



Appeal Decision

Site visit made on 28 May 2025

by **D J Barnes MBA BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 June 2025

Appeal Ref: APP/G3110/D/25/3363009

7 Abberbury Avenue, Oxford OX4 4EU

- 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 Sarwar Hussain against the decision of Oxford City Council.
 - The application Ref is 25/00044/FUL.
 - The development proposed is the demolition of a garage and the erection of a two storey side extension with integral garage.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of a garage and the erection of a two storey side extension with integral garage at 7 Abberbury Avenue, Oxford OX4 4EU in accordance with the terms of the application, Ref 25/00044/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 be carried out in accordance with the following approved plans: Location Plan; 7abberbury6.5.2; 7abberbury7.5.2; 7abberbury9.5.3; 7abberbury10.5.3 and 7abberbury11.5.3.
 - 3) The external materials of the extension hereby permitted shall match those used in the existing dwelling.
 - 4) The development hereby permitted shall not be occupied until sustainable drainage measures have been installed in accordance with details which shall have been submitted to and approved in writing by the local planning authority.
 - 5) 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 shall be constructed at first floor level on the southern elevation of the development hereby permitted.

Main Issue

2. It is considered that the main issue is the effect of the proposed development on the character and appearance of the host property and the streetscene.

Reasons

3. The appeal property is a large, detached dwelling sited on a large plot situated within a primarily residential area. To the side of the property is a detached garage. The surrounding residential area is predominantly characterised by dwellings set back from the roads to the rear of landscaped front gardens which are also used for parking. The front gardens of the dwellings give the streetscene, including along Abberbury Avenue a spacious and verdant character and appearance.
4. The dwellings fronting Abberbury Avenue are mainly 2-storey and are of varying designs and styles with some having been altered by extensions, including side additions visible from the roads. There are varying relationships between the side elevations of neighbouring dwellings. Overall, there is no clear consistency in the design of, and relationship between, the dwellings.
5. Planning permission has been granted by the council for alterations to the property including the erection of a 2-storey side extension which would extend above the garage (Ref 24/02172/FUL). Although its full planning circumstances have not been provided, sufficient information has been provided to enable this extant planning permission to be given significant weight in the assessment of this appeal because it represents a viable fallback position.
6. The proposed development also includes a 2-storey side extension but, based upon the parties' evidence, this varies from the approved scheme primarily because the ridge height of the roof would be about 1 metre higher, the roof would be a hipped form and the eaves of the property would extend across the front elevation of the proposed addition. An existing chimney previously proposed to be retained would be removed.
7. From the available evidence, the proposed extension would be sited in a similar location to, and have a similar width as, the approved scheme and, as such, there would not be a difference in the relationship between the resulting property and 9 Abberbury Avenue. There would also not be a difference in the relationship between the siting of the resulting property and the road and, as such, the verdant and spacious character and appearance of the streetscene along Abberbury Avenue would be retained.
8. Although it would represent an increase in the size and massing of the host property when compared to the approved scheme, the proposed development would not represent an overdevelopment of the plot, especially where the extension would substantially be sited on the footprint of the existing garage. The host property is not of a symmetrical appearance and the erection of the appeal scheme would not, therefore, unacceptably unbalance its the appearance.
9. The proposed ridge height of the appeal scheme would be lower than the host property and, as such, would appear a subservient addition. The eaves level of the proposed extension would reflect that of the host property and, together with the hipped roof form, there would be a continuity of design. There would be 3 different heights of roof ridges associated with resulting property. However, by reason of the variations in the style and design of other dwellings, the proposed development would not result in the property being an incongruous or conspicuous form of development which would cause unacceptable harm to the character and appearance of the streetscene. The removal of the chimney would, on its own, not represent a reason for this appeal to be dismissed.

10. For the reasons given, it is concluded that the proposed development would not cause unacceptable harm to the character and appearance of the host property and the streetscene and, as such, it would not conflict with Policy DH1 of the Oxford Local Plan 2036. This policy refers to permission only being granted for development of high quality design that creates or enhances local distinctiveness.

Conditions

11. The council has suggested conditions in the event that this appeal succeeds which have been assessed against the tests identified in the National Planning Policy Framework and the Planning Practice Guidance. For reasons of clarity, conditions are necessary to identify the approved drawings and for the use of external materials matching those of the host property to assimilate the proposed development into the streetscene. The proposed external materials are not specified on the drawings.
12. Based upon the available evidence and no cogent reasons being provided by the council, it is not necessary to impose a condition related to the erection of bat and bird boxes. The appeal application is for an extension to the host property rather than the creation of a separate dwelling and, as such, a condition specifying the use and occupancy of the appeal scheme is unnecessary.
13. The suggested condition relating to sustainable drainage measures would be unnecessarily onerous in the circumstances of the type of development proposed and appears to include standard wording that is not relevant to this case. However, the plans and associated supporting documents are unclear as to how surface water is to be disposed and, therefore, a condition to require such details to be submitted for approval would be appropriate albeit prior to first occupation.
14. There would be the potential for an outlook towards No. 9 if new openings were erected within the first floor of the side elevation of the proposed extension. Exceptionally, it is necessary to impose a condition precluding the erection of first floor openings within the side elevation.
15. Accordingly, it is concluded that this appeal should be allowed.

D J Barnes

INSPECTOR