

East Area Planning Committee

6th September 2012

Application Number: 12/01135/FUL

Decision Due by: 12th July 2012

Proposal: Erection of two storey side and rear extension (Amended Plans)

Site Address: 23 Outram Road Oxford Oxfordshire OX4 3PD
(Site plan: **Appendix 1**)

Ward: Cowley Ward

Agent: N/A

Applicant: Mr Mazhar Dogar

The application has been called in by Councillors Rowley, Tanning, Coulter and Canning for reasons relating to overdevelopment and overbearing effect on the neighbouring house and garden at 21 Outram Road.

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

1. The development is considered to form an acceptable visual relationship with the existing building and local area and is unlikely to have a significant effect on the current and future occupants of adjacent properties. The area of private amenity space is not reduced and issues relating to highway safety and flooding can be dealt with by way of condition to ensure the proposals comply with Policies CP1, CP8, CP10, TR3, HS19 and HS21 of the adopted Oxford Local Plan 2001 – 2016 and Policies CS11 and CS18 of the Core Strategy.
2. A number of comments and objections have been received from nearby residents and the Local Highway Authority. These comments and the issues raised are addressed in the officers' report.
3. 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.

subject to the following conditions, which have been imposed for the reasons stated:-

1. Development begun within time limit

- 2 Develop in accordance with approved plans
- 3 Materials - matching
- 4 Amenity no additional windows side,
- 5 Amenity no balcony
- 6 Sustainable drainage scheme
- 7 Yellow lines to be painted on junction before first occupation
- 8 Approved landscaping plan to be implemented before first occupation
- 9 Boundary details before commencement

Main Local Plan Policies:

Oxford Local Plan 2001-2016 (OLP)

CP1 - Development Proposals

CP8 - Design Development to Relate to its Context

CP10 - Siting Development to Meet Functional Needs

TR3 - Car Parking Standards

HS19 - Privacy & Amenity

HS20 - Local Residential Environment

HS19 - Privacy & Amenity

TR3 - Car Parking Standards

Core Strategy

CS11_ - Flooding

CS18_ - Urban design, town character, historic environment

Other Material Considerations:

National Planning Policy Framework

Oxford City Council Planning Design Guide 1 – Corner Site Extensions
(Design Guide1)

Oxford City Council Planning Design Guide 2 – Side Extension (Design Guide 2)

Relevant Site History:

72/26085/A_H - Erection of kitchen extension.. PDV 5th June 1972.

05/01745/FUL - Two storey side, single storey rear extension with pitched roof over existing rear extension. Use of side extension as 1 bed house. Parking for 3 cars on frontage. REF 10th October 2005.

Representations Received:

19 Outram Road: Object – Effect on adjoining properties, character of area and flooding risk. Concerns over noise and disturbance due to number of occupants. Concern that 3 parking spaces would not fit appropriately onto plot. Loss of garden to parking and resultant flooding issues

21 Outram Road: Object – Development would lead to overshadowing, loss of natural light and be overbearing. Concerns over parking and congestion and access for maintenance

25 Outram Road: Object – Proximity to adjacent property will lead to loss of light. Three parking spaces will cause problems for road users around junction. Parking provision and access are inadequate. Concerns over settlement of building and use of building. Raises issues relating to boundary treatment, quality of finish and landscaping.

Statutory and Internal Consultees:

Local Highways Authority: No objection subject to conditions requiring an extension of the dropped kerb and the creation of Double Yellow Lines on the junction of Outram Road and Cornwallis Road.

Issues:

Design
Effect on adjacent occupiers
Parking
Private amenity space

Officers Assessment:

Site description and proposal

1. 23 Outram Road is a semi detached house on a corner plot that is wider at the front of the plot. A single storey extension has been erected to the rear. Permission is sought to construct a two storey side and rear extension and to add a first floor to the existing single storey extension.
2. A previous application (05/01745/FUL) for a two storey side extension and single storey rear extension was refused in 2005. That application differed from the current application in that it proposed to use the side extension as a separate dwelling, and was refused on the basis that the private amenity space was inadequate for both dwellings.

Design

3. Oxford City Council desires that all new development should demonstrate high quality urban design where the siting, massing and design creates an appropriate visual relationship with the built form of the local area. The Local Development Plan provides policies to support this aim and CP1, CP8 and CS18 are key in this regard.
4. Oxford City Council Planning Design Guide 1 – Corner Site Extensions seeks to ensure that houses on corner sites are not unbalanced by excessively wide side extensions that dominate the existing houses.
5. Oxford City Council Planning Design Guide 2 – Side Extension seeks to ensure that pairs of semidetached houses are not unbalanced by side extensions that are not subordinate to the existing houses.
6. The proposed development would be highly visible from the public domain, and the two storey side extension will project beyond the building line along the West side of Outram Road, contrary to the aims of Design Guide 1. However, it is noted that there are other two storey extensions in the local area that also breach the building line, specifically at 26 Outram Road, which is directly opposite the application site and 25 Outram Road, which is the adjoining semi.
7. Following consultation with officers, the originally submitted plans have been substantially amended to reduce the side extension from 4 metres in width to 3 metres and to remove the bay window. The rear extension has also been reduced in width to reflect the width of the rear extension at number 25.
8. The result is a series of extensions that in form and scale closely reflect other extensions on corner sites in the area. The side extension, whilst not entirely subordinate to the existing house, is nearly identical to the side extension at number 25 and will serve to rebalance the pair of semis in accordance with the aims of Design Guides 1 and 2. It is noted that the side extension does project further to the rear than that at number 25, but this part is set back from the side wall to reduce the visual impact.
9. Overall, the form of the proposed extensions cannot be said to be out of character with the area, due to the close proximity of similar extensions and subject to a condition of planning permission to control the appearance of materials used in the build, the proposals are not considered to be harmful to visual amenity and the proposals comply with Policies CP1 and CP8 of the OLP and CS18 of the Core Strategy.

Effect on adjacent occupiers

10. Oxford City Council requires development proposals to safeguard the privacy and amenities of adjoining occupiers and policies CP1, CP10 and HS19 of the OLP support this aim. Appendix 6 of the OLP sets out the 45 degree guidance, used to assess the effect of development on the windows of neighbouring properties.

11. As originally submitted, the 45 degree guidance indicated that the proposed side extension would have a material effect on the amount of light reaching the front facing window and glazed door serving a habitable room within a side extension at number 21 Outram Road.
12. Following amendments to reduce the width of the side extension, the 45 degree guidance indicates that the front facing window may still be affected, but the glazed door is no longer materially affected. The glazed door provides an acceptable alternative source of light, and it is noted that if the fenestration to the front of the extension at number 21 was still as permitted by application 91/00591/NF, that window would not be materially affected. Officers therefore consider that there is no unacceptable overshadowing or overbearing effect and subject to conditions to prevent overlooking the proposals are considered unlikely to have a material effect on adjacent occupiers, and comply with Policies CP1, CP10 and HS19 of the OLP.

Parking

13. Policy CP1 of the OLP states that permission will only be granted for development that is acceptable in terms of access, parking and highway safety. Policy TR3 states that planning permission will only be granted for development that provides an appropriate level of car parking spaces no greater than the maximum car-parking standards shown in the plan's Appendix 3. Policy CS11 of the Core Strategy seeks to limit the effect of development on flood risk, floodwater flows and flood water storage.
14. The proposed extension will create a four bedroom house. Appendix 3 of the OLP gives a maximum standard of three parking spaces for a four bedroom house and the amended plans show three spaces within the front garden. However, the spaces will be very close to the junction of Outram Road and Cornwallis Road, and views of the junction may be impeded by parked cars. The Local Highway Authority has recommended that any grant of planning permission be conditional on a financial contribution from the applicant to fund the painting of Double Yellow Lines on the junction to prevent parked cars from obscuring views of the junctions from vehicles using the spaces.
15. This is considered a reasonable imposition to ensure the development does not have an unacceptable effect on highway safety and subject to a condition requiring a sustainable drainage scheme to prevent an increase in the risk of flooding elsewhere will ensure that the development complies with Policies CP1 and TR3 of the adopted Oxford Local Plan 2001 – 2016 and CS11 of the Core Strategy

Private amenity space

16. The adopted Oxford Local Plan requires that new dwellings should provide an amount of private open space to allow their occupants to enjoy fresh air and light in privacy. It goes on to say that where occupiers are likely to be children, then shared amenity space is not appropriate and, generally, the length of a private garden for a family house should be 10 metres.

17. Policy HS21 states that planning permission will not be granted for development proposals where insufficient or poor quality private open space is proposed.
18. The existing single storey extension, coupled with the shape of the plot means that the rear garden is already compromised and although a maximum dimension of 10 metres does remain, the shape of the plot means that much of this is impractical to use. The current proposals will add to the living accommodation and further imbalance the ratio of accommodation to garden.
19. A wooden fence continues the line of the existing side wall and means that the area to the side of the house does not currently form part of the enclosed rear garden, whilst the proposed extension would be constructed entirely on land that is not currently part of the enclosed rear garden, or above the existing rear extension.
20. It is noted that the existing side fence is shown on the plans as removed, meaning that the proposed extensions will result in a marginal increase in private amenity space. However, the rear garden is still considered insufficient to serve the extended house and it is considered reasonable that any grant of planning permission be conditional on the implementation of approved boundary treatments and an approved landscaping plan that makes better use of the areas of land to the front and side of the house to ensure that an adequate amount of private amenity space be provided to the extended house, and that the proposal complies with Policies CP1, CP10 and HS21 of the OLP.

Other issues

21. Comments have been received relating to settlement of the property and a potential effect on the attached house, as well as access for maintenance and upkeep of boundary fences. These are not matters that can be dealt with by the planning system and are in the main civil matters to be settled between the individuals.
22. Comments have been received relating to the potential to rent the house to additional people. Whilst it is appreciated that the enlarged house would be able to accommodate a larger family, officers believe that the house is currently let to a family and would therefore require a further and separate grant of planning permission to allow it to be let to more than two unrelated persons (a House in Multiple Occupation).

Conclusion:

- 23. The development is considered to form an acceptable visual relationship with the existing building and local area and is unlikely to have a significant effect on the current and future occupants of adjacent properties. The area of private amenity space is not reduced and issues relating to highway safety and flooding can be dealt with by way of condition to ensure the proposals comply with Policies CP1, CP8, CP10,**

TR3, HS19 and HS21 of the adopted Oxford Local Plan 2001 – 2016 and Policies CS11 and CS18 of the Core Strategy.

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: 12/01135/FUL

Contact Officer: Tim Hunter

Extension: 2154

Date: 21st August 2012

Appendix 1

12/01135/FUL 23 Outram Road



	LA100019348