

West Area Planning Committee:

9th February 2016

Application Number: 15/03027/VAR

Decision Due by: 15th December 2015

Proposal: Variation of conditions 2 (approved plans) and 3 (materials) of planning permission 14/03042/FUL to allow an increase in overall height for rainwater run off and change in materials of flat roof.

Site Address: 15 Rosamund Road, Oxford, Site Plan **Appendix 1**

Ward: Wolvercote

Agent: Mr Richard Court

Applicant: Mr Christian Lang

Recommendation: West Area Planning Committee is recommended to approve the application for the reasons set out below and subject to conditions, including those listed below.

Reasons:

- 1 The variations are acceptable in terms of design and will not have an unreasonable impact on the amenity of neighbouring properties. The variations comply with policies CP1, CP8 and CP10 of the Oxford Local Plan, policy CS18 of the Core Strategy and policies HP9 and HP14 of the Sites and Housing Plan. The Council considers that the variations accord with the policies of the development plan as summarised below, for the reasons set out above. There are no material considerations that outweigh this conclusion.
- 2 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.

Conditions:

- 1 Development begun within time limit
- 2 Development in accordance with approved plans
- 3 Materials
- 4 Flanking Wall Finish - Masonry Paint

Main Local Plan Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals

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:

15/00421/INV: Enforcement enquiry regarding alleged development not in accordance with the approved plans. Built too high on boundary as to effect neighbours conservatory, subject to decision on this variation of condition application.

14/03042/FUL: Erection of single storey rear extension and front porch, Granted

08/01244/PDC: Addition of a bathroom window on the first floor, Permission not required

88/00815/NF: Demolish existing extension and erect new rear extension (part single, part two storey).(Amended plans), Granted

56/05188/A_H: Extension to living room, Permitted development

48/00266/A_H: Extension to form kitchen, Granted

Representations Received:

Two representations made by members of the public:

- 13 Rosamund Road, 17 Rosamund Road

Material comments in objection

- Height of the extension reduces light to 13 and 17 Rosamund Road
- The excessive height has resulted in an unacceptable increase in the overbearing nature of the extension from 13 Rosamund Road which is particularly acute when viewed through the glass roof of the conservatory.
- This industrial finish to the wall through the conservatory roof of 13 Rosamund

Road further aggravates the overbearing nature of the wall and is contrary to the existing planning permission and to this variation.

- Reason to believe a further breach of planning permission is going to occur due to surveyor's letter from neighbour stating that there is no intention of rendering the blockwork facing onto 13 Rosamund Road

Non-material comments in objection

- Concerns related to procedural matters (see comments from 17 Rosamund Road)
- Excessive height is unnecessary because the new roof has been constructed with voids in it with no attempt to combine the layers of beams, joists and insulation unlike the roof dormers on nearby properties which have been kept compact
- Guttering is now so deep within the construction it will make access for cleaning and maintenance of the guttering and glass extremely difficult
- Granting the variation of conditions would reinforce the perception that it is possible to get retrospective approval once progress has been made

Statutory and Internal Consultees:

None undertaken.

Issues:

Do the variations have an impact in design terms?

Do the variations cause an unreasonable impact on neighbouring amenity?

Officers Assessment:

Site Location and Description:

1. 15 Rosamund Road is a semi-detached property with a pitched roof, located on the west side of Rosamund Road. The property incorporates a first floor extension to the rear. The walls of the property are finished with white render and the roof finished with slate. The single storey extension granted planning permission through application number 14/03042/FUL has been constructed, though at the time of the site visit undertaken for this application, 5 November 2015, was unrendered. The applicant has since provided evidence that the extension walls have been rendered except for the flanking wall facing towards the conservatory at 13 Rosamund Road.

Proposal

2. The application seeks permission to vary conditions 2 (approved plans) and 3 (materials) of planning permission 14/03042/FUL retrospectively. This is to

clarify the roof material, which was approved as a felt roof, though stated within the design and access statement as a GPR roof and regularise the increase in height from 3.12 metres to 3.27 metres. A site inspection has confirmed the measurement of 3.27 metres from ground level to the top of the roof.

3. The variation of conditions application was submitted on the back of an enforcement investigation regarding the extension not being built in accordance with approved plans specified in planning permission 14/03042/FUL. The enforcement officer carried out a site inspection and recommended that it would not be expedient to take action against this breach. The applicants were advised to submit a variation of conditions application to the Council to regularise the breaches.

Design

4. Policy CP1 states planning permission will be granted for 'development which demonstrates a high standard of design which responds to the character and appearance of the area'.
5. Policy CP8 states planning permission will be granted where 'the 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'.
6. Policy CS18 of the Core Strategy and policy HP9 of the Sites and Housing Plan state development proposals should respond to the application site, its surrounding context and the overall character of the area.
7. The variation in respect of the roof material is acceptable in design terms as the GRP roof is compatible with the existing house and would not have a detrimental impact on the character of the neighbourhood at this location.
8. The variation in respect of the increase in height is acceptable in terms of scale and will not affect the overall form and mass of the extension, through being a small increase in height beyond what was granted planning permission in application 14/03042/FUL and is viewed as acceptable in design terms.
9. Due to the variations being acceptable in design terms, the character of the neighbourhood will not be affected by this small increase in height and change in roof material.
10. The variations accord with Policies CP1 and CP8 of the Oxford Local Plan, policy CS18 of the Core Strategy and policy HP9 of the Sites and Housing Plan in respect of:
 - Scale;
 - Form and mass;
 - Materials; and
 - Overall design

Neighbouring amenity

11. Policy HP14 of the Sites and Housing Plan states planning permission will be granted for development which provides reasonable privacy and daylight for the occupants of new and existing homes.
12. Policy CP10 states the use or amenity of existing properties in an area needs to be safeguarded when assessing development proposals.
13. The variation in respect of the roof material will not cause unreasonable harm to neighbouring amenity through loss of light.
14. In respect of the impact on amenity from the increase in height, the extension would have protruded above the neighbouring conservatory at 13 Rosamund Road if was built in accordance with plans approved in 14/003042/FUL. The blockwork does not form an aesthetically pleasing addition when viewed from the conservatory of 13 Rosamund Road and the increase in height slightly worsens this effect. The impact of the increase in height from 3.12 metres to 3.27 metres is marginal in terms of loss light. For this reason, it is considered that the increase in height is not causing harm to neighbouring amenity, through loss of light, to a degree that is unacceptable beyond what has been granted planning permission in application 14/03042/FUL and would not be expedient to enforce against.
15. Condition 3 of planning permission 14/03042/FUL states that the materials used for the extension will match the existing house i.e. white render. This has been carried out except for the wall flanking the conservatory at 13 Rosamund Road. It is proposed to condition the variations applied for further to allow the blockwork of the flanking wall to be painted with white masonry paint within six months of the date of granting this variation, whilst safeguarding the neighbouring property, in the interests of neighbouring amenity and visual amenity to improve the current situation of the unrendered blockwork.
16. The variations do not relate to an increase in depth of the extension. Therefore, the extension continues to pass the 45 degree test to the windows of 17 Rosamund Road and will not cause unreasonable harm to the amenity of this property. Due to the extension passing the 45 degree test, assessment against the 25 degree test does not apply in this instance, as per the method of the test set out in Appendix 7 of the Sites and Housing Plan.
17. The variations will not cause any privacy issues to neighbouring properties through overlooking.
18. The proposal accords with Policy CP10 of the Oxford Local Plan and policy HP14 of the Sites and Housing Plan, in respect of:
 - Light; and
 - Privacy

Conclusion:

19. The proposal is considered to be acceptable in terms of the relevant policies of the Oxford Core Strategy 2026, Oxford Local Plan 2001-2016, and Sites and Housing Plan 2026 and therefore officer's recommendation to the Members of the West Area Planning Committee is to approve the variations, with conditions.

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: 15/03027/VAR

Contact Officer: Matthew Watson

Extension: 2160

Date: 28th January 2016