

WEST AREA PLANNING COMMITTEE

13th November 2018

Application Number: 18/02211/FUL

Decision Due by: 11th October 2018

Extension of Time: To be agreed

Proposal: Formation of 1no. dormer to front roofslope, formation of 2no. dormers and 2no. rooflights to rear elevation and formation of 2no. rooflights to both side elevations in association with loft conversion. (amended plans)

Site Address: 31A Charlbury Road, Oxford, Oxfordshire, OX2 6UX

Ward: St Margarets Ward

Case Officer Robert Fowler

Agent: Mr and Mrs Darby **Applicant:** Mr Daly

Reason at Committee: The applicant is related to a Council member of staff

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 set out in section 12 of this report and grant planning permission subject

(b) Agree to delegate authority to the Acting Head of Planning Services to:

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

2. EXECUTIVE SUMMARY

2.1. This report considers alterations and extensions to the roof at the application property including the formation of three dormers and four rooflights. The proposed development would be acceptable in design terms having had regard to the impact of the proposed development in the streetscene. Officers have carefully considered the impact of the proposed development on neighbouring amenity, with specific regard being had for the impact of the proposed development on privacy. It is considered that the development would not have a harmful impact on the amenity of any neighbouring occupiers and would not lead to unacceptable levels of overlooking. The proposed development would not

have a harmful impact on the North Oxford Victorian Suburb Conservation Area, which is a designated heritage asset. The development would also not have a harmful impact on any non-designated heritage assets including No. 29 Charlbury Road (which is identified as a 'positive building' in the North Oxford Victorian Suburb Conservation Area Appraisal).

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

- Principle of development;
- Design;
- Impact on neighbours;
- Impact on Conservation Area
- Impact on non-designated heritage assets

3. LEGAL AGREEMENT

3.1. A legal agreement is not required for this application.

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

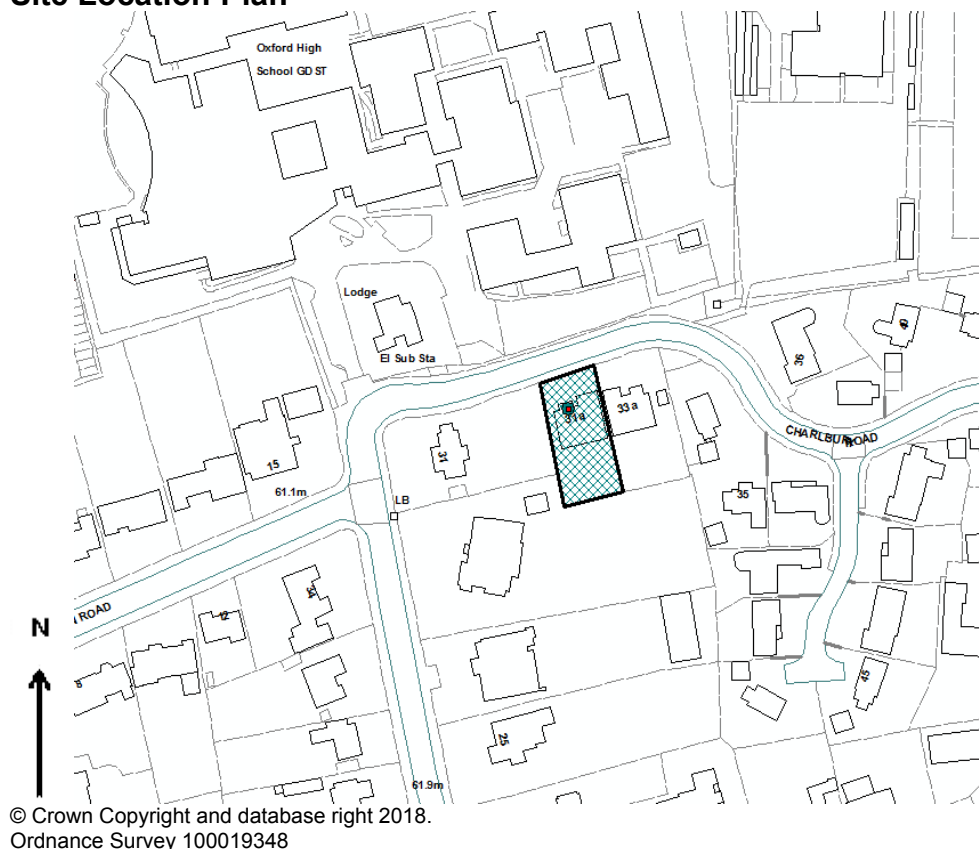
4.1. The proposal is not CIL liable as the amount of floorspace gained would be below the threshold where CIL would be required.

5. SITE AND SURROUNDINGS

5.1. The application site is a detached house in North Oxford; the property is one of the newer houses in Charlbury Road and was constructed in the early 2000s (being one a pair of properties with 33A Charlbury Road). Whilst this is newer than the modern properties to the east of the application site the house does have a similar appearance and character. The application site lies in the North Oxford Victorian Suburb and the front of the property faces north towards Oxford High School. To the immediate west and south of the site are the gardens of 31 and 29 Charlbury Road; these properties face west onto Charlbury Road and occupy larger plots. No. 29 Charlbury Road is identified as a 'positive building' in the North Oxford Victorian Suburb Conservation Area Appraisal. The area has an established residential character and there is mature vegetation around the edge of the application site.

5.2. The application site itself is a substantial five bedroom house with a steep pitched roof and integral double garage. There is a small front garden and a relatively short rear garden of approximately 16m in length. Despite the modern nature of the property it incorporates some features that are commonly found on older properties including gables on the front and rear elevation and variations in the height of parts of the roof; brick detailing some contrasting materials including different brick colours and render which add visual interest. There is an existing cottage dormer on the east elevation roofslope.

Site Location Plan



6. PROPOSAL

- 6.1. The application proposes changes to the roof of the existing dwellinghouse associated with a loft conversion. It is proposed to install two rooflights and one cottage type dormer on the front (north) elevation, two rooflights and two cottage dormers on the rear (south) elevation and two rooflights on each of the side elevations. There is an existing cottage dormer on the east (side) elevation. The proposed development would create additional accommodation within the existing dwellinghouse. The proposed materials used in the external construction of the proposed development would be a similar colour and appearance to those used in the existing dwelling.

7. RELEVANT PLANNING HISTORY

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

99/00637/NFH - Construct 2x4 bed 2 storey detached houses each with integral double garage, with access to shared forecourt onto Charlbury Road. PER 26th October 1999.

00/00247/NFH - Erection of 2x5 bed houses to rear of 31 Charlbury Road. WDN 4th October 2000.

00/01301/NFH - Erection of 2 detached 5 bedroomed houses with integral garages at rear of Nos 29/31. PER 19th September 2000.

00/01303/LH - Conservation Area consent for demolition of brick boundary wall crossing site at rear of Nos 29/31. PER 19th September 2000.

01/01606/CAT - Prune walnut tree in the North Oxford Victorian Suburb Conservation Area at 31A Charlbury Road. RNO 2nd September 2001.

05/02027/CAT - Fell leyland cypress tree in the North Oxford Victorian Conservation Area at 31A Charlbury Road, Oxford. RNO 19th October 2005.

07/00708/FUL - Single storey rear conservatory. PER 23rd May 2007.

10/01940/PDC - PERMITTED DEVELOPMENT CHECK - Proposed garage doors. PRQ 2nd August 2010.

15/01538/CAT - Removal of dead wood from 1no. Mature Walnut in the North Oxford Victorian Suburb Conservation Area. NNR 27th May 2015.

18/02211/FUL - Formation of 1no. dormer and 2no. rooflights to front roofslope, formation of 2no. dormers and 2no. rooflights to rear elevation and formation of 2no. rooflights to both side elevations in association with loft conversion. (amended plans). PDE.

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	8, 11, 127, 128, 130,	CP1, CP8, CP10, CP13			
Conservation/ Heritage	189	HE7			
Natural Environment					
Social and community		CP10		HP14	
Transport					

Environmental					
Misc	47, 48	CP.13, CP.24, CP.25		MP1	

9. CONSULTATION RESPONSES

- 9.1. Site notices were displayed around the application site on 10th September (for the originally submitted plans) and 15th October (for the amended plans) and an advertisement was published in The Oxford Times newspaper on 13th September (for the originally submitted plans) and 18th October 2018 for the amended plans). The consultation expiry for the amended plans consultation ends on 6th November 2018.

Statutory and Non-Statutory Consultees

Oxfordshire County Council (Highways)

- 9.2. No comments.

Linton Road Neighbourhood Association

- 9.3. No objections subject to conditions that the rooflights be Conservation type, metal construction and flush with the roof plane and that the rooflights on the west elevation are either removed or obscure glazed.

Oxford Civic Society

- 9.4. Support recommendations of the Linton Road Neighbourhood Association.

Public representations

- 9.5. 6 local people commented on this application from addresses in Charlbury Road, Belbroughton Road and Ockham Mews. 5 comments were in support and there was 1 objection:

In summary, the main points of objection (occupier at 31 Charlbury Road) were:

- The proposed development would conflict with Policy HP14 of the Sites and Housing Plan as the window on the western elevation would have an overbearing effect on 31 Charlbury Road.
- Detrimental impact on privacy
- Granting of planning permission for new building in the grounds of 29 Charlbury Road considered the impact on 31 Charlbury Road (in the context of Policy HP14) and it is therefore implicit that windows should not overlook neighbouring properties.
- (Further comments were received in relation to the amended plans that moved windows on the west elevation roofslope up to a height of 1.9m to

cill level when measured from the finished floor level). Continue to object to proposals (unless the windows on the west roofslope are obscure glazed and non-opening).

- Concerns about both direct visibility and perception of direct visibility in terms of a loss of privacy for occupiers at 31 Charlbury Road as a result of the proposed rooflights on the west elevation roofslope. Specific concerns about the loss of privacy in rooms at the rear of 31 Charlbury Road and the perceived loss of privacy for occupiers.

In summary, the main points in support (occupiers in Charlbury Road, Belbroughton Road and Ockham Mews) were:

- Development is thoughtful
- Support for development's design
- Recommend that development would be acceptable with obscure glazed non-opening windows on western elevation roofslope

- 9.6. The above comments received from the public are correct at the time of publication for this report (5th November). The consultation on the amended plans (which commenced on 15th October 2018) ends on 6th November 2018. The amended plans that were the subject of this reconsultation related only to moving the two rooflights on the west elevation roofslope 200mm higher up the roofslope so that they are proposed to be at 1.9 to the cill level from the finished floor level. Any comments received in relation to the amended proposals that were not received prior to the publication of this report but before the consultation period ending will be provided as a verbal update at committee.
- 9.7. A second set of amended plans was received on 30th October 2018. These amendments proposed the removal of two rooflights from the front roofslope at the suggestion of officers. As these changes to the plans involve only removal of an aspect of the development and have been requested to deal with specific concerns raised then it was not considered necessary to formally reconsult on these amendments. The application description was also amended to remove reference to the rooflights on the front elevation.

Officer Response

- 9.8. Officers sought amended plans to deal with the concerns raised about the west elevation rooflight and the impact on the neighbouring property at 31 Charlbury Road. These amendments have been the subject of additional public consultation (see above). Officers consider that the amended plans overcome the concerns about the impact of the proposed development on privacy for occupiers at 31 Charlbury Road; a thorough assessment of this matter is set out in this report. Concerns and comments about the use of conservation-type rooflights and specific materials are recommended to be addressed through conditions.

10. PLANNING MATERIAL CONSIDERATIONS

- 10.1. Officers consider the determining issues to be:

- i. Design;
- ii. Impact on Conservation Area;
- iii. Impact on non-designated heritage assets;
- iv. Impact on neighbouring amenity;

i. Design and Impact on Character of Surrounding Area

- 10.2. The proposed development is a householder development to provide additions and alterations to the roof in association with a loft conversion. The proposed development would facilitate internal changes within the roofspace to provide additional accommodation for use in conjunction with the existing dwellinghouse.
- 10.3. Officers have had regard to the impact of the proposed development in the streetscene. The nature of the application site means that it would be visible in the public realm from Charlbury Road in a number of locations (because Charlbury Road turns from a north-south direction to an east-west direction approximately 50m to the west of the application site). The result of this means that 31A Charlbury Road is visible from along Charlbury Road to the west of the site as well as immediately in front of the property; there are more distant glimpsed views of the property between houses on Charlbury Road to the south-west of the site. The application site is also visible from a number of neighbouring and nearby gardens and from other dwellings in the vicinity of the site. The main streetscene impact of the proposed development would be addition of rooflights and dormers; the front elevation dormer would be the most visible alteration in the public realm. Officers consider that the carefully proportioned dormer that is proposed would not be overly bulky on the front roofslope and having regard to the overall size of the roofslope this feature could be accommodated as a visually appropriate addition to this elevation. In reaching this view officers have been mindful that there is an existing gable feature and half-hipped roof on the garage that mean that there is already some variation in the front façade and the proposed dormer would not be out of place in this mixed roofscape. Further to this there is already a cottage dormer present on this property (on the east roofslope) and these features are found elsewhere in the immediate vicinity of the site; this feature will not be an alien addition to the streetscape.
- 10.4. The west elevation roofslope would also be visible from the streetscene in Charlbury Road. The addition of two rooflights on the west elevation roofslope would not be unacceptable having had regard to the context of the site as these are modern homes that already include contemporary features. The rooflights would be set high up the roofslope but given the overall size of the roof these rooflights would not be prominent features and they would not be visually jarring. Officers have had regard to the comments made by the Linton Road Neighbourhood Association and Oxford Civic Society and recommend that a condition is included to ensure that the rooflights are Conservation type rooflights to reflect the high quality materials that are present in the Conservation Area and to ensure that a non-bulky design of rooflight is used.
- 10.5. The additions on the east side and rear (south) elevations would mainly be visible in the private realm and given that the existing property is a modern house

where carefully considered contemporary additions would not be out of place officers recommend that the dormers and rooflights on these elevations would not be out of character or visually jarring when viewed from neighbouring properties and gardens. There would be glanced views of the east and south elevations from the public realm but these would be very limited and therefore the streetscene impacts of these additions would be acceptable.

- 10.6. Having had regard to the design of the additions it is considered that the proposals would represent high quality design that respects the character and context of the area and would form visually appropriate additions within the streetscene. Officers consider that the materials that are proposed to be used in the construction of the proposed development can be adequately dealt with by condition. The development therefore complies with the requirements of Policies CP1, CP8 and CP10 of the Oxford Local Plan 2001-2016, Policy CS18 of the Core Strategy and Section 12 of the NPPF.

ii. Impact on Conservation Area

- 10.7. The application site lies in the North Oxford Victorian Suburb Conservation Area (NOVSCA). The Conservation Area is a designated heritage asset for the purpose of Section 16 of the NPPF. The Conservation Area contains a diverse range of architectural styles with properties ranging in age but a large part of the Conservation Area is associated with the Victorian development of the St John's Estate. The area is characterised by larger residential properties, mature vegetation and village like enclaves. Importantly, there are a number of established 'character areas' that are defined in the NOVSCA Appraisal (2017). The application site lies in the Bardwell Estate character area as defined in the NOVSCA appraisal though it is important to consider that the application site is relatively unusual as an example of a modern (2000s) development in the NOVSCA as the rest of the Bardwell Estate area arose principally through the development of the St John's Estate in the late 19th Century and interwar era. Officers have had regard to the NOVSCA appraisal and an understanding that the modern properties in this part of Charlbury Road have attempted to emulate the features seen elsewhere in the Conservation Area and further changes to these modern properties need to be carefully considered in that context.
- 10.8. The NOVSCA appraisal and specifically the Bardwell Estate character area have specific references to negative features in the area which include inappropriate modifications and enlargements to properties. Officers have carefully considered the proposals as set out above and consider that the additions that are proposed have been sensitively designed to respect the context of the existing house, surrounding properties and the established character of the Conservation Area. It is considered that the visual intrusion of modern features is minimal and would not be prominent in the Conservation Area; the focus of additions would be to the rear and would not be visible in the public realm (other than in very limited glimpsed views). As a result, Officers recommend that the proposed development would not lead to any harm to the NOVSCA for the purposes of Paragraphs 195 and 196 of the NPPF. The careful consideration of the design of the proposed development would preserve the appearance and special significance of the Conservation Area. Officers are therefore satisfied that the

development meets the requirements of Policy HE7 of the Oxford Local Plan 2001-2016 and Paragraphs 195 and 196 of the NPPF.

- 10.9. In reaching the recommendation to grant planning permission special attention has been paid to the statutory test of preserving the Conservation Area, any features of special architectural or historic interest which it possesses and the statutory test of preserving or enhancing the character and appearance of the conservation area under section 72 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 sections 72 of the Act.

iii. Impact on Non-Designated Heritage Assets

- 10.10. The proposed development would be visible from No. 29 Charlbury Road which is considered to be a 'positive building' for the purpose of the NOVSCA. This means that No. 29 Charlbury Road would be considered to be a non-designated heritage asset for the purposes of Paragraph 197 of the NPPF. Officers have taken into account the significance of this heritage asset; which is an example of a fine detached house in the Conservation Area. Whilst the proposed development may be visible in glimpsed views in areas around the property and would be visible from its garden the proposed development represents a relatively modest set of alterations to the house that would not impact upon the setting of 29 Charlbury Road. The area to the east of 29 Charlbury Road is dominated by modern properties that contain some contemporary additions and it is considered that the proposed development in this case cannot be considered completely out of character. There is also separation between 29 Charlbury Road and the application site and existing mature vegetation would partially screen the proposals from view. As a result, Officers recommend that the proposed development would comply with the requirements of Paragraph 197 of the NPPF.

iv. Impact on Neighbouring Amenity

Impact on Sunlight and Daylight

- 10.11. The proposed development involves relatively modest additions to the bulk of the dwellinghouse. The proposed dormers on the front, rear and side elevations would be small cottage dormers that would not impinge on sunlight or daylight conditions for any neighbouring properties. It is considered that the proposed development would comply with the requirements of the 45/25 degree code as set out in Policy HP14 of the Sites and Housing Plan (2013).

Privacy

- 10.12. Officers have carefully considered the impact of the proposed development on the privacy of any neighbouring occupiers. There has also been careful consideration for any impact on perceived loss of privacy through overlooking when assessing the proposals; this follows specific concerns that were raised

through consultation in relation to this application. An assessment of the proposed development and the insertion of dormers and rooflights and their impact on privacy for neighbours is considered in the following paragraphs.

- 10.13. The proposed front dormer would look out towards the grounds of Oxford High School. The view from the proposed new roof level window would be similar to the views provided from existing first floor windows and would not have a detrimental impact on neighbouring amenity.
- 10.14. The proposed rooflights on the east elevation roofslope would be set relatively high in the roofslope of the house. The only window on this side elevation is currently a bathroom window that is obscure glazed but can be opened. The predominant view from this window (when open) is at the side wall and roofslope of 33A Charlbury Road. Officers recommend that the proposed rooflights on the east elevation roofslope would be acceptable as they would only provide views of the roofslope of 33A Charlbury Road and would not increase overlooking into any rooms or private amenity space. These rooflights would be at a high level. Further to this, the room that would be served by these rooflights would benefit from dormer windows at the front and rear elevations and given the height of the rooflights the dormer windows would provide the main sources of outlook for this bedroom.
- 10.15. The proposed dormer windows and rooflights at the rear elevation would provide similar views to existing windows at the first floor of the dwellinghouse. The views provided from these windows would face predominately over the existing private garden of the host property (which is 16m in length). It is acknowledged that views from the windows would provide some oblique views into neighbouring gardens at 31 Charlbury Road and 33A Charlbury Road and more distant views (beyond the rear garden) into the garden of 29 Charlbury Road. However, these views would be limited and do not represent a significant departure from the existing level of overlooking provided from first floor windows. Further to this, there is always some degree of overlooking from rear elevation windows into the gardens of neighbouring houses and the nature of overlooking that would be created in this case would not be considered out of character with the existing relationship between properties.
- 10.16. There are two rooflights that are proposed on the west elevation roofslope. These rooflights were originally proposed to be at a height of 1.7m from the finished floor level to the cill of the rooflights; following objections that were received, in relation to the impact of these rooflights on privacy, amended plans were received that raised the height of these rooflights so that they are now proposed to be at 1.9m from the finished floor level to the cill. These rooflights would face towards the rear garden of 31 Charlbury Road and towards the rear elevation of that property. In considering the impact of the rooflights on the amenity of occupiers of 31 Charlbury Road officers have carefully considered the distance between the rooflights and the boundary with 31 Charlbury Road (approximately 3m), the length of the rear garden of 31 Charlbury Road and comments raised in public consultation. It is also worthwhile noting that there is a slight drop in ground level from the rear garden of 31 Charlbury Road to the application site. The normal height of high level rooflights or windows would be

1.7m from the finished floor level; however as there is a drop in ground level and a relatively short distance to the boundary between the host property and the neighbouring property at 31 Charlbury Road a height of 1.9m was requested to ensure that there would be even more limited opportunity for overlooking. Officers consider that the height of these rooflights alone is necessary to protect the privacy of occupiers at 31 Charlbury Road by limiting the opportunity for overlooking. Only an exceptionally tall person would have any view from these rooflights; a person would have to have a height of approximately 2.15m (approximately 7 feet tall) to have a view out of these windows.

- 10.17. Specific concerns were raised in public consultation about the perceived loss of privacy as a result of the proposed development. This is an important consideration. Officers have had regard to the fact that there are currently no windows (other than an obscure glazed bathroom window) on the west elevation. The addition of rooflights therefore creates the perception that there would be a new view (for occupiers of 31 Charlbury Road specifically). However, the rooflights are proposed to be set very high up the roofslope of 31A Charlbury Road; having taken into account the height and angle of the roofslope officers consider that this perceived loss of overlooking would be reduced to an acceptable level. It is also considered that the length of the rear garden of 31 Charlbury Road further secures the privacy of occupiers of that property when in habitable rooms at the rear of the house.
- 10.18. Officers have considered whether it was necessary to impose a condition requiring that the rooflights on the west elevation roofslope should be obscure glazed and non-opening (or partially obscure glazed and with limited opening). It is not considered that this condition would be necessary because of the height of the rooflights in the roofslope.
- 10.19. It is worthwhile noting that when the application property was granted planning permission (reference 00/01301/NFH) permitted development rights were removed. The reason listed for this on the decision notice was because of the constrained nature of the site. The permitted development rights would normally have allowed insertion of rooflights (although not dormer in a Conservation Area). Officers have considered the constrained nature of the site when assessing these proposals and are mindful of the restrictions that were placed on this property at the time that planning permission was granted. The imposition of this condition would remain and would safeguard the privacy of surrounding occupiers from further alterations or extensions to the dwellinghouse as any additional rooflights would need planning permission.
- 10.20. Having carefully considered the above assessment Officers recommend that the development would have an acceptable impact on the amenity of neighbouring occupiers in terms of privacy (including consideration for a perceived loss of privacy). As a result, Officers recommend that the development would be acceptable in terms of its impact on neighbouring amenity and complies with the requirements of Policy HP14 of the Sites and Housing Plan (2013).

11. CONCLUSION

- 11.1. The proposed development would be acceptable having had regard to the design, the impact on designated and non-designated heritage assets and impact on neighbouring amenity. The proposal is considered to comply with all relevant local and national planning policy including Policies CP1, CP8, CP10 and HE7 of the Oxford Local Plan 2001-2016, Policy CS18 of the Core Strategy (2011), Policy HP14 of the Sites and Housing Plan (2013) and Paragraphs 195-197 of the NPPF. It is recommended that the Committee resolve to grant planning permission for the development subject to conditions as set out below.

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 The materials used in the external construction of the approved development shall be those specified in the approved plans and submitted application form with the exception of rooflights which shall be conservation type rooflights unless agreed otherwise in writing by the Local Planning Authority.

Reason: To ensure that the development is visually satisfactory as required by Policy CP1 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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