

**West Area Planning Committee**

8th April 2014

**Application Number:** 14/00144/FUL

**Decision Due by:** 18th March 2014

**Proposal:** Erection of single and two storey extension to side and rear elevations (Amended plans).

**Site Address:** 24 Charlbury Road, Appendix 1.

**Ward:** St Margaret's

**Agent:** Mr Sam Cook

**Applicant:** Sam Cook

**Application Called in –** by Councillors – Campbell, Wilkinson, Royce and Goddard  
for the following reasons - application is un-neighbourly to the two adjoining properties (22 and 26), and will be out of keeping with this part of the Conservation Area.

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## **Recommendation:**

APPLICATION BE APPROVED

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 adversely 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, which have been imposed for the reasons stated:-

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples in Conservation Area: North Oxford Victorian Suburb,
- 4 Tree Protection Plan (TPP) 1
- 5 Front paving
- 6 Arboricultural Method Statement (AMS) 1

### **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  
NE16 - Protected Trees

#### **Core Strategy**

CS18 - Urban design, town character, historic environment

#### **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:**

None.

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

25 letters of objection in total from the following addresses:

4, 15, 16A, 18A, 20, 22, 26, 27, 28 & 31 Charlbury Road; 8, 14, 24 & 26 Northmoor Road; 10 and 13 Belbroughton Road; 96 and 112 Banbury Road; 19 Linton Road, The Victorian Group of Oxfordshire Architectural and Historical Society (VGOAHS), 9 Bardwell Road (Linton Road Neighbourhood Association) and the Oxford Civic Society.

The following comments were raised:

- Overdevelopment
- Will set a precedent for inappropriate dense development in future

- Extensions are out of character with the area
- Overlook the annex of 28 Charlbury Road and the garden will lose privacy
- Excessive size and height
- Shame if all rear extensions at Charlbury Road resemble those at no.18 Charlbury Road
- New Garage will restrict light to 22 Charlbury Road
- Dominate views from 24 Northmoor Road and rear elevation would encroach closer to 24 Northmoor Road
- Loss of privacy to 24 Northmoor Road
- Direct impact on 22 Charlbury Road, loss of light and amenity to kitchen/dining room due to height, length and position of sloping garage roof
- Unsympathetic to immediate neighbours
- Loss of light to no.26 Charlbury Road Kitchen/family room.
- Impact on North Oxford Victorian Suburb Conservation area, building to boundary wall will result in loss of gap
- Misleading plan with misleading boundary heights between 22 and 24 Charlbury Road
- Inaccurate sunlight/daylight assessment.

#### **Determining Issues:**

- Design
- Impact upon the conservation area
- Residential amenity

#### **Officers Assessment:**

##### Site description

1. The site lies on the west side of Charlbury Road and within the North Oxford Victorian Suburb Conservation Area. The area was developed by St. John's College in the early 1900's and generally comprises individual, detached properties set in spacious grounds. More recent developments to the east comprise smaller, detached dwellings in more modest plots.
2. The existing dwelling was thought to be built around 1912 in a modest, Edwardian style but with decorative overtones. It sits in a spacious plot that is set back from the road. There is an existing, modest garage to the south side close to the boundary with number 22 which is to be demolished along with the single storey rear projection, replaced by a new garage and a two storey extension in the same locations. The existing rear veranda would be replaced by a new single storey garden room linking the two extensions.
3. The proposed extensions would be erected using red bricks and stone surrounds to match the existing dwelling together with red single camber clay tiles to match the existing roof tiles. It would have a traditional appearance as viewed from Charlbury Road. The side elevation of the proposed two-storey extension is designed to be a continuation of the Edwardian style in appearance with matching materials but would also

have a lower roof height together with additional two velux sun tunnels in the original part of the roof that would face north.

### Design

4. Policy CP1 of the Oxford Local Plan states that planning permission will only be granted for developments that show a high standard of design, that respect the character and appearance of the area and uses materials of a quality appropriate to the nature of the development, the site and its surroundings. Policy CP6 states that development proposals should make the best use of site capacity but in a manner that would be compatible with both the site itself and the surrounding area.
5. Policy CP8 of the Oxford Local Plan states that the siting, massing and design of any new development should create an acceptable visual relationship with the form, grain, scale, materials and detailing of the surrounding area and policy CP10 states that planning permission will only be granted where proposed developments are sited to ensure acceptable access, circulation, privacy and private amenity space.
6. Policy CS18 of the Oxford Core Strategy emphasises the importance of good urban design and its contribution towards an attractive public realm.
7. The proposals have been the subject of pre-application discussions and no objection was raised in terms of design by officers at that stage. It is considered that the most important elevation in terms of the public realm is the front elevation where the main alteration to the front view of the existing building would be the new garage with new hipped roof. This is considered to be acceptable. The less important, side elevations and rear elevation is still traditional in appearance and form although it would be lower in height as regards the host dwelling and would therefore appear subservient.
8. The rear garden is approximately 26m in length and 17m wide. The two storey rear extension would extend a further 1.7m into the rear garden at ground floor level. Therefore the rear garden would remain a sufficient size for a dwelling of this size and would retain a sense of spaciousness. There would not be a substantial loss rear garden as suggested by some of the objection letters.
9. Officers take the view that the proposal would form an acceptable visual relationship with the existing dwelling. The rear extension has been designed to respect the character and appearance of the existing building with the use of traditional forms that mirror the existing gable form at the rear. The most contemporary part of the design is the powder coated aluminium sliding double doors on the ground floor, all other windows will be timber framed. A condition shall be imposed to ensure that proposed materials are of a high quality and match those of the existing dwelling.

10. Concerns have been raised from local residents with regard to the massing of the extension being out of keeping and setting a precedent for future similar developments. The new extension would alter the character of the building at the rear and at the front with the alterations to the garage. However, these alterations are not considered to harm the character and appearance of the existing house or surrounding area. The main extension would be located at the rear of the property and would not be highly visible from the public realm. Whilst there would be some views from Charlbury Road of the side elevation of the two storey rear extension between no.24 and no.26 from the street, these would not be prominent. 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 comply with HE7 of the OLP.

#### Impact in the Conservation Area

11. Policy HE7 of the Oxford Local Plan states that planning permission will only be granted for development in conservation areas which preserves and enhances the special character and appearance of the conservation area and its setting.
12. The character of this part of the conservation area is one of large detached dwellings in substantial plots with generous gaps between buildings. The proposed new garage extension would bring the building closer to the boundary of no.22 Charlbury Road to the south side by enclosing the existing 0.7m gap between the existing garage and the boundary wall of no. 22. However, this infill of the gap and increase in height of the garage roof are not considered to be significant in closing the gap between the buildings to the visual detriment of the street scene. The eaves of the new garage would remain low at 2.1m with a hipped roof that slopes away from the common boundary. No 22 is set some 1.5m from that common boundary. Officers, are therefore satisfied that sufficient gap remains above the garage and on the northern side of no. 22 to maintain the important gap characteristic of the conservation area, and to continue to allow glimpses of the greenery in the rear.
13. Furthermore it was suggested that the two storey rear extension would erode the openness between numbers 24 and 26 Charlbury Road on the north side. Here the proposed extension would retain the openness between numbers 24 and 26 as the extension would be located at the rear and there would be no infill of the side gap on this northern side. There is also a substantial distance (6 metres) between no. 24 and 26 Charlbury to retain this sense of openness between the two buildings. Overall therefore, it is considered that the proposal would preserve the character and appearance of the conservation area.

#### Impact on Neighbours

14. 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.

15. In this instance, officers take the view that the only properties potentially affected by the proposal are again numbers 22 & 26 Charlbury Road which are adjacent to the application site. Concern has been raised from 24 Northmoor Road that the proposal would encroach towards the rear garden of no.24 and create overlooking. However given the distance involved (some 25 metres) and the fact that policy HP14 states that the generally a distance of 20 metres from directly facing windows of habitable rooms is acceptable in privacy terms, it is considered that there would be no adverse impact to the occupiers of 24 Northmoor Road in respect of loss of privacy, overlooking or sense of enclosure.
16. In terms of no. 26 Charlbury Road there is a current 6 metre gap between the side elevations of the application site and the neighbouring building. No. 26 Charlbury Road has a garage building that is located along the boundary of no.24 and is set well back from the road. Just behind this garage, the two-storey rear extension would be visible. The extension would add additional mass along the boundary at this point however and would be visible from rear ground floor rooms from 26. It is concluded that due to the location of rear elevation of no.26 Charlbury Road, the proposed extension would not be considered to be of an overbearing nature.
17. The main view from no.26's study room would be towards the rear of the garden which faces westwards. Whilst the extension would create some additional shadowing mainly upon the garage of no.26 and to the part of the patio area of the garden, it is considered that this additional shadowing would not be detrimental to residential amenity of the occupiers of no.26 due to the size of the garden. The main views from the kitchen/dining room are to the south with full length doors looking towards the garage of no.26 and then beyond on the side elevation of no.24. The extension would affect the outlook from this room, by taking up some of the visible sky that can be seen above the garage. However, it is considered that it is not sufficient to warrant refusal of planning permission as there would be still be sky visible and the kitchen/dining room is set well back from the boundary. It is acknowledged that there is a large sycamore tree located in the garden of no. 26 which contributes to overshadowing of the garden already. However, it is considered that there would still be plenty of visible sky and there would not therefore be any significant or adverse loss of outlook or loss of light
18. Due to the distance and location of no.26's Charlbury Road rear windows, the proposed two-storey rear extension complies with the 45 degree guidance as detailed in appendix 7 of the SHP. Thus whilst there would be some impact to no.26 Charlbury Road in terms of outlook it would not be sufficient to warrant refusal of planning permission.

19. No. 22 mirrors 24 to some degree with a single storey rear projection that is the kitchen/dining room. The rooms are unusual as there are no windows facing the rear garden, the main source of light coming from the side facing windows in the south and north elevations. The most important window would be the south facing one which allows maximum sunlight and daylight into the relatively dark rooms. The two north facing windows also provide light, but not as much as the south facing window due to its orientation. The new garage will be longer than the existing garage and would have a hipped roof instead of a flat roof. The guidance in Appendix 7 of the SHP uses line drawn up in 45 degrees from the midpoint of side facing windows. In this case, the line of 45 degrees in the vertical plane complies with the guidance. It is concluded that the new garage would have little impact upon the residential amenity currently in terms of loss of light, outlook or overbearing nature. The eaves of the garage are low at 2.1m and would just be visible above the existing boundary wall.
20. The proposed two storey extension would have additional windows in the west elevation; however, these windows would not give rise to any additional overlooking into the rear gardens of no.22 and 26 that do not already exist from current first floor windows.

#### Other matters

21. The plans show a new paved driveway to the front, a condition is recommended that would require further details to be submitted in order to allow for further consideration of the impact upon the conservation area.
22. The proposed railings detailed in the application form and design statement will be subject to a separate planning application and do not form part of this proposal although they are referred to despite being mentioned.

#### **Conclusion:**

The extensions have been carefully designed and in officers' view would not lead to any unreasonable impacts on the adjacent properties or on the character and appearance of the Conservation Area. The proposal conforms to the Council's standards and the presumption should be in favour of the grant of permission. Whilst the comments from neighbours have been carefully considered, they do not raise issues which should lead to sustainable harm being caused, or to justify the application being refused Planning permission.

#### **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:** 14/00144/FUL

**Contact Officer:** Davina Sarac

**Date:** 26th March 2014



## Appendix 1 14/00144/FUL 24 Charlbury Road



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Metres

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