
Appeal Decision

Site visit made on 17 June 2025

by **L Regan MSc CMILT**

an Inspector appointed by the Secretary of State

Decision date: 03 July 2025

Appeal Ref: APP/G3110/D/25/3365036

48 Chilswell Road, Oxford OX1 4PJ

- 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 Nick Bampos and Johnathon Burton against the decision of Oxford City Council.
 - The application Ref is 25/00383/FUL.
 - The development proposed is a rear single storey side return extension and rear 1st floor extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect the proposed development would have on the living conditions of neighbouring occupiers at No 46 Chilswell Road, with regard to outlook and natural light.

Reasons

3. The appeal property is a mid-terrace house and is typical of the type of development in the surrounding area. No. 46 is the attached terrace unit to the north of the appeal property. There is an enclosed garden area to the rear of the appeal property and a fence along the property boundary between the garden associated with 46 Chilswell Road. There are ground floor windows serving habitable rooms in both properties immediately to the side of the fence.
4. The ground floor element of the extension would extend to the property boundary / existing fence line with No. 46 and impact more on the outlook of the rear ground floor window than is currently the case as it would be significantly taller.
5. I find that the scale and positioning of the ground floor extension would create an oppressive and tunnelling outlook when experienced from the affected room. This would be overbearing and result in significant harm for occupiers of No. 46.
6. Amongst other matters, Policy H14 of the Oxford Local Plan 2036, Adopted 8th June 2020, (the LP) is concerned with ensuring that new development results in existing homes being provided with reasonable daylight and sunlight. This

requires sunlight and daylight to be assessed using the 25° and 45° guidelines; there is no dispute that the proposal would fail to meet these.

7. The appellant considers that this test is onerous when compared to the Building Research Establishment (BRE) test. However, the BRE test is not the one which is the requirement of Policy H14. Furthermore, the use of any alternative test regarding sunlight and daylight would not address the harm arising from the impact on outlook.
8. I note that a sunlight assessment has been provided and that suggests that there is an existing 1st floor extension which already obscures the amount of light to the rear ground floor window of No. 46. However, that assessment does not distinguish between daylight and sunlight. There is no substantive evidence that there would not be a material loss of daylight to the ground floor window at No. 46.
9. Comparisons have been made between the appeal proposals and what could potentially be achieved under the extended permitted development rights. This requires a notification/prior approval process, the outcome of which, at this stage, is not certain. That scheme is not before me, and therefore I find this to have little weight in the determination of the appeal.
10. Access to the garden at No. 46 would not be directly affected and the proposed extension would have no effect on the main part of the neighbouring rear garden. This lack of harm is a neutral matter in the overall consideration of this appeal.
11. For these reasons, I conclude that the development would be harmful to the living conditions of neighbouring occupiers at 46 Chilswell Road with regard to natural light and outlook. Consequently, the proposal conflicts with Policy H14 of the LP which seeks to ensure new development provides reasonable daylight and sunlight for occupants of existing homes and does not result in an overbearing effect on existing homes.

Conclusion

12. The proposal would conflict with the development plan as a whole and there are no other material considerations which outweigh this finding. Therefore, for the reasons given, the appeal is dismissed.

L. Regan

INSPECTOR