

Law and Governance

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To Members of the East Area Planning
Committee

15 April 2013
Our ref:
Your ref:

Dear Councillors

EAST AREA PLANNING COMMITTEE - TUESDAY 16 APRIL 2013

I attach the second appendix to 29 Balfour Road: 13/00349/FUL report which was accidentally missed from the main agenda.

Yours sincerely

Sarah Claridge, Democratic Services Officer



INVESTORS
IN PEOPLE



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Appeal Decision

Site visit made on 15 August 2012

by P Jarvis Bsc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 September 2012

Appeal Ref: APP/G3110/A/12/2172508

29 Balfour Road, Oxford OX4 6AE

- 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 M Crook against the decision of Oxford City Council.
 - The application Ref 11/02278/FUL was refused by notice dated 27 October 2011.
 - The development proposed is the sub division of the existing plot to create a self-contained dwelling within Class C3 of the Town and Country Planning Use Classes Order 2005.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect on the character and appearance of the area.

Reasons

3. The appeal site comprises the side garden area of an end of terrace dwelling. It lies in a prominent corner location at the junction of Wingate Close, the side boundary to which is marked by low wall and high hedge. The wider terrace of six properties comprises of two-storey relatively modest sized properties of simple pitched roof design, set back behind a low brick wall and hedging. The terrace was identified as having a pleasing symmetrical appearance by an Inspector dealing with an earlier appeal for a similar scheme.¹
4. The immediate area contains similar uniform terraces set back from the road frontage within a relatively spacious layout. A large open grassed verge and footpath within Wingate Close lie adjacent to the appeal site and opposite the site in Moorbank. Mature trees are located within these grassed areas and these contribute positively to the area which is otherwise somewhat devoid of mature landscaping giving the area a pleasant spacious character.
5. In terms of the design approach, unlike the previous appeal scheme, the proposed dwelling would be flush with the front wall of the terrace. However, despite the slight variation in the appearance of the whole terrace in terms of front additions, style of fenestration and external cladding, the overall built form has a symmetry which is in particular defined by the end terrace properties which unlike the others have their front doors on the flank elevations. In my opinion, the proposed dwelling would appear as a rather awkward addition to this balanced frontage, mainly as a result of the greater

¹ APP/G3110/A/08/2088169

width of the property. This would be emphasised by the proposed position of the front door on the existing dwelling and another door on the front elevation of what would appear as an uncharacteristically wide dwelling at the end of the terrace. In my view this would detract from the symmetry of the terrace and would have an adverse effect on the wider area as a result.

6. I note that in the previous appeal decision the Inspector found that the sense of openness formed by the space in Wingate Close would be eroded as the dwelling proposed in that scheme would intrude beyond the building line within it. The dwelling now proposed would be of a reduced width, but would still marginally encroach this building line within Wingate Close.
7. The appellant has referred to a number of other corner sites which are considered to represent similar forms of development permitted by the Council. One in particular at a corner site along Sandy Lane within the wider locality is mentioned and I viewed this whilst on the site visit. Although not exactly the same in terms of the character of its immediate site and surroundings, this relatively recent permission (which was made after the above appeal decision) allowed for a dwelling to the side of a pair of semi-detached dwellings significantly forward of the building line within the road to the rear.
8. Whilst each proposal must be considered in the context of the site and its surroundings, it seems to me that a strict adherence to building lines is not always essential to ensure compatibility with the site's context. In the scheme before me, given the reduced width of dwelling proposed, a relatively generous gap would be retained to the side boundary which would enable views of Wingate Close and the treed verges to be retained from various points within the streetscene. For these reasons, I do not find the openness of the area to be unacceptably eroded.
9. Overall, however, for the reasons set out above, I find that the proposal would have a harmful effect on the character and appearance of the area. It would thus conflict with Policies CP1, CP6, CP7, CP8 and CP9 of the Oxford Local Plan (2005) and with Policy CS18 of the adopted Core Strategy (2011) (CS) which seek high quality development which reinforces positive local distinctiveness.

Other Matters

10. The appellant has referred to the huge demand for housing and scarcity of land identified within the Core Strategy and the strategic objective to maximise previously developed land (PDL) and to CS Policy CS3 which seeks to regenerate certain areas of the city, including the locality of the appeal site. However, garden land is no longer defined as PDL and whilst this should not be taken as implying that the land should not be built on at all, the key test is whether the development would harm the local area assessed in the context of relevant policies and all material considerations. For the reasons set out above I do not find that these factors outweigh the harm to the character and appearance of the area identified above.

Conclusion

11. I therefore conclude that this appeal should be dismissed.

P Jarvis

INSPECTOR