



Appeal Decision

Site visit made on 24 October 2025

by **A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI**
an Inspector appointed by the Secretary of State

Decision date: 26 November 2025

Appeal Ref: APP/C3105/D/25/3372525

37 Fernhill Road, Begbroke, Kidlington OX5 1RR

- 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 Murray Nicholls against Cherwell District Council.
- The application Ref is 25/01052/F.
- The development proposed is First floor extension and cladding of external walls with render.

Decision

1. The appeal is allowed and planning permission is granted for First floor extension and cladding of external walls with render at 37 Fernhill Road, Begbroke, Kidlington OX5 1RR in accordance with the terms of the application, Ref 25/01052/FUL, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby approved shall be carried out in accordance with the following approved plans: MN-24-34 Prop FF Plan; MN-24-33 Prop GF Plan; MN-24-35A Prop Elevs; MN-24-36A Site Plan.
 - 3) No development other than demolition/removal of roof structure shall take place until details / samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details / samples.
 - 4) First floor windows to the west elevation of the development hereby approved shall be obscure glazed and no part of such window below 1.7m from the associated floor level shall open.

Main Issues

2. The main issues are the effect of the development upon:
 - the character and appearance of the area and
 - living conditions of neighbouring users.

Reasons

Character and appearance

3. 37 Fernhill Road (No.37) is a single storey dwelling in a residential area characterised by its low density and a predominance of detached dwellings dating mostly from the middle decades of the twentieth century in good-sized plots. Although some of the dwellings near the appeal site are bungalows the area has the appearance of incremental development over a period of time such that the street is, overall, a mix of one and two storey dwellings intermixed with some semi-detached houses giving a varied but settled character to the street.
4. The appellant intends to add an upper floor whilst retaining the existing footprint and side garage. It is not clear, therefore, why the Council state that the development would result in a 'building that spans almost the entire width of the plot' as in that regard there would be no change. Although the result would affect the street scene by the loss of a traditional bungalow, noting that the site is not within any Conservation Area or the setting of any heritage asset, I consider the resulting development would not be cramped or inconsistent with the character and appearance of the surrounding area. It has not been suggested that the appeal site is located in the vicinity of any of the District's distinctive natural or historic assets, consequently there would be no conflict with Policy ESD15 of the Cherwell Local Plan 2011-2031 (July 2021) (CLP2021) or with saved policies C28 and C30 of the Cherwell Local Plan 1996 (CLP1996) which, taken together, seek that development should respect local character and appearance.

Living Conditions

5. The upward extension would introduce windows at the upper floor level, with the three largest bedrooms overlooking the rear garden or the street. Two windows on the west elevation of No.37 face the shared boundary with 2 Sandhill Road (No.2), although the main body of No.2 sits diagonally at junction with Fernhill Road and therefore has an oblique rear outlook from its rear elevation towards the rear garden of No.37. The Council suggest the development would appear overbearing and dominant. There would be a degree of change but not to a harmful extent as adjacent houses have otherwise open outlook and good access to daylight. It is suggested there would be an impact on the outlook from the nearest window of No.2, however this is a narrow side window that appears to be secondary and distanced from the intervening boundary by its attached double garage. Nevertheless, these new windows are within bathrooms and could be appropriately conditioned to prevent overlooking.
6. A fourth, small, bedroom has a window facing east towards the flank wall of its neighbour, No.39 Fernhill Road (No.39). The Council suggest that the ground floor window on the western elevation of No.39 would be directly overlooked from this window, however I do not consider the additional overlooking from a small upper floor bedroom window would significantly change the existing situation because the existing window to No 39 is closely overlooked across the low intervening fence by users of the driveway of No.37 and its principal entrance door. Consequently, I find little conflict with saved Policy C30 of the CLP1996 which seeks acceptable standards of amenity and privacy.

7. Overall, the proposed development would not conflict with the development plan taken as a whole, consequently, having regard to all matters raised and for the reasons given, the appeal succeeds subject to the usual timing and plans condition with further conditions to ensure the materials used accord with the visual character of the host building and area, and to control outlook from the windows identified.

Andrew Boughton

INSPECTOR