

WEST AREA PLANNING COMMITTEE

14 September 2011

Application Number: 11/01942/FUL

Decision Due by: 16 September 2011

Proposal: Part ground floor, part first floor rear extension.

Site Address: 15 Farndon Road, Appendix 1

Ward: North Ward

Agent: Peter Ledwith

Applicant: Mr Peter Ledwith

Application Called in – by Councillors - Brundin, Fooks, Royce and McCready for the following reasons - overlooking and possible overdevelopment.

Recommendation: Approve

Reasons for approval:

- 1 The proposal is considered acceptable in design terms and would not adversely impact upon the neighbouring properties. It is therefore considered to comply with policies CP1, CP6, CP8, CP10, HE7 and HS19 of the Oxford Local 2001-2016 and CS18 of the Core Strategy 2026.
- 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.

Conditions:

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

4 No additional windows - side

Main Local Plan Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals

CP6 - Efficient Use of Land & Density

CP8 - Design Developmt to Relate to its Context

CP10 - Siting Developmnt to Meet Functionl Needs

HS19 - Privacy & Amenity

HS20 - Local Residential Environment

HS21 - Private Open Space

HE7 - Conservation Areas

Core Strategy

CS18_ - Urb design, town character, historic env

Other Material Considerations:

This application is in or affecting the North Oxford Victorian Suburb Conservation Area.

Relevant Site History:

11/01200/FUL - Ground and first floor rear extensions. Insertion of dormer window to rear roof slope. Refused on 21st June 2011 for the following reasons:

- 1 The proposed single-storey and first floor rear extensions, by reason of its orientation, proximity to the boundary and the extent of its rearward projection would lead to an unacceptable loss of light and outlook to the ground floor habitable room of the of the adjoining property at 14 Farndon Road. Therefore it is considered that the proposed extension would have a detrimental impact upon the residential amenity of this dwelling, which would be contrary to policies CP10 and HS19 of the adopted Oxford Local Plan 2001-2016.
- 2 Having regard to the position of the Juliet balcony and the extent of glazing on the proposed first floor extension the proposal is considered to cause direct overlooking and the perception of being overlooked to the private gardens of both 14 and 16 Farndon Road. Therefore the proposal is contrary to policy CP10 and HS19 of the Oxford Local Plan 2001-2016.
- 3 Having regard to the design of the proposed rear dormer window, first floor and single storey rear extensions the proposed development would fail to create an appropriate and coherent visual relationship with the built form of the existing dwelling and as a result have a detrimental impact upon the visual appearance of the existing building which is considered be out of keeping. This would be contrary to Policies CP1, CP6, CP8, and CP9 of the adopted Oxford Local Plan 2001-2016

Representations Received:

14 Farndon Road – Object on the grounds that the proposal would breach the 45

and 25 degree lines from the sitting room window, would have a detrimental impact on both the light and privacy internally and would be overbearing and would cause overlooking to the detriment of the residential amenity.

8 Belsyre Court, Observatory Street – Object on the grounds on that the proposal would affect the light in the back yard of no.14 Farndon Road and cause a loss of privacy. The proposal would have an adverse impact on the character of the conservation area.

Statutory and Internal Consultees:

Oxford Civic Society – Should not be permitted due to the proposal having a harmful effect on the amenity of no.14 with the Juliet balcony causing overlooking to the rear garden. The extension would also significantly reduce the amount of daylight to the rear sitting room, with the plans showing some inaccuracies in the 45 and 25 degree measurements and calculations.

St Margaret's Area Society – The application is unacceptable due to the ground floor extension still breaching the 45 and 25 degree lines which would result in a loss of light to the rear sitting room and kitchen of no.14. The first floor bay window should be refused as they would still cause overlooking which the applicant has not addressed since the previous refusal.

Oxford Preservation Trust – No comments received.

Officers Assessment:

Site

1. The application comprises a two-storey brick built Victorian semi-detached property located on the north side of Farndon Road. Officers consider the main determining issues in this case to be: design, impact on residential amenity and the impact on the conservation area.

Design

2. The Council expects new development to enhance the quality of the environment, with Policy CP1 central to this purpose. Policy CP.1 of the Oxford Local Plan (OLP) 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.
3. Policy CP.8 of the OLP requires new development to relate to it's setting with a view to strengthening and enhancing local character. New development should seek to reflect the scale, mass, design and materials of the surrounding area to form an appropriate visual relationship
4. The proposal includes a first floor rear extension to create a bay window and a single storey rear extension. The main differences from the previously refused proposal are the removal of the rear dormer window,

the first floor extension reduced in its rear projection by 2.8m to now just create a bay window at first floor level and the single storey rear extension has a hipped roof instead of a flat.

5. Whilst the single storey rear extension has remained the same size in terms of floor space, the flat roof has been replaced with a hipped roof and the height of the eaves has been reduced by approximately 0.5m whilst the overall high has increased slightly by 0.4m to the ridge. The proposed single storey rear extension would be approximately 6.45m in length, 2.8m wide and 3.4m high with a hipped roof and would be built in match red brick with a natural slate roof. The extension would be built along side the existing kitchen and breakfast area but will not adjoin the sitting room rear elevation. Instead it would leave a gap to create a small courtyard.
6. The proposed first floor extension to create a fully glazed timber framed bay window with Juliet balcony would be approximately 0.5m in length, 3.1m wide and 3.5m high with a pitched roof and gable end.
7. The proposed single storey rear extension and bay window extension at first floor level are considered to be subservient and would form an appropriate visual relationship with the existing dwelling. The first floor extension would be very similar to the existing bay window at first floor level at no. 16 Farndon Road.
8. Officers consider that proposed extensions would be acceptable in principle form an appropriate visual relationship with the existing dwelling and therefore have overcome one of the reasons for refusal to the previous proposal. The revised proposal is now considered to comply with policies CP1, CP6, CP8 and CP9 of the OLP and CS18 of the Core Strategy 2026.

Impact on neighbouring properties

9. Policy HS.19 of the OLP 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 6 of the OLP.
10. The proposed single storey rear extension breaches the 45 degree however it does not breach the 25 degree line from the mid point of no.14 Farndon Road's rear sitting room door. The first floor bay window extension does not breach the 45 degree from this door and is therefore considered acceptable which regards to its impact upon the light to this room. The rear sitting room door is fully glazed and faces north and it is the only source of daylight to that room. Officers consider that whilst the extension does breach the 45 degree line it does not breach the 25 degree line in the vertical plane and therefore officers consider that the proposal would not have a detrimental impact upon the daylight received into this room and would therefore not adversely impact upon the residential amenity enjoyed by the occupiers of no.14 Farndon Road. In

this respect the revised proposal has overcome one of the previous reason for refusal.

11. The reduction in the height of the eaves would also have minimal effect on the outlook from no.14. Whilst it is appreciated that between no. 15 and 14 along the boundary there are some overgrown bushes, these bushes could be cut back at any time. It is worth noting that the eaves of the single storey rear extension are approximately 2.1m high, and that a 2.0m boundary fence could be erected along the boundary without planning permission. The proposed eaves of the extension would be 0.1m above that height with the roof sloping away from the boundary and therefore any impact would be minimal in terms of impact upon daylight. Officers are satisfied that the revised single storey rear extension is now less overbearing than the previously refused proposal, complying with OLP policies CP.10 and HS.19.
12. Concerns have also been raised with regards to privacy issues resulting from the proposed side windows in the first floor extension. There are two windows on the side elevations of the bay window, one facing no.14 and the other facing no.16. Both windows are high level windows being approximately 1.7m above floor level.
13. Officers consider that these side windows due to their position and angle would offer very acute views in any event that would offer extremely limited overlooking especially to no.14. Whilst the side window on the east elevation would face the side bay window of no.16, due to its high level officers do not consider it to create a loss of privacy to no.16.
14. The rear elevation of the first floor extension would be largely glazed with a Juliet balcony in the middle and glazing either side, with small triangular glazing panels above each window. The extent of glazing and Juliet balcony would not be materially different to the bay window at first floor level at no. 16. With regards to concerns raised about overlooking into the private gardens of 16 and 14 Farndon Road, officers consider as there is substantial vegetation along the boundary between 16 and 15 that any overlooking would be minimal to no.16.
15. Although the proposal would increase both the angle of view and the extent of glazing at first floor level on the rear of the property, the resultant window extension would be extremely similar to no.16 and any other window in a built up residential area. The consequential ability to overlook in the private rear gardens of the adjoining residential properties would not therefore be materially different to any other property. Officers therefore consider that the bay window would not cause an unacceptable level of overlooking to no.16 and no.14 such as to warrant a refusal of planning permission.

Impact on conservation area

16. The proposed extension would not be seen from public views as they would be located at the rear of the property. The design and use of materials are appropriate and it is not therefore considered harmful to the

character and appearance of the conservation area in which the site lies

Sustainability:

17. This proposal aims to make the best use of urban land and recognises the aims of sustainable development in that it will create extended accommodation on a brownfield site, within an existing residential area.

Conclusion:

18. The proposal is considered acceptable in design terms and would not adversely impact upon the neighbouring properties. It is therefore considered to comply with policies CP1, CP6, CP8, CP10, HE7 and HS19 of the Oxford Local 2001-2016 and CS18 of the Core Strategy 2026.

19. 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.

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: 11/01942/FUL

Contact Officer: Davina Sarac

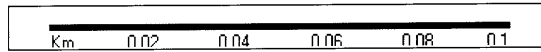
Date: 30 August 2011

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15 Farndon Road - APPENDIX 1



Scale : 1:1250



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Organisation	Not Set
Department	Not Set
Comments	
Date	31 August 2011
SLA Number	Not Set