

WEST AREA PLANNING COMMITTEE

10th September 2013

Application Number: 13/01724/FUL

Decision Due by: 3rd September 2013

Proposal: Demolition of garage. Erection of part two storey and part single storey side and rear extension. (Amended plans)

Site Address: 40 Kirk Close – Appendix 1

Ward: Wolvercote

Agent: Guy Roberts Architect

Applicant: Mr & Mrs Jeffs

This application has been called-in by Councillors Gotch, Wilkinson, Altaf-Khan and Rundle due to concerns about the neighbourliness and scale of the proposals.

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposed extensions are considered to be of a form, scale and appearance that are appropriate to the character of the existing house and surrounding development without giving rise to significant harm to existing neighbouring residential amenity. The proposals therefore accord with the requirements of policies CP1, CP6, CP8, CP9 and CP10 of the Oxford Local Plan 2001-2016 as well as policy CS18 of the Oxford Core Strategy 2026 and policies HP9, HP12, HP13 and HP14 of the Sites and Housing Plan 2011-2026.
- 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.
- 3 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.

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 to match including light rendered side wall facing No.38
- 4 No new windows in south or north (side) elevations

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

Core Strategy

CS18_ - Urban design, town character, historic environment

Sites and Housing Plan

- HP9_** - Design, Character and Context
- HP12_** - Indoor Space
- HP13_** - Outdoor Space
- HP14_** - Privacy and Daylight

Other Material Considerations:

National Planning Policy Framework

Relevant Site History:

N/A

Representations Received:

Two objections received from third parties at Nos. 37 and 38 Kirk Close citing the following concerns:

- A two storey extension almost abutting the boundary with No. 38 would significantly reduce daylight to the ground floor rear facing living room window particularly as the materials would be darker than the existing light coloured rough render of the house;
- The proposals would, as result of the scale of the two storey extension, orientation and its proximity to the boundary, significantly reduce light to the conservatory at No. 37.

Statutory and Internal Consultees:

Local Highway Authority – No objection.

Drainage Officers – No objection subject to SuDS compliant hardsurfacing.

Officers' Assessment:

Application Site and Locality

1. The application site relates to a detached 1950's family sized house within a residential suburb in North Oxford. The existing house is of no particular architectural merit and neither are the surrounding properties though the area is nonetheless pleasant, quiet and of a relatively low density nature. The houses within Kirk Close are predominantly two storey, feature hipped roofs and are set back from the frontage to allow for the off-street parking of cars. The application property in common with other properties in the street features a generously sized rear garden which contributes towards the area's more spacious qualities. The application site can be seen on the site location plan attached as Appendix 1.

Description of Proposed Development

2. The application seeks consent for a single and two storey extension to the building at both the side and rear following the demolition of the existing attached side garage.

3. Officers' consider the principal determining issues in the case to be:

- Design and Appearance;
- Impact on Neighbouring Properties; and
- Parking.

Design and Appearance

4. The existing house is a fairly typically sized three bedroom house sitting within a relatively generous plot. The houses in the immediate area are of a similar architectural style though many have been extended over the years, some to the side and others to the rear or a combination of both. Officers therefore consider the principle of an extension to the existing house to be entirely appropriate.

5. Policies CP1 and CP8 of the Local Plan require development proposals to integrate successfully with existing built development in terms of scale, form, appearance, grain and materials. Policy HP9 of the SHP reflects this requirement though is specific to residential development.

6. The two storey extension proposed is set back significantly from the front wall of the existing house and continues the same hipped roof form of the host dwelling. Whilst it is not subservient in height it integrates relatively seamlessly with the existing house given its set-back siting which reduces its apparent mass and impact on the streetscene. The materials are proposed to match the existing house (a combination of render and brick with concrete roof tiles to match) and the fenestration similar in proportion and style. Whilst overall the house will be significantly enlarged the resultant dwelling would, to officers' minds, be entirely proportionate to the size of the existing house and those in the surrounding area

such that it will not adversely affect the character and appearance of the streetscene.

Impact on Neighbouring Properties

7. The proposals involve a two storey side and rear extension to the house. The proposed side extension would abut the boundary with No. 38 where the existing single storey attached garage would be demolished. The two storey element would project past the existing rear wall of No. 38 by approximately 2.2m and then drop to a single storey lean-to element for approximately a further 1.5m. Officers do not consider this depth, even at two storey height, to be sufficient to conclude that the proposals would overbear the rear garden of No. 37 or its rear facing habitable rooms.

8. Concern has been raised about the amount of daylight being reduced into the rear facing patio doors that provide light to a living room at No. 38. However, the window is east facing and the extensions proposed are to the north of this window. The impact on sunlight will therefore be negligible such that, even allowing for a modest reduction in daylight, more than sufficient light should still be available to light the room to mitigate for reduced daylight. In any event, an application of the Council's daylight guidance as set out in the SHP demonstrates that the development complies with the relevant angles with respect to the living room window. Officers have therefore concluded that the development would be acceptable in this respect with generous levels of daylight and sunlight still reaching the living room and the rear garden of No. 38 to ensure no significant harm to the living conditions of occupiers. In any event a condition requiring details of the render to be used on the side wall facing No. 38 is recommended to be imposed to ensure it is sufficiently light in colour.

9. A side benefit of the scheme is the increased privacy that occupiers of No. 38 would experience within the rear garden as a result of the lack of windows in the side elevation of the extension. Upper floor windows will no longer allow the ability to look out onto the rear garden immediately to the rear of the house thus reducing levels of potential overlooking from that which is currently experience. Overall therefore officers are entirely comfortable with the impact on the living conditions at No. 38 with the development adequately safeguarding the amenity experienced by occupiers of the house in accordance with the requirements of policies CP1 and CP10 of the Local Plan as well as policy HP14 of the SHP.

10. With respect to the other neighbouring property, No. 37, the application site is separated from it by a public footpath leading to Banbury Road. This results in a larger gap between the properties than is the case elsewhere within the street. No. 37 was extended at both single and two storey level in 2005 and a conservatory exists at ground floor level adjacent to No. 37's boundary with the footpath. Officers consider the gap between the two properties to be more than sufficient to ensure that a significant reduction in light received into the conservatory does not occur as a result of the development, particularly given that the height of the two storey extension drops down nearer the boundary with No. 37 and that there would still be a gap between the extension and the separating footpath. The separation distances involved also ensure that the proposed extension would not significantly harm the outlook from rooms within No. 37 or its rear garden. Windows are not proposed in either side elevation to prevent unacceptable overlooking of the neighbouring

properties and officers have recommended a condition removing permitted development rights to insert side facing windows to ensure this could not occur in the future.

Parking

11. The proposals involve the demolition of an existing garage. However two off-street parking spaces would remain to serve the house which officers consider to be adequate to serve a four bedroom dwelling. Furthermore the Local Highway Authority has not raised concerns about the proposals. Consequently officers raise no objection to the proposals on parking grounds and find the implications for the highway network to be acceptable in accordance with policy CP1 of the Local Plan.

Conclusion:

12. The proposed extension would form an appropriate visual relationship with the existing house and surrounding area whilst adequately safeguarding established residential amenity. Consequently officers recommend that Committee approves the application subject to the conditions set out at the beginning of this report.

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

Background Papers: 13/01724/FUL

Contact Officer: Matthew Parry

Extension: 2160

Date: 28th August 2013

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