

**East Area Planning Committee**

-6th November 2012

**Application Number:** 12/02269/FUL

**Decision Due by:** 29th October 2012

**Proposal:** Demolition of conservatory. Erection of single storey rear extension

**Site Address:** 188 Headley Way Oxford (Site plan: Appendix 1)

**Ward:** Headington Ward

**Agent:** Ak Architects Ltd

**Applicant:** Dr Ammer Jadoon

**Application Called in –** by Councillors – Darke, Price, Fry and Van Nooijen

For the following reasons - constitutes over-development and is unneighbourly and the developer is intending to create several dwelling units

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## **Recommendation:**

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposal is acceptable in design terms and would not cause any unacceptable levels of harm to adjacent neighbours. The proposal complies with policies CP1, CP6, CP8, CP10 and HS19 of the Oxford Local Plan 2001-2016 and policy 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.

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 - matching

**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:**

09/01539/PDC - PERMITTED DEVELOPMENT CHECK - Proposed conversion of garage to en-suite bedroom and study (for personal living).. Permission not Required  
3rd August 2009.

**Representations Received:**

Six letters of objection were received. Comments can be summarised as follows:

- Property will become HMO and lead to parking pressure and anti-social behaviour
- Overdevelopment
- Property already extended without planning permission
- Application should be delayed pending enforcement investigation
- Noise and disturbance from extensions

**Statutory and Internal Consultees:**

None received

**Issues:**

Design  
Impact on neighbours  
Other matters

**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 semi-detached dwelling located on the south-western side of Headley Way. The property has been extended at the rear with single storey extensions and the garage has been extended and converted into living accommodation.

Proposal

2. Planning permission is sought for a single storey extension at the rear to partly in-fill the area to the side of the existing converted garage to provide a snug room. The existing conservatory would be removed, and an extension built on the same footprint.

Design

3. Policies CP1 and CP8 of the OLP state that planning permission will 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. Policy CS18 of the Core Strategy states that planning permission will be granted for development that responds appropriately to the site and its surroundings.
4. The proposed snug extension would measure 3.8 metres in width, 3.6 metres in depth and 3.15 metres in height. It would be positioned to link up the existing converted garage and existing rear extension. It would be sited 2.5 metres in from the common boundary with no. 190 Headley Way.
5. The existing conservatory would be removed and an extension of exactly the same footprint would be erected in its place. Both extensions would be finished in materials to match the existing house and would be flat roofed to match the converted garage. The roof height would be in line with the height of the converted garage. The proposed extension is not excessively large and would be single storey and would appear as a subservient addition to the original house. The neighbouring property, no. 190 Headley Way, has a large flat roofed extension that was granted consent in 2011 and officers consider that the extension would not appear materially out of character in the area. It would not be visible in the public realm and would have no impact on the streetscene.

6. The proposal would result in a large expanse of flat roof, but it would unify the existing hotchpotch of different roof types at the rear and would match the flat roof extension next door. Whilst the expanse of flat roof is not ideal, officers are of the view that it would not be harmful enough to warrant refusing planning permission.
7. When taken together, the existing and proposed extensions do amount to a large increase in the footprint of the house. However, all the extensions are single storey and the original dwelling would still remain the dominant form. The remaining garden would have a depth ranging from 11 to 17 metres which is more than adequate to serve the needs of a family house. The proposed extension would not extend the full width of the property and in officers' opinion would not amount to unacceptable overdevelopment.

#### Impact on neighbours

8. 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.
9. 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.
10. The new 'snug' extension would be sited 2.5 metres away from the boundary with no. 190 Headley Way and comfortably complies with the 45° guidance when measured from the nearest neighbouring windows and so would not have a harmful impact on light or outlook from this property. There is a side facing window proposed but it is at ground floor level and sited away from the boundary so would not cause significant overlooking.
11. The extension would not be visible from no. 186 Headley Way due to the existing converted garage and due to the garage and rear extensions at no. 186 Headley Way. The proposal would not result in any loss of light or outlook to no. 186 Headley Way.

#### Other matters

12. Some of the objections raised through consultation were in relation to existing extensions that have been carried out at the property, and in particular the garage conversion and extension. This is the subject of a separate enforcement investigation. Due to the size and position of the proposed extension, the outcome of the enforcement investigation is not material in determining this application. The extension would be sited far enough away from the nearest neighbouring windows and it is not the existence of the garage that makes the application acceptable.
13. Several other comments related to concerns that the property would be converted into a HMO. Planning permission would be required for any future change of use from C3 dwellinghouse to C4 HMO, and the issues

raised such as parking pressure would be considered then.

**Conclusion:** the proposal would not cause harm to neighbouring amenity and would not result in significant harm to the character or appearance of the area. The application is recommended for approval and complies with policies CP1, CP6, CP8, CP10 and HS19 of the Oxford Local Plan 2001-2016 and policy CS18 of the Core Strategy 2026.

### **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:** 12/02269/FUL

**Contact Officer:** Rona Gregory

**Extension:** 2157

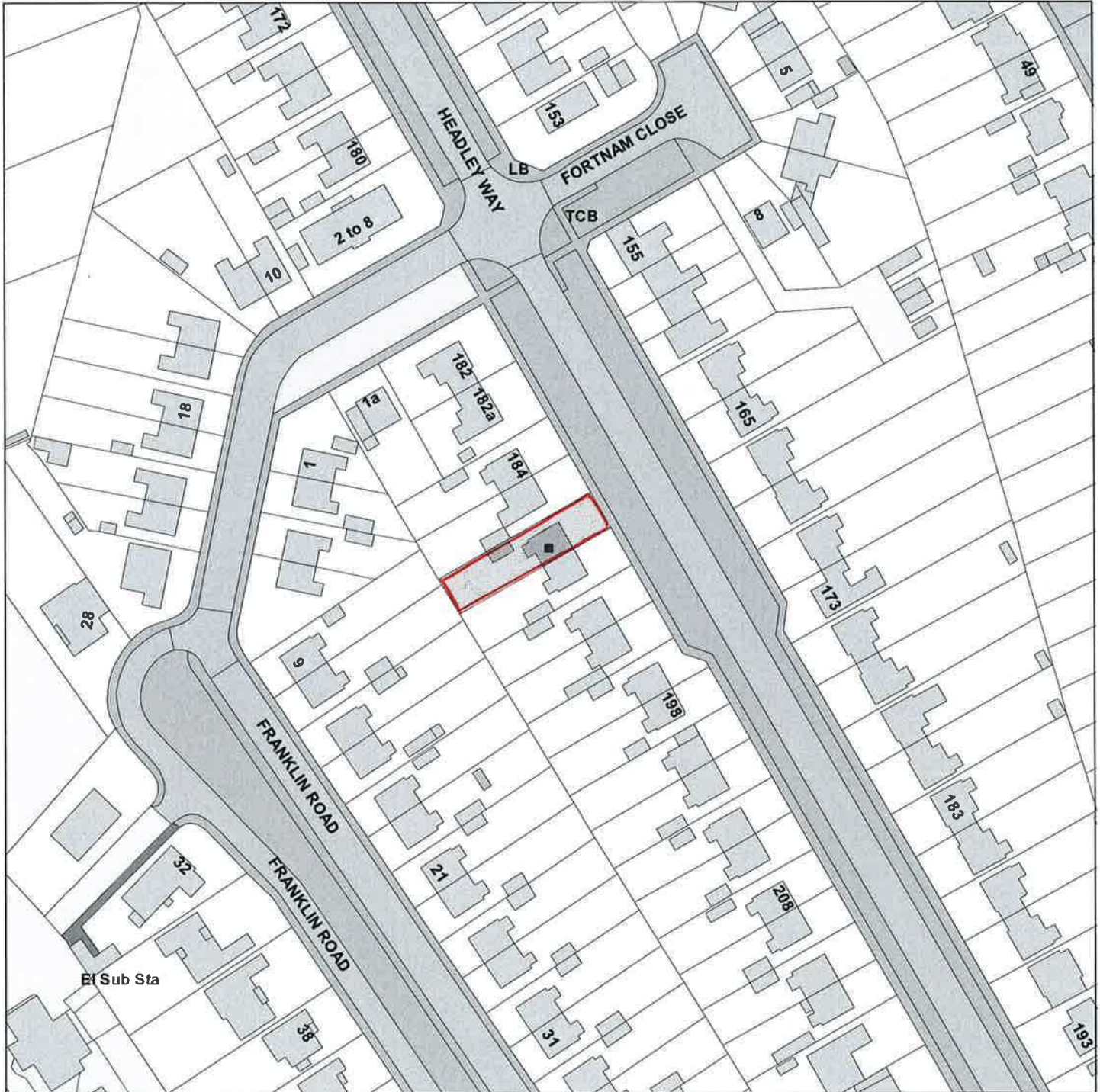
**Date:** 18th October 2012

# Appendix 1

## 188 Headley Way



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	Not Set
Department	Not Set
Comments	
Date	26 October 2012
SLA Number	Not Set