

West Area Planning Committee

9th July 2013

Application Number: 13/01038/FUL

Decision Due by: 26th June 2013

Proposal: Erection of single storey rear extension at basement level.
Erection of canopy to side elevation to create covered pathway.

Site Address: 41 Leckford Road, **Appendix 1.**

Ward: North Ward

Agent: Roland Huggins Architect

Applicant: Mr And Mrs M Jennings

Application called-in by Councillors Fry, Van Nooijen, Fooks and Wilkinson due to overdevelopment and local concerns.

Recommendation: Approve

For the following reasons:

- 1 The proposal is considered to respect the character and appearance of the area, uses materials of a quality appropriate to the nature of the development, the site and its surroundings, will not have a detrimental impact on the special character and appearance of the conservation area and will not impact on the neighbours in a detrimental way.
- 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:-

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Materials - matching
- 4 SUDs

Main Planning Policies:

Oxford Local Plan 2001-2016

- CP1 - Development Proposals
- CP6 - Efficient Use of Land & Density
- CP8 - Design Development to Relate to its Context
- HE7 - Conservation Areas
- CP10 - Siting Development to Meet Functional Needs

Core Strategy

- CS18 - Urban design, town character, historic environment

Sites and Housing Plan

- HP9 - Design, Character and Context
- HP14 - Privacy and Daylight
- MP1 - Model Policy

Other Material Considerations:

- National Planning Policy Framework
- Application is within the North Oxford Victorian Suburb Conservation Area.

Relevant Site History:

- 13/00274/FUL - Erection of single storey rear extension at basement level and first floor and roof level rear extension. Erection of canopy to side elevation to create covered pathway. Withdrawn.
- 05/00341/PDC - Alterations to kitchen/utility room. Permitted development.
- 03/00068/FUL - First floor rear extension. Approved.
- 02/00055/FUL - Garden shed in rear garden. Approved.
- 01/01636/P – Erection of shed. Permitted development.
- 91/00672/NFH - Rear extension at upper ground floor level and external alterations to existing lower ground floor kitchen at rear. Approved.

Public Consultation

Statutory Consultees:

County Drainage Team Manager – Extension to drain using SUDs methods.

Third Party Comments Received:

5 letters of objections were received from 40, 42, 43, 44 & 45 Leckford Road

The following comments were raised:

- Overdevelopment
- Too large
- Effect on character of the area
- Would set a negative precedent for future extensions
- Plans are contradictory, inaccuracies on size of extension shown.

Determining Issues:

- Design

- Residential amenity

Officers Assessment:

Site:

1. The application site lies on the north side of Leckford Road. The property is in use as a residential house as part of a pair of semi-detached, 3-storey Victorian Oxford yellow brick properties.

Design:

2. Policy CS18 of the Core Strategy (OCS) states that planning permission will only be granted for development that demonstrates high quality urban design. This is reiterated in policies CP1 and CP8 of the Oxford Local Plan (OLP) and HP9 of the Sites and Housing Plan (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. Policy CP8 suggests that 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.
3. The application site lies within the North Oxford Victorian Suburb Conservation Area where 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 and its setting.
4. The proposal is a revised design of the previously withdrawn planning application under reference number 13/00274/FUL. The first floor and roof level extensions have been removed entirely and the rear basement extension has been reduced in length.
5. The proposed single storey rear basement extension would extend the entire width of the house and would be 4.0m from the existing kitchen wall to the new proposed bay window. It would be constructed of matching brickwork and extend to 3.4m in height with a flat roof. The roof would have a glazed roof lantern adding a further 0.20m in height overall. There is a brick boundary wall with trellis fencing above between properties 40 and 41, and 41 and 42 Leckford Road.
6. The application also proposes a new side covered passage starting above the existing side gate. The passage would be 7.6m in length, 1.25m wide and 2.9m high with a lean to roof. The covered passage would consist of timber strutting with natural slates on the lean to roof. Officers consider the covered timber framed side passage forms an appropriate visual relationship with the existing housing and surrounding area.
7. The only other alteration is the removal of the rear door at ground floor

level to be replaced with a window.

8. Several comments have been received with regard to the design of the proposed extension having a detrimental impact upon the character and appearance of the conservation area, especially in terms of overdevelopment of the site given the already previous extensions that have been allowed.
9. There are a few houses along the north side of Leckford Road have been altered and extended, including no.40 which has an extension that mirrors no.41's. These alterations over time have as a result, changed the character of these properties at their rears, both individually and collectively, when viewed together. Whilst the proposed rear basement extension would increase the footprint of no. 41 further than those along the north side, the basement extension is considered to form an appropriate visual relationship with the existing dwelling, and officers consider that this does not create any material harm to the appearance of the building. The proposal will create a large footprint at basement level. However it is not considered that this will be harmful to the character of the area, as stated above, and the rear elevation of these houses are not visible from the public realm. They would therefore have no adverse impact upon the character and appearance of the conservation area in terms of public perception, other than where there are glimpses of the property from neighbouring houses.
10. As submitted there were however some inconsistencies in the application drawings with the size of the proposed basement extension differing on the floor plans and the elevations plans. Amended plans have been received however correcting the error, and which have not changed officers' assessment of the case. The amended plans show that the length of the proposed basement extension to be 3.9m in length from the kitchen rear wall to the new bay window.
11. Officers consider that the proposal respects the character and appearance of the area, uses materials of a quality appropriate to the nature of the development, the site and its surroundings. The proposal retains the important 'gap' between the houses and is considered to preserve the special character and appearance of the conservation area and therefore complies to policies CP1, CP6, HE7 and CP8 of the OLP; HP9 of the SHPDPD and CS18 of the OCS.

Residential Amenity

12. Policies HP.14 of the SHPDPD and CP.10 of the OLP require the appropriate siting of new development to protect the privacy of the proposed or existing neighbouring, residential properties. Proposals are assessed in terms of potential for overlooking into habitable rooms or private open space. The proposal is considered not to give rise to any issues of overlooking of or loss of privacy as the basement extension is

located below natural ground level. It is noted that letters of comment to not refer to this aspect of the proposals.

13. Policy HP.14 of the SHPDPD also 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 degree code of practice, detailed in Appendix 7 of the OLP.

14. Again, as the proposed extension is below ground level it would not cause any breach of the 45/25 lines and therefore cause no loss of sunlight / daylight to the neighbouring properties.

15. Officers consider that the application complies with the aims and objectives of Policy HP14 of the SHP and CP10 of the OLP, which seeks to safeguard the amenities of adjoining properties and is therefore considered acceptable in this regard.

Conclusion: Officers have concluded that the proposals have responded to the concerns surrounding the withdrawn planning application of earlier this year and can be supported accordingly.

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 permission officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers: 13/01038/FUL

Contact Officer: Davina Sarac

Date: 26th June 2013

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