

**West Area Planning Committee**

24<sup>th</sup> June 2014

Application Number: 14/00910/FUL

Decision Due by: 26th May 2014

Proposal: Erection of single storey extension to rear elevation, with basement below and 2 no. lightwells. Erection of four storey extension to side elevation including insertion of new dormer window to side roof slope and 1 no. velux window. Provision of new cast iron railings to site frontage.

Site Address: 9 Fyfield Road, Appendix 1

Ward: North Ward

**Agent:** Douglas Riach

**Applicant:** Mr & Mrs C Semler-West

**Application Called in –** by Councillors – Upton, Fry, Presell and Price for the following reasons – Overdevelopment, this extension is much wider than others nearby, filling in the gap between these already substantial houses in this Victorian Garden Suburb and causing concern to many Norham Manor residents.

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## **Recommendation:**

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposed extensions are considered to be of a form, scale and appearance that, on balance, preserve the special character and appearance of the North Oxford Victorian Suburb Conservation Area without causing significant harm to the amenity enjoyed by occupiers of neighbouring properties. Consequently the proposals accord with policies CP1, CP8, CP9, CP10, HE7 and HS19 of the Oxford Local Plan 2001-2016, policy CS18 of the Oxford Core Strategy 2026 as well as policies HP9 and HP14 of the Sites and Housing Plan Submission document.
- 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, which have been imposed for the reasons stated:-

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Sample panel
- 4 Obscure glass
- 5 Railings - further details
- 6 Tree Protection Plan (TPP) 2
- 7 Landscaping
- 8 Arch - Implementation of programme prehistoric remains,

### **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
- CP10 - Siting Development to Meet Functional Needs
- HE7 - Conservation Areas

#### **Core Strategy:**

- CS18 - Urban design, town character, historic environment
- CS11 - Flooding
- NE16 - Protected Trees

#### **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:**

62/12726/A\_H - Extension to kitchen. PDV 23rd October 1962.

### **Public consultation**

#### **Statutory Consultees:**

None.

#### **Third Party Comments Received:**

Oxford Architectural and Historic Society Victorian Group, Oxford Civic Society, 13 Crick Road, 11 and 29 Norham Road, 4, 10, 11, 12 Benson Place and Benson Place residents Association, the following comments are summarised below: -

- Infilling of the gap between the house will irreversibly change the character and appearance of the conservation area for the worse
- Side extension should be reduced in width
- The side extension should not be any wider than the extensions at no.8 and no.10
- Side extension is double the width of the other 3 side extensions on Numbers 8, 10 and 11. This spoils the symmetry of the building.
- It is also a pity not to replicate the dormer windows in the extensions as shown in no. 8 and no. 10.
- If houses like these are not big enough for modern families, then they should look elsewhere.
- There is a substantial loss of amenity for the residents of 8-13 Benson Place, and for the Norham Manor conservation area in general. In particular, adjoining residents in Benson Place will be further overlooked, and there will be a loss of light due to the reduction in the space between the house on Fyfield Road.

#### **Determining Issues:**

- Impact on the conservation area
- Impact on neighbouring amenity
- Trees
- Archaeology

#### **Officers' Assessment:**

##### Site Description

1. The application site relates to one of a pair of semi-detached late Victorian era three storey town houses (with loft accommodation) set within the North Oxford Victorian Suburb Conservation Area. The house has previously been extended to the side behind the porch at single storey level. The property is constructed of yellow Oxford stock brick under a slate roof and lies on the eastern side of Fyfield Road. Fyfield Road is accessed off the Banbury Road to the north of University Parks. The area is predominantly residential with a mix of privately owned houses and student accommodation, including adjacent properties 8 and 10 Fyfield Road which are both occupied as student accommodation.

##### The Proposal

2. The application seeks consent for the erection of a single storey rear extension with a basement below and two light wells, plus a four storey side extension including the insertion of a new dormer window to the side roof. Boundary walls with cast iron railings are proposed along the Fyfield Road street frontage.

##### Impact on the Conservation Area

3. The Conservation Area and immediate surroundings are characterised by large Victorian era houses in a suburban setting with relatively generous

gaps between buildings allowing views through to rear gardens as well as green tree-lined streets. No.'s 11 & 10 and 9 & 8 form a set of pairs within the street and are the only four houses in the street that are of the same architectural style. The existing pair of houses has been altered, the application property with a small lean to extension at the side and the adjoining semi with a full height side extension set back considerably from the front of the building. The houses still read as a pair though their symmetry has been somewhat diminished by the extension to no.8.

4. This is also true of the pair No.10 and No.11, where No.11 was granted permission for a full height side extension that is wider than No.10's side extension. Again however, the buildings still read as a pair through their strong architectural front elevations and detailing.
5. All the previous extensions at Nos. 11, 10 and 8 are considered to represent sympathetic additions to the buildings which discreetly complement the character of the houses. Similarly the current application would improve on the existing imbalance as no. 8 is the only property of the four not to have a full height side extension.
6. Gaps between buildings are an important contributing feature towards the special character and appearance of the Conservation Area. A side extension which matches the height of the existing house will close some of the apparent gap between the application property and No.10 Fyfield Road, in particular when viewed from oblique angles. However, views through to the green rear gardens and their associated trees would still be present via a retained 4.8m wide gap, thus preserving the green suburban character of the area. On balance therefore, and given that the extension is similar in width to that approved at No.11, the proposal is not considered to cause harm to the character and appearance of the Conservation Area to justify its refusal. Rather whilst there is some closure of the existing gap the extension would give the pair a more symmetrical appearance within the street whilst preserving views between buildings.
7. The rear single storey extension is 5.9m in length but would not extend beyond the proposed side extension. Whilst it would possess a large flat roof it has been modified since originally submitted by a small step back of 0.6m and step down in height of 0.5m to break up the width and bulk of the extension. In relation to other rear extensions in this part of North Oxford it is of a similar size, scale and form and would not be visible from the public realm of the Conservation Area. Painted timber windows and doors are proposed throughout.
8. The renewed front boundary wall with cast iron railing 'trellis' pattern over an existing low brick wall is appropriate to the Conservation Area and consistent with the historic precedents of the area. However, a condition is recommended requiring additional details of the proposed boundary treatment prior to its construction in order that the fixings and gate openings are appropriate for the conservation area.

## Impact on Neighbouring Amenity

9. Development proposals are required to adequately safeguard the amenity of neighbouring occupiers to accord with policies CP1, CP10 of the Oxford Local Plan and policy HP14 of the Sites and Housing Plan.
10. The two main properties that could be affected by the proposed extensions would be No.8 and No.10 Fyfield Road, both occupied as student accommodation.
11. In terms of lighting conditions, the single storey rear extension as originally submitted breached both the 45 and 25 degree guidelines from no. 8's rear nearest room. This appears to be a student study room, lit by two windows. Amended plans were received to address concerns with a section of pitched roof introduced behind the parapet which reduced the height of the extension at eaves level along the boundary from 4.1m to 2.3m, with the roof slope away to reach 4.0m in height. This reduction in roof height adjacent to the boundary means that whilst the extension would still breach the 45 degree line, it now complies with the 25 degree line and is therefore considered to comply with the Council's guidance in Appendix 7. Moreover the properties face east and would therefore continue to receive good quality lighting conditions, especially during the morning. Overall therefore Officers consider that the proposed rear extension would not result in a significant loss of light to the rear room of No.8 Fyfield Road to warrant refusal.
12. The impact of the rear extension in terms of the outlook from No.8 Fyfield Road has also been reduced due to the reduction in height of the extension along the boundary. This minimises the effect on the outlook from No.8. Whilst the view of the parapet would be visible this would be 5.9m from the affected rear window, it is not therefore considered to be detrimental to the outlook from that rear window, and for that reason the rear extension is not considered to be of an overbearing nature justifying refusal of planning permission. No objection to the proposals have been received from occupants of the property.
13. In terms of the relationship to no. 10, a sufficient gap is considered to be retained between the properties such that the outlook from the lower floors is not significantly harmed in comparison with the existing situation. It is recognised that there are first and second floor windows that are proposed to look towards the No. 10. These serve a bathroom and dressing room at first floor level; playroom at second floor; and study at third floor. Whilst two of the facing windows within no. 10 are obscure glazed, to prevent overlooking, condition is recommended to be imposed requiring the new side facing windows at first and second floor within the application property to be obscure glazed to their lower panes, and removing future permitted development rights for new windows.
14. The dormer window to the proposed study at third storey level is, given its

orientation immediately towards No. 10, unlikely to afford significant views of No. 10.

15. The rear extension is considered to not materially affect the light or outlook enjoyed by occupiers of No.10 Fyfield Road. An existing boundary wall with fence above prevents overlooking at ground floor level from any side windows.
16. Concerns have been raised by a number of Benson Road residents with regards to the proposed extension creating overlooking to the Benson Road properties and that the proposal would also block light to the rear of the Benson Road properties. However given the distance between the side extension and the rear of the properties along Benson Road (approximately 40m) officers consider that there would no adverse impact upon the properties of Benson Road in terms of loss of light, outlook and overbearing nature.

### Trees

17. The front garden is currently overgrown and untidy. As part of this proposal the application will seek to tidy up both the front and rear gardens by removing some of the undistinguished trees including a European Elder and Summer Lilac shrub both to be removed in the front garden. There will also be some removal of trees in the rear garden, though the mature apple tree and two holly trees at the front would be retained. Whilst the development requires construction activity within the root protection zones of these trees, the tree protection measures shown and as detailed in the submitted arboricultural report would ensure that, if put in place, the trees would not be harmed. However, it is important that any new underground services and hard standing avoid damaging roots of the retained trees and details are recommended to be required by planning condition in this regard. A condition is suggested requiring new planting, in particular to the frontage of the property.

### Archaeology

18. In archaeology findings Fyfield Road lies in a poorly understood part of the terrace located between known find clusters of monuments and the field systems of reordered in University Parks. It is considered that as the proposed works are of a small scale that in line with the advice in National Planning Policy Framework that a condition is recommended that an archaeological investigation should be undertaken to ensure that the development does not damage any elements of the historic environment.

### **Conclusion:**

The extensions have been carefully designed and in officers' view would not lead to any unreasonable impacts on the adjacent properties or on the character and appearance of the Conservation Area. The proposal conforms to the Council's standards and the presumption should be in favour of the grant of permission. Whilst the comments from neighbours have been carefully considered, they do not raise issues which would justify the application being refused planning

permission.

### **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: 14/00910/FUL**

**Contact Officer:** Davina Sarac

**Date:** 28th May 2014

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