

**West Area Planning Committee**

24<sup>th</sup> June 2014

**Application Number: 14/00209/FUL**

**Decision Due by:** 24th March 2014

**Proposal:** Erection of a two storey extension to the rear elevations  
(Ref: PD2)

**Site Address:** 5 Canning Crescent (Appendix 1)

**Ward:** Hinksey Park

---

**Application Number: 14/00215/FUL**

**Decision Due by:** 24th March 2014

**Proposal:** Two storey extension to rear and side elevations (Ref: PD3)

**Site Address:** 5 Canning Crescent (Appendix 1)

**Ward:** Hinksey Park

---

**Agent:** Mr Toby Smith

**Applicant:** Mr Manuel Berdoy

**Application Called in –** This application is brought to committee by officers following concern raised by a local ward councillor.

---

## **Recommendation:**

APPLICATION 14/00209/FUL TO BE REFUSED

For the Following Reason:-

- 1 By reason of its size, scale and bulk, the extensions proposed would form an incongruous and disproportionate development that would unacceptably erode the form and detailing of the existing house and therefore be harmful to the suburban character of the surrounding development and adversely affect views from Weirs Mill Stream footbridge and Weirs Mill Stream contrary to policies CP1, CP6, CP8, CP9 and CP10 of the Oxford Local Plan and CS18 of the Core Strategy.
- 2 Having regard to the scale and significant massing of the proposed buildings as extended, as well as the amount of fenestration at the first floor level, the proposed development would have a visually intrusive appearance when experienced from rear gardens of 3 and 7 Canning Crescent which would

significantly reduce the actual and perceived privacy that occupiers of neighbouring properties currently enjoy. Consequently the proposals fail to adequately safeguard established 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.

## APPLICATION 14/00215/FUL TO BE REFUSED

For the Following Reason:-

- 1 By reason of its size, scale and bulk, the extensions proposed would form an incongruous and disproportionate development that would unacceptably erode the form and detailing of the existing house and therefore be harmful to the suburban character of the surrounding development and adversely affect views from Weirs Mill Stream footbridge and Weirs Mill Stream, contrary to policies CP1, CP6, CP8, CP9 and CP10 of the Oxford Local Plan and CS18 of the Core Strategy.
- 2 Having regard to the scale and significant massing of the proposed buildings as extended, as well as the amount of fenestration at the first floor level, the proposed development would have a visually intrusive appearance when experienced from rear gardens of 3 and 7 Canning Crescent which would significantly reduce the actual and perceived privacy that occupiers of neighbouring properties currently enjoy. Consequently the proposals fail to adequately safeguard established 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 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  
CP9 - Creating Successful New Places  
CP10 - Siting Development to Meet Functional Needs

#### Core Strategy

CS11 - Flooding  
CS18 - Urban design, town character, historic environment

#### Sites and Housing Plan

HP9 - Design, Character and Context  
HP14 - Privacy and Daylight  
MP1 - Model Policy

### **Other Material Considerations:**

National Planning Policy Framework (NPPF)

**Relevant Site History:**

None.

**Representations Received:**

1 Letter of objection for both applications: -

The owner of 3 Canning Crescent wishes to object to both planning applications submitted.

- Both applications are an overdevelopment of the existing property and, if agreed, would set a dangerous precedent for future applications in the surrounding area.
- Both applications would significantly alter the symmetry of the street especially in regard to the symmetry of the roof lines. This would become the only property with an East to West roof ridge and would be totally out of keeping with the other properties in the area.
- Both developments would significantly encroach into the flood plain. Both applications propose raising the floor levels of both of the existing property and of the proposed extensions. Only two weeks ago, many properties in this area came within millimetres of disastrous flooding and to agree these applications without a comprehensive flood impact assessment on the surrounding area would be incomprehensible.
- Both applications would severely reduce sunlight that my property currently enjoys. The proposal to raise an East to West roof ridge would throw my property into considerable shade and effectively deny me my right to light.
- The application to extend to the side is of particular concern to us at no.3. The proposed side extension could only be constructed and maintained by accessing my property. Access to construct or maintain this extension would be denied.

**Statutory and Internal Consultees:**

Thames Water Utilities Limited – Informatives should be added about the public sewers and surface water drainage.

Environment Agency Thames Region - Applicants should follow the advice and submit a completed Flood Risk Assessment (FRA) form as part of their planning application submission.

**Determining issues:**

- Design and appearance
- Impact upon neighbouring properties
- Flooding

**Officers Assessment:**

Application Site and Locality

1. The application site relates to a modest three bedroom end of terrace house set at one end of a 1930s era four-house terrace block. The house is built of red brick and finished with red clay hanging tiles at first floor. It overlooks Weirs Mill Stream and directly abuts the Hinksey Stream of the

River Thames. The application house and the others within the terrace are visible within the public realm, from the public footpath along the Weirs Mill Stream. This footpath is well trafficked by pedestrians as it allows access through to a nearby field used by dog walkers and allows people using it as a short cut to the Iffley Lock and tow path.

2. Canning Crescent has a uniformed appearance through its consistent arrangement of two-storey terraced rows of four houses and two-storey semi-detached houses, all of a similar appearance and design. Whilst there have been some modest piecemeal developments in the form of extensions to some of the properties within the street, it still retains a modest appearance and uniformed character.

### The Proposal

3. Pre-application advice was sought by the applicant for a two storey side and rear extension, very similar or of the same design as the current application. The advice given by a number of Officers at this stage was that the proposal would be considered unfavourably, failing to meet our design policies as it did would not relate well to the original building or the predominant, original character of the surrounding development.
4. There are two planning applications which this report will cover. 14/00209/FUL is for the erection of a two storey rear extension and for the purpose of clarification, shall be known as PD2 as the architect refers to this on the plans. 14/00215/FUL differs slightly in design and appearance and is for the extension of a two storey side and rear extension and shall be known as PD3.
5. An uncompleted single storey rear extension has already been erected to the rear of the property without planning permission, in anticipation that planning permission would be granted.

### Design and Appearance

6. Policies CP1 and CP8 of the Local Plan as well as policies CS18 of the Core Strategy and HP9 of the Sites and Housing Plan (SHP) require development proposals to create an appropriate visual relationship with the existing building and surrounding area in terms of form, grain, scale, materials and design detailing. Policy CP8 then goes on to state that building design is specific to the site and its context and should respect local characteristics. Policy CP8 also adds that on sites of high public visibility, development should enhance the style and perception of the area particularly by retaining features which are important to the character of the local area.
7. The design of development is a well-founded material planning consideration irrespective of the location of the site and the above development plan policies have been adopted to provide the Council with the framework by which this important planning issue can be assessed.

Committee should therefore have regard to these policy requirements in their determination of the application, which reflected in Government guidance in the National Planning Policy Framework (NPPF) which states that *“good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”*. Government guidance also adds that *“permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”*.

8. The application property has a modest design and with its pleasant tile hung detailing, is reflective of the style of many properties within this part of Oxford. The terrace in which it sits still appears predominantly as it was originally constructed without significant alteration or extension affecting the front façade. Two out of the four houses still have the original window details. This ensures that together, the terraced row makes a positive contribution to the area. Officers therefore consider it important that, where planning control allows, alterations and/or extensions to the terrace reflect its most important characteristics as required by policy CP8 of the Local Plan, so as not to detract from the positive design features that are already present.
9. Proposal PD3 would introduce a two-storey side extension that would project 960mm to the side at the ground floor level and 1.4m at first floor level measured to the projecting en-suite oriel window that would protrude past the side elevation. It would also have a flat roof that would sit higher than the existing eaves of the house. The side extension would infill part of the gap between no.3 and no.5 Canning Crescent which presently offers views of the trees in the distance. The gap is rather large in comparison to some of the other gaps in the street and therefore the side extension would be very visible from the street. It would also introduce circular roof lights (two) on the front roof slope, one on the side roof slope and four on the flat roof of the side extension. It is considered that the two-storey side extension introduces a flat roof form and takes on an unusual and rather contrived appearance when viewed from Canning Crescent and this does not appropriately respond to the character of the existing house, despite being built in matching materials. For these reasons, officers consider the proposals to continue to fail to meet the high quality expected of development on such a prominent site in accordance with the specific requirements of policy CP8 of the Local Plan.
10. The side extension would then wrap around the rear to form part of the rear elevation of the two-storey rear extension. The rear extension would be wider than the width of the house as it would wrap around the side. The rear extension would introduce a large gable rear elevation that almost completely erodes the hipped roof at the rear. The gable end elevation is further emphasised by the chunky white rendered border detail and large fenestration at first floor level.
11. In terms of appearance from the rear, both PD2 and PD3 are very similar in appearance and design, the only difference being that PD2 does not include

the side wrap around extension part of PD3. PD2 would also have a traditional pitched roof that would have a pitched ridge line whereas PD3 would have a curved roof ridge. There is only one other small difference from the rear, although it is not clear if this is an error in the drawings or an intentional design, and this is that middle section of the clay hung wall-tiles continues across to meet the top of the side elevation of no.7's single storey rear extension. On PD3 the middle section stops short the boundary by 0.25m.

12. Nevertheless both extensions, when viewed from the rear, are of a height, scale and mass that dominate the rear elevation and are of such mass that is considered to overwhelm the existing house as well as adjacent houses such that it will be visually obtrusive within the rear private views of Canning Crescent, Weirs Lane and the public views from the footpath over the Weirs Stream. This will harm the simple character of the area. Due to the height and rearward projection, the two-storey extensions beyond the original rear wall of the dwelling will add to the perceived scale and mass and would only serve to make the building more prominent and imposing in stark contrast to the more traditional form and scale of immediately surrounding houses which give the area a pleasant suburban rhythm and character. Within the terrace row of the four houses, there are no other two-storey rear extensions and thus there is strong sense of the hipped roof and uniformity of the rear when seen from the footpath. This is not to say that no two-storey extension should be allowed, but rather any such extension should respect the character and appearance of the existing property and surrounding area, which in this case it does not.
13. The loss of the definition of the eaves by the rearward project of the rear extension and gable elevation is considered to be considerably harmful to the character of the existing dwelling with the almost total loss of the hipped roof.
14. In addition neither extension as proposed would relate well to the adjacent houses. Whilst PD2 has a lesser impact than PD3 without the side extension element, both extensions when viewed from the rear and side are considered to be alien in design, bulky in appearance and considered to be a visually incongruous development and out of keeping with the character of the area.
15. Lastly, the adjacent property at no.7 Canning Crescent displays an extension which could also be considered to be inappropriate in its design with a detrimental impact upon the character and appearance of the existing house and of the surrounding area. However that extension was constructed under "Permitted Development" rights without the need of a planning application. Its presence should not therefore be seen as justification to permit the current applications which in the Officers' opinion do not respect the character and built form of the area.

#### Impact upon Neighbouring Properties

16. Policy HP14 of the SHP requires developments to adequately safeguard

neighbouring residential amenity with respect to outlook, privacy and light. Policies CP1 and CP10 of the Local Plan reflect these requirements.

17. Whilst significant in size, bulk and overall mass, the extension would come into line with the extension at no.7 Canning Crescent on the ground floor. At the first floor however, the rear extensions of both PD2 and PD3 would project beyond the existing rear elevation by 3.5m and 3.6m, if you include the roof overhang. The nearest window at first floor level at no.7 is a bathroom window and whilst the extension breaches the 45 degree line from this window it is not considered to be a habitable room and therefore would not be a reason to oppose the proposed.
18. Concern has been raised regarding the impact upon No. 3 Canning Crescent, in respect of the potential impact of the development on the amount of light received there. In terms of the 45 degree line from side facing windows of no.3, the side extension of PD3 complies with the 45 degree line from no.3's bathroom window and stair window at first floor level. It would however breach the 45 degree test from the side facing door. It is presumed that this door leads to the kitchen or utility room. For the purpose of the application, it is assumed that the door leads to the kitchen which has rear facing windows. A line drawn from the cill of the rear facing kitchen windows at 45 degrees is not breached by the proposed extensions. Therefore, the proposed extensions are considered not to cause a loss of the light to warrant a refusal of permission on these grounds.
19. Due to no.5 being located to the south of no.3, it is considered that there would be some increase in overshadowing to the side and rear elevation and rear garden of no.3 Canning Crescent. However, it is considered that due to size of the rear gardens this would not be detrimental to the residential amenity of the occupiers of no.3.
20. Whilst there is already a degree of mutual overlooking from first floor windows of neighbouring houses the very large expanse of glazing that is to be introduced at first level at the application site would be significant increasing greatly the overlooking which already exists from first floor rear windows. Occupiers of no. 3 and no.7 Canning Crescent are likely to feel imposed upon when using their rear gardens, to the detriment of their privacy. This relationship is considered to be inappropriate and a by-product of the excessive fenestration at first floor level. Consequently, and for this reason, the proposals are found to significantly harm neighbouring living conditions contrary to the requirements of development plan policy CP10 of the Oxford Local Plan and HP14 of the Sites and Housing Plan.

### Flooding

21. The application site lies within an area of low lying land which is susceptible to flooding. The proposal was submitted with a Flood Risk Assessment (FRA). Officers are satisfied with the mitigation flooding measures and should planning permission be granted, the development would be carried out in accordance with the FRA.

### Other matters:

22. The applications both propose to improve the energy efficiency and sustainability of the property by re-using existing materials and the installation of solar thermal panels on the roof extension. However, it is considered that gains in energy efficiency do not outweigh the harm as a result of the scale, mass and design of the proposed extensions upon the character and appearance of the existing building and the surrounding area.

### **Conclusion:**

In coming to the conclusion that both applications should be refused, Officers have had regard to the other extensions in the area and the merits of the design expressed by the applications, but this has not lead officers to change their conclusion, particularly given the specific elements of the extensions proposed and its prominent public rear views. Finally, this conclusion has not differed from the consistent advice previously given to the applicants by a number of Officers at pre – application stage and during the consideration of both applications.

Therefore, officers find the proposals to be in conflict with policy CS18 of the Oxford Core Strategy 2026 which seeks to ensure development demonstrates high quality urban design through responding appropriately to the site and surroundings. Similarly, it also conflicts with policies CP1 and CP8 of the Local Plan and policy HP9 of the Sites and Housing Plan which require development to show a high standard of design that respects the character and appearance of the area and is therefore, recommended to be refused.

### **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 permission for both applications officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

**Background Papers: 14/00209/FUL & 14/00215/FUL**

**Contact Officer:** Davina Sarac

**Date:** 24th April 2014