

**East Area Planning Committee**

7th September 2011

**Application Number:** 11/01512/FUL

**Decision Due by:** 1st August 2011

**Proposal:** Two storey side extension incorporating garage. (Amended Plans)

**Site Address:** 47 Rymers Lane Oxford Oxfordshire OX4 3JX

**Ward:** Cowley Ward

**Agent:** Pope Ingram Associates

**Applicant:** Mr A Dien

Called in by: Councillors Keen, Lygo, Sanders and Bance

For the following reasons: Over development, car parking problems.

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## **Recommendation:**

APPLICATION BE APPROVED

For the following reasons:

- 1 The development is not considered to be out of character with the existing house or local area, is unlikely to have a significant effect on adjacent properties, and provides an appropriate level of parking for the house. 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 No objections have been received from third parties, although the Local Highway Authority has suggested various conditions. These comments are addressed in the officer's 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 Samples
- 4 Amenity no additional windows side,
- 5 Sustainable drainage system
- 6 Visibility splays
- 7 Design - no additions to dwelling

**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:**

Oxford City Council Planning Design Guide 2 – Side Extension

Planning Policy Statement 3: Housing (PPS3)

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

**Relevant Site History:**

09/01086/FUL - Erection of two storey side extension incorporating garage. PER 22nd July 2009.

**Representations Received:**

None received.

**Statutory and Internal Consultees:**

Local Highway Authority: No objection, subject to conditions.

**Issues:**

Capacity of Site / Principle of Development  
Design / Urban Design  
Effect on Adjacent Properties  
Parking

**Officers Assessment:**Site description

1. 47 Rymers Lane is an end of terrace property under a hipped roof that has been extended to the rear. The area is characterised by similar properties, which are laid out in pairs of semis and terraces of four properties set front on to the road. Several of these properties have been extended, with a mix of subservient and non-subservient extensions. The location is considered highly sustainable, being within 500m of city bus services and Cowley Centre (Templars Square) District centre.

Proposal

2. Permission is sought to construct a side extension over two floors to provide a garage and bedroom. The proposal is similar to that approved under application 09/01086/FUL, with the exception of the design approach.

Capacity of Site / Principle of Development

3. Planning Policy Statement 3 (PPS3) encourages the effective and efficient use of land by re-using land that has previously been developed. This is reflected in policy CP6 of the Local Plan, which 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.
4. 47 Rymers Lane sits on a relatively small plot for the area of around 27 metres by 8.5 metres. Of this, much is taken up by the front garden, the original house, a rear extension and a substantial garden building, leaving an area of 8.5 metres by 5 metres plus a side return.
5. A two story side extension was permitted under application 09/01086/FUL in this location with the sole difference being the line of the front wall and roof lines, meaning that the principle of a two storey side extension has already been accepted by the Council.
6. It is however considered that any grant of planning permission be subject to a condition removing rights under the GPDO to further develop the site because of the harm that may be caused if further extensions are constructed under permitted development rights.

Design / Urban Design

7. The Council expects new development to enhance the quality of the environment, and with this Policy CP1 is central to the purpose. This policy states that all new development should respect the character and appearance of the area. This view is taken a step further in Policies CP8 of the OLP and CS18 of the Core Strategy, which require all new development to demonstrate high quality urban design and ensure that the siting, massing and design creates an appropriate visual relationship with the built form of the local area.
8. 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. It suggests that it is usually best practice to continue building lines and detailing on terraced houses such as this. The proposed extension's front wall continues the front wall of the existing house, and the roof and ridgeline continue the ridge and roofline of the existing house. In addition, the detailing of the original house is proposed to be carried through across the frontage of the extension. This complies with the Guidance in the Council's Planning Design Guide 2.
9. It is noted that a similar extension was previously passed in this location for a two storey extension with the front wall and rooflines set back and down from the existing house in order to remain subservient. The property next door at 49A also follows this approach, although this was formed as an extension to the semi detached house at number 49, and therefore also complied with Design Guide 2.
10. The side wall of the proposed extension abuts the edge of the plot, and the property to the north has already been extended. This has the potential to cause a terracing effect that would make two blocks of houses appear as one long terrace, which would interrupt the character of the area and inject a jarring and incongruous effect into the street scene. However, in this case, the property to the north (49A Rymers Lane), sits on a corner plot and is turned around 45 degrees to Rymers Lane. Coupled with the fact that this property has not built right up to the boundary, and the closest part of that building is single story, it is not considered that a terracing effect will be created in this case.
11. The proposed development will be highly visible from the public domain, but subject to a condition of planning permission to use matching materials, the proposal is not considered to be materially out of character with the existing house or local area, and complies with Policies CP1 and CP8 of the OLP and CS18 of the Core Strategy.

### Effect on Adjacent Properties

12. Policy HS19 of the adopted Oxford Local Plan 2001-2016 states that planning permission will only be granted for development that adequately provides both for the protection of the privacy or amenity of the occupants of proposed and existing neighbouring residential properties, in terms of potential for overlooking into habitable rooms or private open space. This is

supported by Policy CP10, which seeks to safeguard the amenities of adjoining properties. Appendix 6 of the OLP sets out the 45 degree guidance, used to assess the effect of development on the windows of neighbouring properties.

13. The only rear window to 49A Rymers Lane serves a non-habitable room. The 45 degree rule has been used to assess the impact upon windows to the rear of 49 Rymers Lane, and subject to a condition to prevent overlooking from windows inserted in the side wall, it is not considered that the proposed extension would lead to an unacceptable loss of light to these windows or cause an overbearing effect, and the proposal complies with policies HS19 and CP10 of the OLP.

### Parking

14. Policy TR3 of the OLP requires that development provides an appropriate level of car parking spaces no greater than the maximum car-parking standards shown in appendix 3. The proposals will create a three bedroom house with first floor study. The area shown as a study may also be suitable as a small single bedroom or nursery. Appendix 3 requires a maximum of two spaces for a three-bedroom house, and a maximum of three spaces for a house with four bedrooms or more.
15. It is proposed to provide the house with an integral garage and two parking spaces. However, the garage is of a substandard width at 2.2m, meaning the use of the garage for parking and exiting a modern motor car is likely to be impractical. The effective parking to the property is therefore for two cars.
16. The Local Highway Authority considers the two spaces to be justified, but has recommended a number of conditions relating to visibility splays, sustainable drainage and access (relocation of lamp post and dropped kerb). It is considered reasonable to impose the recommended conditions to control visibility of the highway and sustainable drainage, whilst the issues relating to access are addressed through recommended informatives.
17. The provision of two parking spaces and a substandard garage serving a three / four bedroom house is considered appropriate in this location and the proposals comply with policy TR3 of the OLP.

### **Conclusion:**

- 18. The development is not considered to be materially out of character with the existing house or local area, is unlikely to have a material effect on adjacent properties, and provides an appropriate level of parking for the house. 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 and the application is recommended for approval.**

Human Rights Act 1998

19. 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.

20. 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

21. 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:** 11/01512/FUL, 09/01086/FUL

**Contact Officer:** Tim Hunter

**Extension:** 2154

**Date:** 28th July 2011

# 47 Rymers Lane



Legend	
<b>Scale:</b>	1:1250

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<b>Organisation</b>	Oxford City Council
<b>Department</b>	City Development
<b>Comments</b>	
<b>Date</b>	19 August 2011
<b>SLA Number</b>	100019348

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