



Appeal Decision

Site visit made on 28 August 2025

By G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2025

Appeal Ref: APP/G3110/D/25/3368999

133 Edgeway Road, Oxford, OX3 0HF

- 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 Jeff & Kay Lidgard against the decision of Oxford City Council.
 - The application Ref is 25/00666/FUL.
 - The development proposed is the erection of single storey link extension from dwellinghouse to garage & conversion of garage into habitable space with formation of front dormer at first floor level.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of single storey link extension from dwellinghouse to garage & conversion of garage into habitable space with formation of front dormer at first floor level at 133 Edgeway Road, Oxford, OX3 0HF in accordance with the terms of the application, Ref 25/00666/FUL, subject to the conditions set out in the accompanying Schedule.

Main Issues

2. These are the effect of the proposals on (a) the character and appearance of the host property and its surroundings, and (b) on the living conditions of the residents of the neighbouring residents at 126 Ferry Road with reference to sunlight, daylight and visual impact.

Reasons

3. The appeal property is a modestly sized brick-built detached dwelling standing at the western end of Edgeway Road. It is separated from what is described as its garage, although already converted to living accommodation under a previous permission, which is a single storey structure extending from the rear of 135 Edgeway Road. About half of the single storey structure is in the ownership of No 135. The intention is to link the main dwelling to the garage by means of an infill single storey extension, to use the garage as living space with accommodation at first floor level, with illumination and additional internal height being provided by means of a dormer window.
4. The Council's objection on design grounds is directed solely to the dormer, which it considers unusual, surprising and visually incongruous, drawing attention to the former garage structure which, in the Council's view, should be read as a secondary and subservient addition. Further it is said that the insertion of the dormer would distort the character and appearance of the dwelling and unbalance it.

5. I saw that Edgeway Road, which is reasonably lengthy, contained a variety of built forms of differing ages including semi-detached and detached dwellings, bricked terraces and relatively modern flats. One of its main characteristics is the variety of designs on display which contribute significantly to the visual interest of the street. Throughout I saw examples of protruding glazed features and glazed roofed features, including a large dormer in the roof of a dwelling just a few doors away from the appeal property. Regarding the latter, the Council say that it should not be treated as a precedent since it was not granted planning permission when inserted some years ago. I note however, that no enforcement action was pursued, and it now contributes to the street's character.
6. To my mind, the Council has exaggerated the effects of the proposed dormer. It is relatively small-scale occupying about half the surface area of the single storey protrusion's roof. It would be set at a low level relative to other glazed features in the street. It may be an unusual feature at such a low level, but it would add to the variety of built forms in the street without detracting from its character and appearance. I do not therefore regard it as objectionable.
7. I conclude that the proposed development would sit acceptably in its visual context without harming the character and appearance of the host property or its surroundings thus maintaining local distinctiveness. Accordingly, no material conflict would arise with the provisions of policy DH1 of the Oxford Local Plan (LP), when read in conjunction with the relevant aspects of Appendix 6.1, including those sections directed to responding to site character and context, and the design and alteration of buildings.

Living conditions

8. The rear wall of the proposed link extension would run along the boundary shared with what the Council describe as 'the newer house'. This is a reference to No 126 Ferry Road, a relatively new detached dwelling built as infill. The boundary is currently occupied by a fence, topped by a trellis, which is heavily planted. The intention is to limit the height of the proposed wall on the boundary to 2m, to which the Council has no objection.
9. However, the top of the extension's flat roof would be built at a higher level, and judging from the plans, this would be higher than the top of the fence - at about the same level as the garage's eaves. It is the overall height of the roof which has drawn the Council's objection.
10. My attention has been drawn by both parties to a previous planning permission¹ affecting the site, which also included a single storey extension linking the main dwelling to the garage. This had an asymmetrical pitched rather than a flat roof, with the ridge line being markedly higher than the level of the flat roof proposed now. Whilst this permission has expired, it attracts some weight given that the two parties rely on it, albeit for different reasons, and it forms part of the recent planning history.
11. The Council has not adequately explained how the extension could materially affect the current level of sunlight and daylight entering 126 Ferry Road given the presence of the boundary fence and the two storey structures in close proximity at 133 & 135 Edgeway Road. Moreover, the extension would be sited to the north of

¹ Ref 18/01845/FUL, dated 2 October 2018.

No 126. The roof's height would also be lower than the height of the ridge of the extension previously approved. Any effect on the level of sunlight or daylight entering No 126 or its garden would be minimal and not such as to prove harmful.

12. In assessing visual impact on No 126's residents the Council has paid little or no regard to the form and height of the extension it previously approved, despite referring to it for other reasons. The Council is therefore inconsistent in this respect. To my mind, taking account of the height of the existing boundary fence and the development previously approved, the outlook from No 126 both internally and externally would not be so affected as to prove harmful, and the proposal if built, would not therefore have an overbearing effect.
13. I conclude that the development would not materially affect the living conditions currently enjoyed by the residents of 126 Ferry Road with reference to sunlight, daylight or visual impact. Accordingly, no conflict arises with the provisions of LP policy H14 designed to protect the amenities enjoyed by the residents of existing homes.

Conditions

14. The Council has suggested the imposition of several conditions in the event of planning permission being granted.
15. It is necessary that the development is carried out in accordance with the approved plans, and a condition to this effect is therefore imposed in the interests of certainty.
16. A condition in respect of materials is imposed in the interests of visual amenity.
17. In the interests of protecting neighbouring privacy, a condition restricting future permitted development rights shall be imposed, albeit in a modified form.
18. The Council's proposed condition on surface water drainage to my mind lacks precision and contains a requirement to conform with the Building Regulations, in certain circumstances, which appears to me to conflict with national policy contained in Planning Practice Guidance. However, a condition in respect of drainage shall be imposed in the wider interests of helping to prevent or minimize local flooding having regard to the provisions of LP policy RE4.

Other matters

19. All other matters raised have been considered and taken into account, and I have considered the representations made by the residents of 135 Edgeway Road. The protection of property values is not a material planning consideration; No 135's front garden is already open to the public's gaze and is not therefore private, and the adequacy of fire prevention measures is a matter for Building Regulations.
20. I have into account the references to the *National Planning Policy Framework*. No other matter is of such strength or significance as to outweigh those considerations that led to my conclusions.
21. Accordingly, the appeal is allowed, subject to conditions.

G Powys Jones

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 257-80; -90; -100; -105; -110; -115; -120; -125; -200; -205; -210; -215; -220; -225; -230; - 235; -240; -245; -250 & -255.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be those specified in the approved drawings and submitted documents or shall otherwise match those of the existing dwelling.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (as amended) no additional windows, doors or openings shall be inserted in the rear elevation of the extension hereby permitted.
- 5) Before the extension hereby permitted is roofed a scheme of surface water disposal in respect of the additional hard surfaced areas created shall be submitted to the Council for its approval in writing. The scheme shall have regard to the principles of Sustainable Drainage and shall be completed in accordance with the approved details no later than 2 months following the occupation of the additional accommodation hereby permitted.