

**West Area Planning Committee**

10th October 2012

**Application Number:** 12/02166/FUL

**Decision Due by:** 16th October 2012

**Proposal:** Erection of single storey rear extension. Loft conversion to include insertion of rear dormer and three rooflights to front elevation. (Amended plans)

**Site Address:** 24 Complins Close, **Appendix 1**

**Ward:** St Margarets Ward

**Agent:** Mr D Turner

**Applicant:** Mr S Spittlehouse

Application called in by Councillors Campbell, Fooks, Rundle, Royce and Goddard due to concerns that the proposal is potentially overbearing and will take light from the neighbouring property.

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## **Recommendation:**

APPLICATION BE APPROVED

For the following reasons:

- 1 The extension is considered to form an appropriate visual relationship with the existing house and surrounding development without resulting in unacceptable harm to neighbouring residential amenity. Consequently the proposal complies with policies CP1, CP8, CP10, HS19 and HS21 of the Oxford Local Plan 2001-2016, policy CS18 of the Oxford Core Strategy 2026 and policies HP9 and HP14 of the Sites and Housing Development Plan Document proposed submission 2011-2026.
- 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.
- 3 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.

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 plans
- 3 Materials to match existing

**Main Local Plan Policies:**

**Oxford Local Plan 2001-2016**

**CP1** - Development Proposals

**CP8** - Design Development to Relate to its Context

**CP10** - Siting Development to Meet Functional Needs

**HS19** - Privacy & Amenity

**HS21** - Private Open Space

**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:**

None

**Representations Received:**

23 Complins Close: Objection – Inaccuracies in plans relating to parking spaces and proposed roof plan. Affect on amenity and loss of light, overbearing and oppressive development caused by size and materials.

**Statutory and Internal Consultees:**

Highways Authority: No objection

Environmental Development: Comments received regarding contaminated land issues, an informative has been recommended.

## **Determining Issues:**

- Design
- Impact on Neighbouring Amenity

## **Officers Assessment:**

### Site Description and Proposal

1. The application site comprises an end of terrace two storey property comprising two bedrooms. Complins Close is located off the Elizabeth Jennings Way residential development which was constructed in 2002 following the demolition of factory buildings. The Close is characterised by two and three storey houses and a block of flats with shared green spaces rather than individual front gardens. The green spaces are edged with trees and shrubs as well as several parking bays and bicycle racks. The property backs onto a parcel of land, close to Port Meadow to the west of the railway line which is shielded from the property by mature trees to the rear. Appendix 1.
2. The application seeks planning permission for a single storey rear extension and a loft conversion with a rear dormer window and Juliette balcony and three rooflights to the front. The extension and dormer window will be built with matching materials to the existing dwelling.
3. During the course of processing the planning application amended plans were requested to omit the balcony originally attached to the dormer window. Amended plans were submitted and included the removal of the balcony which was replaced by a Juliette style balcony and a reduction in the height of the single storey extension from 3.3 metres to 3.0 metres.

### Design

4. Policies CP1 and CP8 of the Oxford Local Plan state that planning permission will only be granted for development that respects the character and appearance of the area and creates an appropriate visual relationship with the site and its surroundings and which uses materials of a quality appropriate to the nature of the development, the site and its surroundings. Policy CS18 of the Core Strategy states that planning permission will only be granted for development that demonstrates high quality urban design and responds appropriately to the site and its surroundings.
5. The proposed single storey extension would project 3.4 metres from the rear wall of the existing property and measure 3.0 metres in height. The extension will be set away from the neighbouring boundary fence to the east by 30 centimetres and flush with the boundary wall to the west. The current garden length is 12 metres, if the proposed extension is approved the property would still benefit from a reasonably sized garden of 8.5 metres in length and 5 metres in width (42.5m<sup>2</sup>). It is the Council's view

that the extension will therefore not create an unacceptably overbearing effect on the site itself or on the neighbouring property in terms of its overall size or proximity to boundaries.

6. The proposed dormer window will be set back by 30 centimetres from the eaves and will be set in from the east boundary by 1.1 metres and 1.3 metres to the west. The dormer will be 3.5 metres in height over and above the height of the eaves and will be 0.8 metres lower than the ridge of the original roof; the dormer window will therefore be subservient to the existing roof in terms of scale.
7. The materials used would match those of the existing dwelling and would thus be in keeping with the character of the dwelling and surrounding area. The extension and dormer window would not unacceptably detract from the view from the land to the rear of the property and would have an appropriate visual relationship to the surrounding area, as required by policies CP1 and CP8 of the Oxford Local Plan and policy CS18 of the Core Strategy.

#### Living Conditions and Impact on Neighbours

8. Policy HS19 of the Oxford Local Plan 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 Oxford Local Plan. Policies HS19 and CP10 of the Oxford Local Plan also require the correct siting of a new development to protect the privacy and amenity of the occupants of the proposed and existing neighbouring residential properties.
9. The single storey rear extension would provide the property with additional living accommodation in the form of a sun room and the loft conversion with the dormer window would provide a third bedroom and en suite.
10. The rear wall of the neighbouring property at no. 23 projects 1.8 metres from the rear wall of no.24, therefore the proposed extension would only project 1.4 metres from the rear wall of no. 23. The nearest habitable window at no. 23 is 1.68 metres from the boundary fence, with the proposed extension set away from this fence by 30 centimetres. Therefore the total distance from the neighbouring habitable window is 1.98 metres. The single storey extension would not contravene the 45 degree rule set out in policy HS19 of the Oxford Local Plan.
11. The privacy of the neighbours would be maintained as there are no proposed windows to the east elevation of the single storey extension and the dormer window is set back 30 centimetres from the eaves.
12. It is the officer's view that the design of the extension and dormer window is acceptable.

## **Conclusion:**

13. The extension is considered to form an appropriate visual relationship with the existing house and surrounding development without resulting in unacceptable harm to neighbouring residential amenity. Consequently the proposal complies with policies CP1, CP8, CP10, HS19 and HS21 of the Oxford Local Plan 2001-2016, policy CS18 of the Oxford Core Strategy 2026 and policies HP9 and HP14 of the Sites and Housing Development Plan Document proposed submission 2011-2026. The Council is recommending approval.

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

## **Background Papers:**

**Contact Officer:** Jennifer Owen

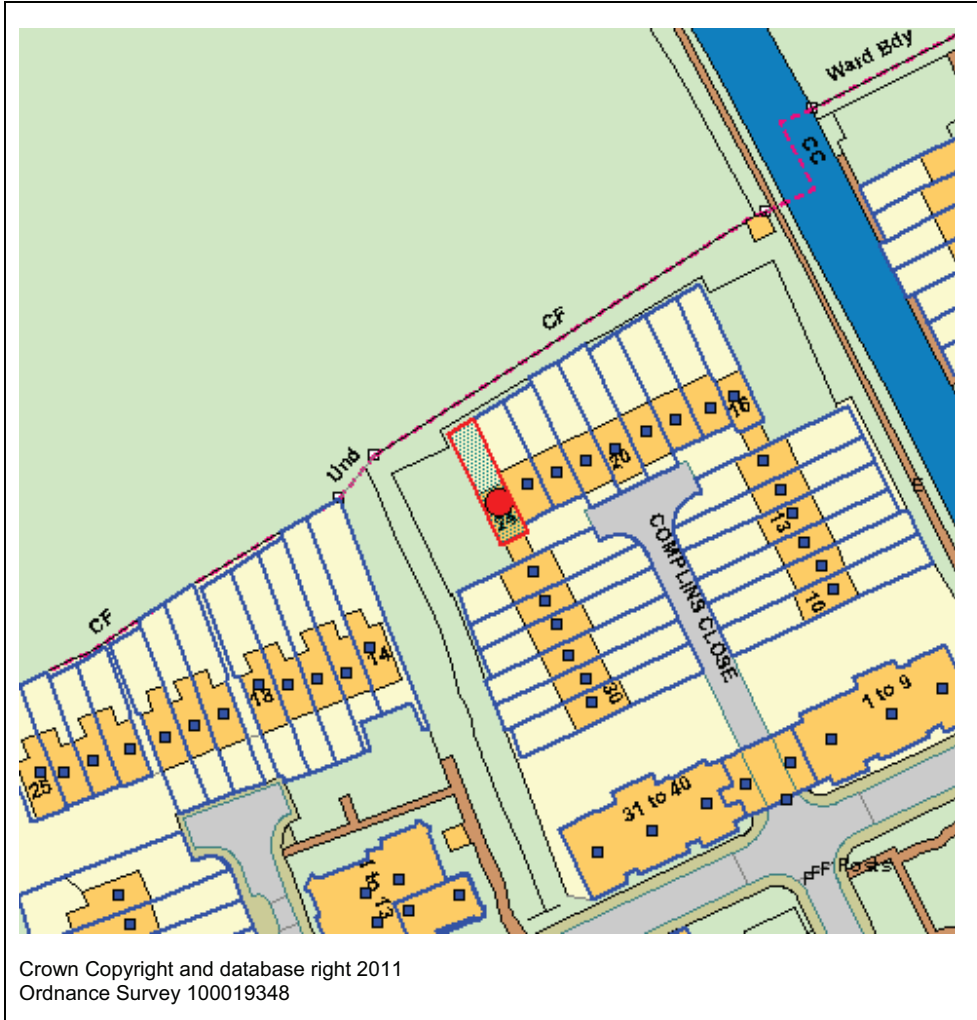
**Extension:** 2818

**Date:** 26th September 2012



# Oxford City Council

## 12/02166/FUL – 24 Complins Close



Organisation	Oxford City Council
Department	Planning
Comments	
Date	25th September 2012
SLA Number	LA100019348

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