

EAST AREA PLANNING COMMITTEE

2nd October 2019

Application number:	19/02106/FUL		
Decision due by	3 rd October 2019		
Extension of time	10 th October 2019		
Proposal	Demolition of existing outbuilding. Erection of a part single, part two storey front, side and rear extension and formation of balcony and porch canopy to front elevation (Amended Description).		
Site address	65 Alice Smith Square, Oxford, OX4 4NQ, – see Appendix 1 for site plan		
Ward	Littlemore Ward		
Case officer	Sarah Chesshyre		
Agent:	Mr Andrew Hackling	Applicant:	Mrs Tania Dandy-Minto
Reason at Committee	The application has been called in by Councillors Tanner, Fry, Kennedy, Munkonge and Rowley because of the impact on Alice Smith Square.		

1. RECOMMENDATION

1.1. East Area Planning Committee is recommended to:

1.1.1. **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;

1.1.2. **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.

2. EXECUTIVE SUMMARY

2.1. This report considers the erection of a part single, part two storey front, side and rear extension and the formation of a balcony and porch canopy to the front elevation to the existing dwelling.

2.2. The development is considered acceptable in design terms and will not detract from the character and appearance of the area. The proposal would not have a detrimental impact on the neighbouring properties and is considered to comply with CP1, CP6, CP8 and CP10 of the Oxford Local Plan, HP9 and HP14 of the Sites and Housing Plan, CS18 of the Core Strategy and the NPPF and policies DH1 and H14 of the emerging Oxford Local Plan 2036, noting that it carries only limited weight at this time. It is therefore recommended that the application be approved.

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 is located within the Littlemore Ward of Oxford to the south east of the city centre. The property is located in the south east corner of Alice Smith Square, and is unusual in its orientation in that the back of the property faces towards the square. The property is a two storey semi-detached dwelling with gardens to the front and rear. The attached semi-detached dwelling lies to the north west and a block of flats to the south east.

5.2. See location plan below:



6. PROPOSAL

6.1. The application proposes the erection of a part single-, part two-storey front, side and rear extension and the formation of a balcony and canopy porch to the front elevation. The two storey side extension would, at the front, extend beyond the existing side elevation by 3.9 metres. Towards the rear the side extension would be stepped in along the boundary, such that at the rear it would project beyond the existing side elevation by 2.3 metres. It would have a gable roof with a ridge height of 6.8 metres, which would be set down from that of the main house by 0.45 metres and have an eaves height of 4.4 metres. To the front the extension would project forward of the front elevation at ground floor by 1.5 metres, with a lean-to roof with an eaves height of 2.3 metres. At first floor the side extension would be set back beyond the principle elevation by 0.9 metres, and a first floor balcony would be set into the roof of the ground floor front projection. To the rear the extension would project beyond the original rear elevation by 2 metres, with a width of 5 metres. This two storey element would have a gable end roof and would have an eaves height of 4.7 metres and a ridge height of 6.6 metres. The canopy porch to the front extension would project forward of the principal elevation by 0.6 metres. The extension and canopy would be finished in brick and slate to match the original house.

7. RELEVANT PLANNING HISTORY

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

19/00192/FUL - Demolition of existing outbuilding. Erection of a part single, part two storey front, side and rear extension. Withdrawn 6th March 2019.

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Core Strategy	Sites and Housing Plan	Emerging Oxford Local Plan 2036
Design	117, 118, 122, 127	CP1 Development Proposals CP6 Efficient Use of Land & Density CP8 Designing Development to Relate to its Context CP10 Siting Development to Meet Functional Needs	CS18 Urban design, townscape, character, historic environment	HP9 Design, Character and Context	DH1 High quality design and placemaking

Environmental				HP14 Privacy and Daylight	H14 Privacy, daylight and sunlight
Miscellaneous	38, 47	CP13 Accessibility		MP1 Model policy	

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 14th August 2019.

Statutory and non-statutory consultees

9.2. No relevant statutory or non-statutory consultees

Public representations

9.3. No third party comments were received.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- Design
- Neighbouring amenity

a. Design

10.2. Policy CS18 of the Core Strategy, HP9 of the Sites and Housing Plan and policies CP1 and CP8 of the Oxford Local Plan combine to require that planning permission will only be granted for development which shows a high standard of design that respects the character and appearance of the area and uses materials of a quality appropriate to the nature of the development and creates an appropriate visual relationship with the form of the existing building and its surroundings. Policy DH1 of the emerging Oxford Local Plan 2036 states that planning permission will only be granted for development of high quality design that creates or enhances local distinctiveness.

10.3. The orientation of 65 Alice Smith Square, as well as that of neighbouring properties on the north east side of Alice Smith Square, is unusual in that their rear elevations face on to the square, and their front doors are accessed by a footpath that runs along the north east of the properties. No. 65 occupies the least prominent position of these houses, being tucked into the south east corner of the square, and its rear elevation faces onto a footpath that runs between Alice Smith Square and Priory Road, rather than onto the square itself. The property occupies a larger plot than adjoining neighbours, benefitting from an area of land to the side of the dwelling, which is currently occupied by a lean-to store which it is proposed to demolish.

10.4. While the proposals overall represent relatively substantial enlargement of the original house, it is considered that care has been taken to ensure that the

proposed additions would appear proportionate and subservient to the existing dwelling. When viewed from the rear (i.e. from the footpath between Alice Smith Square and Priory Road, and in wider views from Alice Smith Square), the development would not appear an overly prominent addition. The two storey rear extension would be the predominantly visible addition in these views, and due to its modest depth and its roof form, would relate well to and appear subservient to the host dwelling. The fenestration would also form a suitable relationship with that in the existing dwelling. From the rear, the side extension would not be prominently visible as it would be partly screened by the rear extension, and would not impact significantly on views from within Alice Smith Square.

10.5. When viewed from the front (i.e. from the footpath that runs along the north east side of the dwelling), the extension would also read as a relatively subservient addition due to the roof being set down from that of the main house and the front elevation at first floor being set back from that of the principal elevation. The form of the extension and fenestration would also relate well to that of the host dwelling. The balcony would be set within the roof of the ground floor front projection and as a result would be inconspicuous and sit well within the proposed development overall. While balconies may not usually be encouraged to the front of properties, as this property is not traditional in that it does not face the highway, the proposed balcony would not be objectionable to the front of this particular property given the site circumstances. The proposed canopy porch is a very modest and subservient addition to the dwelling and would be acceptable. It is proposed to use materials to match the existing building, which is considered acceptable and will be secured by condition.

10.6. The proposals are considered a suitable addition to the existing dwelling and to the street scene, and would not result in any harm to the character or appearance of the surrounding area. The proposed development would comply with policies CS18 of the Core Strategy, HP9 of the Sites and Housing Plan and CP1 and CP8 of the Oxford Local Plan, as well as DH1 of the emerging Local Plan 2036, noting that it carries only limited weight at this time and the NPPF.

b. Impact on neighbouring amenity

10.7. 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. These requirements are carried through into the emerging Oxford Local Plan 2036 as policy H14.

10.8. To the south east the property is adjacent to a 3-storey block of flats on Priory Road. There is a first floor window in the side elevation of this building overlooking the rear garden of 65 Alice Smith Square. The proposed extension would comply with the 45 degree line when applied to this window, and the extension would also be separated from the closest part of this building by 7 metres. The proposed development would therefore not result in any loss of daylight, outlook or impact of overbearing to the flats at Priory Road. The proposed extension would not have any first floor windows in the side elevation

and there would also therefore be no loss of privacy or impact of overlooking to the adjacent flats.

- 10.9. To the south west the property is adjacent to 63 Alice Smith Square, whose side elevation faces the rear elevation of the application site. The proposed extension would be separated from the side elevation of no.63 by approximately 18 metres, and it would therefore not result in any loss of light, outlook or impact of overbearing to this property. There would be two windows serving bathrooms at first floor in the rear elevation, facing towards the side elevation of no.63. No.63 also benefits from two windows at first floor facing towards the rear elevation of no.65. To protect the amenity of no.63, a condition is recommended requiring the first floor windows in the rear elevation of the extension to be obscured glazed and non-opening below 1.7 metres above finished floor level.
- 10.10. To the north west the property adjoins 67 Alice Smith Square. The front and rear extensions would both comply with the 45 degree line when applied to windows serving habitable rooms at no.67. The rear projection would be separated from the shared boundary with no.67 by 3 metres, and the front projection would be separated by 6 metres. It is therefore considered that the proposed development would not result in any loss of light, outlook or impact of overbearing to the dwelling at 67 Alice Smith Square. There would be no first floor windows in the north elevation of the proposed extension and there would therefore be no loss of privacy or impact of overlooking to no.67.
- 10.11. The proposed first floor balcony to the front would not result in any unacceptable impact of overlooking to no.67 as it would be set back behind and screened by the existing dwelling. There are no other residential properties adjacent to the application site that are in a location where they would be impacted by the proposed balcony. To the north east the property looks towards grounds of the Oxford Academy, although it is separated from these by over 18 metres with the actual buildings of the Oxford Academy over 90 metres away. The proposed balcony would not result in any unacceptable loss of privacy or impact of overlooking to neighbouring properties.
- 10.12. The proposed development is considered acceptable in terms of its impact on amenity and compliant with policy HP14 of the Sites and Housing Plan and H14 of the emerging Oxford Local Plan 2036, noting that it carries only limited weight at this time.

11. CONCLUSION

- 11.1. Having regards to the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.
- 11.2. The NPPF recognises the need to take decisions in accordance with Section 38 (6) but also makes clear that it is a material consideration in the determination of any planning application (paragraph 2). The main aim of the NPPF is to deliver Sustainable Development, with paragraph 11 the key principle for achieving this

aim. The NPPF also goes on to state that development plan policies should be given due weight depending on their consistency with the aims and objectives of the Framework. The relevant development plan policies are considered to be consistent with the NPPF despite being adopted prior to the publication of the framework.

11.3. Therefore in conclusion it would be necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which are inconsistent with the result of the application of the development plan as a whole.

11.4. In summary, the proposed development would be an acceptable addition to the existing dwellinghouse. The proposals are suitable in design terms and comply with policies CP1, CP8 and CP10 of the Oxford Local Plan 2001-2016, HP9 of the Sites and Housing Plan, CS18 of the Core Strategy and DH1 of the emerging Oxford Local Plan 2036 and NPPF. The proposals would not result in any harm to neighbouring amenity and are compliant with HP14 of the Sites and Housing Plan and H14 of the emerging Oxford Local Plan.

11.5. Therefore officers consider that the proposal would accord with the development plan as a whole.

Material consideration

11.6. The principal material considerations which arise are addressed below, and follow the analysis set out in earlier sections of this report.

11.7. National Planning Policy: the NPPF has a presumption in favour of sustainable development.

11.8. NPPF paragraph 11 states that proposals that accord with the development plan should be approved without delay, or where the development plan is absent, silent, or relevant plans are out of date, granting permission unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole; or specific policies in the framework indicate development should be restricted.

11.9. Officers consider that the proposal would accord with the overall aims and objectives of the NPPF. Therefore in such circumstances, paragraph 11 is clear that planning permission should be approved without delay. This is a significant material consideration in favour of the proposal.

11.10. Officers would advise members that, having considered the application carefully, the proposal is considered to be acceptable in terms of the aims and objectives of the National Planning Policy Framework and relevant policies of the Oxford Core Strategy 2026, and Oxford Local Plan 2001-2016, and the emerging Local Plan 2036, when considered as a whole, and that there are no material considerations that would outweigh these policies.

11.11. Therefore it is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions set out in Section 12 of this report.

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 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 require by policy CP1 of the Oxford Local Plan 2001-2016.

- 4 All Impermeable areas of the proposed development, including roofs, driveways, and patio areas shall be drained using Sustainable Drainage measures (SuDS).

This may include the use of porous pavements and infiltration, or attenuation storage to decrease the run off rates and volumes to public surface water sewers and thus reduce flooding.

Soakage tests shall be carried out in accordance with BRE Digest 365 or similar approved method to prove the feasibility/effectiveness of soakaways or filter trenches.

Where infiltration is not feasible, surface water shall be attenuated on site and discharged at a controlled discharge rate no greater than prior to development using appropriate SuDS techniques and in consultation with the sewerage undertaker where required.

If the use of SuDS are not reasonably practical, the design of the surface water drainage system shall be carried out in accordance with Approved Document H of the Building Regulations.

The drainage system shall be designed and maintained to remain functional, safe, and accessible for the lifetime of the development.

Oxford City Council SuDS Design Guide can be found at www.oxford.gov.uk/floodriskforplanning

Reason: To avoid increasing surface water run-off and volumes to prevent an increase in flood risk in accordance with policies CS11 of the Oxford Core Strategy 2011-2026

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) the windows in the first floor rear elevation of the rear extension hereby permitted shall be glazed in obscure glass, be non-opening below 1.7 metres above finished floor levels in the room(s) they serve and thereafter retained.

Reason: To safeguard the amenities of the adjoining occupiers in accordance with policies CP1 and CP10 of the Adopted Oxford Local Plan 2001-2016 and HP14 of the Sites and Housing Plan.

13. APPENDICES

- **Appendix 1 – Block 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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