



Appeal Decision

Site visit made on 28 December 2024

by **A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 January 2025

Appeal Ref: APP/G3110/W/24/3347865

5a-5b Moody Road Oxford OX3 0DH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Akhmid Nazir against the decision of Oxford City Council
 - The application Ref is 24/00688.
- The development proposed is Demolition of existing side extension. Erection of a two storey side extension to create 1 x 1 bed dwelling (Use Class C3). Erection of first floor rear extension with rear access steps and reconfiguration of existing building to create 2 x 1 bed flat (Use Class C3). Provision of private amenity space, bin and cycle stores. Alterations to landscaping new dwelling and extension to 5 Moody Road.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development has been taken from the decision notice in the interests of clarity as to the extent and nature of the proposal.

Main Issues

3. The main issues are the effect of the development upon;
 - the character and appearance of the area, and
 - the living conditions of neighbouring users.

Reasons

Character and appearance

4. Moody Road is a short cul-de-sac dating from the middle decades of the twentieth-century, arranged with a single side of semi-detached housing pairs¹ facing west. Although appearing well-spaced at upper storey level these blocks are largely conjoined at ground storey by garages or intervening extensions presenting a slightly staggered alignment. Upper-floor side extensions, that have in some cases contributed to dwelling subdivision, are apparent in the street but deeply set such that they do not impinge upon the serrated alignment of frontages which is apparent in the approach view.
5. The appellant has made a number of arguments for the proposal including benefits as to thermal performance and precedent, together with commentary on the

¹ In its original form

configuration of extensions permitted in the locality. The examples provided include full depth side extensions in Peacock Road which both significantly reduce the gap width, tending to create a terracing effect, and mostly do not follow the usual conventions as to subsidiarity. However, the impact of these examples on the street scene of Peacock Road is limited due to the consistency of frontage alignment, ridge and eaves, and, in particular, the thematic use of facing materials such as tiling and boarding, across the extended frontages which establish a visual framework by which to interpret the street scene. As with Peacock Road, the street scene formation in Moody Road is dominated to the extent that the original façade treatment presents rhythmically in an approach view, but with tile hanging limited to the original facades. Gaps between the original house pairs, albeit interspersed with the garage projecting in the lower storey, are apparent such that there is, in the important approach view, no evidence of a ‘terracing’ effect.

6. The proposal would bring forward the previously-approved side extension to closely align with the main facades, roofed by a hipped return of a narrow dual-pitched roof. Although this roof is present in the approved scheme it is well set back but what is proposed would be apparent as a prominent and discordant introduction to the street scene and would, as such, conflict with the requirement for high quality design² set out in Policy DH1 of the Oxford Local Plan 2036 (OLP).

Living conditions

7. The proposal would significantly increase the forward extent of the already-approved first floor extension beyond the broad alignment with the adjacent side extension to No.3. Policy H14 of the OLP refers to a requirement that new development should not intrude upon a 45-degree splay from a neighbouring habitable room window as set out in Appendix 3.7. The appellant’s submission refers to an adequacy of daylight but does not demonstrate that this requirement has been achieved. The Council refer to a tunnelling effect which aligns with my own observations. I have noted the appellant’s comments and whilst such guidance is open to contextual considerations, it is apparent that the effect of the proposal would be to unacceptably enclose the outlook from a habitable room of an adjoining dwelling and this would conflict with Policies H14 and RE7 of the OLP which seek to protect users from overshadowing.
8. I have concluded, with regard to the character and appearance of the proposal and impact upon neighbouring users, that the proposal would conflict with the provisions of the development plan in so far as they are material and, being not strongly outweighed by other considerations such that, taking all matters raised into account, the appeal cannot succeed.

Andrew Boughton

INSPECTOR

²Which at Appendix 6 invites consideration as to how new buildings respect the surrounding character or have a distinctive but complementary character informed by the unique characteristics of the location.