



Appeal Decision

Site visit made on 5 November 2025

by Eleni Marshall BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 November 2025

Appeal Ref: APP/W2845/D/25/3374231

15 Glovers Lane, Middleton Cheney, Banbury, Oxon, OX17 2NU

- 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 J King against the decision of West Northamptonshire Council.
 - The application reference is 2025/0802/FULL.
 - The development proposed is single storey rear ground floor extension, first floor rear extension, attic conversion, new rooflights, replacement windows and associated works.
-

Decision

1. The appeal is allowed, and planning permission is granted for single storey rear ground floor extension, first floor rear extension, attic conversion, new rooflights, replacement windows and associated works in accordance with application ref: 2025/0802/FULL and the plans submitted with it subject to the following conditions:
 - 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission;
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: location plan ref: p2f/uk/1214871/1631655, block plan ref: p2f/uk/1214871/1631652, proposed floor plan ref: 2024-741-20D and proposed elevations ref: 2024-741-21D;
 - 3) 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 approved by other conditions. 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;
 - 4) Details and sections of the proposed windows and doors shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall be completed in accordance with the approved details, and any changes shall be submitted to, and approved in writing by, the Local Planning Authority;
 - 5) All proposed rooflights shall be conservation rooflights and details shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall be completed in accordance with the approved details, and any changes shall be submitted to, and approved in writing by, the Local Planning Authority;
 - 6) If the development hereby approved does not commence by 24 January 2027 a revised potential roost assessment shall be undertaken prior to commencement of the development to establish changes in the presence, abundance and

impact on bats and birds. The survey results, along with any necessary changes to the mitigation plan or method statement shall be submitted to and approved in writing by the Local Planning Authority. The development will be carried out in accordance with the approved details;

- 7) The development hereby permitted shall be carried out in accordance with the recommendations set out in section 5 of the Phase 1 Bat and Nesting Bird Survey dated 26 February 2025 by Ridgeway Ecology unless otherwise agreed in writing by the Local Planning Authority;
- 8) Full detail of a scheme for the location of bat boxes shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the occupation of approved extensions or alterations, the bat boxes shall be installed on site in accordance with the approved details.

Main Issues

2. The main issues are the impact of the proposal upon i) residential amenity with regard to dominance, oppressive form and overbearing impact and ii) the Middleton Cheney Upper Conservation Area.

Reasons

3. The appeal site is a two storey, mid terrace, cottage located on Glovers Lane which stands within Middleton Cheney where it is within the historic core of the village as well as standing within the Middleton Cheney Upper Conservation Area (CA). The proposal seeks to construct a single storey rear extension, a first-floor rear extension along with an attic conversion, new rooflights and associated work as noted in the development description above.

Residential Amenity

4. The appeal site adjoins number 11 Glovers Lane (no. 11) which is a terraced cottage to the east of the appeal site. The Council's committee report does not find any reason for refusal based upon the residential amenity of no. 11 (which is accessed via the same shared walk-through) and based upon the evidence before me, and my site visit, I have no reason to conclude differently. The scale, setback as well as compliance with the 45-degree line of the first-floor windows would mean that the proposal would not result in overbearing or overshadowing impact, nor any potential for overlooking, which would be sufficient to warrant refusal. The Council's first refusal reason is, therefore, specific to concern with regard to the neighbouring property to the west, 15a Glovers Lane (no.15a).
5. No. 15a was constructed relatively recently (2010 to 2012) under planning permission S/2009/0430/P as part of a scheme for two cottages. Glovers Lane is sited on a natural slope which means that no. 15a is in the region of a metre lower in terms of site levels. The proposed ground floor rear extension would be modest at in the region of 2.5 metres wide, 1.3 metres depth and 2.3 metres in height creating a total floor area in the region of 3.25 sq./m with a flat roof, bi-fold doors and a roof lantern. Whilst I acknowledge comments from third parties I do not find, based upon the modest scale of the single storey ground floor extension, that it could be reasonably stated to result in an unduly dominant or oppressive form of development resulting in an unacceptable overbearing impact on no.15a. The depth and overall height of the proposal would be limited and furthermore, and

notwithstanding the acknowledged difference in site levels, the proposed first floor rear extension would not exceed the depth of the neighbouring rear projection at no. 15a with a limited difference in height of in the region of 0.2 metres.

6. The Council's first refusal reason is specific in its reference to being based upon the proposed single storey ground floor extension; however, I acknowledge significant volumes of objection to the proposal. In the context of residential amenity based upon the evidence before me I do not find that the first-floor rear extension could be considered overbearing nor that the window on the rear elevation would cause an adverse degree of overlooking more so than the existing rear elevation window or relationship between the appeal site and no. 15a. A level of invisibility is commonplace within terraced dwellings.
7. Both the appeal site, and the adjacent properties, are south facing to the rear, affording them a good amount of natural sunlight and it is acknowledged that the first floor rear extension could potentially cause some loss of light to the immediate window on the ground floor of 15a and its existing single storey, rear projection due to the difference in ground levels which have been outlined. Despite this, the window in question would presently receive reduced sunlight, in general terms, due to the difference in ground level and the existing boundary treatment which I noted to be a solid timber panelled fence. The back room serving the adjacent property has south facing windows which would be unimpacted which means, ultimately, the proposal would not cause loss of light to a level which would be sufficient to warrant refusal. Furthermore, the proposal is supported by a daylight/sunlight report which concludes that the proposed extension meets the expectations set out in the BRE Guidelines, ensuring acceptable daylight and sunlight levels to the neighbouring residents.
8. In addition, the appellant has provided a massing model which I find visually demonstrates that the proposal would be acceptable in terms of impact to the adjacent dwelling insofar as although the height would exceed that of the existing boundary fence, the overall depth would be modest and would not result in a dominant or oppressive form of development. The former report was requested by members of the planning committee following the first planning committee albeit the first refusal reason does not state direct impact to sunlight or daylight and, overall, I consider the extension to be modest, contextually appropriate and consistent with the policies outlined below having taken full account of the objections received.
9. Overall, the proposal would be subservient to the host dwelling and would not cause an adverse degree of overlooking, overbearing or overshadowing/loss of light to the neighbouring property at no. 15a nor do I find the proposal would result in an unduly dominant and oppressive form of development. The proposal would be consistent with South Northamptonshire Local Plan Part 2 (2011 to 2029) (LP2) Policy SS2 which seeks to ensure proposals do not unacceptably harm the amenity of occupiers and users of neighbouring properties and the area through matters such as overshadowing or loss of privacy as well as sunlight, daylight or outlook.

Middleton Cheney Upper Conservation Area

10. Given that the site is within the CA there is a requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of the area in accordance with Section 72(1) of The Planning (Listed Buildings in Conservation Areas) Act 1990. The second refusal reason is specific with regard to the insertion

of two rooflights to the front roofscape that faces onto Glovers Lane. No other issues are raised with regard to, for example, the extensions themselves to the rear of the property and I have no reason to conclude differently with regard to the other elements of the appeal proposal combined. The proposed ground floor and first floor rear extensions would only be seen in extremely limited views and would, ultimately, have minimal impact upon the setting of the CA and I note there is no objection from the Conservation Officer in relation to those elements.

11. The appeal site is located at the edge of the CA with the front elevation facing north, towards 18 Glovers Lane, which is not within the CA. Glovers Lane is a narrow, elevated street, without a public pavement and at the time of my site visit I found that views of the front roofscape of the appeal site would be limited for users of Glovers Lane and would have minimal visual impact upon the CA. In addition, I note there are examples within the street scene of rooflights within the front elevations of dwellings meaning that rooflights within the front roof slope are not uncharacteristic. Conditions could be applied to any permission granted to ensure the rooflights were appropriate for both the host dwelling itself as well as the CA.
12. In favour of the proposal, the external soil pipe would be removed as well as there being positive improvements to the property through reinstatement of the windows which would be an advantage in terms of opportunity to secure something more traditional which would result in overall benefit to the CA as a result of the proposals overall. I find, therefore, that the proposed rooflights to the front roof slope facing Glovers Lane would not detract from the traditional character of the CA whereby there are examples of other rooflights as well as the proposed rooflights being limited in general views from within the CA and immediate street scene. I do not find, therefore, that the rooflights would appear incongruous or visually intrusive or that they would cause harm to the character and appearance of the CA.
13. I acknowledge comments from the heritage team, however, as a matter of planning judgment and for the reasons set out based upon the characteristics of the site seen at the time of my site visit, I find the proposal would be acceptable in the context of the CA and would not cause harm to the character and appearance of the CA. Overall, I do not find that change, of the nature outlined in terms of the rooflights, would result in a sufficient reason for refusal. Change itself should be assessed upon the individual site characteristics and circumstances to assess actual impact with some change often being necessary to facilitate more efficient use, and evolution of, existing homes within a CA for modern family life.
14. The proposal would therefore be consistent with West Northamptonshire Joint Core Strategy Local Plan 2014 Policy BN5 which requires proposals to sustain and enhance the heritage features which contribute to the character of the area including CAs, LP2 Policy SS2 which requires proposals to not adversely affect built heritage and Policy HE6 which requires proposals within Conservation Areas to respect the character and appearance of the area as well as seeking to preserve or enhance the special character and appearance of the CA.
15. The proposal would also be consistent with paragraph 212 of the National Planning Policy Framework 2024 (the Framework) which requires that proposals give great weight to an asset's conservation and, due to my finding that the proposal would not impact upon the CA, paragraph 215 is of no relevance to the determination of the appeal as I have not found that the proposal would result in less than

substantial harm which would need to be weighed against the public benefits of the proposal in this case.

Other Matters

16. I note that there has been a large number of objections to the proposal in relation to matters such as layout and density, parking and traffic, residential amenity and public notification. Further comments have been received in relation to loss of light, overlooking as well as disruption caused by construction. I have dealt with matters relating to impact upon the conservation area, design and level of development within the context of the main issues above along with matters relating to residential amenity also having been considered as part of the main issues within this appeal. Construction can, understandably, be disrupted to neighbouring properties but this is ultimately only a temporary impact during construction. I have no evidence to suggest the proposal was not appropriately publicised and, from the number of responses, I would be of the opinion that anyone interested and/or impacted by the proposal has been given appropriate opportunity to comment.
17. The extension would, ultimately, be modest and an appropriate addition to the host dwelling and I do not find it would represent any form of overdevelopment. I do not find that the proposal would result in exacerbating parking stress or congestion on Glovers Lane albeit I acknowledge there is inadequate parking provisions for the appeal site as existing based upon the property having two bedrooms with the proposal providing a third bedroom/study. The proposed ground floor and first floor extensions do not seek to increase the number of bedrooms (but seek to amend the size of the master bedroom only) with the provision of the additional bedroom being within the roof space. Accommodation within the roof could, as confirmed by the Council, be achieved without planning permission however the insertion of rooflights to provide light and ventilation does require planning permission as is part of the proposals within this appeal.
18. Whilst the proposal could, therefore, increase the number of bedrooms at the property, I find no reason on this occasion to conclude that the lack of parking on site (which is an existing issue) should outweigh other considerations in terms of the appropriateness of the proposal as well as the heritage improvements noted within this decision letter. Furthermore, as outlined by the Council, some elements of the proposal could fall under permitted development should this appeal fail which reinforces my finding that the proposal would not ultimately result in over development and that on balance, none of the issues, such as those identified with regard to parking, carry sufficient weight to justify the appeal being dismissed.

Conditions

19. The Council have suggested a number of conditions, within their questionnaire, which I have considered and applied as appropriate. A time condition is attached to comply with Section 51 of the Planning and Compulsory Purchase Act 2004. 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. A materials condition is required to ensure an appropriate finish in accordance with the details submitted and in order to match those used in the existing building where applicable to ensure a high quality and appropriate finish.
20. Details and sections of proposed windows and doors, as well as details of proposed rooflights, are to be submitted and approved in writing prior to

commencement/installation on site of those works/items to ensure that the materials are appropriate to the appearance of the locality with particular regard to the appeal site's location within a CA. The Council has suggested that a condition is required to submit a schedule of materials and finished to be used in the external walls and roofs of the dwelling should be submitted and approved in writing, however, the application form for the proposal is clear, within the materials section, that the materials proposed are to match those within the existing dwelling. I have, therefore, amended this condition to require the details to match that of the existing dwelling with any deviation from this being required to be submitted and approved in writing prior to change on site.

21. A condition relating to compliance with the recommendation set out within the submitted ecology survey is required to protect habitats and/or species of importance as is the requirement, depending on timings for the development, for a revised potential roost assessment to be undertaken prior to commencement of the development to ensure that the proposal does not cause harm to any protected species via passage of time and out of date survey information. Details of a scheme for the location of bat boxes are required to provide biodiversity conservation.

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