

West Area Planning Committee

8th October 2013

**Application Number:** 13/02123/FUL

**Decision Due by:** 14th October 2013

**Proposal:** Demolition of existing single and two-storey rear extension. Erection of a single storey flat roof rear extension with basement level beneath, and a rear pitched-roof three storey extension, with associated landscaping.

**Site Address:** 40 Chalfont Road, **Appendix 1**

**Ward:** St Margaret's

**Agent:** Mr Dominic Brooke-Read

**Applicant:** Mr Stephen Westbrook

**Application Called in** – by Councillors - Cllrs Campbell, Fooks, Brett and Wilkinson For the following reasons - Overbearing impact to No. 38 and a similar less extensive extension for No. 38 was twice refused within in the last five years, and the grounds for those refusals need to be taken into account.

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**Recommendation:** Approve.

For the following reasons:

- 1 The proposed extensions to the dwelling house are considered to form an appropriate visual relationship with the dwelling and its surroundings. It would not be visually harmful to the Conservation Area in which it lies. The overall scale and massing of the proposed extensions do not affect the privacy, light and outlook of the adjoining properties in accordance with policies CP1, CP6, CP8, CP10 and HE7 of the Adopted Oxford Local Plan 2001-2016 and CS18 of the Oxford Core Strategy 2026 and MP1, HP9 and HP14 of the Sites and Housing Plan.
- 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:-

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Materials as specified
- 4 SUDs
- 5 No balcony

### **Main Planning Policies:**

#### **Oxford Local Plan 2001-2016**

- CP1 - Development Proposals
- CP6 - Efficient Use of Land & Density
- CP8 - Design Development to Relate to its Context
- HE7 - Conservation Areas
- CP10 - Siting Development to Meet Functional Needs

#### **Core Strategy**

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

#### **Sites and Housing Plan**

- HP9 - Design, Character and Context
- HP14 - Privacy and Daylight
- MP1 - Model Policy

#### **Other Material Considerations:**

- National Planning Policy Framework
- Application is within the North Oxford Victorian Suburb Conservation Area.

#### **Relevant Site History:**

None.

#### **Public Consultation**

#### **Statutory Consultees:**

County Drainage Team Manager – The extension should be drained using SUDs methods.

#### **Third Party Comments Received:**

3 letters of objections were received from 38 & 47 Chalfont Road and 122 Woodstock Road.

The following comments were raised:

- Overbearing to no.38
- Concern over the basement, that is would increase flooding and set a precedent for basement extensions in future
- Flat roof ground floor extension is modern in appearance and out of keeping
- First and second floor extension would create loss of sky views from no.38's kitchen velux windows
- Light spillage from the roof lights and overlooking

- Planning permission was sought twice for 38 Chalfont Road and was rejected due to the impact on neighbours.

**Determining Issues:**

- Design
- Residential amenity

**Officers Assessment:**

Site:

1. The application site lies on the east side of Chalfont Road. The property is in use as a residential house as part of a pair of semi-detached, 3-storey Victorian Oxford red brick properties.

Proposal:

2. The application proposes to demolish the existing single and two-storey rear extension. It would consist of the erection of a single storey flat roofed ground floor extension, a basement extension and a three-storey rear extension with a pitched roof.

Design:

3. Policy CS18 of the Core Strategy (OCS) 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) and HP9 of the Sites and Housing Plan (SHP). 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. Policy CP8 suggests that 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.
4. The application site lies within the North Oxford Victorian Suburb Conservation Area where policy HE7 of the OLP applies. This states that planning permission will only be granted for development that preserves or enhances the special character and appearance of the conservation area and its setting.
5. The proposed basement extension would extend the entire width of the house and would be 10.35m in length. The single storey rear extension would also extend the entire width of the house and would be 8.4m in length. It would be constructed of matching brickwork and render. It would be 3.0m in height with a flat roof. The roof would have three roof lights. There is a brick boundary wall between properties 40 and 38 Chalfont Road which is approximately 2.0m in height.
6. The three-storey rear extension would be 3.65m wide and 8.9m high. It

would mirror the existing three-storey rear extension at no.38 Chalfont Road, the only difference being that it would extend out slightly further in length than no.38's extension by 0.6m further rearwards. The total length would be 3.4m from the existing rear wall. The three-storey extension would be built in matching brick work with a pitch roof with matching tiles.

7. Concerns have been raised with regards to the basement extension affecting the integrity of the adjoining property at 38 Chalfont Road with regards to the displacement of water towards no.38 and increased flooding in the area. In terms of the basement affect the integrity of the structure of 38 Chalfont Road, the construction would need to conform to Building Regulations and will the Party Wall Act. These matters are governed by legislation outside of the planning system and therefore, it is the principle of the basement development that will be considered.
8. The basement extension is substantial in size however; this alone should not be a reason to refuse it. The application has a large rear garden and a large existing house, the basement would not conflict with any current planning policies and there are no other materials considerations that would warrant the basement to be refused. It is considered that the basement is acceptable, and the structural and construction issues will be dealt with under separate legislation outside the planning remit.
9. Concerns have also been raised from no.38 Chalfont Road with regarding to the flat roofed single storey rear extension being modern in appearance and therefore out of keeping. The new ground floor extension is of a contemporary design and this would alter the character of the building at the rear. However, this alteration is considered not significant to harm the character and appearance of the existing house or surrounding area. It would be located at the rear of the property and would not be visible from the public realm. In this regard, it is considered that the proposed extension would preserve the special character and appearance of the conservation area as viewed from public vantage points and therefore complies with HE7 of the OLP.
10. The proposed three-storey rear extension would appear sympathetic to the character of the existing dwelling. In terms of design, officers consider the proposed three-storey extension which would have a form and appearance that would appear in keeping with the existing dwelling and would mirror the extension at no.38 would be appropriate and complies with policies CP1, CP6 and CP8 of the OLP, CS18 of the OCS and HP9 of the SHP.

#### Residential Amenity:

11. Policies HP.14 of the SHPDPD and CP.10 of the OLP require the appropriate siting of new development to protect the privacy of the proposed or existing neighbouring, residential properties. Proposals are assessed in terms of potential for overlooking into habitable rooms or private open space.

12. Concerns have been raised from the adjoining property that the flat roof could result in a loss of privacy if access to the roof was given. No access to the roof is proposed and a condition shall be imposed to prevent the flat being used as a terrace or balcony in order to protect the privacy of the occupiers of no.38.
13. There is already a degree of mutual overlooking from existing windows and whilst concern has been raised with potential overlooking from No.42 Chalfont Road's side first floor window into the roof lights of No.38 with the demolition of the existing pitched roof extension at ground floor. However, it is considered that the distance and acute angles would not give rise to a significant harmful level of overlooking or loss of privacy to No. 38.
14. Concerns have also been raised with regard to light spillage from the proposed roof lights on the ground floor extension. Amended plans were received on 26<sup>th</sup> September showing a reduced size in the two large roof lights. The size of the extensions remains the same. It is considered that this would not be harmful to the residential amenity of No.38 and would not be materially different from light spillage that currently occurs from the roof lights in No.38's ground floor extension.
15. Policy HP.14 of the SHPDPD also 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 degree code of practice, detailed in Appendix 7 of the OLP.
16. The proposed extensions comply with the 45/25 degree lines and therefore, are considered not to cause a significant loss of sunlight or daylight to the neighbouring properties.
17. It is considered that the application complies with the aims and objectives of Policy HP14 of the SHP and CP10 of the OLP, which seeks to safeguard the amenities of adjoining properties and that it has been carefully designed to minimise any adverse impact to the neighbouring property. It is therefore considered acceptable in this regard.
18. Concern has also been raised with regard to the proposed extensions affecting the outlook from the velux windows in No.38's kitchen. Whilst the three-storey would result in some loss of visible sky from these roof lights, the extension is set back from the boundary and the loss of sky would not be significant to warrant refusal of planning permission. It is considered that the occupiers would still be able to see a vast amount of sky from at least 4 of 6 of their roof lights and through their full glazed door. It is considered that the extension would not adversely affect their outlook in this regard.

### Other matters:

19. Based on a review of current archaeological evidence the proposal is considered not have any archaeological impacts as it is considered to be relatively small in scale and not located within the main archaeological historic route of the Woodstock Road. Therefore, it is considered that no archaeological condition is necessary for this development.

### **Conclusion:**

The proposed extensions to the dwelling house are considered to form an appropriate visual relationship with the dwelling and its surroundings. It would not be visually harmful to the Conservation Area in which it lies. The overall scale and massing of the proposed extensions do not affect the privacy, light and outlook of the adjoining properties in accordance with policies CP1, CP6, CP8, CP10 and HE7 of the Adopted Oxford Local Plan 2001-2016 and CS18 of the Oxford Core Strategy 2026 and MP1, HP9 and HP14 of the Sites and Housing Plan

### **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: 13/02123/FUL**

**Contact Officer:** Davina Sarac

**Date:** 26th September 2013