

**West Area Planning Committee**

-8th March 2016

**Application Number:** 15/02489/FUL

**Decision Due by:** 13th October 2015

**Proposal:** Erection of a single storey rear extension and formation of rear decking. Insertion of 1no. window to south elevation.(amended plans received (04/01/16)

**Site Address:** 22 Riverside Road Oxford Oxfordshire OX2 0HU

**Ward:** Jericho And Osney Ward

**Agent:** Mr Anthony Pettorino

**Applicant:** Miss Pari Skamnioti

**Application Called in –** by Councillor Pressel, supported by Councillors Lygo, Sinclair, Hollingsworth and Price

For the following reason –concern about loss of light and overbearing effect.

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## **Recommendation:**

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposed single storey rear extension is considered to be of an appropriate design, which will not have a significant impact on the residential amenities of the adjoining occupiers, and will not be overbearing. The proposal accords with the relevant policies of the Oxford Local Plan, the Core Strategy and the Sites and Housing Plan.
- 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 Samples
- 4 Flood Risk Assessment
- 5 SUDs Drainage
- 6 Amenity obscure glazed windows

### **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

**CP10** - Siting Development to Meet Functional Needs

#### **Core Strategy**

**CS11\_** - Flooding

**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 Practice Guidance

### **Relevant Site History:**

15/01057/FUL - Erection of single storey rear extension and formation of rear decking. Alterations to window on south elevation.. WDN 1st May 2015.

### **Representations Received:**

Objections were received on the originally submitted plans form 20 Riverside Road, and 66 Warwick Street for the following reasons

- The wall and roof are too high, will obstruct light into the living area.
- The calculations of sunlight in the appendices are incorrect. Questioning the materials proposed;
- Objecting to any pipes, appliances and air vents on the wall along the boundary.
- Stated that the materials in the courtyard wall should be the same as the extension.
- Lack of elevation plans
- The application acknowledges loss of light through the courtyard design justification
- Permission should not be granted on the basis that in the future another occupier may wish to do a similar extension
- Flooding occurs in the garden, but never reached the houses, need assurance that it will not increase the risk of flooding in adjacent garden.

Further comments on the amended plans were received from 20 Riverside Road, 16 Minster Road, and an unknown address.

- Overbearing – Policy HP14
- No reason for the high roof at 22
- Other extensions are more considerate to neighbours, and there has been no consultation directly with the neighbour
- Loss of sun and light to the sitting room, kitchen and patio
- Overlooking over the fence due to differences in ground level
- No information about the sunlight and daylight
- No measurements shown on the plans
- Flooding
- Roof should be lowered and extension brought in from the boundary
- Guttering and rainwater pipes not shown on the plans
- How will maintenance be carried out
- Height of the roof is only so that there can be windows running the length of the extension parallel to the boundary
- Plans say trees block the light, which they don't
- A neighbour in Riverside road had an extension next to her south side built further away so it was not so overpowering, another extension was refused because of the impact.
- Whatever is built at 22 should not hamper extensions to No 20
- The revised block plan shows an extension at no18 blocking light to No 16. These houses are now being converted to one. The plan is not accurate, and is the same as that submitted in August.

**Statutory and Internal Consultees:**

West Oxford Community Association – No comments received

North Hinksey Parish Council – No comments received

North Oxford Association – No comments received

William Lucy Way Residents Association – No comments received

**Issues:**

Design

Impact on Residential Amenity

Flooding

**Officers Assessment:**

Site Description

1. 22 Riverside Road is a semi-detached property. The garden has a western boundary with the Botley Stream. The house has pebbled dash rendered elevations. It has previously been extended, with a conservatory which it is proposed to demolish

Proposal

2. This application is proposing the demolition of an existing conservatory, and single storey rear lean-to room (original). A single storey rear extension and timber decking is proposed. The extension is 8 metres deep on the southern side, and 5.3 metres in depth along the boundary with 20 Riverside Road. The proposed extension is whole width of the house, 5.5 metres. The deepest element of the extension has a flat roof, which is 3.2 metres in height. The other part of the extension, along the boundary with 20 Riverside Road is 2.3 metres at eaves height, with a mono pitch roof, which rises to 3.3 metres in height. A timber deck around the extension is proposed, which is a maximum of 0.6 metres above the ground level. Amended plans will be submitted before the Committee to show the timber decking only extending in depth outside the dining area. It is proposed to render the elevations, with slate on the pitched roof and a fibreglass resin on the flat roof. There are windows in the roof which face 24 Riverside Road. The application as originally proposed an extension across the full width of the house, at a depth of 8 metres, with a light well courtyard of a depth of 1.8 metres along the boundary with 20 Riverside road. The height of the extension at eaves level along the boundary with no.20, and the mono-pitch roof were higher than currently proposed, at 2.6 metres and 4.6 metres respectively.

Design

3. Policies CP1, CP6, CP8, CP10, CS18 and HP9 seek to ensure that development is of a high standard of design which relates well to its surroundings, and that extensions create an appropriate visual relationship with the host dwelling. The extension would be visible from the surrounding gardens. The extension in itself relates well to the visual appearance of the rear of the host dwelling. There were objections raised to the mono-pitched roof element. In the Design and Access Statement this was justified, as ensuring that the potential for a first floor extension in the future is not lost. A first floor extension would be subject of a separate

planning application, and its merits would be examined at that time. The roof lights in the roof space would add light to the living space below. The application form had specified that the elevation would be a smooth render, the existing house is pebble dash render, so to ensure that the materials are visually appropriate, a condition requiring a sample of the materials is being added to the permission. The proposal is considered to be of an appropriate scale in proportion to the plot, and a garden with a depth of 36 metres will remain after the extension. The proposal accords with the design policies indicated above.

#### Impact on Residential Amenity

4. Policy HP14 of the Sites and Housing Plan states that planning permission will only be granted for development which provides reasonable privacy and daylight for new and existing homes, and states that planning permission will not be granted for development which has an overbearing effect on existing homes. In assessing the impact on sunlight and daylight the guidance contained in Appendix 7 of the Sites and Housing Plan, sets out guidance as to how this will be assessed, and utilises the 45/25° code. There were a number of objections to the impact that the proposal will have on the sunlight and daylight to 20 Riverside Road, and saying that the proposal would be overbearing. The proposal has been assessed against the guidance contained in Appendix 7, as stated above. The proposed extension contravenes the 45° line when drawn from the sitting room window at 20 Riverside Road. However, it does not contravene the 25° uplift of that line. The extension is to the south of 20 Riverside Road, and therefore as the orientation of the extension is relevant, however, given the height of the extension to the boundary being 2.3 metres in height, this is the lowest that it can be to take into the account the flood mitigation measures, and gives an internal height of 1.8 metres. The extension will reduce some of the sunlight and daylight, but this is not to a level which will warrant refusal of the application. There was a concern that the extension would be overbearing, the height of the extension along the boundary with 20 Riverside Road is 2.3 metres, given the outlook which remains within the garden, and the length of the garden, the extension is not of a sufficient height and depth to be overbearing to 20 Riverside Road, and to warrant refusal of the application.
5. The proposed extension has glazed windows on the side elevation of the extension, and given the height of the boundary fence, which is built on the natural ground level, there may be some potential for overlooking from these windows, into the garden of 20 Riverside Road. Therefore a condition requiring these windows to be obscure glazed and non-opening is being added,
6. There were objections to the application that the raised decking area would increase levels of overlooking to 20 Riverside Road from the raised level. The decking is set back from the boundary, and amended plans are to be submitted prior to the Committee so that there is a separation of the

decking form the boundary fence of 2 metres so that adequate privacy within the gardens is maintained. A condition will be added to any permission to ensure that this separation is maintained. Rge decking area will therefore accord with policy HP14.

7. There is an existing single storey extension at 24 Riverside Road, which is the same depth as the extension currently proposed. The proposed extension will not result in any additional loss of sunlight or daylight. The raised decking is in an area of low fencing between the two properties, and so there will be no material difference in the levels of privacy between the two garden areas.
8. There is a row of roof level windows (clerestory glazing) which face 24 Riverside Road. The agent has given an undertaking that these windows will not restrict the ability of 24 Riverside Road to extend, as there are sufficient light sources from the ground floor level glazing. An informative will be added to the permission to his effect.
9. The proposal, with the use of conditions to mitigate overlooking is considered to accord with policy HP14 which seek to ensure that there are adequate levels of sunlight, privacy and that development is not overbearing.

#### Flooding

10. The application site is within flood zone 2, with some of the garden within flood zone 3. A flood risk assessment was submitted with the application which proposes that the extension is at the same level as the existing house, and the void below will be designed so that floodwater can enter and exit so that the capacity of the flood plain is maintained. A condition is also being added to ensure that the proposal is drained according to SUDs principles so that the proposal does reduce the surface water run-off. This will ensure that the proposal accords with policy CS11 of the Core Strategy which requires flood mitigation measures in areas within Flood Zone 2 or above, and to require development to reduce the risk of flooding elsewhere.

#### Other Matters

11. The comments received on the application have referred to matters of maintenance and the positions of the guttering. This is a separate legal matter between the two property owners, as is the case when development is close to a boundary. This is a separate legal matter, and therefore access for maintenance and building will require the separate agreement of the affected parties. The neighbour also referred to any development at no 22 not restricting the ability of 20 Riverside Road, to build. Again this would be a matter between the two parties, and any planning application would be considered on its merits. Reference was made to another similar extension in Riverside Road, being required to be built off the boundary. The details of that scheme have not been provided, however this application is considered on its own merits and site specific criteria. The

block plan referred to other developments within the street. However this is not material to the determination of this application. The plan indicated the proposed extension within the boundaries of the site, and is sufficient for the purposes of determining the application.

**Conclusion:**

The proposal accords with the relevant policies of the development plan and is recommended for 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 grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

**Background Papers:**

15/02489/FUL

**Contact Officer:** Sian Cutts

**Extension:** 2186

**Date:** 18th February 2016

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