I attribute positive weight to these benefits.
17. However, the proposal would not be well-designed and the harm identified in respect of the main issues means it would not accord with development plan policies when read as a whole. The benefits and other considerations are of insufficient weight to justify granting planning permission contrary to the development plan.

### **Conclusion**

18. For the above reasons, I conclude that the appeal should be dismissed.

*Jonathan Edwards*

INSPECTOR