

**East Area Planning Committee**

11<sup>th</sup> May 2016

**Application Number:** 16/00131/FUL

**Decision Due by:** 11<sup>th</sup> March 2016

**Proposal:** Erection of two storey front extension incorporating roof extension and single storey rear extension. Formation of 2No rear dormer windows and insertion of rooflights in association with loft conversion (Amended plans).

**Site Address:** 44 Franklin Road, Oxford, OX3 7SA (**site plan: appendix 1**)

**Ward:** Churchill

**Agent:** Stanhope Associates                      Wilkinson    **Applicant:** Mr Kyriacos Mitrophanous

The application has been called-in by Cllr Wilkinson, Gant, Wade, and Altaf-Khan on grounds of previous planning history; safeguarding concerns from Rye St Anthony School about visibility over the sports fields; and the holding objection from the Local Highways Authority over inadequate dimensions to the parking space

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## **Recommendation:**

The East Area Planning Committee is recommended to approve planning permission for the following reasons:

- 1     The proposed development is acceptable as a whole in design terms and will not have a detrimental impact on the character of the neighbourhood. The proposal will not cause unreasonable harm to neighbouring amenity through loss of natural light or privacy. The proposal accords with development plan policy and officers do not consider there to be any material considerations which 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 as proposed

## **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:**

15/02104/FUL: Erection of two storey front extension and single storey rear extension with first floor balcony. Insertion of 1No. door and 2No. windows to side elevation. Alterations to form hipped roof and formation of 2No. rear dormer windows and insertion of 3No. front rooflights in association with loft conversion. Alterations to landscaping (withdrawn)

04/02069/FUL: Single storey rear extension (approved)

68/19942/A\_H: Extension to existing garage with extension to bedroom over and erection of front porch (approved)

## **Representations Received:**

### Rye St Antony School

- The dormer windows with patio style doors will have a detrimental impact on the privacy of the school playing fields

### 42 Franklin Road

- Objects to the two storey front extension on the grounds that it will cause loss of light to the rooms at the front of the property in both summer and winter
- Existing gable and corridor between property boundaries is already light deprived and prone to build up of damp and moss and the proposed extension will only make this worse
- Concerned that the size and scale of the proposed roof extension will cause loss of privacy to our house and neighbouring properties through overlooking
- Rear dormer projections would dominate the surrounding area and overlook the grounds of Rye St Antony School
- If 44 Franklin Road were to become a house in multiple occupancy then the impact of the dormers would be increased in terms of noise and light

disturbance

- The scale of the loft conversion is out of character with our house and surrounding properties and not in accordance with section A3.4 of the Sites and Housing Plan
- The proposed extensions and alterations will increase an already enlarged property by 50% which raises further concerns about the amenities of light and privacy, as well as the disruptive impacts of the works involved
- The enlarged roof and dormer projections would tower beyond the line of nearby houses with the potential loss of the unity and proportions of the neighbourhood
- The proposed alterations would result in 50% of the garden area being developed with loss of green space and natural environment for wildlife enhancement

#### 46 Franklin Road

- The triangular window on the south east elevation of the proposed extension would protrude beyond the building line of the back wall of our house and is unnecessary given the amount of fenestration on the rear of the extension and would allow visibility from seated and standing positions through the back window of the adjacent rear bedroom of no.46 and would deliver visibility and night light interference
- No dimensions are given for the overbearing dormers are given in the application
- The fenestration would present a wall of glazing with flat roof that would tower above neighbouring properties and be in stark and uncomplimentary contrast to the two floors below
- The height would be projected as flat roofing back towards the rear of no. 44. As detailed in the "Headington Neighbourhood Plan" (p. 6), this would have "a negative aspect on the skyline" and significantly change the visual appearance from the rear gardens of no. 44, its immediate and more distant neighbours, including the adjacent school and conservation area.
- The design, size and flat-roof of the proposed dormers do not fit in with surrounding buildings and spaces do not show good urban design as described by Oxford City Council's design in the planning process webpage
- The Oxford City Council "Planning Portal" states under "Loft Conversion (Roof Extension)" that "(6) Verandas, balconies or raised platforms are NOT permitted" The application includes four opening glass doors and balustrading and contradicts this requirement.
- The proposal does not comply with Policy HP9 of the Sites and Housing Plan which 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"
- The National Policy Planning Framework (March 2012) (64) states "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions". This scheme clearly represents poor design that has failed in most respects to improve the quality of the area and indeed detracts from the area's quality and function

- The scheme is wholly contrary to the Policy HP14 (a) which states that if "the degree of overlooking to and from neighbouring properties or gardens from the development significantly compromises the privacy of either existing or new homes", then this is a factor to be considered in all planning applications.

### **Statutory Consultees:**

#### Oxfordshire County Council Highways

- Objects to the proposal on the grounds that the proposed parking spaces do not meet the minimum dimensions (2.4m x 4.8m) for parking spaces.

#### Oxford Civic Society

- Support the comment by the Highways Authority that the application should not be approved unless it is clear that the parking spaces indicated on the plans comply with minimum requirements.
- Should also be clarification of the arrangements for siting waste and recycling bins and cycle parking, confirming that this is the purpose of the new store proposed at the front of the house.

### **Officers Assessment:**

#### **Site Location and Description:**

1. The application site is a two storey, detached dwellinghouse with a pitched roof, located on the north-east side of Franklin Road. The walls of the property are finished with buff coloured facing bricks and the roof is finished with interlocking tiles. There is a drop in ground level between the application site and the adjoining property at 46 Franklin Road of 0.4 metres (**site plan: appendix 1**).

#### **Proposal**

2. Planning permission is sought for the erection of a single-storey, ground floor rear extension with a dual pitched roof, the erection of a two storey front extension with a triangular front dormer and rooflights, as well as two rear dormer windows with flat roofs and juliette balconies.
3. It is proposed that materials for wall and roof finishes match those of the existing house. The roof and cheeks of the dormers are proposed to be grey single ply membrane. All doors and windows are proposed to be uPVC except for the doors proposed for the ground floor rear extension and the doors on the store that is part of the front extension which are proposed to be timber.
4. The rear extension is 2.3 metres in depth with a footprint of 10.6 sqm, the front extension is 3.5m in depth with a footprint of 8.6 sqm and the dormer protrude a maximum of 2.4m from the roof plane. To note, these measurements do not have

to be included on application drawings as long as they can be measured to a specified scale.

5. The proposal was amended to remove additional parking provision following an objection by Oxfordshire County Council Highways.

## **Design**

6. 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'. 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'. 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 proposed rear extension is considered to be of a scale that is subordinate to the house and will not have an adverse impact on it. The proposed extension covers a small amount of the garden area and leaves ample private amenity space for occupiers. The form of the rear extension is considered compatible with the character of the house and will not be a bulky addition to the property. The flat roof proposed is compatible with the house as existing.
8. The materials proposed are considered compatible with those of the existing house and neighbouring properties.
9. The appropriate scale, form and use of materials means the proposed rear extension is of an acceptable standard that will not harm the appearance of the dwelling or character of the locality.
10. The proposed front extension is considered to be of an acceptable scale and form that would not be viewed as a bulky element within the streetscene.
11. The proposed front extension is not set down from the existing ridge of the roof but in view of the fact that other two storey front extensions within the vicinity are not set down from the ridge, it is considered that the application is acceptable in this respect as it would not be a break from the character of the area.
12. To note, the impact of extensions on ventilation and damp is not a material planning consideration and is not assessed as part of this planning application.
13. The proposed front dormer is considered acceptable in terms of its scale and form in relation to the front roof plane and will not have a detrimental impact on the character of the house.
14. With the additional roof space proposed as part of the two storey front extension and that both dormers are set down from the ridge and set up from the eaves, the proposed rear dormers are considered to be of an appropriate scale in relation to the size of the roof plane and will not have a detrimental impact on the

appearance of the host property through dominating the roof plane by being of a form that is excessively bulky.

15. The inclusion of doors and Juliette balconies is not prescribed as unacceptable by any documentation produced by Oxford City Council with each planning application must be assessed on its individual merits.
16. The materials proposed for each element of the proposal are considered acceptable as they will either match or be compatible with the current materials used for the house in terms of wall finishes, roof finishes and door and window materials.
17. Although the area is not characterised by rear dormers with only 54 Franklin Road having dormers in association with a loft conversion, the acceptability of the design of the dormers in relation to the character of the house in terms of scale, form and use of materials means officers consider that the proposed dormers would not harm the character of the area.
18. During the consultation process reference has been made to the Headington Neighbourhood Plan. This is a draft document which has not been subject to an examination in public or yet submitted to Oxford City Council and therefore would have little weight when weighed against the current up-to-date policies of the Core Strategy and Sites and Housing Plan.
19. Overall, the proposal, as a whole, complies with the requirements of policies CP1 and CP8 of the Oxford Local Plan, policy CS18 of the Core Strategy and policy HP9 of the Sites and Housing Plan.

### **Neighbouring amenity**

20. Sites and Housing Plan Policy HP14 states that permission will only be granted for development that protects the privacy and amenity of proposed and existing residential properties, and will be assessed in terms of potential for overlooking into habitable rooms, sense of enclosure, overbearing impact and sunlight and daylight standards. This is also supported through Local Plan Policy CP10.
21. In respect of privacy, the Council considers that the windows proposed on the rear elevation of the extension are set at a more than sufficient distance from the rear boundary of the garden which mitigates concerns of overlooking. The distance of the windows from the boundary means that neighbouring amenity will not be adversely affected in respect of privacy. The side windows on the north-west facing side elevation are located at 6.7 metres from the side boundary of the garden. There is also extensive planting at this boundary. For these reasons, officers consider that the windows are set at an acceptable distance from the side boundary with 42 Franklin Road so not to cause an unreasonable impact on neighbouring amenity through overlooking.
22. The window located on the south-east facing elevation of the rear extension faces towards the garden of 46 Franklin Road and is set at 2.2 metres above ground level at its lowest point. In assessing this element, officers note that average

human height is 1.7 to 1.8 metres and that the level these windows are located from ground level exceeds this by 0.4 metres. For this reason, officers consider the impact on privacy arising from this window is acceptable given that height of these windows is sufficient to not overlook the garden of 46 Franklin Road. To note, light pollution arising from a householder extension is not a material planning consideration in determining this application.

23. The windows on the front extension and the front dormer face onto the street where privacy is not protected and are therefore considered as not causing any privacy issues.
24. With regard to the rear dormers, officers assess the impact on privacy through assessing perpendicular views from the windows of the dormers. The windows of the rear dormers are set at 24 metres from the rear boundary of the plot. Officers consider this to be an acceptable distance so not to overlook the playing fields beyond the rear boundary of the application site.
25. As stated above, the impact on privacy is considered through assessing perpendicular views. As such, the rear dormers are not considered to cause unreasonable harm to neighbouring amenity through loss of privacy to the gardens of the neighbouring properties at 42 and 46 Franklin Road. The amount of glazing on the dormers is not considered as an issue with regards to loss of privacy where dormers are considered acceptable in terms of distance to the rear boundary. The Juliette balustrades also do not create an area of formalised overlooking as balconies are not proposed as part of this application.
26. In respect of the impact of natural light, the proposed front and rear extensions and front and rear dormers all pass the 45 degree test, as set out in Appendix 7 of the Sites and Housing Plan, and will not cause unreasonable harm to the neighbouring properties at 42 and 46 Franklin Road through loss of natural light.
27. Overall, the proposal, as a whole, complies with the requirements of Policy CP10 of the Oxford Local Plan and Policy HP14 of the Sites and Housing Plan, with officers considering that the proposal will not cause unreasonable harm to amenity through loss of privacy and loss of natural light.

## **Highways**

28. Oxfordshire County Council Highways lodged an objection to the original scheme on the grounds that the parking spaces proposed did not meet the minimum dimensions required. The scheme has been amended to remove this element from the application and not change the existing parking arrangements.
29. As such, the proposal is now considered acceptable in highways terms.

## **Conclusion**

30. 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 East Area Planning Committee is to approve the development.

### **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:** 16/00131/FUL

**Contact Officer:** Matthew Watson

**Extension:** 2160

**Date:** 26<sup>th</sup> April 2016