

East Area Planning Committee

14<sup>th</sup> August 2012

**Application Number:** 12/01349/FUL

**Decision Due by:** 26th July 2012

**Proposal:** Single storey rear extension.

**Site Address:** 5 Lockheart Crescent Oxford (site plan at **Appendix 1**)

**Ward:** Cowley Ward

**Agent:** Ifor Rhys Ltd

**Applicant:** Ms Saima Saddiq

**Application Called in –** by Councillors – O'Hara, Rowley, Seamons and Price for the following reasons – lack of amenity space and overbearing/overdevelopment

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## **Recommendation:**

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposal is considered to respect the character and appearance of the area, uses materials of a quality appropriate to the nature of the development, the site and its surroundings, will not impact on the neighbours in significantly detrimental way and will retain adequate amenity space for the size of the dwelling. No objection have been received from statutory consultees of neighbouring residents.
- 2 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

subject to the following conditions, which have been imposed for the reasons stated:-

- 1 Development begun within time limit
- 2 Develop in accordance with approved plns
- 3 Materials - matching

## **Main Local Plan Policies:**

### **Oxford Local Plan 2001-2016 (OLP)**

- CP1** - Development Proposals
- CP6** - Efficient Use of Land & Density
- CP8** - Design Developmt to Relate to its Context
- CP10** - Siting Developmnt to Meet Functionl Needs
- HS19** - Privacy & Amenity
- HS20** - Local Residential Environment
- HS21** - Private Open Space

### **Core Strategy (CS)**

- CS18\_** - Urb design, town character, historic env

### **Sites and Housing Plan – Submission (SHP)**

- HP9\_** - Design, Character and Context
- HP13\_** - Outdoor Space
- HP14\_** - Privacy and Daylight

### **Other Material Considerations:**

National Planning Policy Framework

### **Relevant Site History:**

08/02703/FUL - Single storey side extension for use as self-contained studio flat. WDN 26th February 2009.

09/00946/FUL - Erection of single and two storey side extension to form self-contained 2 bed dwelling with parking, cycle and bin storage and amenity space (5A Lockheart Crescent). PER 9th July 2009.

09/01963/FUL - Single storey rear extension. APPRET.

09/02361/FUL - Single storey rear extension. WDN 11th December 2009.

### **Representations Received:**

None

### **Statutory and Internal Consultees:**

None

### **Issues:**

Design

## Residential Amenity

### Officers Assessment:

#### Site description

1. The application site comprises a semi detached residential property that has been extended at the side in the form of a new dwelling. Lockheart Crescent is a quiet residential area in Cowley. It is characterised by blocks of terrace properties and pairs of semi detached properties.

#### Proposal

2. The application is seeking permission for the erection of a single storey rear extension. The extension is 4m wide, 2.8m deep and 2.4m to the eaves with a mono pitched roof and is to be faced in materials to match the existing property. Ordinarily this type of extension would fall within permitted development. However due to a condition (condition 4) attached to 09/00946/FUL permitted development rights were removed. Condition 4 states:

- *Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or enacting that Order) no structure including additions to either number 5 or 5a Lockheart Crescent as defined in Classes A, B, C, D, E of Schedule 2, Part 1 of the Order shall be erected or undertaken without the prior written consent of the Local Planning Authority.*

*Reason: The Local Planning Authority considers that even minor changes in the design or enlargement of the development should be subject of further consideration to safeguard the appearance of the area.*

#### Assessment

##### Design

3. Policy CS18 of the OCS states planning permission will only be granted for development that demonstrates high quality urban design. This is reiterated in policies CP1 and CP8 of the OLP and HP9 of the SHP.
4. Policy CP1 states that planning permission will only be granted for development that respects the character and appearance of the area and which uses materials of a quality appropriate to the nature of the development, the site and its surroundings.
5. Policy CP8 suggests the siting, massing and design of the proposed development creates an appropriate visual relationship with the form, grain, scale, materials and details of the surrounding area.

6. The proposed extension is simple in form and will extend the existing kitchen area of the property and it is to be constructed in materials to match the existing building. The proposal creates an appropriate visual relationship with the form, grain, scale, materials and details of the existing property. It is therefore considered to be in keeping with the character and appearance of the property. It has the potential to be viewed in the public domain but only from oblique angles when walking along Lockheart Crescent therefore it will not have a detrimental impact on appearance of the area.

### **Residential Amenity**

7. Policies HS19 and CP10 of the OLP and HP14 of the SHP require the correct siting of new development to protect the privacy of the proposed or existing neighbouring, residential properties and proposals will be assessed in terms of potential for overlooking into habitable rooms or private open space. The proposal does not give rise to any issues of overlooking or loss of privacy.
8. Policy HS19 of the OLP and HP14 of the SHP 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, detailed in Appendix 6 of the OLP and Appendix 7 of the SHP. The proposal does not breach the 45/25-degree code of practice in relation to the neighbouring properties.
9. Policy HS19 also allows the City Council to assess proposals in terms of sense of enclosure or being of an overbearing nature. With regards to 5A Lockheart Crescent the proposal will abut an existing single storey rear extension and bin storage area therefore it will not have a detrimental impact on them in terms of creating a sense of enclosure or being overbearing. With regards to 7 Lockheart Crescent the proposal is set 3.5m away from the common boundary. Officers considered this distance enough so as not to create a sense of overbearing or enclosure.
10. Policy HS21 states that planning permission will not be granted for proposals involving residential uses where insufficient or poor quality private open space is proposed. The preamble to the policy states the length for a private garden for a family house will generally be 10m. Policy HP13 of the SHP relates to new dwellings but can act as a guide for existing dwellings. It states houses of 2 or more bedrooms must provide a private garden, of adequate size and proportions for the size of house proposed, for exclusive use by occupants of that house.
11. The existing garden is wedge shaped with a maximum depth of 9.1m narrowing down to 2.5m. However it is relatively wide (13.5m). The proposal is located approximately within the central section of the garden. The property is a typical three bed house in that two of the bedrooms are doubles with the third being a single. Given the depth of the extension (2.8m) it is considered the remaining garden area, taking into account its width, is adequate for the size of the property and for its occupiers still to enjoy fresh air and light in privacy and to carry out everyday activities associated with a garden.

## **Conclusion:**

12. For the reasons given above and taking into account all other matters raised Officers conclude that the proposal accords with all the relevant policies within the development framework and therefore recommends approval as the proposal is considered to respect the character and appearance of the area, uses materials of a quality appropriate to the nature of the development, the site and its surroundings, will not impact on the neighbours in significantly detrimental way and will retain adequate amenity space for the size of the dwelling. No objection have been received from statutory consultees of neighbouring residents.

### **Human Rights Act 1998**

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

### **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 grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

## **Background Papers:**

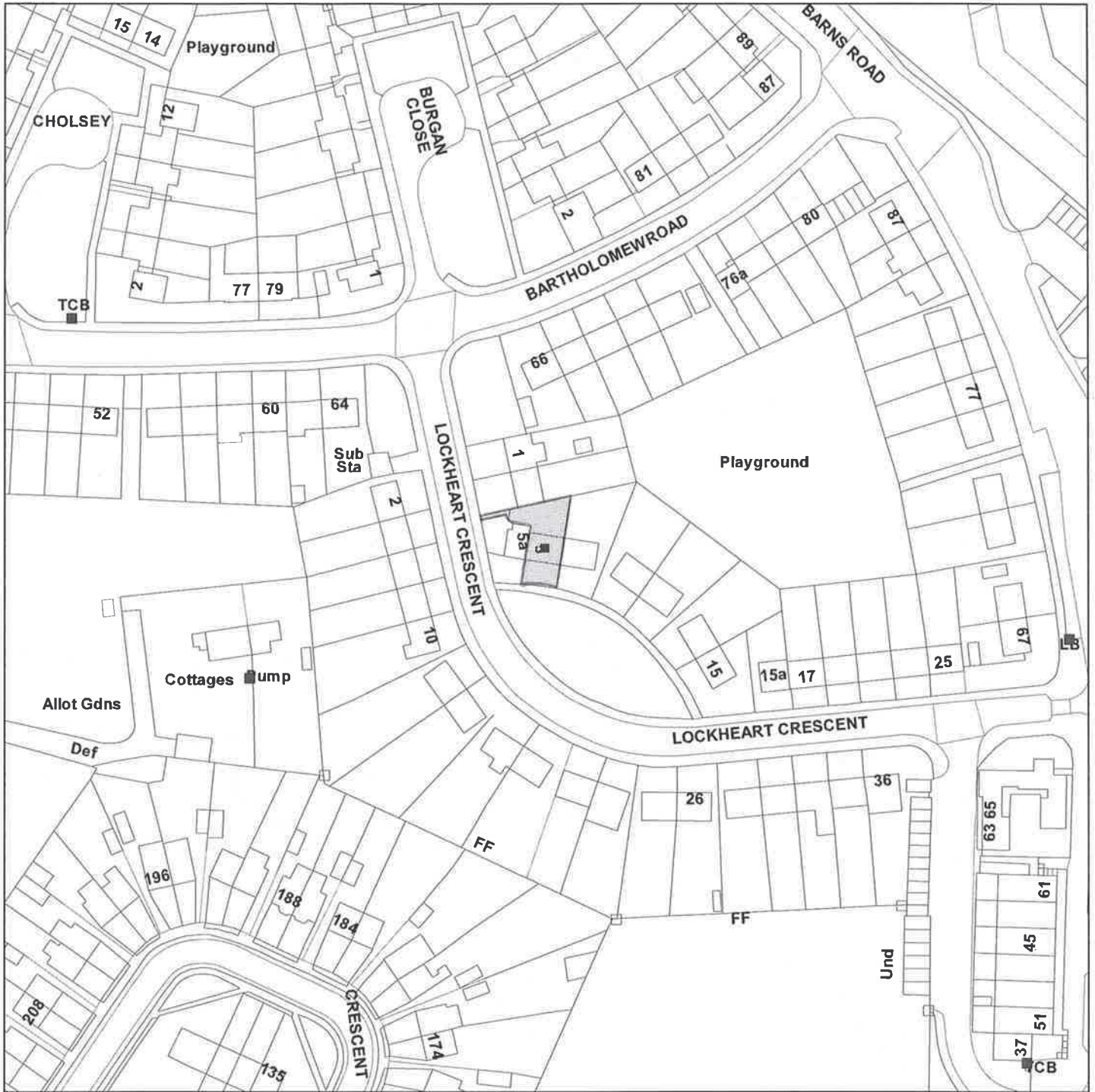
**Contact Officer:** Lisa Green

**Extension:** 2614

**Date:** 26th July 2012

# Appendix 1

## 12/01349/FUL 5 Lockheart Crescent



Scale : 1:1250



Organisation	Not Set
Department	Not Set
Comments	
Date	31 July 2012
SLA Number	LA100019348

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Ordnance Survey 100019348.