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## Appeal Decision

Site visit made on 16 January 2019

**by Sian Griffiths BSc(Hons) DipTP MScRealEst MRTPI MRICS**

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

**Decision date: 28<sup>th</sup> March 2019**

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**Appeal Ref: APP/G3110/W/18/3213886**

**3 David Nicholls Close, Littlemore, Oxford OX4 4QX**

- 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 David Henwood against the decision of Oxford City Council.
  - The application Ref 18/00012/FUL, dated 05 January 2018, was refused by notice dated 9 August 2018.
  - The development proposed is change of use from current annexe (Use Class C3) to 2 bed independent dwelling house. Introduction of amenity space. Relocation of kitchen from ground to first floor.
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### Decision

1. The appeal is allowed and planning permission is granted for the change of use of the annexe (Use Class C3) to 2 bed independent dwelling house, introduction of amenity space and relocation of kitchen from ground to first floor at 3 David Nicholls Close, Littlemore, Oxford, OX4 4QX in accordance with the terms of the application, Ref 18/00012/FUL, dated 05 January 2018, subject to the conditions set out on the attached schedule.

### Procedural Matter

2. There are various descriptions of development proposed on multiple application forms provided by the appellant. It appears the description of development changed during the determination of the application, and I have therefore taken it from the Council's decision notice.

### Main Issues

3. The main issues are the effect of the proposed development on the living conditions of future occupiers, with particular regard to natural light and outdoor amenity space and on the character and appearance of the surrounding area.

### Reasons

#### *Living Conditions*

4. The appeal site is currently an annexe associated with 3 David Nicholls Close, which is located in a small modern residential cul-de-sac.
5. The annexe is a two-storey detached building, incorporating a single integral garage, with a gravel driveway and car parking area to the front and a small

- front garden area. There is also a narrow area of garden to the rear and an access to the side.
6. The annexe has a kitchen on the ground floor along with a small sitting area. There is a large open plan room and bathroom on the first floor. The proposals are to change the annexe into an independent residential dwelling, and this includes moving the kitchen to the first floor along with the creation of two first floor bedrooms. The ground floor would then incorporate a lounge and sensory area to cater for the personal circumstances of the applicant's son who would occupy the property, along with the son's carer.
  7. Although not a specific reason for refusal, the Council raise concerns regarding inadequate ventilation, poor outlook and the awkward shape of the sensory room in their statement. Concerns over ventilation would be addressed through the Building Regulations process. More generally, there are ample window and door openings for what would be a small dwelling. Whilst the sensory room area would be an 'L' shape, the most useable part would not be much smaller than the lounge area. Consequently, it would not be unusable by any means.
  8. The dwelling would have a dual aspect with limited views to the rear, but to the front more expansive views over the garden and beyond into the street. This will be limited within the sensory room. Such rooms are often entirely windowless because they focus on removing distraction, with more soothing activities taking place there. Moreover, alternative activities in that part of the dwelling could reasonably include a study area or play space. Therefore, the limited outlook would not be unacceptable.
  9. At the site visit, I observed the exterior and interior of the building and noted that the rear ground floor was somewhat darker than the first floor. It appears this is as a result of the proximity of the building to the rear fence. However, it was clear to me that on the ground floor there were a significant number of window openings. These, together with the proposed light tunnels would create acceptable living conditions where, as a dual aspect room, natural light would also be available in both directions. On the first floor, the available natural light would be acceptable, based on my observations at the site visit and the findings of the appellant's Daylight and Sunlight Assessment. As such, whilst meeting the needs of the applicant's son in the first instance, I am satisfied that that the proposal would not harm the living conditions of future occupants, should the property be sold on in the future.
  10. The outdoor amenity space would be largely confined to the front of the appeal site and would be fenced off. The garden would be small in comparison to the garden areas of the other properties within the street. However, the enclosed garden area would measure around 62sqm, which exceeds the requirements of policy HP13 of the SHP. Therefore, the size of the outdoor space would be acceptable and would not harm the living conditions of future occupiers.
  11. Overall, I conclude that the proposal would result in acceptable living conditions for future occupiers of the property, with particular regard to natural light and outdoor amenity space. Consequently, it would not conflict with saved policies CP1 and CP10 of the Oxford City Local Plan 2001-2016 (LP), nor Policies HP9, HP10 and HP13 of the Oxford Sites and Housing Plan (2013) (SHP). It would also be consistent with paragraph 127 of the National Planning Policy Framework, which expects a high standard of amenity for existing and future occupiers.

### *Character and Appearance*

12. The street is located within the Littlemore Conservation Area, however it is not part of the Council's case that the proposal would fail to preserve the character and appearance of the CA. I concur with this.
13. The general character of the surrounding area and the cul-de-sac is of dwellings on large plots with gardens to the rear.
14. The small garden would be different to the established pattern within David Nicholls Close, which is lower density. However, it would be proportionate to the size of the dwelling and would not be discernible from the public domain.
15. The removal of the large modern brick pillars to the front of the appeal site and replacement with fencing would be a minor benefit to the scheme softening the impact.
16. Given that the annexe already exists as a building, a change of status to a separate dwelling within the large plot associated with 3 David Nicholls Close would not be particularly harmful to the character and appearance of the street, nor that of the surrounding area.
17. I therefore conclude that the proposal would not conflict with policies CP1 or CP10 of the LP, nor HP9, HP10 or HP13 of the SHP.

### **Conditions**

18. I have applied conditions 1 and 2 in the interests of precision and the avoidance of doubt. I have applied condition 3 in order and to safeguard the appearance of the area in accordance with saved policies CP1 and CP8 of the LP. I have also applied conditions 4, 5 and 6 to secure the outside space and necessary car and cycle parking associated with the dwelling and to promote the use of bicycles in accordance with policies HP13 and HP16 of the SHP and saved policies CP1, CP10 and TR4 of the LP. I have applied condition 7, exceptionally, because of the small size of the dwelling and plot and in order to safeguard the character and appearance of the area.

### **Conclusion**

19. For the reasons given above, I conclude that the appeal should be allowed, and planning permission granted, subject to the identified planning conditions.

*Sian Griffiths*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority:  
Block Plans; Existing Elevation and Plans Jan 2018; Ordnance Survey Map Red Line Plan; Proposed Elevation and Plans Jan 2018; Street Scene, Amenity and Parking Plans.
- 3) Prior to the occupation of the dwelling, the amenity space including the replacement of the existing pillars with the fences, shall be provided as specified on the approved plans and thereafter retained for the sole use of the dwelling hereby approved.
- 4) Unless otherwise agreed in writing by the Local Planning Authority, and prior to the first occupation of the dwelling, the two car parking spaces shall be provided in the positions shown in the approved drawings and shall be retained as such.
- 5) Prior to the commencement of development, details of the cycle parking areas, including means of enclosure, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be brought into use until the cycle parking areas and means of enclosure have been provided within the site in accordance with the approved details and thereafter the areas shall be retained solely for the purpose of the parking of cycles
- 6) Prior to the commencement of development, details of bin storage (including refuse and recycling) within the premises shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to first occupation of the development hereby approved and maintained at all times thereafter.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or enacting that Order) no structure including additions to the dwelling house as defined in Classes A, B, C, D, E of Schedule 2, Part 1 of the Order shall be erected or undertaken without the prior written consent of the Local Planning Authority.