

East Area Planning Committee

- 12th June 2012

Application Number: 12/00556/VAR

Decision Due by: 1st May 2012

Proposal: Application to remove condition 4 of planning permission 12/00032/FUL (First floor rear extensions at 10 and 12 Beechey Avenue) to allow construction of extensions at different times

Site Address: 10 And 12 Beechey Avenue Oxford

Ward: Marston Ward

Agent: N/A

Applicant: Mr F Rich

Application Called in by Councillors – Clarkson, Rowley, Coulter, Tanner, Humberstone and Khan

For the following reasons – as both parties are happy for work to proceed at different times

Recommendation:

APPLICATION BE REFUSED

For the Following Reasons:-

- 1 Due to the proximity of the proposed extensions to the neighbouring first floor bedroom windows of no. 10 and 12 Beechey Avenue, allowing the extensions to be built in isolation would lead to an unacceptable loss of light to the adjacent property and would result in a claustrophobic and overly oppressive outlook. Officers have taken into account the specific circumstances of this case but conclude that these do not outweigh the harm that would be caused to the living conditions of present and future occupiers. The proposal is contrary to policy CP10 and HS19 of the Oxford Local Plan 2001-2016.

Main Local Plan Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals

CP6 - Efficient Use of Land & Density

CP8 - Design Development to Relate to its Context
CP10 - Siting Development to Meet Functional Needs
HS19 - Privacy & Amenity

Core Strategy

CS18_ - Urban design, town character, historic environment

Sites and Housing Plan - Submission

HP9_ - Design, Character and Context

HP14_ - Privacy and Daylight

Other Material Considerations:

National Planning Policy Framework

Relevant Site History:

12/00032/FUL - First floor rear extensions at 10 and 12 Beechey Avenue. Approved 24th February 2012.

Representations Received:

None received

Statutory and Internal Consultees:

None received

Issues:

Impact on neighbours

Sustainability:

This proposal aims to make the best use of urban land and recognises one of the aims of sustainable development in that it will create extended accommodation on a brownfield site, within an existing residential area.

Officers Assessment:

Site

1. The application site comprises a pair of two-storey semi-detached dwellings located on the southern side of Beechey Avenue, in a residential area of Marston. No. 10 Beechey Avenue has a single and two-storey rear extension (granted consent in 1999) and no. 12 Beechey Avenue has a partly built single storey rear extension built under permitted development rights.

Background

2. Planning consent was granted in February 2012 for first floor rear extensions to be constructed at no's 10 and 12 Beechey Avenue. A condition was attached stating:

'The extensions hereby approved at 10 and 12 Beechey Avenue shall be built simultaneously.'

Reason: To avoid any detrimental impact upon the amenities of the occupiers of both properties if constructed in isolation, contrary to Policy HS19 of the Oxford Local Plan 2001-2016.'

Proposal

3. Planning consent is sought to remove the above condition (condition 4) which would allow the extensions to be built at different times.
4. The application has been accompanied by a supporting statement and an (unsigned) affidavit by the owners of no. 10 Beechey Avenue. The argument put forward is that the owners of no. 12 need to build their part of the extension straight away, whilst the owners of no. 10 are not in a position to build yet, but intend to do so in the future.

Issues

5. The main issue in determining this application is the impact of the development, if built separately, on present and future occupiers. In this case the impact would be upon no. 10 Beechey Avenue, who are not yet in a position to start work on their extension.
6. Policy HS19 of the OLP states that the Council must assess proposals in terms of the potential for overlooking, sense of enclosure, overbearing nature and sunlight and daylight standards.
7. The OLP sets out guidelines for assessing development in terms of whether it will allow adequate sunlight and daylight to reach the habitable rooms of neighbouring dwellings. This policy refers to the 45/25 degree code of practice, as detailed in Appendix 6 of the OLP.
8. The window that would be affected by allowing no. 12 to build their extension in isolation is the first floor bedroom window in the rear facing wall of the original house of no. 10. Were no. 12 to build their part of the extension it would breach the 45/25° guidance when measured from the mid-point of the bedroom window. The window already experiences an element of loss of light and outlook due to the existing two-storey rear extension at no. 10. Allowing the extension at no. 12 to be built in such close proximity to this window would result in a tunnelling effect that would appear overly oppressive and claustrophobic. Officers have taken into account the position of the extension and the orientation of the sun but this does not outweigh the harm that would be done.
9. The supporting information with the application indicates that the owners of no. 10 wish to build their part of the extension in the future, although no specific time is given as it would depend on finances and family arrangements. No clear evidence has been provided to show that the extension would be built shortly and there is no guarantee that the extension would be built at all. There is therefore the prospect of a

permanent unacceptable situation arising and it would be inappropriate for the Local Planning Authority to approve an unacceptable development where there is the possibility of harm not being remedied.

10. The owners of no. 12 have indicated that if they are not able to build their extension they would extend into the loft space instead. Loft extensions can be carried out under permitted development rights (subject to certain conditions) and they would be within their rights to do this. This does not change the Officers' position on the acceptability of the extension however.

Conclusion: Allowing the extensions to be built separately would result in an unacceptable level of harm to the adjoining property, with no guarantee that this would be rectified in the very near future. The application is contrary to policies CP10 and HS19 of the Oxford Local plan and is recommended for refusal.

Human Rights Act 1998

Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to refuse this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

Section 17 of the Crime and Disorder Act 1998

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to refuse, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

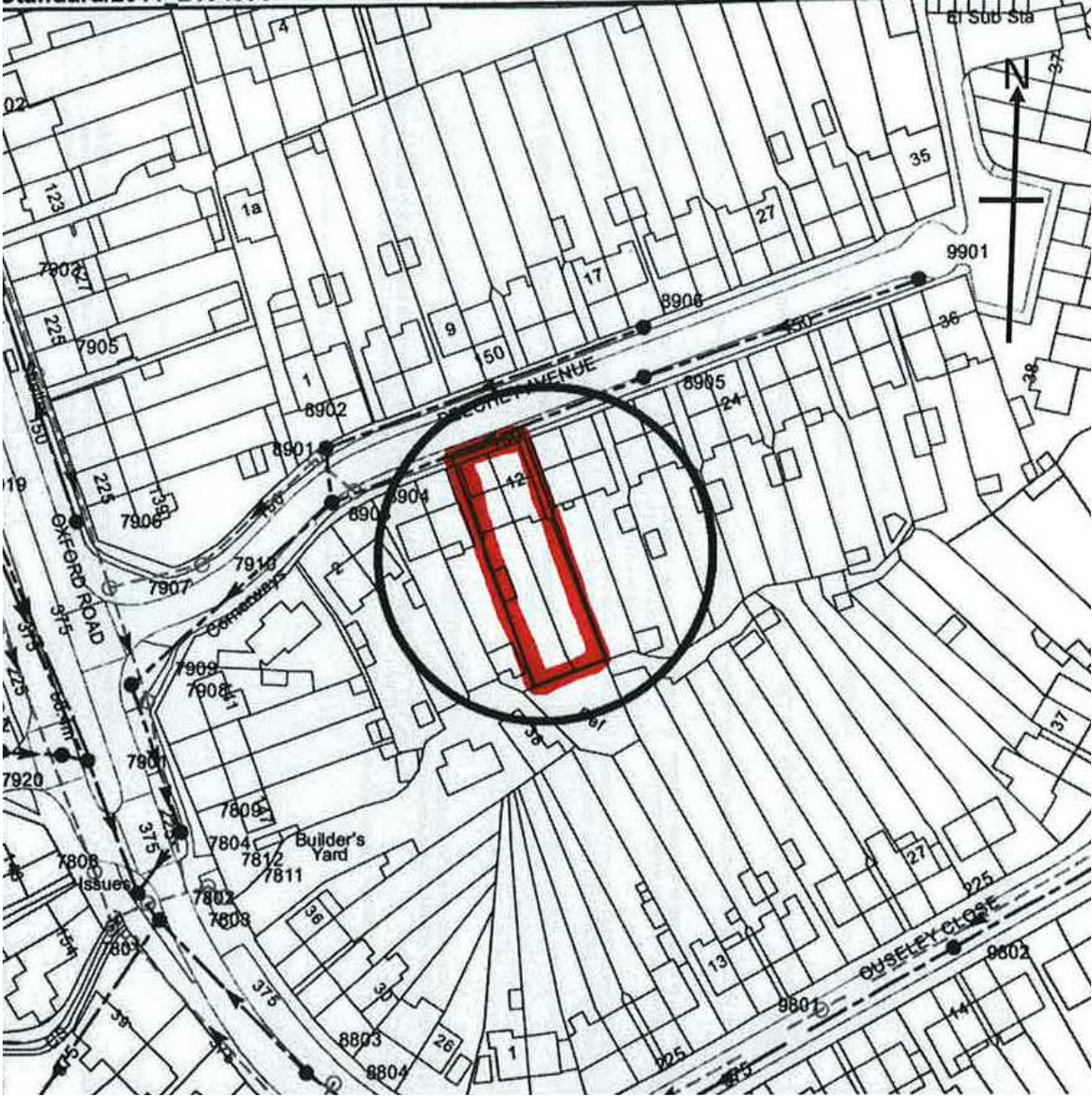
Background Papers: 12/00032/FUL, 12/00556/VAR

Contact Officer: Rona Gregory

Extension: 2157

Date: 29th May 2012

Appendix 1



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