

**West Area Planning Committee**

-24th June 2014

**Application Number:** 14/00961/FUL

**Decision Due by:** 4th June 2014

**Proposal:** Erection of a part single, part two storey rear extension.

**Site Address:** 66 Cardigan Street, **Appendix 1.**

**Ward:** Jericho And Osney Ward

**Agent:** Mr Simon Beattie

**Applicant:** Mrs Tasmin Woods

**Application called in:**

By Councillor: Cllr Pressel

For the following reasons:

Overbearing effect on the neighbours.

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**Recommendation:**

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposal would not have a harmful impact on the character and appearance of the street scene and would not cause harm to the living conditions of neighbouring properties. An objection has been received from a neighbouring property but does not amount to a reason for refusal. The proposals therefore accords with policies CP1, CP6 and CP8 of the Oxford Local Plan, MP1, HP9 and HP14 of the Sites and Housing Plan and CS18 and CS11 of the Core Strategy
- 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.

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 as specified
- 4 Ground resurfacing - SUDS compliant
- 5 Flooding: floor levels

6 Flood proofing

**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

**Core Strategy**

**CS18**\_ - Urban design, town character, historic environment

**CS11** - Flooding

**Sites and Housing Plan**

**MP1** - Model Policy

**HP9**\_ - Design, Character and Context

**HP14**\_ - Privacy and Daylight

**Other Material Considerations:**

National Planning Policy Framework

The application site falls within the Jericho Conservation Area.

**Relevant Site History:**

63/03691/A\_H - Extension to form bathroom.. PDV 9th July 1963.

**Representations Received:**

65 Cardigan Street – objects: ‘The proposal is considered to be unacceptable, in that the sheer length, height and mass would introduce an oppressive and tunnel like feature, leaving no view to the right hand side of our property. This would result in the need for permanent use of electric lighting through-out the downstairs of our home. The two storey extension proposed will appear overbearing and over dominate our property, cutting out the natural light source and creating an oppressive and enclosed environment for our family. This will also effect the second floor habitable bedrooms to the rear of our property.

The single storey ground-floor planning proposal for the lean-to roof will further increase to the loss of light because of the angle of which it has been designed. This proposal appears to fail to take into account the relevant local outlook policy standards.’

**Statutory Consultees:**

No comments received.

**Issues:**

- Design
- Impact on residential amenity

## **Officers Assessment:**

### Site Description and Location:

1. The application site consists of a two-storey terraced property, within the Jericho conservation area. Situated on the north side of Cardigan Street, with a north facing rear garden.

### Proposal:

2. The applicant is seeking permission to erect a part single storey part two storey rear extension, to raise the roof of the existing single storey rear extension, and to reinstate the front sash windows and front door and first floor rear window.

### Design:

3. Policy CS18 of the Core Strategy, HP9 of the Sites and Housing Plan and policies CP1 and CP8 of the Oxford Local Plan combine to require that planning permission will only be granted for development which shows a high standard of design; which respects the character and appearance of an area and uses materials appropriate to the site and surrounding.
4. The monopitched roof proposed for the existing single storey extension to the rear will replace the existing flat roof. The height to the eaves remains the same at 2.2 metres, the pitch of the roof will be 3.5 metres at its highest; the roof slope reflects that of the existing two-storey element of the dwelling. Velux windows will be introduced to the new roof to maximise light into a space which will form part of the dining/living room area.
5. The single and two storey element of the extension would extend out from the original rear wall of 66 Cardigan Street; along the boundary of 65 Cardigan Street. The rear wall of the neighbouring property at 65 Cardigan projects 1 metre further out than that of the existing rear wall of No.66. The ground floor would be extended by 3 metres; 2 metres beyond the neighbouring property at No 66. The first floor would be extended by 2.1 metres, 1.1 metres beyond the neighbouring property.
6. The additional floorspace on the first floor allows for the relocation of the downstairs bathroom to the first floor, releasing space on the ground floor for an improved kitchen/dining and living space. The extension does not allow for additional bedrooms, the property continuing to benefit from four bedrooms. The remaining garden space to the rear of the property is considered to be appropriate.
7. The materials proposed for the walls would match those of the existing building, with the roof of the new extension finished in slate as existing. The replacement roof for the existing rear extension would also be of slate which represents an improvement on the asbestos roofing at present. The windows and doors would be painted timber, also an improvement on the existing upvc.
8. The proposed development to the rear of the property is considered to be

a subservient addition to the existing dwelling house, which is in keeping with the surrounding houses and area. The development would not be visible from the street scene so would not have any detrimental impact on the character or appearance of the wider area. The changes to the windows and door to the front elevation are considered to be an improvement to the current upvc, and would be more appropriate within a conservation area.

#### Impact on Residential Amenity:

9. The principle properties that will be affected by the development are No. 65 and 67 Cardigan Street.
10. HP14 of the Sites and Housing plan states that planning permission will only be granted for new residential development that provides reasonable privacy and daylight for the occupants of both existing and new homes. HP14 also states that planning permission will not be granted for any development that has an overbearing effect on existing homes.

#### *Loss of Privacy and Overlooking*

11. The rear extension features one upstairs window, one patio door and one window on the ground floor all facing onto the rear garden there are no side windows proposed. Due to the location of the openings in the extension it is not considered that the extension would give rise to unacceptable levels of overlooking or loss of privacy.

#### *Outlook and Overbearing Impact*

12. The neighbouring property at No. 67 Cardigan Street is not considered to be negatively impacted upon by the proposed development due to its own layout and the location of the proposed extension.
13. The neighbouring property at No.65 Cardigan Street adjoins the application site and as such is potentially impacted upon by the development. Residents at this property have raised objections to the plans indicating that the development would be overbearing and would create a tunnelling effect. These concerns have been noted and have been considered whilst assessing the planning application.
14. The extension as proposed would extend beyond the neighbouring property on the first floor by 1.1 metres. This scale of extension is assessed as being acceptable in terms of the outlook from the neighbouring property.
15. The proposed extension on the ground floor would extend by 2 metres beyond the rear wall of the neighbouring property, with a height of 2.2 metres to the eaves with a sloping pitch roof increasing in height where it connects with the original house. There is an existing fence which is approximately 1.7 metres in height which obscures much of the view from the windows at 65 Cardigan Street. Beyond the proposed extension is the existing bathroom which projects a further 4.5 metres into the rear garden beyond that which is proposed. It is considered that once taking into account the boundary

treatment and existing rear structure, and the fact that the applicant site is set back from that of the neighbours, the additional height of the extension against the boundary would not be considered to be unduly overbearing or would significantly make worse the current situation. Indeed a 2m wall could be built along the common boundary without the need for planning permission

#### *Loss of Light*

16. Policy HP14 of the Sites and Housing Plan sets out guidelines for assessing development in terms of whether it will allow adequate sunlight and daylight to reach the habitable rooms of neighbouring properties. This policy also refers to the 45/25 degree code of practice, detailed in Appendix 7 of the Sites and Housing Plan.
17. In respect of no.. 67 Cardigan Street, the windows at this property are unaffected by the development proposed, due to the location of the extension and its own built form.
18. At no. 65 Cardigan Street, two windows have been assessed in response to the proposed development, a window on the first floor and patio doors on the ground floor. The first floor rear extension which projects 1.1 metres beyond the rear wall of No.65 and has been designed so as to not breach the 25/45 degree code. The proposed ground floor extension has been assessed with regards to the patio doors and glazing on the ground floor at no.65. The extension as proposed marginally breaches the 45 degree code. However it is just in line with the 25 degree line. It is therefore considered that the proposed extension would not have an unacceptable impact on the light afforded to the neighbouring properties such as to warrant refusal of planning permission.

#### Other Matters:

##### *Flooding*

19. The application site lies within low lying land. Guidance from the Environment Agency (EA) on extensions recommends applicants complete a table where the footprint does not exceed 250m<sup>2</sup>. The proposed extension is modest in terms of its and the applicant has indicated that flood levels within the proposed development would be set no lower than existing levels and flood proofing of the proposed development has been incorporated where appropriate.

**Conclusion:** Approve

#### **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:** 14/00961/FUL

**Contact Officer:** Kerrie Gaughan

**Extension:** 2799

**Date:** 10th June 2014