



Appeal Decision

Site visit made on 15 October 2025

by R Cahalane BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 November 2025

Appeal Ref: APP/C3105/W/25/3368862

63 Sandford Green, Banbury, Oxfordshire OX16 0SB

- 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 Mr Jamil Ahmed against the decision of Cherwell District Council.
 - The application Ref is 24/02692/F.
 - The development proposed is part single/double storey rear extension and first floor side extensions to facilitate additional 1 studio flat and reduction of 2 existing 2 bed flats to 1 bed flats.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed first floor side extension and external stairway on the living conditions of the occupiers of No 62 Sandford Green, with particular regard to privacy, outlook and light;
 - the effect of proposed single storey rear extension on the living conditions of future occupiers of the proposed Flat 1 and Studio 1, with particular regard to outlook and light;
 - whether the overall proposal would provide acceptable living conditions for all its future occupiers, with particular regard to internal living space, and;
 - the effect on the character and appearance of the surrounding area.

Reasons

Living conditions – No 62 Sandford Green

3. The appeal site (No 63) comprises a two-storey semi-detached property. It is sited on slightly higher land level than the neighbouring residence of No 62, which is sited at a right angle to No 63. The side elevations of No 63 contain openings at ground and first floor levels facing No 62.
4. The proposed first floor side extension would include removal of an existing first floor side window and a ground floor side entrance door. However, an external stairway to a new first-floor side entrance is also proposed. No 62's first floor side elevation window is obscure glazed. However, the proposed stairway would allow for views towards No 62's private garden area and ground floor side windows at closer proximity than the window and door to be removed.

5. The proposed stairway would partially restrict views from an existing ground floor side elevation window, and the first floor window directly above that window would remain. Overall, the proposed stairway would still lead to a materially greater degree of overlooking towards No 62 that would be harmful to the living conditions of this neighbour. The proximity of the proposed external staircase to the boundary with No 62's garden would also form an imposing and oppressive structure when viewed from No 62.
6. The existing form of the tree within the grounds of No 62 would not sufficiently restrict views from the proposed stairway. In any event, there is no evidence before me that this tree is protected by Tree Preservation Order or other statute.
7. I therefore conclude that the proposed external staircase conflicts with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 (CLPP1) (adopted 2015) and Saved Policy C30 of the Cherwell Local Plan (CLP) (adopted 1996). Collectively, these policies require, among other things, new development to deliver healthy places to live in and provide acceptable standards of privacy and outlook.
8. The proposed first-floor side extension would be sited behind the external stairway. It would therefore be further away from No 62's windows and garden area, as the properties are orientated at a right angle to each other. This separation distance is sufficient to avoid adverse impact on No 62 in terms of outlook and light.

Living conditions - Flat 1 and Studio 1

9. The proposed single storey rear extension would project at significant additional depth beyond the bedroom window of the proposed Flat 1. This projecting form would be in very close proximity to this window. The resultant impact on the outlook of this bedroom window would therefore be unacceptably oppressive. This projecting built form would also lead to some additional loss of morning sunlight to this bedroom window, which would be particularly harmful during wintertime. Future occupants of Flat 1 would therefore have insufficient living conditions in terms of outlook and light.
10. In these respects, the proposed single storey rear extension would conflict with Policy ESD15 of the CLPP1 and Saved Policy C30 of the CLP. These policies require, amongst other things, new development to deliver healthy places to live in, and consider the amenity of existing development including matters of outlook and natural lighting.
11. By comparison, the proposed built form beyond the window to serve the living space of Studio 1 would not be as significant. Sunlight impacts would be during mid-afternoon periods and would thus be less acute during wintertime. Future occupants of Studio 1 would therefore be provided with acceptable living conditions.

Internal living space

12. Based on the submitted plans, the existing accommodation within No 63 comprises two 2-bed flats, and what is described as a bedsit which is a further self-contained residential unit with open-plan living and bedroom area. The appeal proposal would necessitate reconfiguration of all three existing self-contained units.

13. The Council refers to the Nationally Described Space Standards¹ (NDSS) as superseding its own informal guidance on the subdivision of buildings for residential use. The NDSS does not form a requirement of the development plan. However, Policy ESD15 of the CLPP1 requires, among other things, new development to deliver healthy places to live in and to consider the amenity of existing development including matters of indoor space. I therefore consider the NDSS to form a relevant consideration in the determination of this appeal.
14. The floorspace of the proposed additional unit² would be significantly below that as set out in the NDSS. This additional unit would necessitate remodelling of the existing 2-bed flat on the first floor to provide a 1-bed studio unit (Flat 2). The resultant floorspace of Flat 2 would also be significantly below that as set out in the NDSS, despite the reduction of a bedroom.
15. I therefore conclude that future occupiers of Studio 2 and Flat 2 would not be provided with acceptable living conditions in terms of internal living space. In these respects, the proposal is contrary to Policy ESD15 of the CLPP1, the relevant requirements of which are already set out above. There is also conflict with Saved Policy C30 of the CLP which requires new housing development, extensions and conversions to provide acceptable standards of amenity.
16. Whilst the proposed extension to the existing bedsit would provide extra internal living space, this would still be significantly below the minimum floorspace as set out in the NDSS. The floor area of the existing ground floor flat that is in front of the bedsit would not materially increase. These elements would therefore not provide a sufficiently better quality of life for future occupiers in terms of internal living space to justify allowing the appeal.

Character and appearance

17. No 63 is at a street corner, as it is part of a group of buildings facing a rectangular communal green area. The proposed extensions, being significantly set back from No 63's front elevation, would therefore be well secluded from public viewpoints. This setback would also avoid a cramped appearance in the streetscene. The significantly lower hipped pitched roof form to the side would appear subservient to No 63, and proposed use of matching brickwork and roof tiles would avoid a visually incongruous form of development. The extensions would therefore not harm the regimented layout of the area which forms part of its local distinctiveness.
18. The proposed residential units would no doubt be substantially smaller than many in the local area. However, when comparing the existing and proposed number and sizes of bedrooms, I do not envisage that the level of increased comings and goings would form an intensification of use that would amount to material harm to the character and appearance of the surrounding area.
19. I therefore conclude that the overall proposal would not harm the character and appearance of the surrounding area. In this respect, the scheme complies with Policy ESD15 of the CLPP1 and Saved Policy C28 of the CLP. Collectively, these policies require, among other things, new development to be sympathetic to the character of its urban context, support efficient use of land and respect the traditional patterns of plots and the form, scale and massing of buildings.

¹ Department for Communities and Local Government, published March 2015.

² Studio 2, as annotated on Drawing No 00-PR-FP-01 Rev P1

Other Matters

20. No 63 is not within a conversation area or the setting of a Listed Building, and the Government's flood map for planning shows No 63 to be exclusively within Flood Zone 1. The Local Highway Authority also raised no objection in consultation. The lack of harms in these respects are neutral factors that neither weigh in favour nor against allowing the appeal. It is also put to me that No 63's permitted development rights are intact. However, its layout as self-contained units mean that it does not have permitted development rights for the type of extensions proposed. A fallback position to justify allowing the appeal has therefore not been demonstrated.

Planning Balance

21. I have found no conflict with Policy ESD15 of the CLPP1 and Saved Policy C28 of the CLP in terms of the effect on the character and appearance of the surrounding area. However, I have found significant conflict with Policy ESD15 and Saved Policy C30 of the CLP in terms of the living conditions of No 62 Sandford Green and future occupiers of the proposed Flat 1, Flat 2 and Studio 2. I therefore conclude that the proposal is contrary to the development plan as a whole.
22. The Council advises that it cannot demonstrate a five-year housing land supply, as its current supply is 2.3 years. I view this to be a substantial undersupply. Thus, the approach set out in paragraph 11d) of the Planning Policy Framework (the Framework) applies.
23. There is nothing before me to indicate that the policies in footnote 7 of the Framework are relevant in this case. Hence, the balance in paragraph 11dii is applicable. This states that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to specified key policies.
24. A net increase of one residential unit as proposed would make a small contribution to the District's housing supply. This would form a windfall delivery within Banbury and an efficient use of previously developed land that is supported by Policies BSC1 and BSC2 of the CLPP1, and Paragraph 129 of the Framework.
25. The proposal includes a covered cycle shelter and is within convenient and safe walking distance to local shops and facilities, and a bus service to wider services in Banbury town centre. This is supported by Framework paragraph 110 as it states that the planning system should actively manage patterns of growth in support of objectives identifying and pursuing opportunities to promote walking, cycling and public transport use.
26. Small sites such as No 63 can cumulatively make important contributions to meeting the housing requirement of an area. Given the extent of housing supply shortfall as already set out above, I therefore attach moderate weight in favour of the net increase of one residential unit at No 63.
27. The works proposed include replacing a single skin brick ground floor rear extension to update it to current standards. However, there is no substantive evidence before me to indicate that the appeal proposal is the only or least harmful means of updating No 63. This benefit is thus only afforded limited weight.

28. Framework paragraph 135 f) also seeks to create places which promote health and well-being, with a high standard of amenity for existing and future users. I have found that the proposed external staircase would harm the living conditions of No 62 in terms of privacy and outlook, and that future occupiers of Flat 1 would have insufficient living conditions in terms of outlook and light. Future occupiers of Studio 2 and Flat 2 would also not be provided with acceptable living conditions in terms of internal living space.
29. Having regard to all the above matters, I conclude that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits. The material considerations before me therefore do not indicate that a decision should be made otherwise than in accordance with the development plan.

Conclusion

30. For the reasons given above, the appeal is therefore dismissed.

R Cahalane

INSPECTOR