

## WEST AREA PLANNING COMMITTEE

21st May 2018

**Application Number:** 17/03427/FUL

**Decision Due by:** 19th February 2018

**Extension of Time:** 28<sup>th</sup> May 2018

**Proposal:** Demolition of existing rear store. Erection of a single storey ground floor rear extension, with alterations to roof of existing single storey rear extension from flat to pitched. Erection of a first floor rear extension. Replacement windows. Formation of 1No. rear dormer window in association with a loft conversion. (Amended plans) (Amended description)

**Site Address:** 38 West Street, Oxford, OX2 0BQ,

**Ward:** Jericho And Osney Ward

**Case Officer** Robert Fowler

**Agent:** Mr Thomas Guy **Applicant:** Mr Richard Thurston

**Reason at Committee:** The application has been called in by Councillors Pressel, Fry and Rowley due to concerns about the potential loss of light for neighbours and the impact of the proposed development on the Conservation Area.

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## 1. RECOMMENDATION

1.1. West Area Planning Committee is recommended to:

**(a) Approve the application for the reasons given in the report and subject to the required planning conditions**

**(b) Agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to:**

1. Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary;

## 2. EXECUTIVE SUMMARY

2.1. This report considers the demolition of an existing rear store, erection of a part single and part two storey extension and the erection of a rear dormer. It is also proposed to insert a rooflight to the rear elevation and insert replacement windows in the front elevation. The proposed extensions would be situated at the rear of the house and would therefore not be prominent in the streetscene. The

proposed development has been carefully considered in the context of the Conservation Area and would not give rise to any substantial or less than substantial harm on the character, appearance and special significance of the Conservation Area. The proposed development would not have a detrimental impact on the amenity of neighbouring occupiers through a loss of light, overbearing impact or loss of privacy. The footprint of the proposed development is largely covered by existing buildings and therefore the impact on flooding and surface water drainage would be acceptable. Officers recommend that the development is acceptable in planning terms and meets the requirements of the Council's adopted planning policies including Policies CP1, CP8, CP10 and HE7 of the Oxford Local Plan 2001-2016, Policy CS18 of the Core Strategy (2011) and Paragraphs 132-134 of the NPPF.

2.2. The key matters for assessment set out in this report include the following:

- Design
- Impact on Conservation Area
- Impact on Neighbours
- Flooding and Surface Water Drainage

### **3. LEGAL AGREEMENT**

3.1. There is no requirement for a legal agreement with this application.

### **4. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

4.1. The proposal does not require a CIL payment.

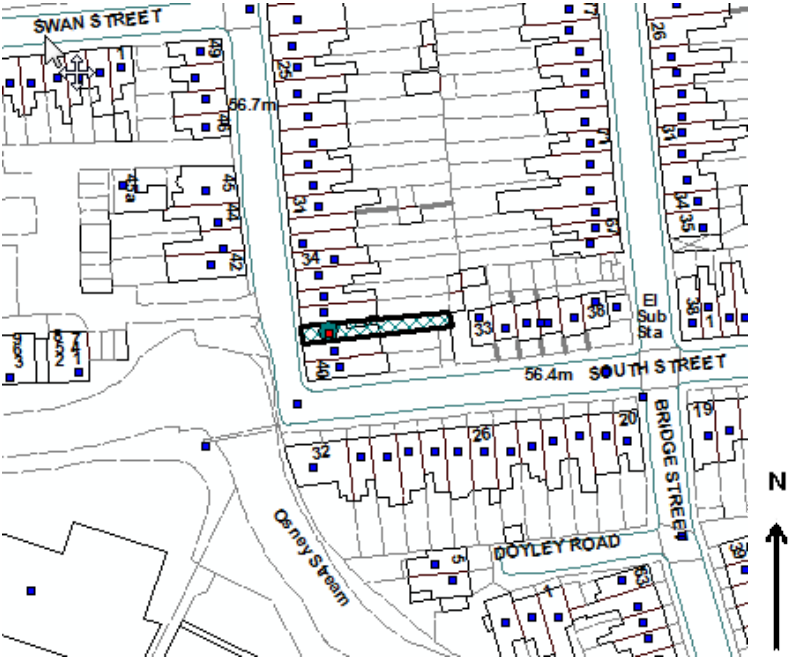
### **5. SITE AND SURROUNDINGS**

5.1. The application site is on the east side of West Street on Osney Island and is a mid-terrace dwellinghouse. 38 West Street is brick built with a slate roof; these are the predominate materials used in the streetscene. There is a strong uniformity to the properties in West Street with a strong building line; low and narrow terraced houses opening directly onto the street. This uniformity of Victorian workers cottages is one of the defining elements of the Osney Town Conservation Area. Another quality of Osney is the surroundings; it is largely surrounded by water as a result of being an island within the Thames and tributaries and therefore despite its close proximity to the City Centre it has a tranquil and unique character. The relatively plain Victorian architecture in Osney Island means that the introduction of modern building materials, including UPVC windows and doors would be harmful to the character and appearance of the Conservation Area and as a result there is an Article 4 Direction which removes permitted development rights for the installation of these in houses in the area.

5.2. 38 West Street benefits from a rear garden of approximately 13m in length and has previously been extended with a flat roof ground floor element that extends approximately 6m into the garden; this development appears to date from the 1960s. The existing single storey element does not extend across the whole width of the garden; a narrow area of approximately 0.8m separates this single

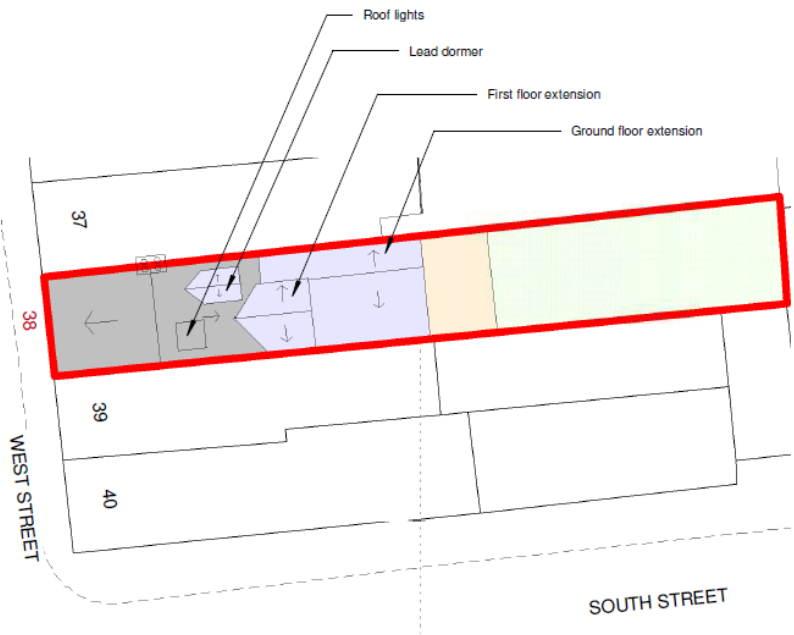
storey element from the boundary with 37 West Street. The side area between 38 West Street and 37 West Street adjacent to the 1960s single storey extension currently contains a store area with a lean-to roof. The 1960s extension is rendered with a felt flat roof and UPVC windows. A rear window at the first floor and the windows at the front elevation are UPVC.

5.3. Site Location Plan



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Ordnance Survey 100019348

5.4. Block Plan



6. PROPOSAL

- 6.1. The application proposes the demolition of the existing single storey rear store and the erection of a new single storey element that would be the full width of the garden and extend the same distance into the garden as the existing 1960s extension. The proposed single storey element would have an asymmetrical pitched roof with a height of 2.5m at the eaves.
- 6.2. A two storey element is propose that would extend approximately 1.6m beyond the existing rear wall at first floor level and would have a width of approximately 2.8m (which would leave a gap at first floor level between the first floor extension and the boundary with 37 West Street).
- 6.3. The proposed materials for the part two storey and part single storey extension would be brick with a slate roof. The roofslope facing towards No. 37 West Street would be composed from polycarbonate; giving rise to more glazed appearance along the boundary. The proposed single storey element would have bi-fold aluminium doors at ground floor level. A proposed first floor window would be a timber sash window with the proportions of windows traditionally found on the terrace.
- 6.4. A cottage dormer is proposed at the rear at roof level, this would have a width of approximately 1.1m and would have a pitched roof. A roof light is also proposed on the rear roof slope. The proposed dormer would be clad in lead and have a timber window. The roof light is proposed to be a smaller 'conservation' type roof light.
- 6.5. At the front of the property it is proposed to replace existing UPVC windows with timber sash windows.
- 6.6. The proposed plans have changed since the application was first submitted; specifically the depth of the first floor rear element which has been reduced in depth as a result of the submission of amended plans. The plans also originally included a front rooflight which has been removed and the width of the rear dormer has also been reduced. These amendments were sought by officers following concerns raised about the design and impact on neighbouring amenity.

## **7. RELEVANT PLANNING HISTORY**

- 7.1. The table below sets out the relevant planning history for the application site:

65/17111/A\_H - Alteration to form kitchen and extension to form bathroom. PDV 14th December 1965.

04/00695/PDC - PERMITTED DEVELOPMENT CHECK - 1. Paint front door. 2. Demolish lean-to at the rear of single storey extension. Install french doors to opening.. PNR 18th June 2004.

## **8. RELEVANT PLANNING POLICY**

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework (NPPF)	Local Plan	Core Strategy	Sites and Housing Plan	Other Planning Documents
Design	14	CP1, CP6, CP8, CP10	CS18	HP14	
Conservation/ Heritage	130-134	HE7			

## 9. CONSULTATION RESPONSES

- 9.1. Site notices were displayed around the application site on 3<sup>rd</sup> January 2018 and an advertisement was published in The Oxford Times newspaper on 4<sup>th</sup> January 2018.
- 9.2. Following the submission of amended plans to reduce the depth of the first floor extension, remove the front rooflight and reduce the width of the rear dormer a further public consultation was carried out. A site notice was displayed on 6<sup>th</sup> April 2018 and an advertisement was published in The Oxford Times on 12<sup>th</sup> April 2018. The consultation on the amended plans ran until 7<sup>th</sup> May 2018.
- 9.3. Following consultation on the amended plans a second set of amended plans were requested by officers. These amendments were very minor and related only to the rear rooflight which has been slightly reduced in width. No public consultation has been carried out on this small-scale change to the plans given the minor nature of the amendment and the fact that this change was sought as a result of advice from the Council's Conservation specialist.

### **Statutory and Non-Statutory Consultees**

Oxfordshire County Council (Highways)

- 9.4. No comments.

### **Public representations**

- 9.5. 1 local resident (adjoining neighbour) objected to this application from an address in West Street.

In summary, the main points of objection were:

- Loss of daylight

- Negative impact of development on Conservation Area
- Impact on residential amenity
- Light pollution from rooflight
- Plans are misleading
- Concerns about view from property into neighbouring property
- Welcomed reduction in size of first floor element following submission of amended plans but maintained objections to ground floor element, concerns about privacy and impact of rooflight on light pollution

### **Officer Response**

- 9.6. Officers sought amended plans to reduce the impact of the proposed development on the adjoining neighbour at No. 37 West Street through the submission of amended plans. The proposed plans now comply with the Council's policies in terms of the impact on light. Further enhancements have been sought in relation to the design of the development and its impact on the character, appearance and special significance of the Conservation Area. The impact of light pollution would not be considered a grounds for refusal in an urban area where there are numerous windows at upper floor levels where lighting already exists at similar levels.

## **10. PLANNING MATERIAL CONSIDERATIONS**

- 10.1. Officers consider the determining issues to be:

- i. Design and Impact on Conservation Area
- ii. Impact on Neighbouring Amenity
- iii. Flooding and Surface Water Drainage

### **i. Design and Impact on Conservation Area**

- 10.2. With the exception of the proposed changes to the windows at the front elevation the proposed development is situated at the rear. Therefore the proposed development would not have an impact on the streetscene and would not be widely visible in the public realm. Despite this there would be glimpses of the proposed development from South Street and Bridge Street, particularly between buildings which do provide views of the rear of the terrace in West Street including the application site. Officers have been mindful that there is an existing flat roof 1960s addition on the site and the development proposed therefore offers an opportunity to improve the rear aspect of the site. The proposed development would have a contemporary appearance at the ground floor level with an asymmetrical roof but is proposed to be brick built which would enable it to assimilate more harmoniously with the host property than the existing render on the 1960s extension. The first floor element would also contain a pitched roof and this would form a gable at a lower height than the main roof which would ensure this element appeared visually subservient. These additions have been carefully considered in design terms and represent high quality design that would sensitively modernise a fairly incoherent series of additions at the rear of the existing house.

- 10.3. The proposed roof additions have been carefully considered in terms of their impact in design terms and specifically on the Conservation Area. Dormers can be unacceptable additions in a Conservation Area and particularly in locations such as Osney where there is a distinctive roofscape and the relatively modest size of dwellings means that larger dormers can dominate and obliterate the appearance of properties. The proposed dormer in this case would be relatively small on the rear roofslope and the proportions of the window mean that it would tie in effectively with the first floor glazing. It is also noted that there are some larger dormers found elsewhere in the vicinity which mean that these kind of additions are not entirely alien to the area. Officers consider that the materials that are proposed, which would be timber for the window inserted in the dormer and lead for the sides of the dormer mean that the external appearance of this element would be sympathetic to the traditional palette of materials used elsewhere in Osney. The proposed rear rooflight has been reduced in size following amendments sought by officers and would appear as a relatively modest addition to the rear roofslope.
- 10.4. The proposed fenestration would represent an improvement to the overall appearance of the house compared with the existing use of UPVC windows. With the exception of an aluminium patio door it is proposed to use timber sash windows that are the most appropriate window type in the Osney Conservation Area. As the proposed development includes the replacement of UPVC windows with timber sash windows at the front elevation and this element would be the most visible aspect of the development in the public realm it is argued that the changes to fenestration would represent an improvement to the appearance of the Conservation Area that is supported in the context of Policy HE7 of the Oxford Local Plan 2001-2016 and Paragraph 131 of the NPPF.
- 10.5. On the basis of the above, having had regard to the overall visibility of the site and the high quality of design that is proposed combined with the use of high quality materials and the removal of less suitable aspects of the existing property it is considered that the proposed development would not lead to substantial or less than substantial harm to the character, appearance and special significance of the Osney Town Conservation Area. In reaching this view, officers have placed great weight on the importance of the Osney Town Conservation Area as a designated heritage asset and have also considered how the proposed development would make some positive contributions in terms of enhancing and preserving the Conservation Area. The development represents high quality design that respects the character and context of the area. Officers therefore recommend that the development meets the requirements of Policies CP1, CP8 and HE7 of the Oxford Local Plan 2001-2016, Policy CS18 of the Core Strategy 2001-2016 and Paragraphs 131-134 of the NPPF.
- 10.6. Special attention has been paid to the statutory test of preserving the character and appearance of the Conservation Area under section 72 respectively of the Planning (Listed Building and Conservation Areas) Act 1990, which it is accepted is a higher duty. It has been concluded that the development would preserve the character and appearance of the Conservation Area, and so the proposal accords with section 72 of the Act.

- 10.7. Officers have recommended specific condition relating to the requirement for detailed design of the timber sash windows proposed and specifications of the materials that are proposed for the external construction of the proposed development. The wording of the conditions is set out in Section 12 of this report.

**ii. Impact on Neighbouring Amenity**

- 10.8. The proposed rear extension would not impact upon No. 39 West Street as it would adjoin existing first floor and single storey elements of that property and extend the same distance into the rear garden. As a result, there would no impact in terms of loss of light or privacy for the property.
- 10.9. In terms of the impact of the proposed development on No. 37 West Street, the proposals have been carefully considered in terms of the impact on light. The first floor element would be a very modest addition to the rear of the property and would comply with the 45/25 degree code set out in Policy HP14 of the Sites and Housing Plan and would therefore be acceptable in terms of the impact on No. 37 West Street. The relationship between the two properties at ground floor level is more complicated as both properties currently have single storey elements with plastic lean-to store areas along the boundary (these elements are only approximately 0.8m wide each side of the boundary). At the original rear wall of No. 37 West Street there is a window underneath the existing store that serves a kitchen and this is the main light source for the kitchen. Along the boundary that separates No. 37 and No. 38 West Street there is a low wall with glazing on top of approximately 2m in height. This glazing is not entirely clear but is translucent and therefore some light does pass through it. Effectively the kitchen of No. 37 West Street receives some light through the store at the rear of No. 37 West Street and through the glazed partition separating 37 and 38 West Street (and therefore also through the overlying roof of the store at 38 West Street). It should be noted that No. 37 West Street lies to the north of No. 38 West Street and so there is a potential impact on light that would result from this development. However, officers are mindful that the aforementioned relationship between the properties is unusual and there would be no restriction in planning terms for the owners of No. 38 to remove the existing glazed element separating 37 and 38 West Street or reclad the glazed element in an opaque material. This work could be carried out as permitted development. The impact of that work would remove any borrowed light in the kitchen of 37 West Street from the application property. With this in mind, officers consider that the proposed development would not have a materially worse impact on light than a replacement (and arguably more conventional) boundary treatment that could be erected as permitted development. This significant fallback position means that there are not grounds to refuse the development because of the impact on the kitchen window at No. 37 West Street. The proposed extension would have a sloping roof that would slope upwards from the boundary with No. 37 West Street and therefore minimise the impact of the proposed development on both the glazed store element at No. 37 West Street and the aforementioned kitchen window. The overall height of the proposed development on the boundary would not be significantly higher than a boundary treatment that could be erected as permitted



development and the proposed use of glazing along the boundary may also enable some light to pass through this part of the proposed extension. There are no other windows at No. 37 West Street that would be affected by the proposed development. Therefore the development meets the requirements of Policy HP14 of the Sites and Housing Plan in terms of the impact on light for that property.

- 10.10. The proposed development would give rise to a higher extension along the boundary with No. 37 West Street. However, having had regard to the existing context of the glazed store which is very contained it is considered that the proposed development would not give rise to an unacceptable impact in terms of an overbearing development.
- 10.11. The proposed development would not include any upper floor side facing windows that would give rise to a harmful impact on neighbouring privacy. Concerns have been expressed from the adjoining neighbour about the potential for the glazing along the single storey element to provide a view from their property into the proposed kitchen/dining area of the application property. Officers do not consider that this would be a grounds for refusal; it is not uncommon for upper floor rear-facing windows in a terrace of narrow houses to provide views into private rear gardens or down onto (and into) single storey elements of neighbouring properties. The proposed glazed element replaces an existing glazed element at No. 38 West Street and therefore the development is not materially different in terms of the relationship between the two properties that currently exists although it is acknowledged that the proposed kitchen and dining space would be more actively used than the store. In terms of the privacy it is considered that the proposed development would comply with the requirements of Policy HP14 of the Sites and Housing Plan (2013).
- 10.12. Further to the above, there have also been concerns raised about the light pollution impact of rooflights. Lighting from upper floor or rooflights and dormers are not uncommon in the area and therefore the type of impact that would result from this development would not be harmful or grounds for refusing planning permission.

### **iii. Flooding and Surface Water Drainage**

- 10.13. Parts of the application site lie in Flood Zone 3b. This is an area of high flood risk where most forms of development would not be appropriate. However, in this case the proposed development would take place on land that is already developed and covered by buildings. The proposed development would not have a materially greater footprint than the existing development on the site. As a result, the proposals meet the requirements of Policy CS11 of the Core Strategy (2011). An informative has been recommended to include flood mitigation measures where possible.

### **iv. Other**

- 10.14. Concerns were expressed by a local resident about the accuracy of the plans. The plans have been checked by officers and a site visit has been carried out.

## **11. CONCLUSION**

- 11.1. The proposed development is acceptable in planning terms and in terms of its design and impact on the character, appearance and special significance of the Conservation Area. The proposed development would not lead to harm or significant harm to a designated heritage asset and therefore meets the requirements of Paragraph 131 of the NPPF. The proposed development has been modified in order that it has an acceptable impact on neighbouring amenity, specifically in terms of impact on light. The development meets the requirements of the Council's adopted policies in terms of neighbour impact and complies with Policy HP14 of the Sites and Housing Plan. In terms of the impact of the development on flooding and surface water drainage it would not have a worse impact than the existing development on the site and therefore complies with the requirements of Policy CS11 of the Core Strategy (2011).
- 11.2. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to conditions.

## **12. CONDITIONS**

- 1 The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.  
  
Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.
- 2 The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.  
  
Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policy CP1 of the Oxford Local Plan 2001-2016.
- 3 Prior to the commencement of the approved development, details of the materials to be used in the external construction of the approved development shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include the type of bricks and slates to be used in the construction of the approved extension and where the Local Planning Authority require that samples be submitted then these shall also be provided. Only the approved materials shall be used unless agreed otherwise in writing by the Local Planning Authority.  
  
Reason: To ensure that the development is visually satisfactory as required by Policies CP1 and HE7 of the Oxford Local Plan 2001-2016.
- 4 Prior to the commencement of the approved development, details of the proposed timber sash windows to be used shall be submitted and approved in writing by the Local Planning Authority. The details provided will include large scale sections of the proposed windows and details of the material to be used and external finish. Only the approved window types shall be used.

Reason: To ensure that the development is visually satisfactory as required by Policies CP1 and HE7 of the Oxford Local Plan 2001-2016.

### **13. APPENDICES**

#### **Appendix 1 – Site Location Plan**

### **14. HUMAN RIGHTS ACT 1998**

- 14.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve 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.

### **15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

- 15.1. 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.

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