

## EASTAREA PLANNING COMMITTEE

23rd May 2018

**Application Number:** 18/00913/FUL

**Decision Due by:** 1st June 2018

**Extension of Time:** N/A

**Proposal:** Erection of Two Storey Rear Extension (Retrospective)

**Site Address:** 7 Dynham Place, Oxford, OX3 7NL,

**Ward:** Churchill Ward

**Case Officer:** Alice Watkins

**Agent:** Mr Stephen Ingram      **Applicant:** Mr Niaz Mohammed

**Reason at Committee:** Called in by Councillors Brown, Fry, Cook, Price and Lygo.

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### 1. RECOMMENDATION

1.1. East Area Planning Committee is recommended to:

**(a) Approve the application unconditionally for the reasons given in the report.**

**(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 erection of a two storey rear extension.

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

- Design
- Residential Amenity
- Car Parking

2.3. The development is considered acceptable in design terms and will not have a detrimental impact on the residential amenity of neighbouring properties. The proposal is considered to comply with CP1, CP6, CP8 and CP10 of the Local

Plan, HP9 of the Sites and Housing Plan, CS18 of the Core Strategy, CIP1 and GSP4 of the Headington Neighbourhood Plan and the NPPF.

### 3. LEGAL AGREEMENT

3.1. This application is not subject to a legal agreement.

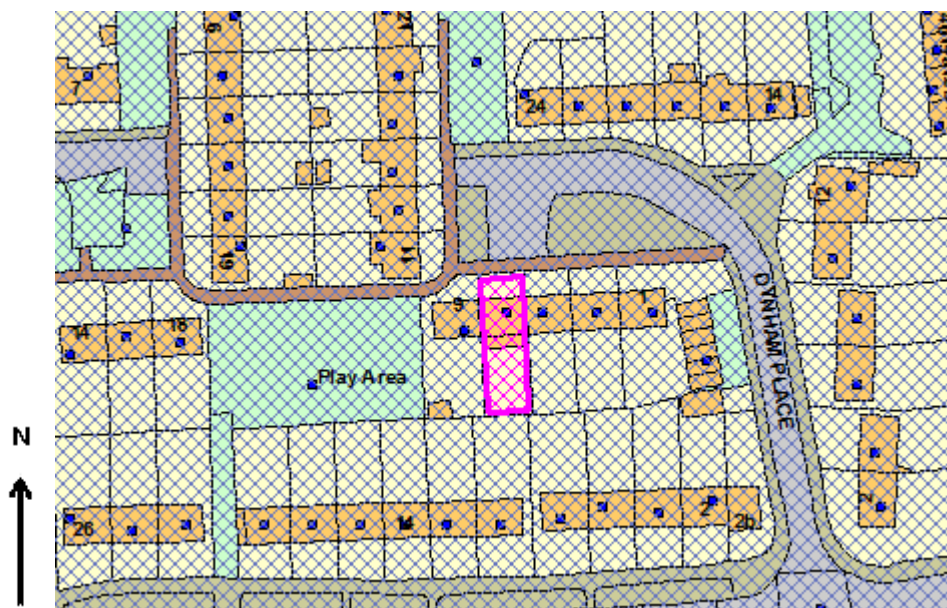
### 4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is not liable for CIL.

### 5. SITE AND SURROUNDINGS

5.1. The site comprises a mid-terraced dwelling located on the southern side of Dynham Place. The dwelling is two storey, of a simple design and finished with render. The property is set away from the highway and benefits from a modest front garden.

5.2. A site location plan is set out below:



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Ordnance Survey 100019348

### 6. PROPOSAL

6.1. The application seeks full planning permission for the erection of a part single, part two storey rear extension. The extension has been constructed without the benefit of planning permission and this application is seeking permission for its retention. The extension extends by 3m from ground and first floor level. It features a pitched roof with a ridge height of 6.9m and an eaves height of 5.2m. The ground floor extension extends the entire width of the property whilst the first

floor element is set in from the boundaries (1.7m from no. 5 and 2m from no. 9 Dynham Place).

## 7. RELEVANT PLANNING HISTORY

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

|   |
|---|
| 54/04057/A_H - Land at Town Furze - Layout of housing estate.. PER 9th November 1954. |
| 55/04177/A_H - Land at Town Furze - 159 houses and 84 flats.. PER 11th January 1955.  |

## 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 | Headington Neighbourhood Plan |
|---------------|---|---------------------|---------------|------------------------|-------------------------------|
| Design        | 7   | CP1 CP6<br>CP8 CP10 | CS18          | HP9                    | CIP1<br>GSP4                  |
| Environmental | 10  |                     |               | HP14                   |                               |
| Misc          | 5   |                     |               | MP1                    |                               |
| Transport     |   |                     |               | HP16                   |                               |

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 16th April 2018.

### Statutory and Non-Statutory Consultees

9.2. No statutory consultee responses were received (Natural England were consulted).

- 9.3. Wingfield Residents Association, Headington Action, Bullingdon Community Association – No comments received

### **Public representations**

- 9.4. 5 Dynham Place: Information in the application: the work did not start in November 2017, it started on 5<sup>th</sup> February 2018. Apart from second storey that is larger than PD, a portion of the boundary wall is higher than allowed under PD. It is more than 3m high. Two storey extension is overbearing and out of character, has an oppressive impact on our house and adverse effect on visual amenity of area. The extension, by reason of scale and bulk, is out of keeping with design and character. Lost significant daylight/sunlight. Intention is to rent to larger groups or families – increase parking problem. Less parking spaces than houses, making house larger is likely to increase number of cars in the close. Extra soil removed is 8 to 10 inches higher than our garden. Large patio paved next to house. Concerned rain water will have nowhere to go, except flowing into our garden. Committee would be misled to think number of objections is not important. Should take into consideration fact the vast majority of houses in the close is occupied by students or groups of young adults. Few homeowners left in close.

### **Officer Response**

- 9.5. The assessment and determination of this application is the same whether works commenced in November 2017 or February 2018. The extension along the boundary with No. 5 has an eaves height of 2.7m and a ridge height of 3.7m. At the time of the site visit officers did not find that a boundary wall had been constructed and consider that the objection must refer to the height of the extension along the boundary. The design of the extension together with impact to neighbouring properties and car parking is discussed below. The future intentions of the applicant/owner are not a material consideration in the determination of this application.

## **10. PLANNING MATERIAL CONSIDERATIONS**

- 10.1. Officers consider the determining issues to be:

- i. Design
- ii. Residential Amenity

### **i. Design and Impact on Character of Surrounding Area**

- 10.2. Policies CP1, CP6, CP8, CP10, HP9, CIP1, GSP4 and CS18 seek to ensure that development is well designed and relates well to the existing house and surroundings.
- 10.3. The extension is of limited depth, extending by only 3m from ground and first floor level. The pitched roof is set down considerably from the main roofline with a ridge height of 6.9m and an eaves height of 5.2m (the latter of which matches the existing dwelling). The ground floor extension extends the entire width of the

property whilst the first floor element is set in from the boundaries which reduces the bulk and ensures the main property can still be seen and read. It is considered that the extension forms a good visual relationship with the host dwelling and reads as a subservient addition. The extension has been constructed with materials to match the host dwelling and is considered acceptable in design terms. Furthermore the extension is sited entirely to the rear and is not overly visible from the main highway of Dynham Place or other public areas such as the play area and footpaths to the west.

- 10.4. The works have been substantially completed on site and it is not necessary to impose conditions on any grant of planning permission.
- 10.5. The proposal is considered to comply with CP1, CP6, CP8 and CP10 of the Local Plan, HP9 of the Sites and Housing Plan, CS18 of the Core Strategy, CIP1 and GSP4 of the Headington Neighbourhood Plan and the NPPF.

**ii. Impact on Neighbouring Amenity**

- 10.6. Policy HP14 of the Sites and Housing Plan states that planning permission will only be granted for new residential development that provides reasonable privacy and daylight for the occupants of both existing and new homes. HP14 also states that planning permission will not be granted for any development that has an overbearing effect on existing homes. Appendix 7 of the Sites and Housing Plan sets out guidelines for assessing the loss of sunlight and daylight using the 45/25° code.
- 10.7. The site shares a boundary with 5 and 9 Dynham Place.
- 10.8. There is a ground floor rear facing window at 5 Dynham Place. The 45° line has been applied in relation to this window and the proposed extension does not contravene it. 5 Dynham Place also features a first floor rear facing window which serves a habitable room. The 45° line has been applied in relation to this window and the extension does not contravene it. The proposal would not have a detrimental impact on the light afforded to No. 5.
- 10.9. There is a ground floor rear facing window at 9 Dynham Place which serves a habitable room. The 45° line has been applied in relation to this window and the proposed extension slightly contravenes it. The 25° uplift has been applied and the extension also slightly contravenes this.
- 10.10. An extension very similar to the one constructed could be erected as permitted development without the grant of planning permission. To construct a two storey extension under permitted development, the two storey element must be set away from the boundaries by 2m. In this case, the two storey element is set away from the boundary shared with 5 Dynham Place by 1.7m and 2m from the boundary shared with No. 9. The extension constructed is 30cm wider than an extension that could be constructed under permitted development without the grant of planning permission. This is a significant material consideration in the

determination of this application and it would be difficult to demonstrate harm from the additional, marginal amount, particularly given the limited conflict with the 45/25 degree test and the fact that the extension is set precisely the same amount way from no. 9 as an extension that could be erected under permitted development (the additional marginal amount brings the extension closer to no. 5 where there is no conflict with the 45/25 degree test). Furthermore the rear of the properties face south so no. 9 Dynham Place would still experience considerable daylight and sunlight. It is considered that the impact of the extension constructed would be no worse than an extension that could be erected without the grant of planning permission in terms of the impact upon light to be enjoyed by 9 Dynham Place.

10.11. Due to the single storey height along the shared boundaries, limited depth and the extension being set away from the boundaries at first floor level, it is not considered that the proposed extension has an overbearing impact or results in a loss of outlook when experienced from the neighbouring properties.

10.12. The proposal is considered to comply with HP14 of the Sites and Housing Plan and the NPPF.

### **iii. Car Parking**

10.13 The extension has resulted in the gain of an additional bedroom and the property increasing from three-bed to four-bed which does not affect the maximum parking standards. Furthermore Officers have visited the site on two separate occasions. At the time of the site visits officers noted that the area does not suffer from high parking pressures and on-street parking was always available. There is no evidence to suggest that the proposed extension would result in an increase in car ownership at the property nor result in an increase in the demand for on-street parking. If any additional demand were to arise, it is considered that there is sufficient on-street car parking available.

10.14 The proposal is considered to comply with HP16 of the Sites and Housing Plan and the NPPF.

## **11. CONCLUSION**

11.1. The proposed development is considered acceptable in design terms and is not considered to have a detrimental impact to the neighbouring properties. The proposal is therefore considered to comply with CP1, CP6, CP8 and CP10 of the Local Plan, HP9 of the Sites and Housing Plan, CS18 of the Core Strategy, CIP1 and GSP4 of the Headington Neighbourhood Plan and the NPPF.

11.2. It is recommended that the Committee resolve to grant unconditional planning permission for the development.

## **12. CONDITIONS**

NONE

### **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 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.

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

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