



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: 12 August 2025

Appeal Ref: APP/G3110/D/25/3366447

67 St Luke's Road, Oxford, Oxfordshire OX4 3JE

- 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 and Mrs T Mera against the decision of Oxford City Council.
 - The application reference is 25/00398/FUL.
 - The development proposed is erection of a first-floor side and rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have utilised the Council's description of the development as per the decision notice as I feel it more concisely/correctly describes the development.
3. The first refusal reason is related to design, scale, mass and proximity to the boundary in conjunction with the existing side extension with regard to the character of the street scene, the prevailing pattern and grain of development and visual amenity. I find that this is broadly similar in terms of key issues as the second refusal reason which relates to visual amenity and character of the area. In addition, the Local Plan policy referred to within both refusal reasons (Policy DH1) is also the same. In that regard I would confirm that I have dealt with the first two refusal reasons in the context of the proposal as the first main issue.

Main Issues

4. The main issues are the impact of the proposal upon i) the character of the area, the prevailing pattern and grain of development in the area, visual amenity and street scene and ii) neighbouring residential amenity with regard to loss of daylight and sunlight and overbearing impact.

Reasons

Character of the area, development in the area, visual amenity and street scene

5. The appeal site is a semi-detached dwelling located on the southwestern side of St Luke's Road which is characterised by semi-detached houses which share general design characteristics as well as it being a notable characteristic feature of the area that there are clear gaps between the pairs of houses. Whilst these gaps are acknowledged to vary within the street scene they are, none the less, distinguishable as providing clear visual gaps between the pairs of dwellings within the street scene. At the time of my site visit I noted that there are a number of single and two storey extensions to dwellings within the vicinity of the appeal site.

Most notably, however, there are no examples of pairs of two storey extensions which are sited immediately adjacent to one another, creating a terracing effect, as would be the outcome of the appeal proposal combined with the existing two storey extension at 65 St Luke's Road (no. 65).

6. The principle of two storey developments is not, in itself, determinative of the appeal that is before me. I accept examples, noted by the appellant, of two storey extensions having been allowed along St Luke's Road as provided for within the appellant's statement of case and the supporting information and examples evidenced. Two storey extensions in isolation are not uncharacteristic – but their proximity to each other in this case, would be. The immediate setting of the appeal site, and adjacent/cumulative, development is a key consideration within this appeal and a part of the basis for refusal for the reasons set out.
7. At the time of my site visit I noted an existing two storey extension on the adjacent property at no. 65 which has, to an extent, already partially closed the characteristic gap between the pair of semi-detached dwellings. The appeal property already benefits from a full width single storey rear extension but, ultimately, the characteristic gap between the properties is still legible albeit reduced as a result of the two-storey extension at no. 65. The proposal would result in a two-storey extension immediately adjacent to the boundary and the two-storey side extension at no. 65 – this would, visually, remove the gap and prevent clear views between the two properties which is a characteristic of St Luke's Road.
8. As set out, above, there does not appear to be any other examples along St Luke's Road of adjacent two storey side extensions which I find would create a terracing effect. The proposal would result in enclosure of the characteristic gap between the pairs of semi-detached dwellings and although the visual impact would be limited to a small area and views within the immediate vicinity I find that this would be an alien and uncharacteristic feature (the terraced effect) which would be harmful to the prevailing pattern and grain of development in the area, appearing as an alien and discordant element in the street to the detriment of visual amenity. The result would effectively be a block of four dwellings visually presenting as a row – which would be entirely alien.
9. I acknowledge that there would be some set back, and set down, in the context of the host dwelling itself meaning that the proposal would be legible as an extension to the host property in terms of the principal elevation and overall ridge height. This itself would likely be consistent with the overarching objectives and guidance set out in the Council's Planning Design Guide 2 – Side Extension in isolation. Despite this the overall bulk and scale would also be coupled with a partly flat roof design at first floor level which would be visually jarring and incongruous as a form of development which would be unacceptably harmful to the visual amenity and character of the area. In the context of the character and appearance of the area, and the street scene of St Luke's Road, the proposal would be incongruous, in terms of overall design and combination of roof forms.
10. The appellant has submitted a copy of the approval for 23/01888/FUL which granted permission for the erection of a part single part two storey side and rear extension at the appeal site in October 2023. The proposal within that approval and the existing side extension at no. 65 was acknowledged to result in a loss of views between the properties, however, the rationalisation of the flank wall, set back at the first floor from the elevation and reduced width of the side extension

was considered to allow residual views and separation between the two side extensions allowing them to read as what they would be – two separate extensions, rather than part of a terrace of four houses. The proposal which was approved allowed a gap in the region of 0.95 metres to prevent an unacceptable terracing effect from occurring which is not the case with the appeal that is before me.

11. Based upon the plans before me, provided by the appellant as part of that previous approval, the proposals are not comparable and furthermore, based upon the floor plans, I find that the current proposal appears contrived following the boundary line at an angle completely filling the width of the plot which was not the case with the previous approval which left a clear gap and prevented the terracing effect which would occur with the current proposals. 23/01888/FUL is, as previously noted by the Council, the likely maximum that the property could be extended without causing undue harm such as that identified within the assessment of this appeal.
12. I do not find that the Council has misinterpreted or misapplied its own planning policies and, for the reasons I have set out, I find that the refusal is justified. Whilst 24/01119/FUL (single storey side and rear extension) approved development towards the boundary, in principle, the addition of a first floor above part of this already approved ground floor extension is unacceptable for the reasons outlined. The retention of a gap in the region of 0.95 metres (23/01888/FUL) was, and is, required to prevent the unacceptable terracing effect from occurring as identified.
13. I acknowledge that single storey development has been allowed, by the Council (24/01119/FUL), however, as seen at the time of my site visit and from the plans which are provided with the appellant's statement of case, a single storey development would not result in the same impact which I have identified with regard to terracing effect and closure of the characteristic gaps between the pairs of dwellings. In addition, and notably, I note from the information before me that application 24/00115/FUL was refused for similar development as was 21/01097/FUL (stated by the Council to also have been dismissed at appeal previously) albeit details of this have not been included with this appeal.
14. The second refusal reason also refers to the first floor rear extension due to the angular shape and partly flat roof design at first floor level is also acknowledged and whilst I note the appeal site has a distinctive wedge shape form I do not find that this means that built form should necessarily follow the shape of the site boundary nor that efficient use of land should be at the cost of good design or impact upon residential amenity as I have outlined. Visual clutter and confusion of roof forms would contribute to the overall harmful impact. Whilst some elements of the proposal are acknowledged to not be visible, or be of limited visibility, from the street scene, it should be kept in mind that character and appearance are separate matters and that a lack of visibility does not therefore follow that there would be no impact upon the character of the host dwelling itself nor the wider area. The first-floor flat roof extension would be incongruous in its own right and would be inappropriate in the context of the character of the host dwelling with a traditional pitched, hipped, roof form. The inappropriateness of the design is not diluted as a result of the scale of this particular element.
15. The single storey extension approved in 24/01119/FUL was approved due to the fact that the extension was replacing a, when viewed from the street scene, flat roof garage to the side. The presence of flat roofs in the area are not uncharacteristic, however, in this case the combination of roof elements including the flat roof would

- be incongruous and visually awkward. The absence of similar development can constitute grounds for refusal insofar as the proposal is entirely uncharacteristic for the area – in being uncharacteristic and, as outlined, resulting in a terracing effect the proposal would be inappropriate, incongruous and alien in the context of the street scene and the surrounding built form with which it would share views.
16. Overall, I acknowledge the diverse character of the local area as well as the varied forms of extensions and alterations. The principle of a two storey extension could be acceptable as demonstrated by the site history, however, each case must be considered on its own merits and in the case before me, it is critical that there are no examples of two storey proposals of the nature within this appeal which would ultimately result in a terracing effect which would be out of character and appear overly incongruous and visually jarring when viewed from within the street in front of the house. The proposal for immediately adjoining two storey side extensions would fail to reflect the prevailing character and grain of development and would be unacceptably harmful to visual amenity and character of the area.
 17. I note the appellant's assertion that the Council's assessment of harm is contradictory to their previous approvals of similar development both at the appeal site and throughout the street, however, for the reasons I have identified I do not find the previous approvals to be sufficiently similar or result in the same impacts which I find as sufficient to warrant refusal with this current proposal and furthermore there are no examples of two storey adjoining development which would justify the terracing effect which would result if this appeal was allowed.
 18. The proposal would be contrary to Oxford Local Plan 2036 (adopted 2020) (LP) Policy DH1 which seeks to grant permission for development of high quality design that creates or enhances local distinctiveness as well as paragraph 135 of the National Planning Policy Framework 2024 (the Framework), which requires that developments will function well and add to the overall quality of the area and are sympathetic to local character. The proposal would also be contrary to the guidance and objectives set out in the Oxford City Council Planning Design Guide 2 – Side Extension which seeks to ensure that pairs of semi-detached houses are not unbalanced by side extensions that are not subordinate to the existing houses. The proposal would unbalance pairs of semi-detached dwellings by way of a terracing effect as a result of two adjoining two storey side extensions as outlined.
 19. Overall, the proposal is not one to be considered in a planning balance. Whilst the proposals positive points of note, as listed by the appellant, are acknowledged, the starting point for determination is the Local Plan in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and based upon the relevant Local Plan policies and material considerations such as the Design Guide, I find the proposal is unacceptable and would not result in high quality design and this itself if not overridden by what the appellant considers to be efficient use of land.

Neighbouring residential amenity

20. The appeal proposal would directly adjoin the boundary at the adjacent property (no. 65). The height, depth and proximity to the adjacent garden would result in the proposal resulting in an unacceptable overbearing and overshadowing impact to the garden area at no. 65. At the time of my site visit I entered the adjacent property and stood adjacent to the boundary line, and I find that the proposal would result in an enclosing form of development, at two-storey in height, immediately

adjacent to the boundary. I find that this proposal would result in a means of enclosure above that which would be reasonably expected with, for example, a boundary fence and would result in a tall, deep, expanse of brick wall sited immediately on the boundary which would be combined with the orientation of the property resulting in loss of direct sunlight most notably associated with summer evenings which would exacerbate the impact when such outdoor areas and private amenity space would be more heavily utilised.

21. The extension would be situated to the west/northwest of the rear elevation of no. 65. Any loss of sunlight would be restricted to a small part of the day, so this would still result in harm albeit limited. This would, however, be combined with a full height, two-storey, wall along the boundary in close proximity to the rear elevation of the neighbouring property. I do not find that the extension would be positioned adjacent to an existing two-storey extension. From my site visit, and the plans that are before me, the proposal would project along the boundary adjacent to the garden area of no. 65 which would result in an unacceptable impact upon neighbouring residential amenity.
22. By virtue of height, depth and proximity to the boundary the two-storey side and rear extension would result in an oppressive and overbearing outlook harmful to the occupiers of no. 65. This would then be combined with harm, albeit limited harm, in terms of daylight and sunlight meaning that the proposal would overall be contrary to LP Policy H14 which confirms that planning permission will only be granted for new development that provides reasonable daylight and sunlight for occupants of both existing and new homes and that the permission will not be granted for development that has an overbearing impact/effect on existing homes.
23. The proposal is acknowledged to pass in the context of the 25 degree line from the upper floor window in that the line would pass above the proposed extension indicating no unacceptable loss of light in the context of that window, however, this is separate to the assessment of and consideration with regard to loss of sunlight in the context of the garden as set out by the Council and as acknowledged within my assessment of the proposal outlined above. Even if I had agreed that the proposal was acceptable with regard to both daylight and sunlight, the latter being of more limited impact, the proposal would still have failed due to my findings as to oppressive and overbearing impact, and impact upon outlook, as a result of the proposal's proximity to the boundary and its implications for views from within the neighbouring property as well as within the garden area as I have set out.
24. The absence of objection from neighbouring residents in a neutral consideration and whilst I acknowledge that both national and local policy emphasises the importance of supporting sustainable development and efficient use of land this does not override the importance of providing high quality developments which is appropriate to the amenity of adjacent occupiers.

Other Matters

25. I note that the appellant refers to the approval at 65 St Luke's Road (22/00557/FUL) as a basis for two storey development being acceptable in the context of residential amenity. The appellant has included a copy of the plans approved as part of the neighbouring planning permission, however, the first-floor infill extension on the adjacent property was contained entirely between the original side wall and the return wall of the existing side extension. As a result of this there

was considered to be no loss of light or creation of an overbearing effect to any adjoining occupier from this element – I do not find, therefore, that the proposal is comparable to the assessment which must be made in the context of the proposals that are before me.

26. Again, examples from 39 and 35 St Luke's Road are noted, respectively, but neither of these result in the same impact nor terracing effect which I have identified with the appeal proposal which is the same which is before me. I accept that two storey side extensions, in isolation, are not uncharacteristic but the combination of two extensions side by side as outlined is the key determinative factor which results in the proposal being considered unacceptable as set out.

Conclusion

27. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Marshall

INSPECTOR