



## Appeal Decision

Site Visit made on 20 August 2020

by **S Thomas BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 April 2021

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**Appeal Ref: APP/D3125/D/20/3253839**  
**50 Richens Drive, CARTERTON, OX18 3XU**

- 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 Phil Caswell against the decision of West Oxfordshire District Council.
  - The application Ref 20/00016/HDD, dated 6 January 2020, was refused by notice dated 17 March 2020.
  - The development proposed is to build a porch to the front of the property and provide the primary access to the building.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The description of development outlined in the application form was overly detailed and contained elements that were not aspects of development. I consider the first sentence of this description of development adequately and succinctly covers the proposed development. That is reflected in the banner above.
3. A front porch has already been constructed at the property. The appeal proposal is for a smaller porch with an amended design to the front elevation. Therefore, for the avoidance of doubt, my decision is based upon the plans before me and not what has been constructed on site. I have had regard to the previous appeal decision<sup>1</sup> concerning the as built porch in my consideration of this appeal.

### Main Issues

4. The main issues are the effect of the proposed development on (i) the character and appearance of the area, and (ii) the living conditions of neighbouring occupiers of No 49 Richens Drive with regard to outlook and daylight.

### Reasons

#### *Character and Appearance*

5. The appeal property is a two-storey mid terrace dwelling located within a staggered row of properties. This arrangement results in the neighbouring

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<sup>1</sup> APP/D3125/D/18/3202448

property No 49 being set back substantially from the front elevation of the appeal property. The appeal property as well as a number of existing properties incorporate modest flat roof projections to the front of the properties. The porch structure that has been constructed at the appeal property as an addition to this front projection is a dominant feature in the street scene and is uncharacteristic of surrounding development.

6. The proposed porch would project approximately 1.33m from the original front projection to the property. Whilst the porch would be slightly reduced in bulk from that which exists at the site, this would not be sufficient to overcome the intrusive appearance it would have in the street scene. This is due to the uncharacteristic scale and mass to the frontage of the property which is accentuated by its position further forward of the neighbouring property (No 49). Notwithstanding the existence of canopies on neighbouring properties, the proposed roof canopy, together with the pillars, and dwarf walls would add further clutter to the frontage. This would only accentuate the visually prominent and discordant appearance of the porch in the street scene.
7. Even if the porch area falls within permitted development, this matter is not before me in this appeal. The proposed development would not sufficiently overcome the harm in the previous appeal scheme<sup>2</sup> and would appear at odds with and visually jar with the surrounding built form.
8. For the above reasons, the proposal would result in harm to the character and appearance of the area. Accordingly, the proposal would conflict with policies OS2, OS4 and H6 of the West Oxfordshire Local Plan 2031 (2018) (Local Plan). Amongst other things these policies seek that new development should be proportionate and of an appropriate scale to its context, form a logical complement to the existing scale and pattern of development, and extensions to dwellings should respect the character of the area.

#### *Living Conditions*

9. Due to the setback position of No 49 from the front elevation of the appeal property, this only serves to increase the prominence of the side elevation of proposed porch when viewed from the ground floor habitable window of this property. Having observed this relationship on my visit, the proposed reduction in the length of the structure would not sufficiently overcome the overbearing effect the proposed porch would have upon the occupiers of No 49.
10. Even if I were to find the proposal would not detrimentally affect daylight into the ground floor habitable window of No 49, by virtue of its position tight to the boundary and the depth and scale of the extension it would appear prominent and intrusive in views from the property and harm outlook from the ground floor habitable room window.
11. Consequently, the proposal would result in harm to the living conditions of neighbouring occupiers of No 49 in respect of outlook. Accordingly, the proposal would conflict with Policies OS2, OS4 and H6 of the Local Plan which amongst other things seeks that development should not have a harmful effect on the amenity of existing occupiers and not unacceptably affect their living environment.

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<sup>2</sup> APP/D3125/D/18/3202448

*Personal Circumstances*

12. I have considered the appellant's personal circumstances and am sympathetic to their situation and also the circumstances behind the construction of the existing porch. I have had regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010. This includes the need to advance equality of opportunity for people who share a protected characteristic. The proposed development would provide the appellant with additional living space at ground floor level including a downstairs toilet to meet existing and future needs.
13. However, I am mindful of the guidance contained in Planning Practice Guidance that in general, planning is concerned with the use of land in the public interest. The proposed development would be permanent. Whilst I note the appellant's needs for additional living space and a ground floor toilet, it has not been sufficiently demonstrated that there are not alternative ways to alter the property to achieve this objective which would be less harmful.

**Conclusion**

14. For the reasons given above, the proposal is contrary to the development plan and the appeal does not succeed.

*S Thomas*

INSPECTOR