



Appeal Decision

Site visit made on 4 March 2025 by M Long BA (Hons) MSc MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 May 2025

Appeal Ref: APP/G3110/D/24/3357912

68 Derwent Avenue, Oxford, Oxfordshire OX3 0AS

- 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 Nuran Surer against the decision of Oxford City Council.
 - The application Ref is 24/02379/FUL.
 - The development proposed is described as a 'partial rear extension 4.06 meters depth'.
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Decision

1. The appeal is allowed and planning permission is granted for development described as a 'partial rear extension 4.06 meters depth' at 68 Derwent Avenue, Oxford, Oxfordshire OX3 0AS in accordance with the terms of the application Ref 24/02379/FUL, subject to the following condition:
 - 1) The development hereby permitted is as shown on the approved plans: AL24/68DA/06 Rev 00 (Existing Plans), AL24/68DA/07 Rev 00 (Existing Section), AL24/68DA/08 Rev 00 (Existing Elevations) and AL24/68DA/02 Rev 00 (Block Plan)

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.

Procedural Matters

3. Some further walls and a protruding fascia have been erected and installed on the single storey extension (which has been erected and thus retrospective planning permission is sought) and existing dwelling respectively. They do not form part of the appeal scheme which I have considered based on the plans. Should they require planning permission, this is a matter for the Council to take forwards, separate to proceedings here. The Council has also identified inaccuracies in relation to the 'pre-existing plans'. However, the appeal development was substantively as per the 'existing plans' provided and so it has not been necessary to consider this as a main issue.
4. An extant planning permission exists for a single storey rear extension of a similar depth and height, but of a lesser width than the appeal development, Ref 24/01134/FUL. It includes a flat roof and dark grey fenestration with substantial glazed openings to the rear elevation.

Main Issues

5. The main issues are the effect of the development on a) the character and appearance of the area; and b) the living conditions of the occupiers of Number 70 Derwent Avenue (No 70) with particular regard to outlook.

Reasons for the Recommendation

Character and Appearance

6. The two-storey, mid-terrace appeal dwelling has external brick elevations, modest fenestration and an existing two-storey, flat-roofed extension sited next to the shared boundary with No 70. It has a large rear garden bounded with tall fences, mature vegetation and an outbuilding at the far end.
7. Taking into account its rear position and single-storey scale, as well as it being set into the ground level, the appeal development sits comfortably within its plot and has an unobtrusive presence. The large areas of glazing used to construct the extension also make it appear as a more light-weight addition to its host. Despite its large size, the development is still well below the existing two-storey extension and reflects its flat roof design. Many of the surrounding views of the development are limited by the tall boundary treatments of the rear garden, and views from the rear are also partly obscured by the outbuilding and mature vegetation. As such, the development does not appear as a dominant feature within its wider context.
8. While its contemporary aesthetic does not directly reflect the more traditional design of its host, its discreet position to the rear and the understated tone of the dark grey fenestration has an acceptable visual effect. The application form sets out that the external materials of the development are to match those on the existing dwelling, including the bricks. However, due to the large amount of glazing, there are limited opportunities for brickwork. Overall, the appearance of the extension substantively reflects the drawings, and the observed external materials have a satisfactory appearance. The additional width of the appeal development in comparison to the extant scheme is positioned in front of the existing two-storey extension and so it does not harmfully obscure any more of the original rear elevation of the host.
9. The development therefore has an acceptable effect on the character and appearance of the area. It accords with Policy DH1 of the Oxford Local Plan 2036 (2020) (LP) which seeks development of high quality design and with the National Planning Policy Framework which seeks to ensure developments are sympathetic to local character amongst other things.

Living Conditions

10. No 70 has a large rear garden that shares a tall boundary treatment with the appeal site. It has a small-window close to the shared boundary, which is described as serving a non-habitable room. It also has a large window and glazed double doors to its rear elevation that are set well away from the shared boundary.
11. While visible from the rear garden of No 70, the scale of the appeal extension is not excessive, and its height is limited overall by its flat roof design. Also, when taking into account the large size of the rear garden of No 70, the cumulative effect of the appeal development and two-storey rear extension does not unduly enclose this neighbouring space and so its occupiers retain an acceptable quality of outlook.

12. Given that the large openings at No 70 are set well away from the site, the appeal development does not have a harmful overbearing effect when viewed from the rooms they serve. Due to their large size and the wide garden space in front of them, the internal space served by these openings retains an open aspect.
13. The small size of the window closest to the site means it already has a limited quality of outlook. Given that it serves a non-habitable room and does not provide for a main source of outlook from this neighbouring dwelling, any further loss resulting from the appeal extension does not materially harm the living conditions of occupiers.
14. The development thus has an acceptable effect on the living conditions of occupiers at No 70 with particular regard to outlook. As such, it accords with the LP, specifically Policy RE7 which seeks, amongst other things, to ensure the amenity of neighbours is protected and Policy H14 which seeks to prevent development that has an overbearing effect on existing homes.

Conditions

15. Due to the retrospective nature of this appeal, it has not been necessary to recommend attaching a condition for time commencement. I have however referred to the approved plans for enforcement purposes rather than works being carried out in accordance with. I have not set out a condition concerning windows in the side elevations. Given that the scheme is for a single storey extension, the internal arrangement and existing/potential boundary treatments would be self-governing.
16. The use of the roof as a balcony or terrace is not shown on the plans and would, in any case, need its own planning permission. The development is part of an existing dwelling that incorporates a drainage system and there is no evidence before me to suggest that the development, which has already been constructed, is not appropriately drained.

Conclusion and Recommendation

17. For the reasons given above, the appeal scheme accords with the development plan, and I therefore recommend it be allowed, subject to the above mentioned condition.

M Long

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed, subject to the condition set out.

John Morrison

INSPECTOR