



Appeal Decision

Site visit made on 13 January 2026

by **N Robinson BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 January 2026

Appeal Ref: APP/G3110/W/25/3374226

166-168 Cowley Road, Oxford, Oxfordshire OX4 1UE

- 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 M Rana against the decision of Oxford City Council.
 - The application Ref is 24/02997/FUL.
 - The development proposed is extension and alteration of nos. 166 & 168 Cowley Road to provide 1 new self contained flat, and to provide 2 x 2 bed flats in place of 2 x 1 bedroom flats..
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant's case includes a Preliminary Ecological Appraisal and Roost Assessment (Arbtech, September 2025) (PEA), CGI drawings and a section and elevation drawing which did not form part of the planning application. These documents do not represent an amendment to the scheme and the Council has been given the opportunity to comment on them. On this basis, I do not consider that any party would be unfairly prejudiced. I therefore have had consideration to these documents in determining this appeal.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the host buildings and the surrounding area;
 - whether the proposal would provide acceptable living conditions for future occupiers;
 - the effect of the proposal on protected species; and
 - the effect of the proposal on the living conditions of the occupiers of neighbouring properties 164 and 170 Cowley Road.

Reasons

Character and appearance

4. 166 and 168 Cowley Road are 2 adjacent 2-storey mid-terraced properties located within the East Oxford District Centre. The site is in use as 2 retail units to the ground floor. To the upper floors and rear the site comprises flats. The properties

have been extended to the rear in the form of a 2-storey monopitch extension and a 2-storey flat roof extension which extend to the rear site boundary.

5. The site forms part of a row of 2-storey buildings in commercial use to the ground floor. The surrounding area is varied in character incorporating a mixture of Victorian commercial and residential units and modern developments. Many of the nearby properties on Cowley Road have large extensions to the rear. These extensions vary in form, and do not appear to have any particular architectural quality, but do not appear to exceed the ridge height of the host buildings. This, in combination with the site's location within a busy commercial area results in a varied and functional character to the area.
6. The proposal seeks to erect second-floor mansard roof and pitched roof extensions spanning the width and depth of the site over the existing rear extensions. The extended building, in combination with proposed internal alterations, would result in one additional 1-bedroom flat and the replacement of 2 existing 1- bedroom flats with 2no 2 bedroom flats. Bin and cycle storage for the proposed units is to be sited to the rear of the site within an undercroft.
7. Policy RE2 of the Oxford Local Plan (2020) (LP) sets out that sites within district centres are capable of accommodating development at an increased scale and density where the impact is shown to be acceptable and the built form and site layout are appropriate for the capacity of the site. LP policy DH1 states that planning permission will be granted for development of high-quality design that creates or enhances local distinctiveness. The supporting text to this policy goes on to state that new buildings and alterations should respond appropriately to existing form, materials and architectural detailing and should not have adverse impacts on existing and neighbouring buildings.
8. The proposed palette of materials would be consistent with those used in the host buildings and the proposed roof forms would not be out of keeping with those in the surrounding area. However, the extension would be significant in scale, exceeding the height of the host buildings. The extension would appear bulky and of a scale which would wholly dominate the host buildings. This would be visible in street scene views where the excessive height, scale and massing of the extensions in relation to the scale of the host buildings would appear jarring and over-dominant. The extension would be separated from the host buildings at second floor level, forming an awkward relationship with the host buildings, drawing attention to the extension's excessive scale and dominant form. This would be highly visible in street scene views from Bullingdon Road where it would appear as an unbalanced and entirely incongruent addition to the property which fails to respond to the existing scale and form.
9. In support of the proposal the appellant references developments at 159-161 Cowley Road¹ and The Ruskin School of Art² which comprise taller buildings of greater massing than the surrounding buildings and the built form they replaced. However, there is no indication that these developments comprise a rear extension which exceeded the height of the host building. Whilst these developments indicate the district centre's capacity to accommodate higher density developments in line with the requirements of LP policy RE2, as there is no indication that these proposals were an inappropriate built form for the capacity of these sites, they do

¹ 19/01821/FUL

² 13/02107/FUL

not appear to be comparable to the appeal proposal. I therefore afford these decisions limited weight.

10. The extension would unacceptably detract from the character and appearance of the host buildings and the surrounding area. Conflict therefore arises with those aims of LP policies DH1 and RE2 as set out above.

Living conditions- future occupiers

11. All new flats created would meet the Government's Nationally Described Space Standard and would be provided with some external amenity space. Flat 4, a 2-bedroom unit which would be formed within the first floor, would incorporate an internal courtyard served by a light well which would provide the only light source to the kitchen/ living/ dining room. Whilst this courtyard would exceed the minimum amenity space requirements set down in LP policy H16, its enclosed nature would result in a poor, restricted outlook from this room and there is no cogent evidence that this room would receive adequate levels of natural light, making this an oppressive space in which to spend time to the detriment of the living conditions of the occupiers of this flat.
12. The proposal would fail to provide a satisfactory living environment for occupiers of flat 4 in relation to light levels and outlook. Conflict therefore arises with those aims of LP policy H15 which require that new dwellings provide good quality living accommodation.

Protected species

13. Paragraph 99 of Circular 06/2005³ states that the presence of a protected species is a material consideration when a development proposal is being considered which would be likely to result in harm to the species or its habitat. It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the development, is established before any planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.
14. The proposal is supported by a PEA and the submission states that a bat emergence survey is required. This survey does not form part of the proposal. It is suggested that this survey could be dealt with by a condition requiring it to be carried out prior to the commencement of development and that any mitigation could be agreed with the Council. However, the circular makes clear that it is essential that the presence or otherwise of protected species, and the effect on them by a proposal, is established before planning permission is granted to ensure that their presence is fully taken into account. It is not therefore appropriate for such a matter to be dealt with by condition. In the absence of this detail, I have insufficient information to assess the extent of the impact on this protected species.
15. The appellant has failed to demonstrate that the proposal would not harm protected species, specifically bats. It would therefore conflict with those aims of LP policy G2 which seek to protect important species and habitats from harm.

³ Circular 06/2005: Biodiversity and geological conservation - statutory obligations and their impact within the planning system

Living conditions- neighbouring residents

16. Given its proximity to the rear windows within no 170 Cowley Road, the north-facing kitchen/ living/ dining window to flat 9 would result in potential opportunities for overlooking of these windows. However, noting that there are 2 window openings to this proposed room, I am satisfied that this could be addressed through the imposition of a condition requiring this window to be obscurely glazed. Whilst the terrace to flat 9 would be set in from the site boundary, given its proximity it would result in opportunities for views of the nearest rear window to no 170. Nonetheless, I am satisfied that this could be addressed by a condition requiring the provision of a privacy screen to the terrace to prevent overlooking of this window.
17. The additional storey is set back from the rear elevation by approximately 5.7m. Whilst the extension would be visible from windows in the rear elevation of No 170, there would be an element of visual relief afforded by this separation, and the extension would not dominate this view or result in compromised outlook which would be harmful to the living conditions of the occupiers of this unit.
18. No 164 Cowley Road contains 5 roof lights within the rear extension. Second floor windows within the western elevation of the extension are shown to be obscurely glazed and I am satisfied that this could be controlled by condition. Given this there would be no opportunities for the overlooking of these rooflights and thus no loss of privacy for the occupiers of No 164.
19. The proposal would not result in harm to the living conditions of the occupiers of No 164 or 170 Cowley Road. It would therefore accord with LP policies RE7 and H14 which seek to ensure that amenity is protected and that development does not have an overbearing effect on existing homes.

Other Matters

20. The proposal would result in one additional and 2 enlarged residential units on a brownfield site within a district centre with good access to services, facilities and public transport. The proposal would make a small contribution towards the city's housing supply, consistent with the Government's objective to significantly boost the supply of homes, in particular on brownfield sites. However, the development would result in adverse impacts on character and appearance, would fail to create an acceptable living environment for future occupiers of flat 4 and would result in potential harm to protected species. The identified benefits would fail to outweigh these harms.

Conclusion

21. For the reasons given above, I conclude that the appeal should be dismissed.

N Robinson

INSPECTOR