

West Area Planning Committee

10th October 2012

**Application Number:** 12/02113/FUL

**Decision Due by:** 15th October 2012

**Proposal:** Demolition of existing outbuildings. Erection of part single, part two storey, side and rear extensions and insertion loft roof lights to front and rear roof slopes.

**Site Address:** 37 Meadow Prospect **Appendix 1**

**Ward:** Wolvercote Ward

**Agent:** Lesley Cotton Architect

**Applicant:** Mr Ian Callaghan

**Application Called in –** by Councillors – Goddard, Wilkinson, McCready Fooks and Gotch; for the following reasons in that its similar to one refused recently and deserves public consideration.

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**Recommendation:** West Area Planning Committee is recommended to grant planning permission.

**Reasons for Approval:**

- 1 The proposed extension would reduce the gap between no's 35 and 37 Meadow Prospect, however the extension would be set down from the main ridgeline and would be significantly set back from the existing building frontage to reinforce its subservience and to retain the sense of openness. Officers consider that the design is acceptable and that the character and appearance of the area would be preserved. The development would not result in any unacceptable levels of harm to the amenities of neighbouring properties and there would be no increased risk of flooding. Officers consider that the proposal complies with policies CP1, CP6, CP8, CP10, HS19 and HE7 of the Oxford Local Plan 2001-2016 and policies CS11 and CS18 of the Core Strategy 2026.
- 2 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.
- 3 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.

**Conditions:**

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Materials - matching
- 4 Flood Risk Assessment
- 5 Ground resurfacing - SUDS compliant

**Main Planning Policies:**

Oxford Local Plan 2001-2016 (OLP)

- CP1 - Development Proposals
- CP6 - Efficient Use of Land & Density
- CP8 - Design Develop to Relate to its Context
- CP10 - Siting Development to Meet Functional Needs
- HS19 - Privacy & Amenity
- HS20 - Local Residential Environment
- HS21 - Private Open Space
- CP9 - Creating Successful New Places

Core Strategy (OCS)

- CS18 - Urban design, town character, historic environment
- CS11 - Flooding

**Other Material Considerations:**

National Planning Policy Framework

Relevant Site History:

12/00503/FUL - Demolition of existing outbuildings. Erection of part single part two storey side and rear extensions. Loft conversion to include 2 roof lights to front and rear elevations. Refused on the grounds of being out of keeping, too big and bulky, overbearing to neighbouring properties and overlooking.

72/26210/A H – Erection of a conservatory. Permitted development.

**Public Consultation:**

Third Parties:

22 letters in total received:-

from Meadow Prospect no's. 3, 7, 9, 19, 26, 28, 29, 33, 34, 35, 36, 39, 40, 41 & 55, 70 Godstow Road, 41 Rosamund Road, 2 Rowland Close, Oxford Civic Society and Wolvercote Commoners Committee, with the following objections:-

- Object to filing in the gap between the houses which provide a glimpse to Port Meadow which form part of the character of the street. Meadow Prospect is in danger of becoming terrace like;
- Rear Gable is too large, too much glass, not in keeping;
- Overdevelopment;
- View, light and privacy of neighbours is effected;

- Increase of flooding due to extension and hard landscaping;
- Extension is too big for the existing house and ruins the character of the area; style and size is out of keeping with existing house and area;
- Extension is overbearing to neighbouring properties;
- Loss of privacy to neighbouring properties;
- Visual amenity effect as outlook is effected by the extension;
- Increase in noise levels;
- Loss of heat and light due to extension shading photovoltaic and solar water heating panels on neighbouring house;
- Not an attractive view from Port Meadow.
- Too many extensions in Meadow Prospect spoiling the street.

#### Statutory and Internal Consultees:

- Highway Authority – No objection, the proposal does not have any significant highway impacts where adequate off-street parking is provided within the curtilage of the property and there is very little on-street parking.

#### **Officers Assessment:**

#### **Site Description**

1. The application site comprises a two storey semi-detached dwelling located in the cul-de-sac of Meadow Prospect. Some of the properties back directly on to Port Meadow and the application site lies on the south side of Meadow Prospect which backs on Port Meadow. The surrounding area is characterised by similar semi-detached properties with reasonable size gaps to the side boundaries.

#### **Proposal**

2. A previous planning application for a first floor rear extension (application 12/00503/FUL) was refused due to the impact of the extension being overbearing to the neighbouring properties, overlooking, being out of keeping and being too large and bulky. This latest application represents a revised design of the proposed extension.

#### **Issues:**

3. Officers consider the principal determining issues in this case to be:
  - Design
  - Residential amenity
  - Flooding

#### **Design**

4. Policy CS18 of the Core Strategy (CS) states that planning permission will only be granted for development that demonstrates high quality urban design. This is reiterated in policies CP1 and CP8 of the Oxford Local Plan (OLP). 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 of the Oxford Local Plan 2001-2016 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. It also stated building design is specific to the site and its context and should respect, without necessarily replicating, local characteristics, and should not rule out innovative design.
6. The revised proposal has made some alterations to the previously refused scheme. One of these changes is that the side extension being set back from the front elevation by 2.5m (previously this set back was only 0.2m). At first floor level the side extension would be pulled in from the boundary to leave a 1.0m gap between 35 and 37 Meadow Prospect.
7. The ground floor rear extension has been reduced in length slightly by approximately 0.4m so that it protrudes 0.5m past the ground floor extension of no.35 Meadow prospect. At first floor level the rear extension does protrude out slightly further to the rear than previously to compensate for the loss of space to the side, the master bedroom now protrudes out a further 0.9m. However as the extension at the side has been drawn back from the boundary then the overall scale and mass of the gable rear extension has been reduced in width and the effect of this is a less bulky appearance.
8. The proposals still amounts to a large extension that extensively increases the footprint of the original dwelling. The dwelling sits in a good sized plot that is large enough to accommodate an extension of this size with a large garden remaining. When viewed from the street the dwelling would not appear significantly altered and due to the extension being set back significantly it would retain its original character and appearance. At the rear, and when viewed from Port Meadow, the extension would have a contemporary appearance that is achieved through the use of the large glazing panels at upper and lower levels. Whilst these features are in contrast to the existing building, officers do not consider that they would detract from the character and appearance of the existing building. The two storey element is set down from the main ridge line and set back so appears subservient to the main house, with the original form of the building remaining the dominant feature. The roof pitch and use of matching render would ensure the extension appears in keeping with the existing house. Many other houses in Meadow Prospect have had extensions of varying styles and sizes and officers do not consider that the development would appear out of character in this context. There have been a number of extensions in Meadow Prospect that are similar albeit slightly smaller in footprint and scale. Nos. 23, 33, 35 and 43, all to the south side of the street, have all extended out the rear and some to the side.

9. To the side the proposal would partly infill the gap at first floor level, which is already largely in-filled by the side extension of no.35. No. 37 Meadow Prospect has not been extended to the side previously and the proposed side element would leave a 1.0m gap at first floor level, a gap of 0.2m at ground floor level and would be set back 2.5m from the front. It would not therefore completely infill the gap or result in a terracing effect. Due to the significant set back from the building frontage and the set down from the main ridge, officers are of the view that the extension would not appear overbearing within the street scene and would not erode the feeling of openness that currently exists.

### **Residential Amenity**

10. Policies HS19 and CP10 of the OLP require the siting of new development to protect the privacy of the proposed or existing neighbouring, residential properties. An amended plan was received on 25<sup>th</sup> September 2012 removing the side window facing on the ground floor of the family room which would look directly into the garden of no.39 Meadow Prospect. Also the removal of the two Juliet balconies at first floor level reduced the perception of being overlooking and prevent the flat roof of the ground floor extension being used as a terrace. A condition will be imposed to ensure that the flat roof is not used as a terrace.
11. Whilst there is still a large amount of glazing in the rear gable of the master bedroom, the majority of this glazing would be at high level and therefore the glazing remaining would be relatively no different to the glazing at no.35 at first floor level. Officers consider that resultant glazing would not significantly increase the levels of overlooking to such extent as to warrant a refusal for loss of privacy.
11. Policy HS19 of 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, detailed in Appendix 6 of the OLP. The proposal does not breach the 45/25 degree line from 35 and 39 Meadow Prospect and is therefore considered acceptable in this regard.

### **Flooding**

12. The application site is located within a flood zone. A Flood Risk Assessment (FRA) has been submitted as part of the application which satisfies any potential impact on flooding in the area, and incorporates mitigation techniques to ensure the safety of the occupiers. A condition has been imposed to require the application to be carried out in accordance with the details submitted in the FRA.

### **Parking**

13. The proposal involves the loss of an existing garage but there is space on the frontage and driveway to provide adequate off-street parking. The

Highway Authority does not object to the proposal subject to an informative stipulating that no surface water from the development shall be discharged onto the highway. The application does not include details of any intended treatment to the driveway or area to the front of the property and officers suggest attaching a condition requiring any ground resurfacing to be SUDS (Sustainable Urban Drainage Systems) compliant to prevent any localised flooding.

### **Conclusion:**

Officers were mindful of objections received but conclude that the proposed extensions are acceptable in design terms and would not be harmful to the character and appearance of the area. Officers are satisfied that there would be no unacceptable levels of harm to the living conditions of local residents as a result of the development, and that there would be no increased risk of localised flooding. The proposal is considered to have overcome the previous reasons for refusal and complies with policies CP1, CP6, CP8, CP10, HS19 and HE7 of the Oxford Local Plan 2001-2016, and policies CS11 and CS18 of the Core Strategy 2026, and is therefore recommended for 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 grant permission officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

**Background Papers: 12/02113/FUL**

**Contact Officer:** Davina Sarac

**Date:** 26th September 2012