

West Area Planning Committee

15 February 2012

Application Number: 11/03109/FUL

Decision Due by: 31st January 2012

Proposal: Demolition of existing two storey rear extension. Erection of part single storey, part two storey and part three storey extension to rear. Extension of existing basement.

Site Address: 143 Kingston Road Oxford (Site plan at **Appendix 1**)

Ward: North Ward

Agent: PPA Architecture Ltd

Applicant: Mr And Mrs Andrew And Lisa Morgan

Application Called in – by Councillors – Van Nooijen, Price, Coulter, Humberstone and Lygo.

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposal is considered to form an appropriate visual relationship with the dwelling and its surroundings and do not impact on the immediate neighbours in a detrimental way.
- 2 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.
- 3 The Council considers that the proposal, subject to the conditions imposed, would accord with the special character and appearance of the conservation area. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity.
- 4 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections 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.

subject to the following conditions:

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Materials - matching
- 4 Landscape plan required
- 5 Tree Protection Plan (TPP) 1
- 6 Arboricultural Method Statement (AMS) 1
- 7 Sustainability design/construction

Main Local Plan Policies:

Oxford Local Plan 2001-2016 (OLP)

- CP1** - Development Proposals
- CP6** - Efficient Use of Land & Density
- CP8** - Design Development to Relate to its Context
- CP10** - Siting Development to Meet Functional Needs
- NE15** - Loss of Trees and Hedgerows
- NE16** - Protected Trees
- HE7** - Conservation Areas
- HS19** - Privacy & Amenity
- HS20** - Local Residential Environment
- HS21** - Private Open Space

Oxford Core Strategy 2026 (OCS)

- CS18_** - Urban design, town character, historic environment

Sites and Housing Development Plan Document – Proposed Submission (SHDPD)

- HP9_** - Design, Character and Context
- HP14_** - Privacy and Daylight

NB: The City Council has recently approved the Site and Housing Development Plan Document (SHDPD) which will now go out to consultation before examination by an Inspector. It forms part of Oxford's Development Framework and although not adopted it does carry weight as a material consideration in determining planning applications.

Other Material Considerations:

PPS1 Delivering Sustainable Development

PPS5 Planning for the Historic Environment

This application is in or affecting the North Oxford Victorian Suburb Conservation Area.

Relevant Site History:

04/01386/PDC - Proposed tree house. PRQ 22nd September 2004.

04/02108/PDC - Replacement of garden shed. PNR 3rd November 2004.

Representations Received:

144 Kingston Road: demolition will affect structural integrity of adjoining structure, lead to problems for access, scaffolding and security, 3D studies not consistent with proposed plans, overbearing, loss of light, loss of privacy, proposal will unbalance the pair of semis, detract from the conservation area, overlooking from roof light, tree in garden needs protecting, basement could be used a separate unit of accommodation, overdevelopment, constructional integrity of the proposed basement and incorporation of water and drainage runs needs to be ascertained.

142 Kingston Road: concerned over height and footprint of ground floor extension, loss of light to kitchen due to length and height of extensions, scale and form out of character and context of the conservation area and is visible from Tackley Place, security needs to be maintained, various conditions requested.

Statutory and Internal Consultees:

Highway Authority: no objection.

Officers Assessment:

Site Description

1. The application site comprises a four storey (inc. basement) semi detached residential property on the eastern side of Kingston Road within the North Oxford Victorian Suburb Conservation Area. The property is constructed of red brick with a slate roof and timber windows. The property is separated from the street by a small front garden and has a narrow passage to the side that leads to the private rear garden.
2. Kingston Road does not exhibit any of the 'garden suburb' elements of the rest of the North Oxford Victorian suburb i.e. the large front gardens and tree-lined avenues, but due to the front gardens and hedging there is an element of greenery that softens and enhances the red and yellow brickwork. The smaller scale houses create a sense of intimacy and enclosure lacking in the wider roads.

Proposal

3. The application is seeking permission for the erection of a rear extension comprising an enlargement to the basement, kitchen/dining room at ground floor level, first floor bathroom and a second floor shower room.

Issues:

Design
Residential Amenity
Trees
Sustainability
Other

Design

4. Policy CS18 of the OCS states planning permission will only be granted for development that demonstrates high quality urban design. This is reiterated in policies CP1 and CP8 of the OLP and HP9 of the SHDPD. Policy CP1 states that planning permission will only be granted for development that respects the character and appearance of the area and which uses materials of a quality appropriate to the nature of the development, the site and its surroundings.
5. Policy CP8 of the Oxford Local Plan 2001-2016 suggests the siting, massing and design of the proposed development creates an appropriate visual relationship with the form, grain, scale, materials and details of the surrounding area.
6. The application site lies within the North Oxford Victorian Suburb Conservation Area therefore policy HE7 of the OLP applies. This states that planning permission will only be granted for development that preserves or enhances the special character and appearance of the conservation area or their setting. PPS5 suggests not all elements of a Conservation Area will necessarily contribute to its significance. When considering proposals, local planning authorities should take into account the relative significance of the element affected and its contribution to the significance of the Conservation Area as a whole.
7. The proposal is in three distinct parts, at various levels to the house. Firstly the ground floor extends 5m from the main rear elevation of the property and has a dual pitched roof with a glazed end elevation and spans the full width of the property with a basement proposed below. Secondly the first floor extends 3m from the rear elevation but only half the width of the property in the same location as the existing rear outrigger and has a mono pitched roof. Lastly the second floor extends 1.8m from the rear elevation above the first floor and has a dual pitched roof creating a gable end. All materials are to match the existing property and a condition would be added to ensure this.

8. It is acknowledged the proposed rear extensions would unbalance the rear elevations of the pair of semis. However the vertical form is retained and the mass and bulk are subservient to the main dwelling. The proposal is entirely at the rear and therefore would not therefore be visible within the public domain and will therefore not have a detrimental impact on the character and appearance of the conservation area. Long views along the street would not be compromised by the erection of the proposed extension.

Residential Amenity

9. Policy HS19 of the OLP sets out guidelines for assessing development in terms of whether it will allow adequate sunlight and daylight to reach the habitable rooms of neighbouring dwellings. This policy refers to the 45/25-degree code of practice, detailed in Appendix 6 of the OLP. In normal circumstances, no development should intrude over a line drawn at an angle of 45° in the horizontal plane from the midpoint of the nearest window of a habitable room and rising at an angle of 25° in the vertical plane from the cill. For the purpose of these guidelines a habitable room includes a kitchen as well as living rooms, dining rooms, studies, bedrooms and/or playrooms.
10. In respect of 144 Kingston Road the properties own existing two storey outrigger breaches the 45/25-degree code of practice in relation to the main windows on their rear elevation. As 144 Kingston Road is south of the application site it is not therefore considered that the proposal would impact on sunlight and daylight conditions to habitable rooms within 144 Kingston Road
11. With respect to 142 Kingston Road the proposal does not breach the 45/25-degree code of practice in relation to the windows/glazed door on the end elevation of their rear extension as the proposal does not project as far to the rear. The side elevation of the extension at 142 Kingston Road has a 3.5m length of high level windows (which are visible above the boundary wall) and a 2.35m length of windows sitting on a dwarf wall. If a main window to a habitable room in the side elevation of a dwelling is affected, development will not normally be allowed to intrude over a line drawn at an angle of 45 degree in the vertical plane from the cill. Officers do not consider these side windows to be the main windows to the extension however. Notwithstanding this the single storey element of the proposal does not breach the 45 degree uplift. The first and second floor elements do breach the 45 degree uplift but only in relation to the high level windows.
12. Officers acknowledge there will be a small impact on sunlight/daylight from the first and second floor element of the proposal on the extension at 142 Kingston Road. However given the amount of glazing in the side elevation, the double doors and windows on the end elevation and the glazed roof officers do not feel the impact is significant enough to warrant refusal of planning permission as adequate sunlight and daylight would still reach the extension.

13. Policy HS19 also assesses development in terms of creating a sense of enclosure or being of an overbearing nature. With regards to 144 Kingston Road the ground floor element will extend 2.9m beyond the existing outrigger and the first floor element by 0.9m. The eaves of the ground floor element are 0.9m above the existing boundary wall with the pitch of the roof sloping away from the boundary. The dimensions of the ground floor element have been kept to a minimum and are below what could be built under permitted development therefore it is not considered to be overbearing or create a sense of enclosure.
14. In respect of 142 Kingston Road the ground floor element is 2m from their side elevation (1m from the common boundary) and is just less than 1m shorter than the ground floor extension. There is an approx 2m high brick wall between both properties and the eaves are marginally higher at 2.7m compared to 2.55m. Given the separation distance, the existing boundary conditions and the similarities in scale and form of the proposal to that at 142 Kingston Road again officers do not consider the proposal to be overbearing or create a sense of enclosure in relation to this property either.
15. Policies HS19 and CP10 of the OLP require the correct siting of new development to protect the privacy of the proposed or existing neighbouring, residential properties and proposals will be assessed in terms of potential for overlooking into habitable rooms or private open space. All windows in the proposal face down the garden apart from a side window in the basement and roof lights in the ground floor element. The window in the basement is at ground floor level and does not therefore overlook anything. Given the nature of roof lights it is not possible to look out of them. They are merely a means of getting light into a room and have an internal cill height set at 3m. Officers therefore take the view that the proposal would not give rise to any overlooking issues and hence no loss of privacy.

Trees

16. Policy NE15 and NE16 of the OLP seek to retain trees and protected trees where their loss would have a significant adverse impact upon public amenity. The proposal will result in the loss of a number of small garden trees in the rear garden. However these are only partially visible to public views via Tackley Place and the loss of them will not result in any significant harm to public visual amenity or to the character and appearance of the conservation area. A condition will be added to ensure retained trees are protected during construction.

Sustainability

17. The proposal will make efficient use of the land and will provide improved family accommodation and notwithstanding the need to meet the requirements of the Building Regulations a condition is suggested for information on how sustainable design and construction methods will be incorporated into the building(s) and how energy efficiency has been

optimised through design and by utilising technology that helps achieve Zero Carbon Development.

Other Issues (arising from consultation responses)

18. The constructional integrity of the proposed basement and incorporation of water and drainage runs are not a planning issue and should be dealt with under Building Regulations.
19. Whilst the demolition may affect the structural integrity of adjoining structure, this is not a matter for consideration under planning. This should be dealt with via Building Regulations and/or the Party Wall Act.
20. Issues such as for access, scaffolding and security are not a planning matter and are matters to be dealt with between the interested parties.
21. Officers consider the 3D visual representation drawing as for illustrative purposes only and it would not constitute an approved plan should planning permission be granted.
22. Planning permission would be required to use the basement as a separate unit of accommodation. As it is not proposed within this application it has not been considered. A condition could be added should members wish to reinforce the matter.

Conclusion:

For the reasons given above and taking into account all other matters raised Officers conclude that the proposal accords with all the relevant policies within the development framework and therefore recommends approval as the proposal is considered to form an appropriate visual relationship with the dwelling and its surroundings and do not impact on the immediate neighbours in a detrimental way.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

Section 17 of the Crime and Disorder Act 1998

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 safety.

Background Papers:

11/03109/FUL

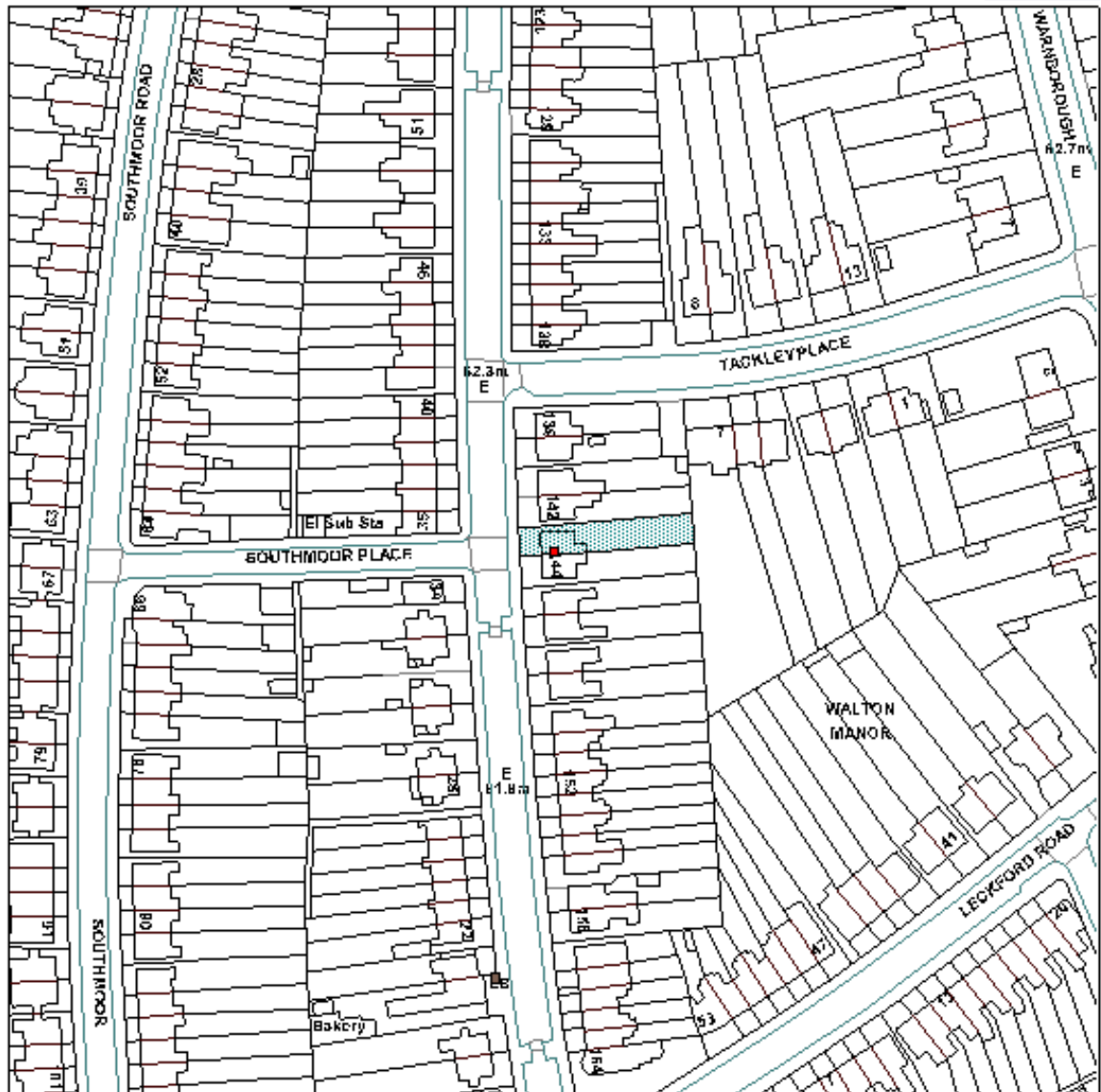
Contact Officer: Lisa Green

Extension: 2614

Date: 3 February 2012

Appendix 1

11/03109/FUL 143 Kingston Road



Scale : 1:1250



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Ordnance Survey 100019348.

Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	02 February 2012
SLA Number	Not Set

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