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## Appeal Decision

Site visit made on 24 February 2026

by **P Brennan BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 06 March 2026

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**Appeal Ref: APP/G3110/W/25/3374688**

**35 Trinity Street, Oxford OX1 1TN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
  - The appeal is made by Mr Richard Hinchliffe-Jones against the decision of Oxford City Council.
  - The application Ref 25/01532/FUL was approved on 17 September 2025 and planning permission was granted subject to conditions.
  - The development permitted is the demolition of existing conservatory, erection of a single storey rear extension and rear conservatory. Conversion of garage into habitable space.
  - The conditions in dispute are:
    - 5) *The garage conversion hereby permitted shall be used only for purposes ancillary to the enjoyment of 35 Trinity Street only. Specifically, the building shall not be occupied as a separate dwelling, and no cooking or food preparation facilities shall be installed. The building shall not be used for short term let residential use nor any business, commercial or industrial uses.*
    - 7) *Prior to occupation, the proposed cycle storage shall be made available for use by the occupiers of 35 Trinity Street in accordance with the approved details and thereafter the areas shall be retained solely for the purpose of the parking of bicycles.*
  - The reasons given for the conditions are:
    - 5) *In the interests of neighbouring amenity and the character and appearance of the area as required by Policies G6, H14, RE7, RE8 and DH1 of the Oxford Local Plan (2036).*
    - 7) *To encourage the use of sustainable modes of transport in line with policy M5 of the Oxford Local Plan 2036.*
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### Decision

1. The appeal is allowed, and the planning permission 25/01532/FUL is granted for the demolition of existing conservatory, erection of a single storey rear extension and rear conservatory and conversion of garage into habitable space at 35 Trinity Street, Oxford OX1 1TN granted on 17 September 2025 by Oxford City Council, is varied by deleting conditions 5 and 7 and substituting condition 5 with the following conditions:
  - 1) The garage conversion hereby permitted shall be used only for purposes ancillary to the enjoyment of 35 Trinity Street. It shall not be occupied as a separate dwelling or used for short term let residential use nor for any commercial or industrial uses.

### Preliminary Matters

2. The Council has amended the description of development from that seen on the application form to remove superfluous wording. I have adopted the revised description of the development from the decision notice.
3. The appeal relates to conditions that restrict the use of the cycle storage to the storage of bicycles only and restrict the use of the garage conversion to purposes incidental to the residential use of the main dwelling. The garage conversion

restriction goes on to specifically restrict it being occupied as a separate dwelling, having cooking facilities installed and it being used for short term lets or any business, commercial or industrial uses. The appellant's submission advises that the loss of the garage and size of the cycle store should enable it to also be used for a wider use than just for bicycles. With regards to the garage conversion, the appellant advises that flexibility of the space and in particular, the ability to let the space for short term let, is crucial to their domestic needs as is the ability to use the space for home working purposes.

4. I note that the application was submitted and registered by the Council as a householder application. The application form makes no reference to the appellant's possible use of the garage conversion as a short term let. Surrounding residents have not therefore, had the opportunity to comment based on the intended use of the garage conversion.
5. Section 79(1) of the Town and Country Planning Act 1990 enables me to allow or dismiss the appeal or reverse or vary any part of the decision (whether the appeal relates to that part or not) and I may deal with the proposal as if it had been made to me in the first instance. This means that if I determine that a condition should be changed or amended in some way, the appeal is allowed regardless of whether this reflects all the amendments sought by the appellant.

## **Main Issues**

6. The main issues are:
  - whether condition 5 is reasonable and necessary having regard to the character of the area and the living conditions of neighbouring occupiers; and
  - the effect of removing condition 7 for the provision of cycle parking would have on encouraging the use of sustainable modes of transport.

## **Reasons**

### *Condition 5*

7. The planning application was a 'Householder Application' seeking approval for the construction of the log cabin retrospectively. This form of application is defined by the Town and Country Planning (Development Management Procedure) (England) Order (2015) (the DMP Order) as being 'for development for an existing dwellinghouse, or development within the curtilage of such dwellinghouse, for any purpose incidental to the enjoyment of the dwellinghouse, which is not an application for change of use, or an application to change the number of dwellings in a building'.
8. As noted above, Section 79(1) of the Act confers on me wide ranging powers. However, the DMP Order would preclude me from varying the condition on a Householder Application, to allow for an unfettered commercial use of the appeal development, as this would have the effect of allowing a material change of use.
9. The use of the garage for purposes incidental to the dwellinghouse is therefore inherent in both the type of application submitted and the Council's decision to approve the application. Incidental uses for outbuildings serving dwellings commonly include such things as home gyms, storage buildings, garages, summer

houses etc. These activities and uses reflect the residential nature of the dwelling. In general, using an outbuilding for home working can also be an incidental use provided it does not impact neighbours or the wider area to any extent greater than the existing dwelling.

10. Condition 5 serves to reinforce the ancillary nature of the garage conversion and prevent its use as a separate dwelling. The Council has also sought to further restrict the use of the garage to safeguard the character and appearance of the area and in the interests of neighbouring residential amenity.
11. The appeal property is a two-storey mid-terrace dwelling with a rear garden. The property also has a detached, single garage located to the rear in a parking area with other garage blocks. The parking area is small and private. It is accessed via a driveway that is one vehicle wide and runs beneath a dwelling that over sails and is accessed from the driveway. The area is overlooked by the rear facing windows of properties that surround it. The layout of the wider housing development is tight with minimal front gardens and small rear gardens which can be accessed from the parking area to the rear via gates in the rear boundaries.
12. Whilst the approved plans indicate that the garage conversion would be accessed from the main dwelling, the garage could also be accessed from the private parking courtyard without the need to trouble the occupiers of the main dwelling. As I observed on site, the parking area's use is exclusive to its neighbouring Trinity Street residents. The garage to be converted forms part of the main dwelling's rear boundary with the parking area and abuts the rear boundaries of neighbouring dwellings.
13. The ability to let the garage conversion to paying guests would therefore have the potential to be particularly intrusive to neighbour's living conditions. Similarly, any commercial or industrial use of the garage that went beyond a use incidental to the main dwelling, or where it was to cease to be functionally related to the primary residential use of the site, would be likely to cause harm to the neighbouring occupiers from disturbance from any associated activity and any comings and goings. It would also be likely to have some consequential adverse impact on the character of the area.
14. With regards to the installation of cooking or food preparation facilities, I acknowledge the Council's concerns regarding the garage conversion becoming an independent separate dwelling. However, the enforcement of such a restriction is difficult, when cooking facilities no longer require the installation of a kitchen and can amount to a plug-in appliance. Also, as I have identified that the restriction in relation to letting of the garage conversion to paying guests is necessary, any occupiers of the garage would not generally require cooking facilities as those located in the main dwelling would be used. As such, whilst cooking within the space would be unlikely, if it were to happen it would be difficult to enforce and would not trigger the creation of a separate dwelling.
15. Accordingly, for the reasons given above, a modified condition removing reference to cooking and food preparation facilities, would be reasonable and necessary without causing adverse effects to the character and appearance of the area and the living conditions of neighbouring occupiers. The development, with the modified condition, would continue to comply with the provisions of the Framework and Policies H14, RE7, RE8 and DH1 of the Oxford Local Plan (2036) (OLP).

Policy G6 is referred to in the Council's reason for the condition however this policy relates to the development of new dwellings on residential garden land. As the development does not relate to a new dwelling, Policy G6 is not considered to be relevant.

#### *Condition 7*

16. Condition 7 requires the proposed cycle storage to be made available for use by the existing occupiers of the appeal property prior to occupation and thereafter retained solely for the purpose of parking bicycles. Policy M5 of the OLP requires new development to provide secure and convenient cycle parking in accordance with the Council's minimum bicycle parking standards.
17. The cycle storage drawings before me indicate that the proposed storage could adequately accommodate three bicycles alongside some additional storage on shelves above. As the ability to store bicycles and other articles in the garage would be removed following the garage conversion, a requirement for a storage shed that could accommodate bicycles would be advisable. However, the development permitted through planning permission 25/01532/FUL relates to extensions to an existing residential dwelling and a garage conversion to habitable space rather than a new dwelling with its own vehicle and cycle parking requirements.
18. Consequently, the storage indicated on the plans is acceptable and could accommodate bicycle storage. However, given the nature and scale of the development, the condition requiring its provision and its retention solely for the storage of bicycles is neither reasonable nor necessary. Accordingly, the removal of condition 7 would not discourage the use of sustainable modes of transport or the provision of adequate cycle parking.

#### **Other Matters**

19. The appellant has drawn my attention to several householder developments that also involved garage conversions in the local vicinity of the appeal site. However, three of the four decisions made by Oxford City Council included a similar restrictive condition relating to the use of the garage conversion. The fourth decision did not require a similar restrictive condition as the garage was being subsumed into the living accommodation within the main dwelling. Accordingly, the decisions made by the Council have been consistent and none of the decisions weigh in the appeal's favour.

#### **Conclusion**

20. For the reasons given above, the appeal is allowed and the planning permission is varied by deleting the disputed conditions 5 and 7 and substituting a new condition which limits the use of the garage conversion as set out above. This decision sits alongside the previous decision and therefore both sets of conditions remain engaged.

*P Brennan*

(INSPECTOR)