



Appeal Decision

Site visit made on 12 March 2025

by **P B Jarvis DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3 April 2025

Appeal Ref: APP/G3110/D/25/3358408

6 Grunsell Close, Headington, Oxford OX3 9QQ

- 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 Mrs Shamim Akhtar against the decision of Oxford City Council.
 - The application Ref is 24/01826/FUL.
 - The development is for an ancillary outbuilding where the height is 2.6 metres.
-

Procedural Matter

1. The appellant has confirmed that the building is to be used as an 'ancillary outbuilding', not a self-contained dwelling. I have therefore determined the appeal on that basis.

Decision

2. The appeal is allowed and planning permission is granted for an ancillary outbuilding where the height is 2.6 metres at 6 Grunsell Close, Headington, Oxford OX3 9QQ in accordance with the terms of the application, Ref 24/01826/FUL, subject to the following 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 accord with the following approved plans: 1:1250 location plan, PR90 (existing elevations), PR90 (existing plans), PR90 (location and block plan), PR90 (proposed elevations / as built), PR90 (proposed plans / as built).
 - 3) The building shall not be used until sustainable drainage measures have been installed in accordance with details which shall have been first submitted to and approved in writing by the Local Planning Authority.
 - 4) The outbuilding hereby permitted shall be not be used at any time other than for purposes ancillary to the residential use of the dwelling known as 6 Grunsell Close, Oxford and no cooking facilities shall be installed.

Main Issue

3. The main issues are
 - The effect on the character and appearance of the area.
 - The effect on living conditions.

- Whether the outbuilding provides a suitable living environment.

Reasons

4. The appeal site is a modern semi-detached dwelling set within a cul-de-sac of similar properties within the southern part of the city. The outbuilding has already been constructed and is located at the end of the relatively modest rear garden. The garden can be accessed from the dwelling itself as well as from a gated path that runs to the side of the dwelling within its curtilage. The outbuilding contains a room with small kitchenette consisting of a sink and cupboards and sofa, a second room which was being used for storage at the time of my site visit and a bathroom.

Character and appearance

5. The building is sited at the far end of the garden with the area between it and the host dwelling retained to serve both. This is not an uncommon arrangement and I saw that there were similar buildings in the rear garden areas of surrounding properties. Whilst there is some dispute between the parties regarding its overall height, it is nevertheless not unduly tall nor overly large for such an outbuilding and is of a design and appearance in keeping with its surroundings.
6. Overall, I find that it causes no harm to the character and appearance of the area and thereby accords with Policy DH1 of the Oxford Local Plan 2036 (2020) (LP) which seeks high quality design that creates or enhances local distinctiveness.

Living conditions

7. The Council suggests that the outbuilding results in an increased level of comings and goings that is detrimental to the living conditions of surrounding properties. In this respect, I note that there have been objections from neighbouring properties but these seem to be associated with the unauthorised use of the outbuilding as a separate dwelling, which has now ceased. A condition can be imposed to ensure that the building is only used for purposes ancillary to the main dwelling and on that basis the level of use and associated activity would be acceptable.
8. Overall, I find that the outbuilding, if suitably conditioned as above, would not result in an unacceptable increase in intensity of use such as to result in harm to the living conditions of the occupiers of adjoining and nearby dwellings. It thus accords with LP Policies H14 and RE7 which seeks to ensure that development does not compromise the privacy and amenity of adjoining occupiers and does not have an overbearing effect.

Suitable living environment

9. Notwithstanding that the outbuilding is intended to be used for ancillary residential purposes only, the Council has expressed concern regarding its overall size in respect of the Nationally Described Space Standards (NDSS) on the basis that it provides self-contained accommodation capable of occupation as a separate residential unit. However, as noted above, the appellant does not seek permission to use the building for that purpose and a condition to control that use can be imposed. Whilst the outbuilding does contain some features associated with independent living, those features are also reasonably associated with the proposed ancillary use. Therefore, LP Policy H15 which relates to new dwellings is not relevant to the consideration of the proposal.

10. The remaining garden area is modest but nevertheless complies with the standards set within LP Policy H16 with adequate areas for sitting out and clothes drying whilst also providing an area with reasonable levels of privacy and amenity. Given that the outbuilding is to be used ancillary to the main dwelling the shared use of the garden area would be acceptable.
11. Overall, a suitable residential environment would be provided for the existing occupants in compliance with LP policies DH1, RE7 and H16 which seek to ensure that dwellings have direct and convenient access to an area of private open space.

Conditions

12. I have considered the conditions suggested by the Council and consider that one to refer to the approved plans is necessary but that an additional condition to refer to materials will not be necessary as these are detailed in the application.
13. The Council has suggested two conditions to remove permitted development rights, one preventing the insertion of any further openings and one to require the front bathroom window to be obscurely glazed. I consider that both are unnecessary given the relationship with adjoining properties and the existing boundary features.
14. The condition relating to sustainable drainage measures suggested by the Council would be unnecessarily onerous in the circumstances and appears to include standard wording that is not relevant to this case. Notwithstanding, the plans are not entirely clear how surface water is to be disposed and therefore a condition to require such details to be submitted for approval would be appropriate.
15. In addition, as indicated above, a condition to ensure that the outbuilding is only used for purposes ancillary to the residential use of the property is necessary, with a restriction on the reinstallation of cooking facilities given that these had previously been provided albeit they have now been removed.

Conclusion

16. It is therefore concluded that the appeal should be allowed and planning permission granted.

P B Jarvis

INSPECTOR