

West Area Planning Committee

13th January 2015

Application Number: 14/03010/FUL

Decision Due by: 25th December 2014

Proposal: Erection of single storey side and rear extension. (Amended plans)

Site Address: 14 Hernes Road, **Appendix 1.**

Ward: Summertown Ward

Agent: Mr Robert Leach

Applicant: Mr & Mrs Magnotta

Application Called in – by Councillors – Fooks, Gotch, Wade and Wilkinson for the following reasons – the proposed extension would block light to and outlook from the neighbour's living room, and appears to break the 45 degree rule.

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposal is acceptable in design terms and would not cause unacceptable levels of harm to the amenities of the neighbouring properties. The proposal therefore accords with policies CP1, CP6, CP8 and CP10 of the Oxford Local Plan, HP14 and HP9 of the Sites and Housing Plan and CS18 of the Core Strategy.
- 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 as proposed
- 4 Amenity no additional windows
- 5 Amenity no balcony

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

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:

None

Representations Received:

12 Hernes Road:

Objections were received in response to the original plans relating to:

- loss of light and sunlight in the morning from the living room served by a side window facing number 14
- change in outlook from the living room's side-facing window from gardens, trees and sky to the extended house
- overbearing impact due to the scale of the development and proximity of the walls to number 12.

Following receipt of amended plans, further comments were received:

- Amended plans are an improvement but have not resolved the issues.
- Although the height of the main dining room extension has been reduced, the presence of such a large building in such close proximity to my living room window will reduce the natural light in my living room and will reduce the morning sun received into the room.
- The outlook from my living room, when entering the room, is of gardens, trees and sky. The main problem is that the height of the main dining room extension is such that it will more or less completely obscure this view.
- The proximity and scale of the extension, even with its amendments, will make my living room feel boxed-in, dark and depressing.

Statutory Consultees:

Highways Authority: No objection. The proposal sees no increase in the number of bedrooms at the property, therefore there should be no impact on the highway.

Determining Issues:

- Design
- Residential amenity

Officers Assessment:

Site Description

1. The property is a three-bedroom, two-storey semi-detached house located on the south side of Hernes Road. Its garden extends 28m to the rear and is set a little lower than the neighbouring property's garden at number 12.

Proposal

2. The existing small single-storey rear extension is to be demolished and a single storey rear extension with a flat roof incorporating a roof lantern is proposed across the width of the original house to create a dining/living room. A side extension is proposed to create a side entrance to the front and a utility area.
3. The application description included the replacement of UPVC windows with timber and the removal of the UPVC door and windows to the front of the original porch. These elements have been removed from the description as they do not require planning permission.
4. Revised plans were requested and received on 8th December 2014. These addressed officer concerns regarding the overbearing impact of the side extension and neighbour concerns regarding the overall height of the extension.

Design

5. Policy CS18 of the Core Strategy, HP9 of the Sites and Housing Plan and Policies CP1 and CP8 of the adopted Oxford Local Plan taken in combination require that planning permission will only be granted for development which shows a high standard of design, that respects the character and appearance of an area, uses materials appropriate to the site and surroundings and where the siting, massing, form, layout, scale and appearance of the development create an appropriate visual relationship with the surrounding area.
6. Although the footprint of the extension is approximately equal to the footprint of the existing house, it lies within a large plot, extending 7.4m into a 28m garden and so sufficient amenity space would remain. Other properties in the area also extend significantly into the rear gardens. The extension is single storey only and would be set at a low level, stepped down by 450mm from the main body of the existing house, giving it a subservient appearance with a massing and scale that would be appropriate in relation to the existing house.

7. The proposed roof to the rear extension is made up of two roof forms, with the more southerly element set at a lower level. This is considered to reduce the visual impact of the large extension by breaking up the bulk of the roof area when viewed from neighbouring properties.
8. The side element of the extension would be set back by 3.9m, in line with the front door of number 12 to the front of the property and have a flat roof at a height of 2m. The simple design of the side entrance clearly indicates that this is a secondary entrance. This element of the extension, which is the only part that would be seen from the street, is therefore considered to be visually subservient and not significantly different from the current appearance of the front of the property with its side gate.
9. Render is proposed for the walls with a mixture of gravel-covered and metal roof treatments. Large full height folding windows form the majority of the rear elevation and part of the side elevation facing 12 Hernes Road. These materials are considered to be appropriate for a contemporary extension, and the render walls would be in keeping with the existing building. A condition is recommended to ensure that the materials proposed are those used in the development.
10. Officers therefore consider that, subject to the recommended conditions, the proposal would create an appropriate visual relationship with the host building and the surrounding area and would comply with policies CP1 and CP8 of the Oxford Local Plan, HP9 of the Sites and Housing Plan and CS18 of the Core Strategy.

Residential Amenity

11. HP14 of the Sites and Housing Plan states that planning permission will only be granted for new residential development that provides reasonable privacy and daylight for the occupants of both existing and new homes. HP14 also states that planning permission will not be granted for any development that has an overbearing effect on existing homes. Policies CP1 and CP10 of the Oxford Local Plan state that planning permission will only be granted where proposed developments are sited to ensure that the use or amenity of other properties is adequately safeguarded.
12. The two properties that would be affected by the proposal are the two immediate neighbours: 16 Hernes Road (the adjoining semi-detached) and 12 Hernes Road.
13. Number 16 Hernes Road has a rear extension with a glass-roofed conservatory abutting the boundary with number 14, which would be the closest habitable room to the proposal. The boundary treatment is a 1.8m close boarded timber fence.
14. In applying the guidance from Appendix 8 of the Sites and Housing Plan relating to access to daylight, the 45-degree line drawn from the notional cill line of the conservatory's patio doors is broken by the extension. When this line is lifted by 25 degrees, as per the guidance, a very small corner of the lower section of the extension breaks the line. The conservatory is fully glazed and therefore it is not

considered that the proposed extension would cause a harmful loss of light to neighbours at number 16.

15. Moreover the extension would only project 3.5m beyond the rear of the conservatory at number 16, would have an eaves height of 3m and would be partially screened by a 1.8m fence. As such, it is not considered to have an overbearing impact on number 16.
16. Number 12 Hernes Road has a side-facing window serving a living room, which would be affected by the extension. It is the only window serving the room. Concerns have been raised in relation to this room and window regarding loss of light, impact on outlook and overbearing impact. These issues are discussed in the following three paragraphs.
17. Loss of light: The proposal complies with the 45-degree guidance and so there are no concerns over loss of light.
18. Overbearing: The side element of the extension would extend to the boundary with number 12 and the original plans proposed a longer side extension than now proposed with a pitched roof and roof lights. This raised neighbour concerns regarding outlook and officer concerns regarding overbearing impact. The amended plans reduced the depth of the extension by 2.1m to the rear and altered the design to incorporate a flat roof and no roof lights. The eaves would measure 2.5m where the extension faces the side window at number 12 and so, considering that number 14 is set a little lower than number 12, the revised, reduced-scale proposal is felt to be acceptable and not overbearing.
19. Outlook: The rear element of the extension has also raised neighbour concerns regarding impact on the outlook from no. 12. Currently, the side window at number 12 looks out directly onto the side of the house at number 14, and has diagonal views of the fence between number 14 and 16 and the trees behind. The extension will screen these views and change the diagonal outlook from one that is predominantly a garden outlook to one that would be predominantly a built form outlook. Officers have considered whether this change in outlook would be harmful. Due to the comfortable distance of 2.3m between the window and the proposed extension; the fact that trees will still be just visible above the extension; that the existing foreground outlook is of a fence, and that there will be no significant change to direct outlook, only diagonal outlook, then the change is not considered to be harmful as to warrant refusal of planning permission. In this regard it should also be noted that the revised plans have reduced the overall height of the rear extension by 0.35m, thus reducing the impact on outlook in any event.
20. The rear and side sliding-folding doors will not create any significant overlooking into the neighbouring gardens due to the extension being single storey and the 1.8m fence boundary treatments protecting neighbouring privacy. Should windows be inserted into either side of the extension or the flat roof be used as a balcony, this would harm neighbouring privacy and so conditions are recommended that would restrict the insertion of side windows to both elevations and prevent the use of the extension's roof as a balcony.

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 within an existing residential area

Conclusion:

In officers' view the extension's design is acceptable and would not lead to any unreasonable impacts on the adjacent properties or on the character and appearance of the area. Whilst the objections have been carefully considered, they do not raise issues which would 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 approve, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers: 14/03010/FUL

Contact Officer: Nadia Robinson

Extension: 2697

Date: 29th December 2014

Appendix 1

14/03010/FUL - 14 Hernes Road



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