

**East Area Planning Committee**

**2nd November 2016**

**Application Number:** 16/01522/FUL

**Decision Due by:** 8th September 2016

**Proposal:** Erection of outbuilding and formation of decking.  
(Retrospective)

**Site Address:** 5 Atkinson Close Oxford Oxfordshire OX3 9LW

**Ward:** Barton And Sandhills Ward

**Agent:** N/A

**Applicant:** Mr Daniel Murphy

NB: The applicant is an employee of Oxford City Council and therefore a decision by elected members at Committee is requested

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## **Recommendation:**

APPLICATION BE REFUSED

For the Following Reasons:-

- 1 The proposal, because of the overall extent of development that includes a garden building, raised decking and high boundary treatment, along with its elevated position and the physical form of the building, would result in a form of development that appears as a visually jarring and incongruous form of development, to the detriment of the appearance of the site and surrounding area and would be contrary to Policies CP1 and CP8 of the OLP, CS18 of the Core Strategy and HP9 of the sites and Housing Plan.
- 2 The proposal, because of its elevated position, large window and extensive area of decking, would result in an unacceptable increase in overlooking and perception of overlooking to adjacent properties and the gardens, which would harm the living conditions of neighbour occupiers and would be contrary to Policies CP1 and CP10 of the adopted Oxford Local Plan 2001 - 2016 and Policy HP14 of the Sites and Housing Plan.

## **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

**HP14\_** - Privacy and Daylight

## **Other Material Considerations:**

National Planning Policy Framework

Planning Practice Guidance

## **Relevant Site History:**

15/00156/PDC - PERMITTED DEVELOPMENT CHECK - Driveway. PNR 26th January 2015.

16/01309/FUL - Erection of a part single, part two storey side extension and front porch extension.. PER 12th July 2016.

## **Representations Received:**

No comments received

## **Statutory and Internal Consultees:**

Local Highway Authority: No Comments

## **Issues:**

Visual impact

Effect on adjacent occupiers

## **Officers Assessment:**

### Site description and proposal

5 Atkinson Close is a semi-detached house with a back garden of an irregular shape that rises steeply to the rear.

Permission is sought to retain an outbuilding and elevated decking area part way up the rear garden. The drawings also show a boundary fence that is in excess of 2m in height that would require planning permission. At the time of a visit by Oxford City Council Planning enforcement, the building was provided with

sanitary facilities and power.

### Visual impact

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.

The proposed development is easily visible from some vantage points in the public domain and forms a prominent feature when viewed from surrounding gardens.

Whilst garden buildings are a common feature of rear gardens in the area, the height of the building is shown in the drawings as in excess of 2m when measured from the highest point of adjacent land. The building is therefore taller than what would be permissible under Permitted Development rules. The steep slope of the site adds to the apparent height of the structure, with the front wall being in excess of 3m above the immediately adjacent ground level. The surrounding decking and elevated fence also add to the apparent bulk and serve to visually separate this part of the garden from the area immediately to the rear of the main house.

Overall, the extent of development, its elevated position and physical form result in form of development that has few of the visual characteristics of a building incidental to the main house and would appear as a visually jarring and incongruous form of development, to the detriment of visual amenity and contrary to Policies CP1 and CP8 of the OLP, CS18 of the Core Strategy and HP9 of the sites and Housing Plan.

### Effect on adjacent occupiers

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.

The elevated nature of the building and decking means that overlooking of adjacent properties by users of the development would be very difficult if not impossible to avoid. The prominent nature of the structures would also add to the perception of overlooking from adjacent gardens and this would be exacerbated by the large window to the front of the building.

Overall, the increase in overlooking and perception of overlooking would be unacceptably detrimental to residential amenity and contrary to Policies CP1 and CP10 of the OLP and Policy HP14 of the SHP

### **Conclusion:**

## Refuse

### Human Rights Act 1998

Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to refuse this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

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

### **Background Papers: 16/01522/FUL**

**Contact Officer:** Tim Hunter

**Extension:** 2154

**Date:** 19th October 2016