

## West Area Planning Committee

9th May 2017

**Application Number:** 17/00569/FUL

**Decision Due by:** 16th May 2017

**Proposal:** Erection of a single storey rear extension.

**Site Address:** 40 Stratford Street Oxford Oxfordshire OX4 1SW

**Ward:** Iffley Fields Ward

**Agent:** Richard Two Ltd

**Applicant:** Mr & Mrs Anthony Gerbinoi

The application is before the committee because it was called in by Councillors Tarver, Sanders, Simm and Sinclair because of concerns that the development would adversely affect the amenity of neighbours in terms of light due to the projected depth and distance.

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### Recommendation:

West Area Planning Committee is recommended to grant planning permission 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.

### Conditions

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Materials
- 4 SUDs Drainage

### 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

**MP1** - Model Policy

**Other Material Considerations:**

National Planning Policy Framework

Planning Practice Guidance

**Relevant Site History:**

15/02664/FUL - Erection of single storey rear extension. – REF

15/03244/CPU - Application to certify that the proposed formation of 1No. dormer roof extension to rear roofslope and insertion of 2No. front rooflights in association with loft conversion is lawful development – REF

16/02879/CPU - Application to certify that the proposed formation of dormer roof extension to rear roofslope is lawful development. REF

17/00849/CPU - Application to certify that the proposed formation of 1No. dormer window to rear roofslope and insertion of 2No. front rooflights in association with loft conversion is lawful development. – PENDING CONSIDERATION

**Representations Received:**

38 Stratford Street, objections:

- Amount of development on site
- Effect on adjoining properties
- Effect on character of area
- Effect on privacy
- Height of proposal
- Light – daylight and sunlight
- Local Plan Policies
- Previous development was refused
- There is an existing large outbuilding on the site

**Statutory and Internal Consultees:**

Oxfordshire County Council: No comments

**Officers Assessment:**

**Site Description and Proposed Development**

1. The application site is 40 Stratford Street in the Iffley Fields area of East Oxford. The property is a Victorian mid-terrace house with a long rear garden. There is an outbuilding at the end of the rear garden which is understood to have been built on the basis of permitted development. There are existing fences along both boundaries with adjacent neighbouring properties with an overall height of approximately 1.8m

2. Planning permission is sought for a single storey rear extension. The proposed extension would extend beyond the original two storey outrigger into the garden by approximately 3m. A small courtyard area adjacent to the existing outrigger and closest to the boundary with No. 42 Stratford Street would be retained (which would allow light to enter the existing window at the rear of the property that serves a ground floor living area).
3. The proposed extension would have a pitched asymmetric roof. The proposed eaves height adjacent to the boundary with 42 Stratford Street would be 2.1m and the proposed eaves height adjacent to the boundary with No. 38 Stratford Street would be 2.3m. The proposed height to the top of the ridge would be 3.4m.
4. The proposed extension would be constructed from bricks to match the existing dwelling with blue slates to match the roof. Fenestration is proposed to be constructed from grey aluminium.
5. Officers recommend that the main issues to be considered in the determination of the application are:
  - Design
  - Impact on neighbours
  - Surface water drainage and flooding

### **Design**

6. The proposed development would be acceptable in design terms. The proposed development would form a visually harmonious and subservient addition to the rear of the dwellinghouse. The extension would have matching materials to the host dwelling which would ensure that it represented high quality design that officers recommend is acceptable.
7. The proposed development would result in some loss of garden space. However, the resulting garden space provided would be acceptable having had regard to the remaining amount and quality of garden space.

### **Impact on Neighbours**

8. The proposed development would be entirely single storey and would not therefore have an impact on the privacy of neighbouring occupiers having had regard to existing boundaries.
9. The proposed development would have an acceptable impact on the amenity of neighbouring occupiers in terms of the impact on light. In reaching this view, officers have been mindful of the 45/25 degree code as set out in Policy HP14 of the Sites and Housing Plan. The proposed development would contravene the 45 degree line in relation to the patio doors at 38 Stratford Street and the ground floor rear window of 42 Stratford Street but would pass on the 25 degree line in both cases. As a result, the impact on neighbouring amenity meets the requirements of the Council's adopted policy and Officers recommend that the development is

acceptable in terms of its neighbour impact.

10. Further to the above, it should be noted that there are existing fences that are adjacent to neighbours that mean that existing windows that already experience some loss of light.
11. In reaching a recommendation to grant planning permission officers have been mindful of the objections raised as part of the consultation.

### **Flooding and Surface Water Drainage**

12. The application site lies partially within Flood Zone 1 and partially within flood Zone 2. Details of flooding information are provided with the application though as the proposals are for an extension of the existing dwellinghouse and these relate closely to the existing house it is not considered that the proposed development would have an adverse impact on the risk of flooding. Further to this, officers are satisfied that a condition can be added to ensure that the development would not have an adverse impact on surface water drainage and would comply with the requirements of Policy CS11 of the Core Strategy (2011).

### **Conclusion**

13. On the basis of the above, officers recommend that planning permission is granted subject to 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 grant planning permission officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

### **Background Papers:**

17/00569/FUL

**Contact Officer:** Robert Fowler  
**Extension:** 2104  
**Date:** 27th April 2017

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