



Appeal Decision

Site visit made on 1 June 2021

by J P Longmuir BA(Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 June 2021

Appeal Ref: APP/G3110/W/21/3269650

Eastfield Place, Brasenose Driftway, Oxford OX4 2GZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr J Davies against the decision of Oxford City Council.
 - The application Ref 20/03210/BFL56, dated 16 December 2020, was refused by notice dated 10 February 2021.
 - The development proposed is construction of a roof extension to deliver 10 flats over 2 floors.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for a two-storey roof extension at Eastfield Place, Brasenose Driftway, Oxford OX4 2GZ in accordance with the application 20/03210/BFL56, dated 16 December 2020, and the plans submitted with it and the conditions in the conditions schedule at the end of this decision.

Preliminary Matters

2. Paragraph B (15) of Part 20, Class A of the 2015 Order requires the local planning authority to take into account any representations made to them as a result of consultation, and to have regard to the National Planning Policy Framework (the 'Framework'), so far as relevant to the subject matter of the prior approval, as if the application were a planning application. My determination of this appeal has been made on the same basis.
3. The principle of the development is established by the 2015 Order. The prior approval provisions do not require regard to be had to the development plan. I have therefore only had regard to the policies of the development plan in so far as they are material to the matters for which prior approval is sought.

Main Issue

4. The main issue is therefore whether the development would accord with the provisions of Part 20, Class A of the 2015 Order, giving consideration to matters including transport and highways, flooding, external appearance, the provision of natural light in all habitable rooms of the new dwellinghouses, and

impact on the existing building and neighbouring premises including overlooking, privacy and loss of light.

Reasons

5. The appeal site is within a suburban part of Oxford, predominately residential with various retail outlets. The surrounding architecture is a mix of styles and form, but largely from the twentieth century. It is close to the City ring road, with a row of intervening trees.
6. The appeal site includes a three storey L shaped block of 15 flats, which surrounds its own private car park of 18 spaces. Bin storage and cycle parking are also within the grounds. The flats are not old, and the Council's officer's report refers to a detailed approval in 2003.
7. The proposal would replicate the existing floors to heighten the block in terms of repeating the materials, the pattern of windows and the floor-ceiling heights of the existing building. Thus, in terms of the walls, the appearance would only significantly change by its enlargement of the same.
8. The proposal shows dormers in the roofs; however, these are modestly sized and well-spaced. The proposed roofs would be simple, and more continuous compared with the existing, particularly so on the western elevation which is the public facing aspect. Consequently, the dormers would not attract attention or make the roofs look bulky.
9. I note the Council's references to paragraphs 127 and 130 of the Framework and I understand the concern that the increased height of the proposed building may appear incongruous in the street scene, but the permitted development right is expressly intended to allow a building to be extended by up to 2 storeys. While this may result in a seemingly tall building, that is an inevitable consequence of the permitted development right. Acceptance of such height is implicit in the introduction of the permitted development right, which supports the Government's objective of significantly boosting the supply of homes. A difference of up to 2 storeys from the prevailing height has therefore to be interpreted as not inconsistent with the area for the purposes of this prior approval.
10. I also note the Council's references to other appeal decisions. In the Southampton case, the Inspector comments on the contrived form and detailing, which differs to the case here. The Addlestone case concerned a mansard roof which was considered bulky, which again differs from the case here.
11. The proposed 10 additional dwellings would not have additional parking. However, they would be very close to a bus stop with good services to the nearby city centre. As I noted on my site visit there are also roadside footpaths and good pedestrian connections to a wide range of everyday facilities in the area. The residents would therefore not be reliant upon car use and undue pressure would not be put on roadside parking spaces. In any event the immediate road network is a cul-de-sac so speeds should be slow. Whilst noting the paragraphs 108, 109 and 110 of the Framework, I conclude that the proposal would not jeopardise highway safety and note the Council had a similar view.

12. The grounds are sufficiently large to be able to accommodate further cycle parking and bin storage, and indeed these have already been the subject of a separate planning permission.
13. The site is within Flood zone 1 and the development by its nature would not remove permeable surfaces. Additionally, the proposal would not impact on any protected view.
14. The flats would have ambient light in all directions and being above the existing would mean that overlooking and shadowing would not result. I note that some of the third parties have concerns about the impacts on their living conditions, however the particular dwellings are reasonably distanced and orientated to avoid shadowing, overlooking and overbearing implications. The submitted shadowing projections show that the impact would not be significant. Indeed, the Council had no objection on this ground.
15. Several one-bedroom flats would be 48sqm. They would have a dual external outlook from their living areas and the floorplans show that the internal layout would minimise the circulation space to the benefit of creating habitable space. Consequently, the accommodation would not be cramped.
16. I note the third-party comments on the issue of the original lease, but that is not a matter for consideration here. Similarly concerns about the structural integrity of the building would be a matter for Building Regulations. I also understand the concerns about the potential disturbance during construction and the legislation imposes a standard condition.

Conditions

17. Planning permission granted for development under Article 3(1) and Schedule 2, Part 20, Class A of the 2015 Order is subject to conditions set out in paragraph A.2 of that Class, these are replicated in the schedule below. The Council recommend conditions, some of which are similar with those in the above paragraph. Other conditions such as drainage would relate to a planning application rather than a prior approval and are not necessary. The parking restrictions to Brasenose Driftway requires action outside the appellant's control, so is not imposed.

Conclusion

18. I therefore conclude that the appeal should be allowed, subject to the conditions in the conditions schedule below.

John Longmuir

INSPECTOR

CONDITIONS SCHEDULE

- 1) The development must be completed within a period of 3 years starting with the date of this decision.
- 2) Before beginning the development the developer must provide the local planning authority with a report for the management of the construction of the development which sets out the proposed development hours of operation and how any adverse

impact of noise, dust, vibration and traffic on occupiers of the building and adjoining owners or occupiers will be mitigated.

3) The developer must notify the local planning authority of the completion of the development as soon as practicable after completion in writing including the name of the developer, address or location of the development and date of completion.

4) Each new dwellinghouse is to remain in use as a dwellinghouse within the meaning of Class C3 of the Schedule to the Town and Country (Use Classes) Order 1987 (as amended) and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.

END OF SCHEDULE

Richborough Estates