

## WEST AREA PLANNING COMMITTEE

8<sup>th</sup> April 2014

**Application Number:** 14/00047/FUL

**Decision Due by:** 11th March 2014

**Proposal:** Erection of a part single, part two storey rear extension.  
(Amended plans)

**Site Address:** 15C Cross Street Oxford Oxfordshire OX4 1DA  
(Appendix 1)

**Ward:** St Clement's

**Agent:** PGM Planning

**Applicant:** Mr Nigel Johnson

Application called in by Councillors Clack, Fry, Baxter and Lygo  
due to public concerns about the proposals and possible overdevelopment.

---

### Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The development is considered to form an acceptable visual relationship with the existing building and local area, will not have a significant effect on the current and future occupants of adjacent properties and retains an acceptable level of garden space for the extended house. Concerns over flooding and overlooking can be dealt with by condition and the proposals therefore comply with Policies CP1, CP8 and CP10 of the adopted Oxford Local Plan 2001 - 2016, Policies CS11 and CS18 of the Core Strategy and Policies HP9, HP13 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
- 4 Materials - matching
- 5 Amenity - no additional windows
- 6 Sustainable drainage
- 7 No further buildings

**Main Local Plan Policies:  
Oxford Local Plan 2001-2016 (OLP)**

**CP1** - Development Proposals

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

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

**Core Strategy**

**CS11\_** - Flooding

**CS18\_** - Urban design, town character, historic environment

**Sites and Housing Plan (SHP)**

**MP1** - Model Policy

**HP9\_** - Design, Character and Context

**HP13\_** - Outdoor Space

**HP14\_** - Privacy and Daylight

**Other Material Considerations:**

National Planning Policy Framework

The Town and Country Planning (General Permitted Development) Order 1995. As amended. (GPDO).

**Relevant Site History:**

91/00753/NF - Demolition of existing single storey rear addition and erection of part single part two storey rear extension. PER 9th September 1991.

**Representations Received:**

16 Cross Street: Objection – Loss of light, garden size

**Statutory and Internal Consultees:**

Thames Water: No objection but refers to legal responsibilities

**Issues:**

Visual appearance  
Effect on adjacent occupiers  
Garden size  
Flooding

**Officers Assessment:**Site description and proposal

1. 15C Cross Street is an end of terrace house on an unusually small plot. A part single, part two storey extension has been erected to the rear.
2. Permission is sought to double the size of the first floor extension and add a relatively modest single storey element to increase the size of the kitchen. The current proposals have been amended from those originally proposed to remove a ground floor side extension and reduce the size of the ground floor rear element.

Visual appearance

3. Oxford City Council requires that all new development should demonstrate high quality urban design where the siting, massing and design creates an appropriate visual relationship with the built form of the local area. The Local Development Plan provides policies to support this aim and CP1, CP8, CS18 and HP9 are key in this regard.
4. The first floor element of the proposals reflects an existing element on the site and other extensions in the wider area, whilst the single storey element is a modest and visually appropriate addition to the existing ground floor element. Due to the position of the extensions behind the house and existing planting, the development will not be highly visible from the public domain and when viewed from the rear of surrounding properties will relate sympathetically to the existing house and surrounding area. Overall, and subject to a condition of planning permission to control the appearance of materials used in the build, the proposal is a visually appropriate form of development and complies with Policies CP1 and CP8 of the OLP, Policy CS18 of the Core Strategy and Policy HP9 of the SHP.

Effect on adjacent occupiers

5. Oxford City Council requires development proposals to safeguard the privacy and amenities of adjoining occupiers and policies CP1 and CP10 of the OLP and Policy HS14 of the SHP support this aim.
6. Appendix 7 of the SHP sets out the 45 degree guidance, used to assess the effect of development on the windows of neighbouring properties.

7. The proposal complies with the 45-degree guidance. Although the boundary of the properties is staggered, meaning that the ground floor parts of number 16 are closer to the development than they first appear, the adjacent ground floor window at number 16 serves a non-habitable room, whilst the side facing kitchen window is already affected by an extension at number 16, meaning that any increase in overbearing or overshadowing to the ground floor will be modest and not of an unacceptable level. The first floor window at number 16 will remain a reasonable distance from the first floor extension and will not experience an unacceptable increase in overbearing or overshadowing and due to the orientation of the properties there will not be a material loss of direct sunlight to adjacent properties. Overall, the proposal will not have an unacceptable effect on adjacent occupiers, and subject to a condition to prevent an unacceptable increase in overlooking by the formation of any new side facing windows, complies with Policies CP1 and CP10 of the OLP and Policy HP14 of the SHP.

### Garden size

8. Policy CP10 of the OLP states that permission will only be granted where developments are sited to ensure that outdoor needs are properly accommodated, including private amenity space, where buildings are orientated to provide satisfactory light, outlook and privacy. Policy HP13 of the SHP states that permission will only be granted for houses of 2 or more bedrooms that have direct access to an area of private open space that is of adequate size and proportions for the size of house proposed, while the accompanying text states that the City Council will expect an area of private garden for each family house which is at least equivalent to the original building footprint. Although this policy relates primarily to new dwellings, it is a useful benchmark to ensure that existing gardens are not unacceptably eroded through the construction of new extensions and outbuildings.
9. The proposed development would result in the loss of 1.2 metres of private amenity space to the rear of the property. However an area of rear garden of a size in excess of the original building footprint will be retained, which is considered sufficient to serve the extended house and subject to a condition removing Permitted Development rights under the GPDO to construct further extensions or other buildings in the garden, the application complies to Policies CP1 and CP10 of the OLP and HP13 of the SHP.

### Flooding

10. Policy CS11 of the Core Strategy seeks to limit the effect of development on flood risk and expects all developments to incorporate sustainable drainage systems or techniques to limit or reduce surface water run-off.
11. The development will add to the level of non-porous surfaces on the site, resulting in an increased level of rain water run-off and it is considered reasonable for any grant of planning permission to be conditional on SUDS compliant drainage in order to reduce the rate of run off and the risk of flooding in accordance with Policy CS11 of the Core Strategy.

**Conclusion:**

12. The development is considered to form an acceptable visual relationship with the existing building and local area, will not have a significant effect on the current and future occupants of adjacent properties and retains an acceptable level of garden space for the extended house. Concerns over flooding and overlooking can be dealt with by condition and the proposals therefore comply with Policies CP1, CP8 and CP10 of the adopted Oxford Local Plan 2001 – 2016, Policies CS11 and CS18 of the Core Strategy and Policies HP9, HP13 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 planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

**Background Papers: 14/00047/FUL**

**Contact Officer:** Tim Hunter

**Extension:** 2154

**Date:** 26th March 2014

## Appendix 1: 15C Cross Street

