



Appeal Decision

Site visit made on 11 March 2025

by J Heppell BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 April 2025

Appeal Ref: APP/D1780/D/24/3357557

88 Oxford Avenue, Southampton SO14 0DN

- 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 Ram Singh against the decision of Southampton City Council.
 - The application Ref is 24/00234/FUL.
 - The development proposed is to extend the first floor at the rear of the property to be used as a bedroom/treatment room for a Parkinson's disease patient.
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Decision

1. The appeal is allowed and planning permission is granted to extend the first floor at the rear of the property to be used as a bedroom/treatment room for a Parkinson's disease patient at 88 Oxford Avenue, Southampton SO14 0DN in accordance with the terms of the application, Ref 24/00234/FUL, subject to the following 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 TQRQM24060220809250 and RS/001.
 - 3) The external materials of the extension hereby permitted shall match those used in the existing dwelling.

Preliminary Matters

2. I have simplified the appellant's description of development to that which is necessary to describe the proposal, which is: 'to extend the first floor at the rear of the property to be used as a bedroom/treatment room for a Parkinson's disease patient'.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the host property and the surrounding area; and
 - the effect of the proposed development on the living conditions of no 86 Oxford Road with particular reference to shadowing and outlook; and

Reasons

Character and appearance

4. The property is a terraced dwelling located in an area characterised by similar properties close to the centre of Southampton. The dwelling has a part two storey, part single storey rear outrigger which shares a party wall with a similar outrigger at no 86. The appellant proposes to raise the height of the single storey element of the outrigger to two storeys by enlarging the rear bedroom.
5. The proposed extension would match the eaves height of the host property, with a similarly hipped roof. Materials and fenestration would likewise match the existing property. Whilst the proposal would extend the length of the outrigger at first floor, it would be in the context of a row of terraced houses which all have rear outriggers of varying depths and heights. I consider the proposed extension to be an appropriately designed addition to the property which accords with the design advice contained in the Residential Design Guide (RDG) and which would not unbalance or dominate the dwelling.
6. I thus conclude that the proposal extension would not be out of character with either the host property or the surrounding area, and would comply with policies SDP1, SDP7 and SDP 9 of the City of Southampton Local Plan Review – Adopted Version 2nd Revision 2015 (LPR) and policy CS13 of the Local Development Framework Core Strategy Development Plan Document – Amended Version incorporating the Core Strategy Partial Review March 2015 (CSPR), which together promote good design which incorporates appropriate scale, massing and appearance.

Living conditions

7. In order to prevent excessive overshadowing and ensure a satisfactory outlook, the RDG requires extensions not to project beyond a 45 degree line taken from, in the case of terraced properties, the nearest edge of the neighbour's window. The rear facing bedroom window of no 86 currently enjoys an uninterrupted outlook, and the proposed first floor extension would project far enough back to breach the 45 degree line from that window.
8. I am mindful of the fact that no 86 is located to the west of the appeal site, such that from midday onwards the bedroom window of no 86 would not lose direct sunlight as a result of the proposed extension. I further note that the RDG applies the same 45 degree code to both single and two storey extensions, implying that in the case of extensions which add only one storey to a property, there is a greater degree of flexibility when applying the 45 degree code.
9. In light of the above, I conclude that the rear facing first floor bedroom of no 86 would suffer a moderate loss of outlook and increased shadowing as a result of the proposed extension, in conflict with policy SDP1 of the LPR, which protects the quality of life of neighbouring occupiers from overshadowing and loss of visual amenity.

Planning Balance

10. The appellant has a protected characteristic as set out in s149 of the Equality Act 2010. The Public Sector Equality Duty sets out, amongst other things, to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. I am required to have due regard to this consideration in my assessment of the effect of the proposed development on the appellant's wellbeing.
11. The plans indicate that the enlarged bedroom would function as a treatment room for the comfort and convenience of a Parkinson's patient. The appellant requires a larger bedroom for mobility, rest and convenience, and to provide greater privacy and independence. There are no other bedrooms in the house large enough to meet the appellant's needs, and it would be unreasonable to expect the appellant to forego their living room in order to meet their specific needs.
12. I give considerable weight to the impairment of the appellant and their need for greater privacy and independence. The proposal would allow the appellant to adapt the appeal property for their comfort and convenience, which cannot feasibly be achieved in any other way within the host property. As a consequence, I consider that the needs of the appellant sufficiently outweigh the moderate reduction in outlook and visual amenity to the rear bedroom of no 86 Oxford Avenue, such that planning permission should be granted.

Conditions

13. In the interests of certainty, I have attached a condition listing the approved plans. To ensure that appropriate materials are used, I have attached a condition requiring the use of matching external materials.

Conclusion

14. For the reasons given above the appeal should be allowed.

J Heppell

INSPECTOR