



Appeal Decision

Site visit made on 12 February 2025

By G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th February 2025

Appeal Ref: APP/G3110/D/24/3357183

37 Lytton Road, Oxford, OX4 3PA

- 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 Mr Stephen Lanighan against the decision of Oxford City Council.
 - The application Ref is 24/01458/FUL.
 - The development proposed is the erection of a front porch; erection of a part single, part two storey rear extension. Installation of 2no windows to side elevation, replacement of 1no window to rear elevation.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of a front porch; erection of a part single, part two storey rear extension. Installation of 2no windows to side elevation, replacement of 1No window to rear elevation at 37 Lytton Road, Oxford, OX4 3PA in accordance with the terms of the application, Ref 24/01498/FUL, subject to the conditions set out in the accompanying Schedule.

Preliminary matters

2. In the interests of accuracy, the description of the development used in the banner heading above has been taken from the Council's decision notice rather than the application form.
3. For the reasons set out in the officer report the Council raised no objection to the proposed front porch. I share the officer assessment on this aspect of the proposal.

Main Issue.

4. This is the effect of the proposals on the character and appearance of the host property and the surrounding area.

Reasons

5. The appeal property was originally built as one of a pair of semi-detached dwellings, set in a part of the City displaying distinct suburban characteristics. As the Council acknowledges, many of the dwellings in the locality have undergone change in terms of extensions and other alterations, and the appeal property and its attached neighbour are no exceptions.
6. The appeal property's roof has undergone a hip to gable conversion and a large box dormer has been inserted in the rear roof. The attached property, No 35, has

been extended in single storey fashion on the ground floor at the rear. No 35 has also been extended and altered to the side; its' street elevation contains an extra front door, addressed as No 35A, which appears to relate to a separate housing unit.

7. Had the proposals at the rear been restricted to single storey it seems that the Council would not have raised an objection. However, it considers that the proposed extension at first floor level would result, in effect, in the dwelling taking on the appearance of a three-storey property and the development in totality would represent an incongruous overdevelopment of what was originally a traditional semi-detached dwelling. It also voices concerns on more detailed design grounds in particular the proposed first floor extension's junction with the box dormer.
8. I consider the ground floor proposal to be entirely proportionate to the host property in terms of its width and depth, comparable with that seen next door, at No 35. The first-floor extension proposed would be roughly half the width of the ground floor extension, and not as deep. To my mind, it would represent a relatively modest addition at this level creating space only for a single, medium sized bedroom.
9. Because of the ridged roof proposed at this first floor level, its junction with the box dormer may appear awkward on plan. However, the junction would not be particularly noticeable from most vantage points, and would not be apparent in the public realm. Indeed, very little of the proposed development would affect the public realm, with views of it being restricted to a glimpse of the side elevation in the narrow gap between Nos 35 & 37. Neighbours would see the development from their rear gardens, but none has objected.
10. I therefore conclude, on balance, taking account of the changes already made to the host property and its neighbour, that the proposed development would not harm the character and appearance of the host property or its surroundings thus maintaining local distinctiveness. Thus, no material conflict would arise with the provisions of policy DH1 of the Oxford Local Plan (LP), when read in conjunction with the relevant aspects of Appendix 6.1, including those sections directed to responding to site character and context, and the design and alteration of buildings.

Conditions

11. The Council has suggested the imposition of several conditions in the event of planning permission being granted.
12. It is necessary that the development is carried out in accordance with the approved plans, and a condition to this effect is therefore imposed in the interests of certainty.
13. A condition in respect of materials is imposed in the interests of visual amenity.
14. In the interests of protecting neighbouring privacy, the two conditions restricting future permitted development rights shall be imposed, albeit in a modified form.
15. The Council's proposed condition on surface water drainage to my mind lacks precision and contains a requirement to conform with the Building Regulations, in certain circumstances, which appears to me to conflict with national policy contained in Planning Practice Guidance. However, a condition in respect of drainage shall be imposed in the wider interests of helping to prevent or minimize local flooding having regard to the provisions of LP policy RE4.

Other matters

16. All other matters raised have been considered and taken into account, and I share the officer assessment that the development would have no material impact on neighbouring living conditions.
17. I have also taken into account the references to the *National Planning Policy Framework*. No other matter is of such strength or significance as to outweigh those considerations that led to my conclusions.
18. Accordingly, the appeal is allowed, subject to conditions.

G Powys Jones

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 hereby permitted shall be carried out in accordance with the following approved plans: PLN 001 Rev B & PLN 002 Rev B.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing dwelling.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (as amended) no additional windows, doors or openings shall be placed in the side elevations of the extensions hereby permitted.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), the first floor side facing window serving the bathroom to the development hereby permitted, shall be glazed in obscure glass and non-opening below 1.7 metres above finished floor level. Once installed the window shall thereafter be retained in that form in perpetuity.
- 6) A scheme of surface water disposal in respect of the additional hard surfaced areas created shall be submitted to the Council for its approval in writing. The scheme shall be completed in accordance with the approved details no later than 2 months following the occupation of the additional accommodation hereby permitted.