

WEST AREA PLANNING COMMITTEE

7th January 2013

Application Number: 13/03031/FUL

Decision Due by: 6th January 2014

Proposal: Demolition of existing single storey rear extension and erection of conservatory to rear. Erection of part single storey, part two storey side extension, including conservatory and roof terrace. Insertion of double doors to front of property at basement level.

Site Address: 23 and Basement Flat 23 Walton Crescent – **Appendix 1**

Ward: Jericho and Osney

Agent: N/A

Applicant: Miss N K Fayers-Kerr

Application called-in by Councillors Pressel, Price, Fry, Kennedy and Khan due to the potential impact on neighbouring properties.

Recommendation:

APPLICATION BE REFUSED

For the Following Reasons:-

- 1 The proposed side extension would result in the near total enclosure of the rear garden of 24 Richmond Road. This would significantly reduce the quality of the outlook from the rear garden as well as significantly reduce the levels of daylight and sunlight it receives. Consequently the proposals fail to accord with the requirements of policies CP1 and CP10 of the Oxford Local Plan 2001-2016 as well as policy HP14 of the Sites and Housing Plan 2011-2026.
- 2 The introduction of a raised outdoor terrace within an enclosed residential environment will give rise to a significant reduction in actual and perceived privacy for occupiers of neighbouring dwellings, in particular No. 24 Richmond Road. Consequently the proposals fail to adequately safeguard neighbouring residential amenity contrary to the requirements of policies CP1 and CP10 of the Oxford Local Plan 2001-2016 as well as policy HP14 of the Sites and Housing Plan 2011-2026.

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
CP9 - Creating Successful New Places
CP10 - Siting Development to Meet Functional Needs
HE7 - Conservation Areas

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
- The application site falls within the Jericho Conservation Area.

Relevant Site History:

12/01625/CEU - Application for a certificate of lawful use for the subdivision of the property into a separate basement flat with a dwelling on upper floors. **Permitted** 4th October 2012.

12/01626/FUL - Erection of two storey side extension and three storey rear extension. **Refused** 28th August 2012.

13/01938/FUL - Erection of three storey side extension including basement and ground floor extensions with conservatory and roof terrace at second floor level. Erection of single storey basement level rear extension. Provision of new access staircase and basement level entrance to front. **Refused** 1st October 2013.

Representations Received:

Three third party representations have been received, all objecting to the proposals. The concerns raised can be summarised as follows:

- The properties are tightly constrained and the introduction of a raised terrace will significantly harm the privacy for existing neighbouring occupiers;
- The combination of the side and rear extensions would significantly enclose the rear garden of 24 Richmond Road and substantively block out one of the main sources of daylight;
- Disruptive behaviour and noise on the terrace (if not from the existing occupiers, potentially from future tenants/owners) would jeopardise use of the rear garden of 24 Richmond Road;
- The impact of enclosure would be increased by the rear conservatory given

the very tight rear amenity spaces and it would almost abut the rear garden of 24 Richmond Road;

- It is not reasonable to improve the amenity of one property at the expense of significant harm to occupiers of another;
- The gaps between the houses maintain a balance in a densely crowded area and prevent any sense of architectural and social claustrophobia. To disturb this would be amount to “planning and architectural vandalism and to allow this extension would create a precedent that could change Jericho for the worse and plunge it into a monotonously regular brick corral”;

Statutory and Other Consultees:

No comments received.

Officers' Assessment:

Application Site and Locality

1. The application site consists of a 2 ½ storey townhouse building with basement level. The building was formerly a single large house set over four floors though a separate one bedroom flat has been created at basement level which became immune from enforcement action in 2012 due to the passage of time. The building therefore provides two dwellings with a family sized dwelling set over three floors and a basement flat. Both dwellings share a small L-shaped outdoor amenity space that wraps around the building.

2. The site is located within the Jericho Conservation Area, a designated heritage asset to which the Council has a statutory obligation to give due regard to the desirability of preserving its special character and appearance. The site is located towards the western end of Walton Crescent as it approaches its junction with Richmond Road where buildings become more tightly constrained with reduced spacing between the backs of opposing properties on Walton Crescent and Richmond Road. This gives these houses a denser, more urban feel particularly when viewed from the intervening rear gardens.

3. The application site can be viewed on the site location plan attached as **Appendix 1**.

Description of Proposed Development

4. The application seeks consent for a two storey side extension which would incorporate an outdoor terrace and conservatory at first floor level. The application also proposes a separate single storey conservatory extension to the rear following the demolition of the small existing lean-to extension. Alterations are also proposed to the front elevation where new double doors are proposed within the existing bay window.

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

- Design and Appearance;
- Living Conditions of Existing Occupiers of 23 Walton Crescent; and
- Impact on Neighbouring Properties.

Design and Appearance

6. The site lies within the Jericho Conservation Area where policy HE7 of the Local Plan requires proposals to at least preserve the special character and appearance of the area.

7. Policies CP1 and CP8 of the Local Plan as well as policy HP9 of the Sites and Housing Plan (SHP) require development proposals to form an appropriate visual relationship with the surrounding area.

8. The proposed extension has a traditional lean-to roof form which is characteristic of that found in the area and, on its front elevation, replicates many of the design detailing found in the existing building including matching brick and fenestration style. The scale of the extension similarly preserves the primacy of the host building and does not detract from the appreciation of it when viewed from Walton Crescent. The gap between the building and the neighbouring 24-28 Walton Crescent (a restaurant) is not considered to be of any particular importance and indeed has something of a poor quality appearance allowing views of the hard surfaced side garden of 23 Walton Crescent. A view of the roof tops of the houses to the rear on Richmond Road would still however be mostly visible above the proposed extension.

9. From its side elevation the extension would introduce a conservatory element at first floor level which would not be immediately apparent within views from the road. Higher level conservatory features were not uncommon on Victorian era buildings and officers do not consider this element in itself to be out of character in this locality.

10. The rear conservatory element would not be visible from public views but, in any event, it is considered to be of a scale and form appropriate to its locality and in keeping with the appearance of the building. The alteration to the bay window at the front to facilitate the creation of front doors to the basement flat would replicate the style of the existing window and would have no discernible impact on the appearance of the building.

11. Overall officers therefore have no concerns about the visual appropriateness of the extensions proposed. Furthermore, concern was not raised about the design and appearance of the previously proposed extension or the principle of partly enclosing the gap as these issues did not form a reason for refusal of the previous scheme.

Living Conditions of Existing Occupiers of 23 Walton Crescent

12. The existing dwellings on the site share an outdoor amenity space that is of an awkward shape, receives little sunlight and is overlooked from the road. The application proposes to create two separate amenity spaces for both dwellings where the basement flat would be served by a small amenity space to the rear and the upper floor family flat served by a conservatory and terraced garden at first floor level.

13. Whilst the outdoor space for the basement flat would be relatively poor in quality and rather overshadowed, it would represent a private space and the proposals would facilitate an improved internal layout. The upper floor flat would similarly have separate outdoor space that would be more private and, since set at a higher level, enjoy greater sunlight and daylight.

14. Consequently the proposals would help facilitate an improved residential environment for occupiers of the dwellings on the site which, in principle, officers would support subject to other considerations.

Impact on Neighbouring Properties

15. The existing gap to the side of 23 Walton Crescent is important to the level of light and outlook experienced by occupiers of 24 Walton Crescent when enjoying their rear outdoor amenity space. This space already has an enclosed feel and does not receive much sunlight throughout the day such that it can already feel rather gloomy at times. The proposed development would substantively enclose this important gap and thereby result in the rear garden of 24 Richmond Road being nearly totally enclosed and receive materially less daylight and sunlight than it currently does. Whilst the current proposals have sought to reduce the impact on 24 Richmond Road by setting back the main bulk of the first floor, the privacy screen and ground floor brickwork will still have an enclosing feel. Furthermore the introduction of a raised amenity space within this tightly enclosed residential environment is considered to be unacceptable where it would give rise to both a perceived and actual reduction in privacy for users of the rear garden of 24 Richmond Road. The privacy screen would also have an awkward and unusual appearance that would be out of character with the constrained residential environment in which it would be located.

16. Consequently, as a result of the cumulative effect of the loss of daylight, outlook and privacy for occupiers of 24 Richmond Road when using their rear garden, the proposals are considered to fail to adequately safeguard neighbouring residential amenity as required by policies CP1 and CP10 of the Local Plan as well as policy HP14 of the SHP. For this reason officers find the proposals unacceptable and cannot be supported.

17. Whilst concern has been raised by occupiers of 24 Richmond Road about the impact of the development on rear facing windows to habitable rooms, officers are not of the view that the extension proposed would significantly harm the light or outlook that these windows enjoy. Officers also do not consider the proposed rear ground floor conservatory to be significantly harmful to the enjoyment of the rear garden of 24 Richmond Road given its limited height and bulk.

Other Matters

18. The application site lies within flood zone 2 as defined by the Environment Agency (EA). It therefore has a greater risk of flooding and, to accord with the EA's standing advice for residential extensions, finished floor levels must be set no lower than the existing house with entrance door levels raised by 300mm from ground level. The proposals are shown to comply with this standing advice and, in the event that planning permission is granted, a condition should be imposed requiring the development to be carried out in accordance with the standing advice from the EA.

Conclusion:

19. Whilst the proposals may help to improve the living conditions of occupiers of the application dwellings, the proposals are considered to give rise to significant harm to neighbouring residential amenity contrary to the requirements of a number of policies

of the development plan. Consequently Members are recommended to refuse planning permission for the reasons set out at the beginning of this report.

Human Rights Act 1998

Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to refuse this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

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

Background Papers:

12/01625/CEU

12/01626/FUL

13/01938/FUL

13/03031/FUL

Contact Officer: Matthew Parry

Extension: 2160

Date: 20th December 2013