



Appeal Decision

Site visit made on 7 January 2025 by E Street BSc (Hons) MSc

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 February 2025

Appeal Ref: APP/G3110/D/24/3352336

82 Lytton Road, Oxford OX4 3NZ

- 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 Dr Nathanael Inkson against the decision of Oxford City Council.
 - The application Ref is 24/01248/FUL.
 - The development proposed is described as the removal of existing shed and formation of front garden shed (part- retrospective).
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The description of development on the application form contains aims of the proposal. The decision notice reflects a simplified and concise description which I have used. It more accurately describes the proposal and omits unnecessary detail. The development is part retrospective, and a previous version of the scheme is in place, however, the appeal has been assessed on the plans submitted due to proposed changes.
4. Prior to the making of this recommendation, a revised National Planning Policy Framework was published. Having reviewed the changes, I am satisfied that they do not affect the substantive matters of the appeal and that proceeding without further consultation with the main parties would not be prejudicial to their respective cases.

Main Issues

5. The main issues are the effect of the proposal on a) the character and appearance of the area; and b) the living conditions of the occupiers of 80 Lytton Road (No 80) with particular regard to outlook.

Reasons for the Recommendation

Character and Appearance

6. The appeal site is a mid-terraced property in which the dwellings are set back from the highway with front gardens or driveways. There are some instances of sheds to the front of properties, but they are generally low lying, modest and set back from the highway along with existing low lying boundary treatments. The siting of the properties and the open front gardens lend a pleasant spacious feel to the street scene which contributes positively to the character and appearance of the area.

7. The appeal proposal would be significant in height notwithstanding the use of a sloping flat roof towards the boundary. Its overall footprint in combination with the height would present a building which would be imposing and incongruous in this location. It's siting adjacent to the highway would be highly visible from all directions and as a result would be prominent and would not preserve the spacious open feel. It would not reflect the surrounding street scene and be contrary to the prevailing low-lying boundary treatments and generally uncluttered front gardens.
8. I am unaware of the planning status of other examples or the finer details such as the circumstances which prevailed at the time or matters taken into account. Notwithstanding this, they are not comparable schemes due to the scale and siting of the proposal before me. They do not therefore lead me to recommending the appeal be allowed.
9. With these matters in mind, the proposal would cause harm to the character and appearance of the area and conflict with Policy DH1 of the Oxford Local Plan (OLP) 2036 and the Framework which together seek to ensure that development proposals are of a high-quality design and standard.

Living Conditions

10. The appeal proposal is to address the boundary of No 80 and is to be taller than the existing fence line. The building is to be stepped away from the front elevation of both properties. The height would be significant and resultantly some outlook would be lost down the street towards No 82, however, due to the separation distance, the full effect of the proposal would be limited. The front garden to No 80 is otherwise unincumbered in its frontward aspect with views to the rest of the front garden and street unaffected. The appeal scheme would not therefore harmfully affect the outlook of the occupiers of No 80. It would thus comply with Policies H14 and RE7 of the OLP 2036 which, amongst other things, seek to ensure that living conditions of the occupiers of properties are protected.

Other Matters

11. The appellants are seeking to engage in personal practices in carbon emission reduction by using active travel which the shed would enable. I would give this moderate weight. I also understand that the appellants require the shed to be a certain height due to their medical needs. I have had due regard to the Public Sector Equality Duty set out under Section 149 of the Equality Act 2010. I am aware that disability is a protected characteristic thereunder. The evidence does not however suggest that the scheme is wholly reliant on the adaptations with specific regard to its height and siting. I remain to be convinced that the appeal scheme is the only way to achieve the outcome the appellant's desire.

Conclusion and Recommendation

12. The harm I have found to the character and appearance of the area and the associated development plan conflict are matters to which I ascribe substantial weight. I have found in the appellant's favour on the other main issue, but this would be a lack of harm and thus neutral in any balance. This is not outweighed by the benefits in terms of eliminating discrimination against persons with the protected characteristics of disability. Dismissal of the appeal is thus a fair and proportionate approach in this particular case. I am also mindful of other material considerations advanced but, for the reasons I have set out above, these would not be worthy of such weight that they would indicate a decision other than in accordance with the development plan. I therefore recommend the appeal be dismissed.

E Street

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

John Morrison

INSPECTOR