



Appeal Decision

Site visit made on 22 January 2025

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th February 2025

Appeal Ref: APP/G3110/W/24/3344819

22 Merlin Road, Oxford, Oxfordshire OX4 6EP

- 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 Armir Skenderi against the decision of Oxford City Council.
 - The application Ref is 23/02924/FUL.
 - The development proposed is demolition of existing garage. Erection of two storey side extension to create 1 x 2 bed dwellinghouse (Use Class C3). Erection of a part single, part two storey rear extension. Installation of air source heat pump. Provision of new vehicle access with car parking, private amenity space and bin and cycle store. Alterations to landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing garage. Erection of two storey side extension to create 1 x 2 bed dwellinghouse (Use Class C3). Erection of a part single, part two storey rear extension. Installation of air source heat pump. Provision of new vehicle access with car parking, private amenity space and bin and cycle store. Alterations to landscaping at 22 Merlin Road, Oxford, Oxfordshire OX4 6EP in accordance with the terms of the application, Ref 23/02924/FUL subject to the conditions in the attached schedule.

Preliminary Matter

2. The revised National Planning Policy Framework (the Framework) has been published since the appeal was submitted. My decision is made in the context of the revised Framework. I am satisfied that no interested party has been prejudiced by my approach.

Main Issues

3. The main issues are:
 - The effect of the proposed development upon the character and appearance of the area;
 - The effect upon the safe and efficient operation of the local highway network;
 - Whether the proposal would provide suitable bicycle parking facilities;
 - Whether the proposed development would meet appropriate energy and carbon and water reduction standards; and

- The effect of the proposal upon the living conditions of nearby occupiers with regard to noise.

Reasons

Character and appearance

4. The appeal site comprises a two-storey semi-detached dwelling and flat roofed garage located within a post war housing estate. The estate is characterised by a variety of housing types including semi-detached dwellings, rows of terraces and bungalows framed by structural green landscaping.
5. The original semi-detached layout and pattern of development, along this side of Merlin Road, has been irrevocably altered on account of the construction of infill dwellings in between properties. The original spacing and the contribution it makes to local character has all but been eroded and in my view the loss of one of the last remaining gaps would have a negligible impact upon the character of the area.
6. I note the Council's comments in respect of infill developments either side of the site, but they are nonetheless notable features that make up part of the area's character and appearance. On this basis the proposal would not appear particularly unusual or incongruous. Whilst the result would be a long terrace the proposal would be in keeping with the established layout and pattern of development within the estate.
7. The proposed dwelling would be narrow, around half the width of No 22, and would have the appearance of a subservient addition, however, it would be in keeping with the appearance and proportions of other infill dwellings in the immediate area. Given the variety of properties locally and the presence of infill dwellings along this side of the road I am satisfied that the proposed development would complement the form and pattern of development in this part of Merlin Road.
8. As such, the proposed development would not unduly affect the character and appearance of the area. It would accord with Policies DH1, RE2 and G6 of the Oxford Local Plan (2020) which, amongst other things, seek high quality design that makes efficient use of land and that takes account of the scale, layout and spacing of existing and surrounding buildings.

Bicycle parking

9. The appellant indicates that covered cycle storage would be positioned in the rear garden. In my view, this arrangement would not be suitable given the constraints and impracticalities of carrying bicycles through dwellings.
10. I observed at the site visit that bins and domestic paraphernalia were positioned on the forecourts of many properties including alongside parked vehicles. Despite the Council contending otherwise there is nothing substantive to suggest that bins, cycle storage and vehicles positioned on the driveway in front of the host property and the proposed development could not be reasonably accommodated or that such items would appear unduly cramped. Furthermore, this arrangement would not be unusual given my observations during the site visit and the residential context of the surrounding area. A condition would secure an appropriate size and position of such items.

11. As such, I am satisfied that adequate bicycle parking would be achievable and the proposal accords with LP Policies M5 and RE7 which, amongst other things, seek well designed and well-located and convenient bicycle parking and to ensure that proposals do not have unacceptable transport impacts.

Safe and efficient operation of the local highway network

12. Based on my observations and when taking into account the width of the existing footway crossing and boundary wall the dwelling currently benefits from one off street parking space. The existing boundary wall is to be removed and the submitted plans show two cars parked on the forecourt in front of the host property and one car parked in front of the dwelling proposed.
13. LP Policy M3 and Appendix 7.3 set out a requirement for 1 space per dwelling. As such, based on the evidence before me adequate off-street parking would be provided to serve the proposed development.
14. The Council contend that the proposed development conflicts with Policy M3 stating that in the case of the redevelopment of an existing or previously cleared site there should be no net increase in parking on the site from the previous level and the Council will seek a reduction where there is good accessibility to a range of facilities. However, it is apparent that this relates to non-residential development rather than new dwellings. Consequently, I give this aspect of the Council's argument negligible weight in coming to my decision.
15. I conclude that the proposed development would not unduly affect the safe and efficient operation of the local highway network in accordance with LP Policy M3.

Energy and water standards

16. The appellant submitted an Energy Statement at planning application stage, albeit a temporary one. I acknowledge that the LP requires new developments to be energy and water efficient and factor in recycling and low carbon energy. However, I am satisfied that planning conditions could be imposed securing energy and water efficiency measures given the small-scale nature of the development.
17. As such, the proposed development would accord with LP Policy RE1 which, amongst other things, requires proposals to incorporate sustainable design and construction principles.

Living conditions of existing occupiers

18. I note the Council's comments in relation to air source heat pumps. Despite the absence of information from the appellant there is no substantive evidence to indicate that such units are excessively loud when in operation resulting in a noise nuisance, particularly as they are intended to be used within residential settings. I am satisfied that conditions for details of its mounting and limiting noise levels would overcome any concerns.
19. As such, I am satisfied that the proposal would not unduly affect the living conditions of existing occupiers with regard to noise in accordance with LP Policies RE7 and RE8 which, amongst other things, seek to ensure the amenity of neighbours is protected and manage noise to safeguard or improve amenity, health and quality of life.

Conditions

20. I have considered the imposition of conditions in accordance with the Framework and the Planning Practice Guidance.
21. In addition to the standard time limit condition, I have imposed a condition specifying the approved plans as this provides certainty. Conditions stipulating the external materials and for details of the cycle and bin storage have been imposed in order to ensure a satisfactory development.
22. In the interests of sustainability conditions for a surface water drainage scheme, an energy statement and water consumption target are considered necessary.
23. Conditions limiting noise and vibration from installation of the proposed air source heat pump are considered necessary so as to protect the living conditions of neighbouring occupiers.
24. In addition to restricting the insertion of additional windows and use of a flat roof area as a balcony the Council has suggested removing permitted development rights for the enlargement, improvement or other alteration of a dwellinghouse; additions to the roof of a dwellinghouse; porches and buildings incidental to the enjoyment of a dwellinghouse falling within Classes A, B, D and E of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).
25. I acknowledge that paragraph 55 of the Framework advises planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. In the interests of maintaining a satisfactory appearance and adequate amenity space and living conditions for future occupiers I have determined that permitted development rights should be removed in respect of Class A, B, D and E of the GPDO.

Conclusion

26. For the reasons set out above the appeal succeeds.

B Thandi

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos: 23.15_PA_Location plan_001; 23.15_PA_Existing Plans & Elevations_002; 23.15_PA_Landscaping_007 and 23.15_PA_Proposed Plans & Elevations_003.
- 3) No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. The sustainable drainage system shall be managed and maintained thereafter in accordance with an approved management and maintenance plan.
- 4) No development shall take place, above ground level, until a final energy statement has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved statement.
- 5) Prior to installation of the air source heat pump details of anti-vibration measures shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 6) The level of noise emitted from plant/ machinery/ equipment shall not exceed the existing background level at any noise sensitive premises when measured and corrected in accordance with BS4142:2014 +A1:2019 "Methods for rating and assessing industrial and commercial sound.
- 7) The development shall not be occupied until details of the storage for refuse, recycling, garden waste and food waste bins have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 8) The development shall not be occupied until details of secure and covered cycle storage has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 9) The development hereby permitted shall be constructed from the materials specified on the submitted application form.
- 10) The development hereby permitted shall not be occupied until the Building Regulations optional requirement of a water consumption rate of no more than 110 litres per person per day has been complied with.
- 11) The roof area of the rear extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.
- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission shall be constructed on the side elevation.

- 13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by virtue of Classes A, B, D and E of Part 1 of Schedule 2 to the Order shall be undertaken.