

West Area Planning Committee

8th October 2014

Application Number: 14/02327/FUL

Decision Due by: 9th October 2014

Proposal: Erection of part single, part two storey rear extension

Site Address: 41 Portland Road Oxford. Site plan at **Appendix 1**

Ward: Summertown Ward

Agent: Mr Ian Brown

Applicant: Mrs Behnaz Shahedian

Application Called in – by Councillors – Fooks, Wade, Wilkinson and Goddard for the following reasons – may have an unacceptable impact on the neighbours at No. 39

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 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.
- 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.

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
- 4 Amenity no additional windows - side

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

Core Strategy

CS18 - Urban design, town character, historic environment

West End Area Action Plan

Barton AAP – Submission Document

Sites and Housing Plan

HP9_ - Design, Character and Context

HP14_ - Privacy and Daylight

Other Material Considerations:

National Planning Policy Framework

Planning Practice Guidance

Relevant Site History:

41 Portland Road

94/00682/NF - Insertion of bedroom window on front elevation. PER 27th July 1994.

14/00682/FUL - Erection of part single, part two storey rear extension. REF 11th August 2014. Appeal in progress.

39 Portland Road

07/02531/FUL - Erection of single and two storey rear extension. PER 24th December 2007.

43 Portland Road

11/00878/FUL - Two storey rear extension (Amended Plans). PER 8th June 2011.

Representations Received:

39 Portland Road: raise an objection; appeal almost entirely based on a factually

incorrect statement in respect of my Clients first floor bedroom window; impact on windows in east elevation which currently enjoy the benefit of views of the sky and both daylight and sunlight which will be either removed completely or substantially reduced by the bulk and extent of the proposed structure; overbearing; loss of sunlight/daylight.

Statutory and Internal Consultees:

Oxfordshire County Council Environmental Services: All extensions / developments which increase the size of the hard areas must be drained using SUDs methods, including porous pavements to decrease the run off to public surface water sewers and thus reduce flooding. You should carry out soakage tests to prove the effectiveness of soakaways or filter trenches.

Issues:

Design

Residential Amenity

Officers Assessment:

Site Description

1. The application site comprises a semi-detached Edwardian residential property on the northern side of Portland Road. Portland Road is located within Summertown and is accessed off the Banbury Road. To the rear is a two storey gable ended outrigger with a single storey lean-to style extension on the end.

Proposal

2. The application is seeking permission for the erection of a two storey and single storey rear extension in materials to match the existing property.
3. This application follows a recent application that was refused (ref.: 14/00682/FUL) and is currently at appeal (appeal ref.: APP/G3110/D/14/2223940). It was refused for the following reason:

The proposed extension by virtue of its depth would result in an un-neighbourly and overbearing form of development that would lead to a sense of enclosure and a loss of outlook to 39 Portland Road. This would be detrimental to the residential amenities and living conditions of the current and future occupants of this property and be contrary to policies CP10 of the Oxford Local Plan 2001-2016 and HP14 of the Sites and Housing Plan 2011-2026.

4. This current application seeks to address this reason for refusal by reducing the depth of the first floor element by 1 metre.

Assessment

Design

5. Policy CS18 of the Oxford Core Strategy (OCC) states that planning permission will only be granted for development that demonstrates high quality urban design. This is reiterated in policies CP1, CP6, CP8 and CP10 of the Oxford Local Plan (OLP) and HP9 of the 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. CP8 states all new and extended buildings should relate to their setting to strengthen, enhance and protect local character and CP10 states planning permission will only be granted where proposed developments are sited to ensure that street frontage and streetscape are maintained or enhanced or created. HP9 states planning permission will only be granted for residential development that responds to the overall character of the area, including its built and natural features.
6. The two storey element continues the existing ridgeline and maintains a gable end and extends beyond the existing two storey element by 2.3m. There are two sections to the ground floor extension; 1.8m rearward projection off the proposed two storey extension and 1m to the side facing 43 Portland Road. The ground floor rearward extension had a hipped roof with double doors opening on to the rear amenity space with glazing above a dwarf wall on the side elevation facing No. 43 Portland Road. The single storey side extension matches the rearward projection in that it has a hipped roof with glazing sitting on a dwarf wall.
7. The proposed extensions are considered to be in keeping with the existing property; are of a sympathetic design and use materials of a suitable nature. The proposal is therefore considered acceptable in terms of policy CS18 of the Core Strategy 2026, CP1 and CP8 of the Oxford Local Plan 2001-2016 and HP9 of the Sites and Housing Plan 2011-2026 in that it respects the character and appearance of the area, uses materials of a quality appropriate to the nature of the development, the site and its surroundings and creates an appropriate visual relationship with the form, grain, scale, materials and details of the site and the surrounding area.

Residential Amenity

8. Policy HP14 of the SHP require the siting of new development to protect the privacy of the proposed or existing neighbouring, residential properties and proposals will be assessed in terms of potential for overlooking into habitable rooms or private open space. It 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 and whether a proposal will create a sense of enclosure or being of an overbearing nature. In respect of access to sunlight and daylight, the 45° guidelines will be used, as illustrated in Appendix 7, alongside other material factors.
9. The proposal does not give rise to any issues of overlooking or loss of privacy

as the new window on the first floor side elevation facing No. 43 Portland Road is obscure glazed as it serves a bathroom. There are no side windows facing No. 39 Portland Road.

10. The 45/25 degree code of practice was applied to the neighbouring properties. With regards to No. 43, there is a side window at first floor facing No. 41, however the 45 degree uplift is not breached; it has two high level windows at ground floor which marginally clip the 45 degree uplift however these are secondary windows with the main windows (full height, full width French doors) facing on to the garden; it also has a ground and first floor window on the original rear wall which the existing outrigger at the application site breaches therefore there is no significant impact on these windows above and beyond what already exists.
11. With regards to No. 39 it has two windows at first floor in the side elevation facing No. 41. One serves a bathroom therefore the 45/25 degree code of practice does not apply and the other serves a bedroom. The 45 degree uplift is not breached. There are several windows in the side elevation at ground floor which the existing outrigger at the application site breaches therefore there is no significant impact on these windows above and beyond what already exists.
12. The single storey extension at No.39 has a significant amount of glazing in the form of bi-folding doors on the rear elevation and the chamfered elevation along with six rooflights and various glazed doors and windows in the side elevation all serving an open plan area. Therefore, it is officers opinion that the proposal will not have an adverse impact on No.39 in terms of loss of sunlight/daylight
13. With regards to the proposal creating a sense of enclosure or being of an overbearing nature to the neighbouring properties, it is not considered to be so in relation to No. 43 as the proposal is set far enough away from the boundary so as not to cause any concerns. In respect of No. 39, the first floor side window (serving the bedroom) and the rooflights in the ground floor extension are potentially affected. The first floor element of the proposal has been reduced by 1m when compared to the refused scheme. It is officers opinion that this is enough to reduce the impact on No. 39 in order to retain some outlook from the bedroom window and allow at least one of the three rooflights to remain un-obscured. Given the rooflight are more for light rather than views this is considered acceptable.

Conclusion:

14. Members are recommended to approve the scheme.

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 to grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers:

Contact Officer: Lisa Green

Extension: 2614

Date: 26th September 2014

Appendix 1

14/02327/FUL - 41 Portland Road



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Ordnance Survey 100019348

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