



Appeal Decision

Site visit made on 25 June 2025

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 July 2025.

Appeal Ref: APP/G3110/D/25/3363950

34 Balfour Road, Oxford, Oxfordshire, OX4 6AQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by James Chirackal Jose against the decision of Oxford City Council.
 - The application Ref is 25/00169/H42.
 - The development proposed is demolition of existing conservatory and erection of 6.0 metre single storey extension.
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Decision

1. The appeal is allowed, and prior approval is granted for demolition of existing conservatory and erection of 6.0 metre single storey extension at 34 Balfour Road, Oxford, Oxfordshire OX4 6AQ in accordance with the terms of the application, Ref 25/00169/H42.

Procedural Matters

2. The Council has referred to a discrepancy between the submitted plans and the application form with regards to the proposed height of the extension. For the avoidance of doubt, I have assessed the proposal based on a maximum height of 3 metres, as set out on the application form.

Main Issue

3. There is no dispute between the parties that the proposed development would meet the criteria set out under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO), provided it would meet the conditions set out at paragraph A.4 of the GPDO. From the evidence before me, there is nothing to lead me to a different conclusion.
4. The main issue in this appeal is therefore whether prior approval should be granted when the proposed development is assessed against condition A.4 (7) of the GPDO with regards to the impact of the proposed development on the amenity of any adjoining premises. In this case, with particular regard to outlook and light.

Reasons

Outlook

5. The appeal property is a 2-storey end of terrace house set on a moderate sized plot. The house has a fairly long and reasonably wide rear garden. The existing

conservatory currently fronts the rear garden at ground level but would be removed as part of the proposal.

6. I saw on my visit that No. 36 Balfour Road, the house attached to the appeal property, has a similar sized garden, albeit slightly narrower due to it being a mid-terrace. It has a single storey rear kitchen extension, which is open to a living room in the rear part of the original house. The kitchen/living room is served by two windows and a half-glazed door, which front the rear garden. It also benefits from two small high-level side windows that face towards the neighbouring properties and a large skylight.
7. Most of the rear garden serving No. 36 Balfour Road is set slightly above the ground floor level of the house, with the exception of a small patio area positioned adjacent to the rear of the house. There is a canopy over the patio made up of a wooden frame and plastic roof. Together the lower level of the patio and canopy give this part of the garden a sense of enclosure. The canopy also partly restricts the outlook from the rear windows, in particular views of the sky.
8. The existing boundary treatment between the rear gardens of Nos 34 and 36 Balfour Road comprises a close-board fence set on a concrete base panel, which steps up with the rising level of the gardens. The section of fence, which projects past the rear elevation of No. 36 Balfour Road is slightly shorter than the top of the ground floor windows.
9. The proposed extension would be positioned close to the boundary with No. 36 Balfour Road. At 6 metres deep, it would run about a third of the depth of the rear gardens. However, only approximately half of the extension would project past the rear elevation of the single storey extension at No. 36 Balfour Road.
10. The submitted plans suggest that the boundary fence would be retained, which would screen the majority of the proposed extension. Given this, while the top of the extension would be visible over the fence and evident from the kitchen/living room and garden of No. 36 Balfour Road, it would not be excessively overbearing, unduly apparent or imposing. The difference in the overall outlook from No. 36 Balfour Road would be modest and any increase in the degree of enclosure to the patio would be limited. Neither change would be to a degree that it would result in any appreciable harm or reduction in the occupants' amenity.
11. Accordingly, the proposed extension would not harm the living conditions of the occupants of No.36 Balfour Road in this regard. As such, the proposal would accord with Policies H14 and RE7 of the Oxford Local Plan 2036 (2020) (Local Plan). These policies seek to protect the amenity of communities, occupiers and neighbours by, among other things, ensuring new development does not have an overbearing effect on existing homes. They are therefore material in this case.

Sunlight and daylight

12. The rear gardens of Nos. 34 and 36 Balfour Road face south-east and the proposed extension would be positioned to the south of No 36 Balfour Road.
13. I saw on my visit that the kitchen extension is a light and bright room. However, due to the depth of the space, the living room behind is appreciably darker. At the time of my visit, around noon, a lot of the natural light received by the kitchen came from the skylight.

14. It has been put to me by the Council that the proposed extension would breach the 45-degree line and the 25-degree uplift angle to both the rear ground floor window of No. 36 Balfour Road that lies closest to its boundary with No. 34 Balfour Road and the centrally positioned rear door. Nevertheless, although this would reduce the amount of daylight and sunlight received by these openings, the kitchen/living room would continue to receive daylight and sunlight from the ground floor window furthest from the boundary, as well as the skylight. In particular, the skylight would receive a large amount of sunlight during the afternoon, the time when the amount of sunlight being received by the other openings would be most compromised. I am therefore of the view that, despite the breaches to the 45-degree line and the 25-degree uplift angle, the kitchen/living room would continue to be provided with a reasonable amount of daylight and sunlight from the other openings.
15. The natural light received by the high-level side window facing the appeal property would be significantly reduced by the proposed extension. However, this window is fairly small and, as such, it does not provide the main source of light to the kitchen/living room. Any reduction of light through this window would therefore only have a limited effect on the overall amount of daylight and sunlight received by the kitchen/living room.
16. In terms of the rear garden of No. 36 Balfour Road, given the position of the proposed extension, the amount of daylight and sunlight received by the space during the afternoon would likely be affected, especially the patio area adjacent to the rear of the house. Nonetheless, the proposed extension would not be significantly taller than the existing boundary fence. Therefore, any additional overshadowing arising as a result would be limited and not to a degree that it would cause any appreciable harm to the living conditions of the occupants.
17. For the reasons above, the proposed extension would not harm the living conditions of the occupants of No. 36 Balfour Road. As such, the proposal would accord with Policies H14 and RE7 of the Local Plan. These policies seek to protect the amenity of communities, occupiers and neighbours by, among other things, ensuring development provides reasonable daylight and sunlight for occupants of both existing and new homes. They are therefore material in this case.

Other Matters

18. An interested party has raised concerns regarding the impact of the proposed development on the amenity of their property, in terms of privacy. While the address of the interested party is unknown, I am of a similar view to the Council that the proposal would not result in a loss of privacy. The proposed window and doors would all be positioned at ground floor level and would face towards the garden space and boundary fencing. I am therefore not of the view that unacceptable effects would result in this regard.

Conclusion

19. For the reasons set out above, I conclude that the appeal should be allowed, and prior approval should be granted.

Hannah Guest INSPECTOR