



Appeal Decision

Site visit made on 4 June 2025

by **D Wilson BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 June 2025

Appeal Ref: APP/G3110/W/25/3361952

23 Bernwood Road, Oxford, Oxfordshire OX3 9LG

- 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 Ms. Evelyne Cohen on behalf of Seabrook Services Ltd. against the decision of Oxford City Council.
 - The application Ref is 24/01875/FUL.
 - The development change of use of a dwelling house (Use Class C3) to supported living accommodation for adults (Use Class C2). Demolition of the outbuilding/ shed structure to the side of the house. Proposed two storey side extension and part single storey/ part two storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the area and host property,
 - the effect of the proposed development on the living conditions of neighbouring occupiers with regard to sunlight, daylight, noise and disturbance,
 - whether adequate parking would be provided, and
 - ecology with regard to bats.

Reasons

Character and appearance

3. The appeal site is a two-storey end of terraced property. The wider area is densely residential with most of the properties being terraced and are of a very similar appearance. Bernwood Road is generally winding, and the houses follow the bends in the road, arranged in short rows of terraces resulting in rhythm and uniformity within the street scene.
4. The two-storey extension would be set back and be of a slightly lower height than the existing dwelling. However, the significant increase in width and depth would result in a bulky addition to the dwelling that would unbalance the property and row of terraced houses, upsetting the rhythm, and uniformity within the street scene.

5. The appeal property is located within a prominent corner plot with a spacious gap between the property and the neighbouring dwelling. This is a result of a footway that runs alongside the dwelling and steeply slopes down. Views from the bottom of the footpath looking up towards the appeal site are clear and would not be mitigated by the existing fencing. The bulky extension would be particularly prominent from this viewpoint and would close the spacious gap and highlight the bulky appearance of the property and unbalanced row of terraced houses.
6. I therefore conclude that the proposed development would harm the character and appearance of the area and host property. It would be contrary to Policies DH1 and H11 of the Oxford Local Plan 2036 Adopted 8th June 2020 (LP) and Paragraph 135 of the National Planning Policy Framework (the Framework). Amongst other things, these seek to ensure development of high-quality design that enhances local distinctiveness, the form, scale and design of the proposed use is compatible with neighbouring uses and with the surrounding area and maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live.

Living conditions of neighbouring occupiers

7. No 21 Bernwood Road is located next to the appeal site and is a mid-terraced property. No 21 has a window and door that is located near to the shared boundary and would be most impacted by the extension. The extensions closeness to the shared boundary combined with its overall depth would mean that the already limited sunlight would be worsened and there would be a sense of enclosure which would result in a harmful impact on daylight for these occupiers.
8. The appellant has provided very limited information with the application and appeal in regards to the proposed change of use, other than that there would be six bedrooms, potential for two members of staff on site at one time and that these members of staff would not live at the property. However, on the basis of the six bedrooms and 24/7 care that is proposed, there is potential for a high number of comings and goings throughout the day which would inevitably impact the occupiers of neighbouring properties in regards to noise and disturbance which may be at unsociable hours if care is needed during these times.
9. The appellant considers that occupation of the proposed use would be comparable to the existing use. However, the current use as a three bedroom dwelling is likely to be occupied as a single family unit with up to four occupiers. This is half the number of occupiers than the proposed six bedrooms and two carers proposed as part of the appeal scheme and would therefore not be comparable.
10. I note that the appellant considers that conditions could be imposed to control noise and disturbance, however, there needs to be some basis to include such conditions which the details with the appeal do not provide. I am therefore not satisfied that conditions could be imposed to control noise and disturbance on the basis of the limited information in relation to the proposed use.

11. I therefore conclude that the proposed development would harm the living conditions of neighbouring occupiers with regard to sunlight, daylight, noise and disturbance. It would be contrary to Policies H11, H14, RE7 and RE8 of the LP which amongst other things, seek to development is appropriate for the neighbourhood, provides reasonable sunlight and daylight for occupiers of existing homes and ensures the amenity of neighbours is protected.

Parking

12. The appeal site has a small driveway to the front of the property and whilst limited detail has been provided in relation to its size, it would appear to be able to accommodate two cars. The appellant states that there would be potential for two members of staff to be at the property which these spaces could accommodate.
13. Notwithstanding the spaces to the front of the property which could be used for staff there is a lack of information in relation to whether occupiers of the property would have access to a car as well as any arrangements for visitors. I acknowledge the appellant's comment that occupiers are unlikely to have access to a car, however, there does appear to be some scope for occupiers to own a car depending on the type of care they might need. There is also no provision for any visitor parking if the driveway is being used by staff.
14. The appeal site is located close to bus stops with regular services which could provide transport options other than using the private car for occupiers, visitors and staff. I also note that there are no parking restrictions Bernwood Road.
15. Notwithstanding the above, the six bedrooms proposed could result in a number of people visiting the property, there is also the potential for occupiers to have their own cars and no information has been provided on staff turnover which could mean that staff arriving to swap shifts would have to park on the road during changeover.
16. Taking the above into account, the proposal is likely to result in parking stress in the area which would be contrary to Policies RE7 and M3. Amongst other things, these seek to ensure that development does not have unacceptable transport impacts.

Ecology

17. The proposal includes works to the existing roof. I note the appellant's comments that the area is residential and there is no evidence to suggest that there are voids suitable for bats. However, no information has been submitted by the appellant to demonstrate this. There is a reasonable likelihood of the species being present due to the works to the roof and presence of suitable foraging and commuting habitats nearby. There are no exceptional circumstances that would justify covering ecological surveys under planning conditions.
18. I therefore cannot be sure that the proposed development would harm protected species. It would be contrary to Policy G2 of the LP and Paragraph 187 of the Framework. Amongst other things, these seek to ensure that species important for biodiversity are protected and decisions should contribute to and enhance the natural and local environment.

Other Matters

19. The appellant has put forward a fallback position in the form of permitted development rights for a two-storey extension, single storey side and rear extensions and outbuildings. I accept that the fallback position is available.
20. I also accept that there is a greater than theoretical possibility that the fallback would be implemented should the appeal scheme be dismissed. It is therefore a material consideration in the assessment of the proposal.
21. However, for significant weight to be afforded to a fallback position there needs not only to be a real possibility of it being carried out, but it would also need to be equally or more harmful than the appeal scheme.
22. While I note that permitted development rights could be utilised to extend the existing property, restrictions would mean that the overall depth would be reduced, and the result would therefore not be as bulky as the appeal scheme. I also acknowledge that large outbuildings could be erected close to neighbouring boundaries, but this is unlikely to be a practical in order to provide the supported living accommodation that is proposed as part of this scheme. I therefore find that the appeal scheme would be more harmful than the fallback position.
23. Consequently, for these reasons considered cumulatively, the fallback position carries no weight in favour of the proposal.
24. It is clear from the evidence provided by the appellant that there is a need for units of housing with care and that there is an increasing market interest in this sector. The ground floor is also proposed to be wheelchair accessible. The proposal would provide a small, but important contribution to this need which attracts significant weight in favour of the appeal. However, this is outweighed by the totality of harm caused as outlined in this decision.
25. I note that the appellant considers that the proposal would not constitute development under Section 55 of the Town and Country Planning Act 1990. However, the appeal before me is not a certificate of lawfulness to establish this, and in any case, on the basis of the reasons outlined there is insufficient information to establish this.
26. The Council have found that the proposal would contribute positively to the creation and maintenance of mixed and balanced communities and would provide adequate living conditions for future occupiers. While I have no reason to conclude otherwise, these are neutral matters.

Conclusion

27. For the reasons given above the appeal should be dismissed.

D Wilson

INSPECTOR