

WEST AREA PLANNING COMMITTEE

24th June 2014

Application Number: 14/01054/FUL

Decision Due by: 11th June 2014

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

Site Address: 40 Marston Street, **Appendix 1**

Ward: St Marys Ward

Agent: Mr Marc Chenery

Applicant: Mr M Arshad

Application Called in: Called in by Councillor Van Nooijen

For the Following Reasons:- To address issues of overdevelopment, inappropriate development and likely usage of the premises.

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposed extensions are considered to be of an appropriate design and in keeping with surrounding properties. The proposed extension has been assessed in accordance with the policies of the Oxford Local Plan 2001-2016, the Core Strategy and the Sites and Housing Plan and will not have a detrimental impact on neighbouring properties in terms of overshadowing, loss of daylight and loss of privacy.
- 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 Materials - matching

Main Local Plan Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals

CP6 - Efficient Use of Land & Density

CP10 - Siting Development to Meet Functional Needs

HS19 - Privacy & Amenity

Core Strategy

CS18_ - Urban design, town character, historic environment

Sites and Housing Plan

MP1 - Model Policy

HP9_ - Design, Character and Context

HP14_ - Privacy and Daylight

Other Material Considerations:

National Planning Policy Framework

Planning Policy Guidance

Relevant Site History:

66/17767/A_H - Alterations to form bathroom.. PDV 12th July 1966.

94/01769/NF - Two storey rear extension. REF 9th March 1995.

95/00289/P - Single storey rear extension. PRQ 13th March 1995.

98/01235/NF – Demolition of part of existing unauthorised 1st floor extension and retention of remainder in modified form.. DIS 9th October 1998.

Representations Received:

Objections have been received from 41 Marston Street:

A first floor window on the rear will directly overlook my garden, there are no other extensions with windows like that in the area; the window should be on the side elevation.

There will be no privacy for my mother and I.

A previous extension was built similar to this 18-20 years ago had to be pulled down and it damaged my property.

Disruption during building works will go on for months, and vehicles will park outside my house despite yellow lines blocking ability to get motorbike from the front garden.

Plans show a lot of changes for the end result which doesn't seem much different except for a shower room with no natural light or air.

Statutory Consultees:

Highways Authority; No Objection

Determining Issues:

- Overshadowing
- Privacy

- Design
- Amount of development
- Use of the Property

Officers Assessment:

Site

1. The application site is a mid-terrace house with an existing single storey and first floor extension. The house is in use as a House in Multiple Occupation.

Proposal

2. The application is seeking planning permission for a single storey extension extending across the width of the house, which is an additional 2 metres and to the depth of the existing extension, which is 8.3 metres. The first floor extension is proposed to be built above the existing ground floor extension and is proposed to be an additional depth of 3.3 metres and a width of 2.4 metres. The roof will match the existing mono-pitch roof. A window is proposed to the first floor bedroom on the rear elevation. A ground floor bedroom window, and kitchen window and door are proposed on the ground floor.

Overshadowing

3. The proposed first floor extension is similar in design to an extension which was refused retrospective planning permission in 1995, ref 94/01769/NF. The extension was subsequently partially removed following enforcement action. The previous extension was considered to have an unacceptable impact on 39 Marston Street, due to the adverse effect on the outlook from and light available to the adjoining residential property, i.e. 39 Marston Street. Subsequent enforcement action ensured the partial demolition of the extension.
4. The previous decision of the Planning Inspectorate is material to this application. However there has now been a change in circumstances as a single storey ground floor extension has now been constructed at 39 Marston Street (Planning Application 13/00901/FUL). This alters the relationship between the two properties, as the previous extension was considered to have a detrimental impact on a ground floor window at that property. The relationship has now changed as the recently constructed extension now results in windows in different positions.
5. Policy HP14 of the Sites and Housing Plan, and Policy HS19 of the Oxford Local Plan state that planning permission will not be granted for any development that has an overbearing effect on existing homes. The 45 degree guidelines as set out in Appendix 7 will be used. The calculation shows that no ground floor windows are affected by the proposal. There is a first floor window which would be affected by the proposed first floor extension. The calculation has been undertaken to see how this window will be affected. The proposed extension

contravenes the 45 degree angle, however when a measurement is taken from the midpoint of the cill and rising at an angle of 25 degree, the extension does not contravene this line. The proposed extension meets the guidelines set out in the Appendix to the Sites and Housing Plan, and officers have concluded that any impact on the neighbouring property is insufficient to justify refusal of planning permission.

Privacy

6. Policy HP14 of the Sites and Housing Plan and policy HS19 of the Oxford Local Plan requires development to provide reasonable levels of privacy. The proposed extension incorporates a bedroom window on the rear elevation which will directly face a commercial building to the rear. There would be some indirect views of the adjacent gardens at 39 and 41 Marston Road. However this type of relationship is usual in terraced streets and it is not considered to cause a detrimental impact on the privacy of the adjacent gardens, and therefore complies with the Policy HP14.

Design

7. Policies CP1 of the Oxford Local Plan, Policy HP9 of the Sites and Housing Plan require development to be in keeping with the overall character of the area and to be of a good design. The proposed extension is to be constructed of materials to match the existing house. The proposed design reflects the roof lines and building lines of the adjacent properties. It is therefore a form of development which is in keeping with the design of a terraced street. It therefore complies with these policies.

Amount of Development

8. Policy CP6 of the Oxford Local Plan requires development to make the best use of a site and that the built form and site layout must suit the site's capability. The proposed extension increases the footprint of the building by 12.4 square metres, as it infills the gap between the existing outrigger, and the adjacent extension. The resulting garden area would be 40 square metres. Whilst this represents a small garden area, this is the same as the garden area which serves 39 Marston Street With others nearby of a similar size. This garden area is therefore considered to be appropriate.

Use of the Property

9. The property is let out as a House in Multiple Occupation (HMO); the extended house would be able to accommodate five people. The property was in use as a HMO prior to 24th February 2012, when the Article 4 Direction controlling HMOs became effective.
10. The Amenities and Facilities for Houses in Multiple Occupation Good

Practice for Landlords set out guidelines for standards of accommodation for HMOs. The property is undergoing a separate re-licensing application. However the room sizes and number of bathrooms appear to be in compliance with is guidance, subject to separate approval from the Environmental Department. The use of the property will not change as a result of the proposed extension, and will improve the standard of accommodation which is available.

Conclusion: Approval

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: 14/01054/FUL

Contact Officer: Sian Cutts

Extension:

Date: 12th June 2014

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