

East Area Planning Committee

4th December 2012

Application Number: 12/02488/FUL

Decision Due by: 26th November 2012

Proposal: Erection of part single storey and part two storey rear extension and single storey side extension.

Site Plan – Appendix 1

Site Address: 9 Rupert Road Oxford OX4 2QQ

Ward: Lye Valley Ward

Agent: N/A

Applicant: Mrs Erum Ashgher

Application Called in - by Councillors Kennedy, Van Nooijen, Canning and Tanner for the following reason: Potential overdevelopment of the site.

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, is unlikely to have a significant effect on the current and future occupants of adjacent properties and provides an acceptable level of parking for a four bedroom house in this location. The proposals therefore comply with Policies CP1, CP8, CP10, TR3 and HS19 of the adopted Oxford Local Plan 2001 – 2016 and Policy CS18 of the Core Strategy.
- 2 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.
- 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 windows obscure glass first floor side facing bathroom,
- 5 Amenity no additional windows side,
- 6 Amenity no balcony

**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
TR3 - Car Parking Standards
HS19 - Privacy & Amenity

Core Strategy

CS18_ - Urban design, town character, historic environment

Other Material Considerations:

National Planning Policy Framework

The Town and Country Planning (General Permitted Development) Order 1995. As amended. (GPDO).

Relevant Site History:

12/01623/FUL - Erection of single storey side extension and two storey rear extension. REF 22nd August 2012.

Representations Received:

Comments have been received from 7 Rupert Road. These are in support, but request a number of conditions relating to the construction process and making good.

Statutory and Internal Consultees:

Local Highway Authority: Further information required – parking plan.

Oxford Civic Society: A parking plan is required, side extension will block access to the rear which is undesirable.

Issues:

Design / making the best use of land
Effect on adjacent occupiers
Parking

Officers Assessment:

Site description and background

1. 9 Rupert Road is a semi detached house with pedestrian rear access to the side. The adjoining semi has been substantially extended to the side and rear and converted to four flats.
2. Permission is sought to construct a single storey side extension and a single and two storey rear extension. The current application is an amended version of a previous scheme submitted under application 12/01623/FUL. That scheme included a two storey element as part of the rear extension that went up to the boundary with the neighbouring property and which was refused earlier this year for the following reasons:

Due to their height, depth and proximity to the boundaries, the proposed extensions will result in a material loss of natural light and daylight to the habitable rooms of 7 Rupert Road and Flat 1 11 Rupert Road and the creation of a sense of overbearing and oppressiveness to those properties, resulting in an unacceptable loss of residential amenity for the occupiers of those properties, contrary to Policies CP1, CP10 and HS19 of the adopted Oxford Local Plan 2001 - 2016.

Design / making the best use of land

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. Policy CP6 of the Local Plan states that development proposals should make efficient use of land by making best use of site capacity in a manner that does not compromise the surrounding area.
5. The proposals seek to make the best use of land by adding to the accommodation of a dwelling house. It is noted that the previous application was not considered unacceptable in design terms and such issues were not a reason for refusal, however the application has been assessed on its merits to ensure the development will not compromise the surrounding area.
6. The proposed two storey extension would not be highly visible from the public domain and whilst somewhat bulky is considered to achieve a reasonable relationship with the existing house and area.

7. The side extension, with its flat roof and parapet would be easily visible from the public domain and although perhaps not preferable compared to a pitched roof, it is nevertheless considered to achieve an acceptable relationship with the existing house.
8. Subject to a condition of planning permission to control the appearance of materials used in the build, the proposed development is not considered to be materially out of character with the existing house or local area, makes good use of the land available and the proposal complies with Policies CP1, CP6 and CP8 of the Local Plan and CS18 of the Core Strategy.

Effect on adjacent occupiers

9. 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.
10. The previous application 12/01623/FUL was refused because of a likely loss of light and creation of an overbearing effect to the side facing windows at 7 Rupert Road and Flat 1, 11 Rupert Road. These issues have been addressed by a reduction in height to the side extension and the removal of a first floor element adjacent to number 11.
11. The 45-degree guidance indicates that the current proposals will not result in a material loss of light to the adjacent properties. The overbearing effect is no longer considered oppressive and it is noted that if built in isolation, the relevant single storey elements could be constructed under Permitted Development rights granted by the GPDO.
12. The two storey element will lead to some loss of outlook to the adjacent flat at number 11, however the main outlook to this room is to the rear and this remains unaffected by the proposals.
13. On balance, the proposed extension is not considered likely to result in material harm to the residential amenity of the occupiers of the adjacent properties and the application complies with Policies CP1, CP10 and HS19 of the OLP.

Parking

14. Policy CP1 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.
- 15.9 Rupert Road currently provides one off street parking place to the front of

the house and the proposed extension would create a four bedroom house. The front garden could be adapted to provide additional parking, although this would result in the loss of at least part of the existing hedge. Appendix 3 of the OLP gives a maximum standard of three parking spaces for a four bedroom house. However given that this is a maximum figure, and the sustainable location of Rupert Road with its proximity to local shops and bus services, one space is considered sufficient for this location.

16. The comments of the Local Highway Authority and Oxford Civic Society are noted, and consideration has been given as to whether to require further details of parking. However, given that parking for one car already exists at the property, this is considered an unreasonable imposition and unnecessary to ensure that the proposal complies with Policy TR3 of the adopted Oxford Local Plan 2001 – 2016.

Other matters

17. It is noted that the site was previously in use as a brickworks and associated clay pits may have been filled with contaminated infill. Whilst the risk of significant contamination is considered low, it is considered appropriate to inform the applicant of the situation.
18. The comment of Oxford Civic Society that the development will reduce access to the rear is noted, but this is a common result of side extensions in Oxford and is not considered to be a reason for refusal.

Conclusion:

19. The development is considered to form an acceptable visual relationship with the existing building and local area, is unlikely to have a significant effect on the current and future occupants of adjacent properties and provides an acceptable level of parking for a four bedroom house in this location. The proposals therefore comply with Policies CP1, CP8, CP10, TR3 and HS19 of the adopted Oxford Local Plan 2001 – 2016 and Policy 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: 12/02488/FUL

Contact Officer: Tim Hunter

Extension: 2154

Date: 22nd November 2012