



Appeal Decision

Site visit made on 31 July 2025

by **Eleni Marshall BSc (hons) MSc FRICS FAAV MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 07 August 2025

Appeal Ref: APP/D3125/D/25/3365914

10 Hensington Close, Woodstock, Oxfordshire OX20 1LZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr & Mrs L Montanino against the decision of West Oxfordshire District Council.
- The application reference is 25/00074/HHD.
- The development proposed is demolition of existing garage, conservatory and rear single storey building and construction of side/rear extension.

Decision

1. The appeal is allowed, and planning permission is granted for demolition of existing garage, conservatory and rear single storey building and construction of side/rear extension at 10 Hensington Close, Woodstock, Oxfordshire OX20 1LZ accordance with application ref: 25/00074/HHD and the plans submitted with it subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans and documents: proposed plans and elevations (M2402/22 Rev A) and proposed roof plan, side and rear elevations, site location plan and block plan (M2402/23 Rev B);
 - 2) The external materials used within the development hereby permitted shall match those of the existing building unless where specifically stated within the application forms or as labelled on the approved plans. The materials will be maintained for the lifetime of the development and any changes shall be submitted to, and approved in writing by, the Local Planning Authority;
 - 3) Notwithstanding the provisions of Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order with or without modification) no development permitted under Schedule 2, Part 1, Classes A, B, C or D (in so far as it applies to rear porches) shall be carried out without the prior written approval of the Local Planning Authority;
 - 4) The extension hereby permitted shall not be occupied until the first floor, side, window in the (master) bedroom has been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the Local Planning Authority before the window is installed and once installed the obscured glazing shall be retained thereafter.

Procedural Matters

2. Contrary to the application form I find that the application is made on a part-retrospective basis in so far as, as confirmed by the Council and as seen at the time of my site visit, the existing garage had already been almost entirely demolished (apart from the front wall/door). This is of relevance to the application of a time condition, as suggested by the Council, in the event the appeal is allowed and is discussed further with regard to conditions as required.

Main Issue

3. The main issue is the impact of the proposal upon the character of the original dwellinghouse.

Reasons

4. The appeal site is a semi-detached property with planning permission being sought for the demolition of the existing garage, conservatory and single storey building and the erection of a two-storey side/rear extension. I note, from the submission documents and my site visit, that works to demolish the garage have already been completed and in that regard the application is made from a part retrospective basis as confirmed in procedural matters above.
5. The proposal would result in a two-storey extension where the existing, single storey flat roofed, garage was located. The proposal would span the entire depth of the original property projecting further past the existing rear elevation as can be seen from the proposed plans. The proposed footprint of the extension would have a width in the region of 4.8 metres and depth in the region of 10.7 metres with an eave height in the region of 3.8 metres and overall height, to the ridge, in the region of 6.8 metres. In addition, I note there would be further works to the front elevation as a result of a front porch which would project beyond the front elevation of the host property with a footprint in the region of 1.2 metres by 2.5 metres, respectively.
6. At the time of my site visit I parked on Shipton Road and walked round and up to the appeal site along Hensington Close. On this approach the appeal site is forward of the adjacent building to the south which means that the side elevation of the property is prominent from within the street scene due to this positioning. The side elevation of the proposed extension would, therefore, be visible within the street scene when travelling up Hensington Close.
7. Whilst the proposal would be substantial in footprint taking into account the host dwelling, I do not find that this would result in the proposal failing to read as a subservient addition. The West Oxfordshire Design Guide 2016 (the Design Guide) is noted to advise that an extension or accumulation of extensions which would double, or more than double, the existing volume is unlikely to be supported. This does not, however, categorically confirm that such proposals would automatically be refused but they are unlikely to be supported. I find this infers a consideration of each case on its own merits on a site-by-site basis against the overarching objective of the Design Guide. That objective is to ensure that proposals appear subservient and that the primacy of the host property should not be lost or eroded.
8. Taking this into account I find that when viewed from the front elevation the set down in both eave and ridge height is sufficient for the proposal to read as an extension to the host dwelling as well as being legible as such from the rear

elevation. The primacy of the host property, and the balance of the semi-detached pair, would be retained. Whilst I appreciate the proposal would be at notable depth and taking into account the double pile formation with the hipped element between and the high-level flat roof, I do not find the proposal to represent poor design nor be a contrived and incongruous addition. The proposal is acknowledged to be large; however, I find there would be clear visual distinctions and design elements which allow the proposal to be clearly viewed as an addition and that the proposal would maintain the visual balance of the semi-detached pair.

9. The Council's delegated report refers to the proposal being highly visible on the street scene and one which would have a negative impact in regard to visual amenity, however, this has not been carried through to the wording of the final refusal reason (which refers to an incongruous addition in relation of the character of the host dwelling and the footprint of the original dwelling house only). Notwithstanding this I have considered the proposal in the context of the street scene, as outlined above, and whilst I acknowledged the proposal would be visible due to its positioning forward of adjacent development I do not find that the proposal would create an incongruous addition which would have a negative impact in regard to visual amenity nor that its siting, design, massing and scale would create an incongruous addition that is not in keeping with the character of the host dwelling.
10. Overall, the Council's reasoning as to the unsuitability of the proposal in the context of the street scene and immediate vicinity is limited within their delegated report. The appellant has provided numerous examples of extension/extensions within the vicinity of the appeal site which I was able to see as characteristic and part of the street scene during my site visit in and around Hensington Close. Whilst many of the houses within the vicinity of the appeal site show some consistency in design, as a form of inter-war dwelling, it is evident that a number have been extended within the overall large plots to create additions and alterations which now contribute to the character and appearance of the area with the vast majority of properties having been extended or altered. I find that this has, therefore, created variety and in some cases has impacted upon the primacy of the host property it terms of it having been lost or eroded. By comparison I find that the proposal before me would be appropriate at least in its step down from the eave and ridge as being able to be visually differentiated from the original host dwelling and its relationship with the semi-detached dwelling adjacent.
11. The Design Guide contains guidance as to extensions and alterations for domestic properties. I acknowledge that no property can accommodate endless enlargement, however, I do not find that the proposal would fundamentally compromise aspects of the host dwellings original character and design and as acknowledged within this document there is no fixed rule for the extent to which a property can be successfully enlarged, every property is different. In this case I find that the extension would remain clearly secondary and visually subservient to the host property and adjacent semi-detached dwelling and the primacy of the original property would not be eroded or lost all together (as has perhaps happened with other examples of extensions within the street scene). I am therefore satisfied that the proposal is consistent with the overarching objectives and guidance set out.
12. The proposal would be consistent with West Oxfordshire Local Plan Policy OS2 which requires development to be proportionate and appropriate in scale and

should form a logical compliment to the existing scale and pattern of development and should relate well to the character of the area. The proposal would also be consistent with Policy OS4 which requires new development to respect the locality, contribute to local distinctiveness and where possible enhance the character and quality of the surroundings and should demonstrate a high quality, inclusive and sustainable design and paragraph 135 of the National Planning Policy Framework 2024 which seeks to ensure that developments will function well and add to the overall quality of the area as well as being sympathetic to local character including the surrounding built environment while not preventing or discouraging appropriate innovation or change.

Other Matters

13. The appellant's statement of case makes reference to the Council having referred to 5 Hensington Close as an example of a good extension, however, there is no reference to this property within the delegated report that is before me.
14. I note that the Council's delegated report makes reference to residential amenity of occupants of no. 8 (Hensington Close), however, this has not been carried forward into a formal reason for refusal within the decision notice. The proposal would be set in from the boundary and based upon my site visit, the plans before me and the two-storey projection to the rear of no. 8 I do not find that there would be impact upon neighbouring residential amenity, with regard to overbearingness, to support refusal on such a basis.
15. The extension would, however, result in a window serving the master bedroom (as labelled) on the first floor facing towards the adjacent garden of 12 Hensington Close. The window would be a secondary window for the bedroom in question, and I consider it necessary to control via condition the opening of that window, combined with obscured glazing to some extent, to mitigate any sense of perceived or actual overlooking into the amenity area of the adjacent dwelling at no. 12. As a secondary window users of the bedroom would still have an appropriate outlook and access to natural light alongside such controls to protect neighbouring amenity.

Conditions

16. The Council has suggested four conditions in the event this appeal is allowed. The first is a time condition requiring the development to commence not later than three years from the date of this decision, however, as confirmed earlier within this decision the application is made on a part retrospective basis, so the development has already commenced. For this reason, I have not included the standard time condition as part of this decision.
17. A condition requiring the materials to be used in the construction of the external surfaces of the development permitted to match those in the existing building is required to ensure an appropriate finish consistent with the host dwelling. This is consistent with the application form whereby the appellant confirms materials to match the host dwelling. A condition requiring the development to be in accordance with the approved plans is required to control and define the development which is granted consent.
18. I note that the Council has stated that they consider a condition justified to remove permitted development rights for further extensions (including rear porches) and outbuildings and pools to the rear of the host dwelling in order to avoid the loss of

additional amenity areas as to remove PD rights for any roof alterations/extensions that would give rise to increased bedrooms and so demand for amenity space. The Council has suggested removal of class A (enlargement, improvement or other alteration of a dwelling house), class B (additions etc to the roof of a dwelling house), class C (other alterations to the roof of a dwelling house), class D (porches) (except porches to doors on the front elevation) and class E (buildings etc incidental to the enjoyment of a dwelling house) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GDPO).

19. As I have acknowledged, above, albeit I consider the proposal appropriate it is not insubstantial in scale. Given the potential for cumulative development in the context of the original dwelling, beyond the control of the Council with such permitted development rights, I consider it reasonable to apply a condition restricting class A, B, C and D (rear porches only) of the GDPO respectively to that which would require approval of the Council. This would make the development acceptable in planning terms in terms of potential cumulative development via permitted development in the absence of such a condition.
20. I do not find it is justified to remove class E on the basis of amenity space as is the reasoning set out by the Council. Based upon the plans that are before me I do not find that the proposals would so significantly reduce the amenity area associated with the appeal site which, from the plans before me, would remain a good size usable space even as a larger family home. The amenity space and overall appeal site is comparable to, if not slightly larger, than the number of examples of infill and extensions as demonstrated by the plans within the appellant's statement of case and I have no evidence to suggest, for example, that the Council has removed rights off other properties which have benefitted from extensions and alterations of this nature. I do not, therefore, find that removal of class E would be necessary to make the development acceptable in planning terms nor fairly and reasonable related in scale and kind to the development. It would, therefore, fail to meet the tests set out within paragraph 58 of the Framework.
21. A condition requiring submission and approval of final details for obscure glazing of the side window (first floor (master) bedroom) is required to secure details prior to installation in order to mitigate any sense of perceived or actual overlooking into the amenity area of the adjacent dwelling at no. 12 along with controls as to opening for the same reasoning.

Conclusion

22. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be allowed subject to conditions.

Eleni Marshall

INSPECTOR