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|  **WEST AREA PLANNING COMMITTEE** | 15th January 2018 |

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| **Application number:** | 18/02255/FUL |
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| **Decision due by** | 18th October 2018 |
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| **Extension of time** | 21st December 2018 |
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| **Proposal** | Erection of a single storey rear extension and erection of outbuilding (amended plans) (amended description) |
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| **Site address** | 13 East Street, Oxford, OX2 0AU, – see **Appendix 1** for site plan |
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| **Ward** | Jericho And Osney Ward |
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| **Case officer** | James Paterson |

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| **Agent:**  | Jim Driscoll | **Applicant:**  | Mr Andrew Twomey |

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| **Reason at Committee** | The application was called in by Councillors Fry, Rowley, Tanner and Pressel because of concerns about the possible overbearing impact of the development on the neighbours and possible overdevelopment of a small house. |

1. RECOMMENDATION
	1. West Area Planning Committeeis recommended to:
		1. **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 to:
* the satisfactory completion of a legal agreement under section106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations set out in the recommended heads of terms which are set out in this report.
	+ 1. **agree to delegate authority** to the Acting Head of Planning Services to:
* 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; and
* Finalise the recommended legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in this report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in this report (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Acting Head of Planning Services considers reasonably necessary; and
* Complete the section 106 legal agreement referred to above and issue the planning permission.
1. EXECUTIVE SUMMARY
	1. This report considers the proposed single storey rear extension to 13 East Street as well as an outbuilding located at the west end of the rear garden. The proposal is considered to be acceptable in terms of its design and its impact on the Osney Town Conservation Area and would not have a harmful impact on the designated heritage asset. Officers have carefully considered the impact of the proposed development on the amenity of the neighbouring properties. It is considered that the proposal would not have a significant negative impact on the neighbouring properties. This is because the proposal would not lead to a substantial loss of daylight nor cause an unacceptable loss of privacy or feeling of overbearing to either neighbour. The proposal is also considered to be acceptable in terms of its impact on flooding and surface water drainage.
2. LEGAL AGREEMENT
	1. This application is recommended for approval subject to the satisfactory completion of a legal agreement to ensure the extant permission for a larger outbuilding is not built out. This is because the larger outbuilding would cause the proposal to be unacceptable due to issues of flooding, overdevelopment, overbearing impact and lack of outdoor amenity space. The applicant has agreed that they would be willing to enter into that legal agreement and this would need to be completed prior to the issuing of a planning permission if members of the Committee resolve to grant planning permission.
3. COMMUNITY INFRASTRUCTURE LEVY (CIL)
	1. The proposal is not CIL liable as the amount of floorspace gained would be below the threshold where CIL would be required.
4. SITE AND SURROUNDINGS
	1. The site is a mid-terraced three storey house in the Osney Town Conservation Area. Recently, a large part single, part two storey extension was erected at the property following a grant of planning permission (reference 16/01282/FUL). The façade has been altered through the insertion of a larger window at ground floor as well as further alterations to the roof. Planning permission 16/01282/FUL included a garden outbuilding on which work has not commenced.
	2. The site has been subject to an appeal in 2015 which preceded the aforementioned approved scheme in 2016. The appeal was partly approved in respect of changes to the façade and a substantial outbuilding. Therefore, both planning permissions have been implemented but not completed, as the outbuilding (which is largely identical in both proposals) had not been erected yet. There is, therefore, extant permissions for a large outbuilding which forms a material consideration. Recently, a similar proposal for an additional single storey rear extension was refused as a delegated decision, 18/00812/FUL.
	3. See block plan below:



1. PROPOSAL
	1. The application proposes an additional single storey, flat roofed extension to the recently completed pitched roof single storey extension. The extension would extend a further 2.7m beyond the rear wall of the recently erected existing extension and be approximately 2.5m in height. The materials proposed would match the existing
	2. Planning permission is also sought for an outbuilding; the outbuilding would be of a reduced size to that which was previously approved under 16/01282/FUL. The outbuilding would be approximately 13.5m2 smaller than the previously approved outbuilding.
	3. The original application sought solely the 3.4m rear extension. However, following discussions with the case officer, this was reduced in size and a smaller outbuilding than that already approved was also proposed; this was due to concerns about the overdevelopment of the site and the impact of the proposed development on flooding. The applicant has agreed that in the event that planning permission is granted that they would enter into a legal agreement that would prevent them from implementing the extant permissions for the larger outbuilding on the site.
2. RELEVANT PLANNING HISTORY
	1. The table below sets out the relevant planning history for the application site:

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| 63/14374/A\_H - Extension to form bathroom. PDV 5th December 1963.69/21584/A\_H - Extension to form bathroom. PDV 27th May 1969.15/01944/FUL - Demolition of existing rear extension. Erection of two storey rear extension and roof extension. Formation of 1no. dormer to front roofslope and insertion of rooflights. Erection of garden office.. WDN 4th August 2015.15/02668/FUL - Demolition of existing rear extension. Erection of part single, part two storey rear extension and roof extension in association with loft conversion. Erection of outbuilding.. REF 3rd November 2015.16/01282/FUL - Demolition of existing single storey rear extension. Erection of part single, part two storey rear extension. Alterations to roof involving raising of ridge height and roof extension. Erection of garden outbuilding and boundary walls. Insertion of 1no. rooflight, 1no. fanlight and alterations to 1no. window to front elevation.(amended plans). PER 7th July 2016.18/00812/FUL - Demolition of existing rear extension and erection of a new single storey rear extension.. REF 21st May 2018.18/02255/FUL - Erection of a single storey rear extension and erection of outbuilding (amended plans) (amended description). PDE . |

1. RELEVANT PLANNING POLICY
	1. The following policies are relevant to the application:

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| **Topic** | **National Planning Policy Framework** | **Local Plan** | **Core Strategy** | **Sites and Housing Plan** | **Other planning documents** |
| **Design** | 8, 11, 129, 128, 130 | CP1, CP6, CP8, CP10 | CS18 | HP9, HP14 |  |
| **Conservation/ Heritage** | 189, 192, 196 | HE7 |  |  |  |
| **Social and community** |  | CP10 |  | HP14 |  |
| **Miscellaneous** | 47, 48 |  | CS11 | MP1 |  |

1. CONSULTATION RESPONSES
	1. Site notices were displayed around the application site on 31st August 2018 and an advertisement was published in The Oxford Times newspaper on 29th November 2018.

Statutory and non-statutory consultees

* 1. None Received

Public representations

* 1. 1 local person commented on this application from an address in East Street.
	2. In summary, the main points of objection (1 resident) were:
* Amount of development on site
* Effect on adjoining properties
* Height of proposal
* Light - daylight/sunlight

Officer response

* 1. Officers have considered carefully the objection to these proposals. Officers have come to the view, for the detailed reasons set out in the officer’s report, that the reasons for the objection do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.
1. PLANNING MATERIAL CONSIDERATIONS
	1. Officers consider the determining issues to be:
* Design
* Impact on Neighbouring amenity
* Impact on Conservation Area
* Flooding

 Design

* 1. Policy CP1 of the Oxford Local Plan 2001-2016 states that a development must show a high standard of design, including landscape treatment, that respects the character and appearance of the area; and the materials used must be of a quality appropriate to the nature of the development, the site and its surroundings. CS18 of the Core Strategy states that planning permission will be granted for development that demonstrates high-quality urban design through responding appropriately to the site and its surroundings; creating a strong sense of place; and contributing to an attractive public realm. Policy HP9 of the Sites and Housing Plan states that planning permission will only be granted for residential development that responds to the overall character of the area, including its built and natural features.
	2. It is noted that in a previous application for a similar extension, 18/00812/FUL, design issues constituted a reason for refusal; particularly in terms of the scale and massing of the proposal. Regard has also been paid to the Planning Inspector’s decision for a previous development proposal for additions to the rear, 15/02668/FUL. With these issues in mind, it is considered that this proposal would be of acceptable design quality.
	3. The dwelling has already undergone substantial alterations to the rear so that the house reflects more of a modern interpretation of a historic terraced house, than it actually does of its original form. While the officer for 18/00812/FUL cited this cumulative change and the bulk of the proposal as a reason for refusal, the proposed extension in this application is both flat-roofed and extends 0.7m less than the previous proposal. These changes mean that the proposal would be a more proportionate addition and would not represent an excessive bulk or massing. Likewise, the proposed extension would not compete with the main dwelling in terms of use or form. It is also noted that numerous other incremental changes to the rear of this terrace and nearby terraces means that this addition would not look out of place. Therefore, the proposed single storey rear extension is considered to relate sufficiently well to the existing dwelling and would not look out of place in the context of the area.
	4. The proposed outbuilding would represent sufficient design quality. In addition to the fact that permission has been granted for a far more substantial outbuilding, numerous similar outbuildings have been erected in nearby properties. These considerations mean that the proposed outbuilding would not have an unacceptable design impact.
	5. It is noted that in a previous delegated decision, 18/00812/FUL, a similar proposal was refused due to the loss of outdoor amenity space which would impinge upon the enjoyment of the dwelling by present and future occupiers. However, it is considered that in this application, the reduction in length of the extension as well as the reduction of the proposed outbuilding would ensure that sufficient outdoor amenity space is retained so as to not harm the amenity of current and future occupiers.
	6. It is therefore considered that the proposal would be of considered high quality design and would be acceptable in terms of Policies CP1, HP9 and CS18.

Impact on Neighbouring Amenity

* 1. Policy HP14 of the Sites and Housing Plan states that planning permission will not be granted for development that has an overbearing effect on existing homes, and will only be granted for new residential development that provides reasonable privacy and daylight for the occupants of both existing and new homes. Policy HP14 of the Sites and Housing Plan sets out guidelines for assessing development in terms of whether it will allow adequate sunlight and daylight to habitable rooms of the neighbouring dwellings.

Privacy

* 1. Officers consider that the development proposed would not lead to a harmful impact on privacy to any neighbour. This is because the only glazing proposed would be at ground floor level. Views from proposed rooflights into neighbouring properties would likewise be impossible. It is also considered that there would be sufficient distance between the proposed extension and the rear of the terraces on Bridge Street so as to not impinge upon their privacy.

Overbearing

* 1. The previously submitted and refused application for a single storey extension, 18/00812/FUL was considered to be overbearing. That proposal would have been problematic in terms of overbearing, due to the cumulative impact of the 3.4m extension and the 5.1m deep outbuilding. However, it is considered that the revised proposal would not constitute an overbearing presence due to the reduction in size of the extension in addition to the reduction of the size of the outbuilding. The fact that the proposed extension is only 2.5m in height with a flat roof also helps mitigate any perceived overbearing impact of the development. There are existing high boundary treatments with neighbouring properties which meant that these proposals would not feel significantly more overbearing than the existing situation on the site.
	2. In terms of the impact on 14 East Street, the cumulative impact of reducing the length of the extension, including a low, flat roof in addition to pulling the proposed outbuilding entirely off of the boundary means that the proposal would not cause an unacceptable impact in terms of overbearing. It is acknowledged that 14 East Street also has an outbuilding which would have been contiguous with the already approved original outbuilding at No. 13 and the proposed reduced outbuilding would therefore not reduce the overall development on the boundary of 14 East Street. However, officers consider the reduced outbuilding would still reduce the feeling of an overbearing presence on 14 East Street, especially when looking from the rear windows of 14 East Street, as more open garden space would be readily visible.
	3. In terms of 12 East Street, it is considered that the proposal would also not constitute an overbearing presence. This is due to their rear extension being of a similar length to the proposed extension in conjunction with the proposal not being materially more overbearing than the 2.7m high boundary wall which benefits from extant planning permission,16/01282/FUL, although it has not been erected yet the partial implementation of 16/01282/FUL means that it could be erected along the boundary.

Sunlight/Daylight

* 1. The proposal breaks the 25/45 degree access to light test outlined in Policy HP14. This is due to the proposed development impinging on the daylight received by the nearest ground floor, rear facing window of 14 East Street. This room is used as an open plan kitchen/diner and is therefore considered a habitable room in terms of applying HP14. However, given the fact the room is served by other unobstructed windows and 14 East Street is situated south of 13 East Street, it is considered that there would not be a materially harmful impact on daylight and sunlight conditions for that property. Likewise, the proposal would not represent an excessive mass which would unacceptably impinge upon the ambient daylight received by this room.
	2. Officers have carefully considered the Planning Inspector’s decision for a previous development proposal, 15/02668/FUL, which found the two storey element of that proposal to be unacceptable in terms of its impact on 14 East Street. However, given that this proposal relates to a single storey extension, rather than two storeys, and the extension is of a fairly modest height, it is considered that in this instance the proposal would have an acceptable impact on the daylight of 14 East Street. Officers did seek amendments to the proposals in this application to specifically address concerns about the impact of the proposed development on neighbouring properties.
	3. In terms of 12 East Street, the proposal would likewise be in breach of the 25/45 degree access to light test, outlined in Policy HP14, due to the impact on the windows and doors of the rear elevation of the original house and the side windows of the outrigger. However, due to the fact that the outrigger is served by an unobstructed window on the rear elevation and the fact that extant permission exists for a large boundary wall, 2.7m for the entire length of the proposed extension, it is considered that the development would be acceptable in terms of its impact on the daylight received by 12 East Street.
	4. Therefore the proposal is acceptable in terms of Policy HP14 of the Sites and Housing Plan, 2013.

Impact on Conservation Area

* 1. Policy HE7 of the Oxford Local Plan 2001-2016 states that planning permission will only be granted for development that preserves or enhances the special character and appearance of the conservation areas or their setting. Furthermore, planning permission will not be granted for proposals involving the substantial demolition of a building or structure that contributes to the special interest of the conservation areas.
	2. It is noted in the Planning Inspector’s decision, 15/02668/FUL, as well as the Osney Town Conservation Area Appraisal that the significance of the Conservation Area largely stems from features on the front elevation of the historic terraces, such as the roofscape, materials visible from the public realm, door and window fittings as well as relatively unaltered front facades. This means that alterations and additions to the rear have a smaller impact on the Conservation Area, although they do still have an impact which needs to be carefully assessed.
	3. It is noted that a reason for refusal for the previous application18/00812/FUL was the impact on the Conservation Area due to the excessive bulk and scale of the proposal, which was assessed to cause less-than-substantial harm. On balance, the revised proposal in this case would result in an outbuilding smaller than currently permitted as well as a more modest extension with a lower profile. Therefore, it is considered that the proposed development, in this case, would not harm the significance of the Conservation Area and is therefore acceptable in terms of Policy HE7.
	4. Special regard has been paid to the desirability of preserving the setting of the Osney Town Conservation Area as per the statutory requirement of section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Paragraph 196 of the NPPF has also been applied in weighing any harm caused to heritage assets, in this case the Osney Town Conservation Area. Officers consider that the proposals meet the requirements of the test and the development would not have a harmful impact on the Conservation Area.

Flooding

* 1. Policy CS11 of the Core Strategy states that planning permission will not be granted for any development in the functional flood plain (flood zone 3b) except water-compatible uses and essential infrastructure. The suitability of developments proposed in other flood zones will be assessed according to the sequential approach and exceptions test as set out in the NPPG. All developments will be expected to incorporate sustainable drainage systems or techniques to limit runoff from new development, and preferably reduce the existing rate of run-off. Development will not be permitted that will lead to increased flood risk elsewhere, or where the occupants will not be safe from flooding.
	2. It is noted that a reason for refusal on 18/00812/FUL was the potential flood impact. While there is an issue of the principle of development in terms of Policy CS11, as the property is in a 3b floodzone, the proposal includes a smaller outbuilding than that which is currently permitted. The total addition of development to the area than that which has already been built or for which planning permission exists would only displace an additional 2.9m3 of flood water. Regard has also been paid to the emerging policy in the Oxford Local Plan 2036, Policy RE3. It is therefore considered that, in this instance, due to the small amount of potential floodwater that would be displaced in the event of a flood the proposal would not materially increase the flood risk on the site, or elsewhere through floodwater displacement, and the proposal is therefore acceptable in terms of flood risk and Policy CS11.
1. CONCLUSION
	1. The proposed development would be acceptable having had regard to the design, the impact on designated heritage assets and impact as a potential nuisance. The proposal is considered to comply with all relevant local and national planning policy including Policies CP1, CP8, CP10, HE7 of the Oxford Local Plan 2001-2016, Policy CS18 of the Core Strategy (2011), Policy MP1 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 proposed subject to the satisfactory completion of the aforementioned legal agreement and conditions as set below.
2. CONDITIONS
3. 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.

1. 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.

1. The materials to be used in the proposed development shall be as specified in the application hereby approved. There shall be no variation of these materials without the prior written consent of 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

1. APPENDICES
* **Appendix 1 –** Site location plan
1. HUMAN RIGHTS ACT 1998
	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.
2. SECTION 17 OF THE CRIME AND DISORDER ACT 1998
	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.