

**West Area Planning Committee**

13th September 2012

**Application Number:** 12/01798/FUL

**Decision Due by:** 12th September 2012

**Proposal:** Modifications to rear extension approved under 09/02587/FUL comprising the introduction of 3 windows and 1 door on ground floor

**Site Address:** 68 Abingdon Road, Oxford [Appendix 1]

**Ward:** Hinksey Park

**Agent:** N/A

**Applicant:** Mrs Khan

Called in by Councillors Price, Seamons, Humblestone, Tanner, Rowley, Canning and Van Noojen on grounds of overlooking and inappropriate design for a sensitive corner site.

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## **Recommendation:**

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposal forms an appropriate visual relationship with the host building and the surrounding development and would not detract from the amenities enjoyed by the occupiers of neighbouring properties. The proposal therefore complies with adopted policies contained in both the Core Strategy 2026 and the Oxford Local Plan 2001 - 2016. No objections have been received from third parties or statutory consultees.
- 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.

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

- 1 Amenity windows obscure glass - 2 first floor west end windows,

- 2 Cycle parking details required
- 3 Develop in accordance with approved plans
- 4 Amenity no additional windows - rear west end elevation or south elevation,
- 5 Materials - matching

#### **Main Local Plan Policies:**

##### **Oxford Local Plan 2001-2016**

- CP1** - Development Proposals
- CP6** - Efficient Use of Land & Density
- CP8** - Design Development to Relate to its Context
- CP9** - Creating Successful New Places
- CP10** - Siting Development to Meet Functional Needs
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities
- HS19** - Privacy & Amenity
- HS21** - Private Open Space

##### **Core Strategy**

- CS2\_** - Previously developed and greenfield land
- CS9\_** - Energy and natural resources
- CS10\_** - Waste and recycling
- CS11\_** - Flooding
- CS18\_** - Urban design, town character, historic environment

##### **Sites and Housing Plan**

- HP9\_** - Design, Character and Context
- HP13\_** - Outdoor Space
- HP14\_** - Privacy and Daylight

##### **Other Material Considerations:**

National Planning Policy Framework

##### **Relevant Site History:**

01/01152/NF: Change of use from retail [A1] to hot food takeaway [A5]. Refused and dismissed on appeal

02/01657/FUL: Change of use from retail [A1] to office [A2]. Approved

05/01632/FUL: Demolition of garage and car port. Erection of two storey rear extension with accommodation in the roof space and alterations to existing two storey rear extension to provide 1 x 1 bedroom flat and 1 x 3 bedroom maisonette. Refused for reasons of overdevelopment, excessive scale of front gable, impact on neighbours and lack of private amenity space.

05/01637/FUL: Change of use from retail [A1] to hot food outlet for delivery only. Refused

06/00242/FUL: Demolition of existing garage and car port. Erection of 2/3 storey extension to form 2 flats [1 x 2 bedroom and 1 x 1 bedroom]. Refused on grounds of excessive size and scale, overbearing impact on neighbours, lack of amenity space and lack of a Flood Risk Assessment.

08/01537/FUL: Change of use from financial and professional services [A2] to café [A3]. Erection of two storey extension to provide an extra bedroom and enlarged kitchen. Erection of two storey extension fronting Kineton Road to provide a 2 bedroom flat. Refused on grounds of lack of amenity space, additional parking pressure from a café use, lack of information regarding mechanical extraction system for cooking smells, excessive size and scale of the extensions and overbearing impact on neighbours.

09/02587/FUL: Demolition of existing garage. Erection of two storey extension to provide enlarged shop on the ground floor and enlarged flat with new entrance on first floor. Provision of amenity space, bin stores and cycle parking. Approved.

11/00027/FUL: Construction of rear dormer window and raising of the roof height [part retrospective]. Refused on grounds of size and bulk and adverse impact on the street scene. An enforcement notice was issued in respect of the unauthorised works and this was subsequently complied with.

11/00923/FUL: Loft conversion and alterations to existing roof including a flat roofed rear dormer window. Refused on grounds of the prominence of the dormer window and its intrusive and overbearing nature. Appeal dismissed.

12/01268/FUL: Modifications to extensions approved under 09/02587/FUL comprising the re-positioning of 2 external doors and 2 windows, the addition of a first floor window and the retrospective change of roofing materials from slate to smooth grey tiles. Refused on grounds of lack of ground floor openings fronting Kineton Road would result in a stark and bulky form of development that would be out of keeping with the street scene.

12/02587/NMA: Change of roofing material from slate to grey smooth tiles. Approved.

**Representations Received:**

None

**Statutory and Internal Consultees:**

No comments received

**Issues:**

- The extant 2010 permission
- Proposed alterations to the extant permission

## **Officers Assessment:**

### Site location and description

1. The application site lies on the south side of Kineton Road at its junction with Abingdon Road and comprises 68 Abingdon Road, a ground floor retail unit with an office, kitchen and WC and 68a Abingdon Road, a three bedroom first and second floor flat with its own separate entrance. A two storey extension to provide an enlarged shop on the ground floor and an enlarged flat on the first floor has been partly constructed following the grant of planning permission in 2010; however work ceased in mid May of this year when the applicant was made aware that the work was not being carried out in accordance with the approved plans and was unauthorised.
2. The area is characterised by traditional, terraced and semi-detached Victorian dwellings which front onto the street. 66 Abingdon Road which lies opposite the application site, has been substantially extended at the rear.

### The Proposal

3. The application seeks planning permission to modify certain details of the two storey extension approved under planning permission 09/02587/FUL namely the positioning of doors and windows on the north elevation facing Kineton Road and on the west elevation facing towards number 1 Kineton Road. The size and height of the extension, which has been erected up to first floor level, remains as per the approved plans.
4. The approved plans granted in 2010 include two doors and two small windows on the ground floor in the north elevation facing Kineton Road. The doors serve a bin store and the first floor flat and the windows serve a ground floor kitchen and WC. No ground floor doors or windows are shown on the west elevation.
5. The current proposal seeks to reintroduce a single door and 3 small ground floor windows in the north elevation facing Kineton Road. The door would provide access for staff to the rear of the shop and the windows would serve a small kitchen and WC for use by the shop.
6. The west elevation facing towards 1 Kineton Road would contain two ground floor doors, one leading to the rear of the shop and the other giving access to the first floor flat.

### The extant permission

7. Planning permission was granted in 2010 for a two storey extension to enlarge the existing shop and flat. This permission follows a large number of refusals of planning permission as set out earlier in this report and is the result of pre-application discussions that emphasised the need to significantly reduce the size and bulk of any extension in order to provide a

form of development that would appear sympathetic to the street scene and not adversely impact upon neighbouring occupiers.

8. The most prominent elevation is the north elevation that faces towards Kinton Road. The approved plans incorporate openings in the ground and first floor of this elevation that ensure that this building front is 'active', allowing people to go in and out and look in and out with entrances and windows next to public streets. This is a requirement of policy CP9 of the adopted Oxford Local Plan.
9. For this reason, a previous application [12/01268/FUL] that sought planning permission to retain the extension as built with no ground floor openings in this elevation fronting Kinton Road was refused. Officers take the view that a substantial extension devoid of any ground floor openings on its principal elevation would appear stark and overbearing and would detract from the character of the area.

#### Proposed alterations to the extant permission

10. The current proposal seeks to reintroduce a door and window openings in the ground floor of the north elevation in an effort to secure an acceptable form of development. The proposals are broadly similar to the plans approved in 2010 although there are two new doors in the south elevation. However officers do not have any serious concerns regarding the re-positioning of the entrance to the first floor flat from the north to the south elevation.
11. Given that the extension accords with the approved plans in all other respects, it is considered that the revised door and window details are now acceptable and ensure that the new extension would have an acceptable relationship with the street scene and the character of the area.

#### **Conclusion:**

12. The proposal forms an appropriate visual relationship with the host building and the surrounding development and would not adversely impact upon the amenities enjoyed by neighbouring occupiers. The proposal therefore complies with adopted policies contained in both the Core Strategy 2026 and the Oxford Local Plan 2001 – 2016. No objections have been received from statutory consultees or third parties.

#### 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:**

01/01152/NF  
02/01657/FUL  
05/01632/FUL  
05/01637/FUL  
06/00242/FUL  
06/00244/FUL  
09/02587/FUL  
11/00027/FUL  
11/00923/FUL  
09/02587/NMA  
12/01798/FUL

**Contact Officer:** Angela Fettiplace

**Extension:** 2445

**Date:** 23rd August 2012