

## EAST AREA PLANNING COMMITTEE

5<sup>th</sup> July 2017

**Application Number:** 17/00586/FUL

**Decision Due by:** 22<sup>nd</sup> May 2017

**Extension of Time:** TBC

**Proposal:** Enlargement of 1no. existing window including formation of Juliette balcony. Insertion of 1no. side door. Relocation of cycle and bin storage. Erection of single storey front extension to existing annexe (part retrospective).

**Site Address:** 3 David Nicholls Close Oxford OX4 4QX

**Ward:** Littlemore Ward

**Agent:** N/A

**Applicant:** David Henwood

**Reason at Committee:** Applicant is an Oxford City Council Councillor.

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## 1. RECOMMENDATION

1.1. East Area Planning Committee is recommended to:

**(a) Approve the application for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission.**

**(b) Agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to finalise the recommended conditions** as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary;

## 2. EXECUTIVE SUMMARY

2.1. This report considers an application for works to no. 3 David Nicholls Close. The application proposes the enlargement an existing first floor rear window and inclusion of a Juliette balcony; the insertion of 1 replacement side facing door; and the relocation of the existing cycle and bin stores to the north of the existing annexe building. The proposal also seeks retrospective permission for a single storey front infill extension.

2.2. The key matters for assessment set out in this report include the following:

- Design and Impact on Conservation Area;
- Impact on Neighbouring amenity;

- Other Issues.

### 3. LEGAL AGREEMENT

3.1. Not applicable.

### 4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. Not applicable.

### 5. SITE AND SURROUNDINGS

5.1. David Nicholls Close is a residential cul-de-sac characterised by large detached dwellings set within spacious plots. The application site is located towards the end of the cul-de-sac and comprises a detached two storey red brick building to the south west of no. 3 David Nicholls Close.

5.2. The site location plan is at Appendix 1.

### 6. PROPOSAL

6.1. The application proposes the enlargement of an existing first floor rear window and inclusion of a Juliette balcony; the insertion of 1 replacement side facing door; and the relocation of the existing cycle and bin stores to the north of the existing annexe building.

6.2. The application also seeks retrospective consent for a single storey front extension and supporting front canopy. The extension infills an area measuring 5.6 metres in width and 1 metre in depth. The front canopy extends the porch canopy with a ridge height of 2.9 metres.

### 7. RELEVANT PLANNING HISTORY

7.1. The table below sets out the relevant planning history for the application site:

Application Reference	Description of Development	Decision
99/00126/NF	Extension at side and rear of existing garage. Approved 10 <sup>th</sup> March 1999.	Approved 10 <sup>th</sup> March 1999.
99/00928/NFH	Extension at side & rear of garage, raise walls of existing structure & provide new roof to provide storage in roof space & domestic workshop on ground floor. (Amendment to application 99/126/NF).	Approved 16 <sup>th</sup> September 1999.
00/00724/NFH	Alterations to existing garage. Additional windows to front elevation, raising the roof to ridge height of 7.30m and the provision of a 1st floor for use as games room, sensory room and storage.	Refused 11th July 2000.

00/00724/NFH - 00/00022/REFUSE	Alterations to existing garage. Additional windows to front elevation, raising the roof to ridge height of 7.30m and the provision of a 1st floor for use as games room, sensory room and storage.	Appeal dismissed 1st January 2001.
02/00010/FUL	Alterations to existing garage including the introduction of additional windows to front elevation, raising the roof to a ridge height of 5.75 m and provision of a 1st floor.	Withdrawn 19 <sup>th</sup> March 2002.
02/01542/FUL	Retention of existing garage, including first floor, with ridge height of 5.75 metres incorporating windows at first floor to front elevation, roof lights to rear elevation and false chimney as owl nesting box.	Refused 14 <sup>th</sup> October 2002.
02/01542/FUL - 03/00013/REFUSE	Retention of existing garage, including first floor, with ridge height of 5.75 metres incorporating windows at first floor to front elevation, roof lights to rear elevation and false chimney as owl nesting box.	Appeal Dismissed 26 <sup>th</sup> June 2003.
04/01550/FUL	Erection of canopy and insertion of windows at first floor level to front elevation. (Amended Plan).	Refused 30 <sup>th</sup> September 2004.
04/01550/FUL - 04/00101/REFUSE	Erection of canopy and insertion of windows at first floor level to front elevation. (Amended Plan).	Appeal dismissed 27 <sup>th</sup> June 2005.
05/02177/FUL	Erection of canopy. Alterations to window. (Amended plans).	Refused 19 <sup>th</sup> December 2005.
05/02177/FUL - 06/00019/REFUSE	Erection of canopy. Alterations to window. (Amended plans).	Appeal allowed 19 <sup>th</sup> June 2006.
06/01569/VAR	Velux rooflight to rear elevation of garage (variation of condition 4 of planning permission 99/00126/NF).	Approved 22 <sup>nd</sup> September 2006.
06/02014/VAR	Velux rooflights to rear elevation of garage (variation of condition 4 of planning permission 99/00126/NF) and erection of canopy to front.	Approved 11 <sup>th</sup> December 2006.
07/00561/VAR	Insertion of two rear first floor windows (variation of condition 4 of planning permission 99/00126/NF) (Amended plan).	Refused 4 <sup>th</sup> May 2007
07/00561/VAR - 07/00044/REFUSE	Insertion of two rear first floor windows (variation of condition 4 of planning permission 99/00126/NF) (Amended plan).	Appeal dismissed 11 <sup>th</sup> December 2007.
08/00357/VAR	Four (in total) velux roof lights in rear elevation of garage (variation of condition 4 of planning permission 99/00126/NF).	Approved 7 <sup>th</sup> May 2008.

08/00980/FUL	Retention of first floor window and screen to garage.	Refused 10th July 2008.
08/00980/FUL - 08/00081/REFUSE	Retention of first floor window and screen to garage.	Appeal withdrawn 10th November 2008.
08/01935/CEU	Application for a Lawful Development Certificate for the retention of 1st floor North facing window.	Approved 27th October 2008.
08/02327/CEU	Application for a Lawful Development Certificate for the retention of a first floor north facing window.	Approved 24th December 2008.
09/00019/CEU	Application for a lawful development certificate for the retention of a first floor north facing window.	Approved 27th February 2009.
09/00729/FUL	Erection of canopy.	Approved 3rd June 2009.
09/02797/FUL	Erection of car port.	Refused 20th May 2010.
09/02797/FUL - 10/00051/REFUSE	Erection of car port.	Appeal dismissed 18th August 2010.
10/01412/FUL	Two storey front extension (amended description and plans).	Refused 17th December 2010.
10/01412/FUL - 11/00017/REFUSE	Two storey front extension (amended description and plans).	Appeal dismissed 7th July 2011.
11/00394/FUL	Increase in ridge height of roof of garage to 5.85m. (Retrospective).	Refused 21st April 2011.
12/01722/CEU	Certificate of lawfulness to certify that the ridge height at 5.9m is lawful.	Refused 28th August 2012.
12/02105/FUL	Change of use of garage to 1-bedroom dwelling (class C3). (Amended plans).	Refused 10th October 2012.
12/02105/FUL - 13/00005/REFUSE	Change of use of garage to 1-bedroom dwelling (class C3). (Amended plans).	Appeal dismissed 1st July 2013.
15/02061/FUL	Increase in ridge height of garage roof. (Retrospective). Conversion of garage into 1 x 1-bed annexe (Use Class C3).	Approved 9th September 2015.

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework (NPPF)	Local Plan	Core Strategy	Sites and Housing Plan	Other Planning Documents
Design	7 Paragraphs 56 – 68	CP.1, CP8,	CS18	HP9, HP14	Technical Advice Note 3 – Waste Bins Storage
Conservation/ Heritage	12 Paragraphs 126 – 141	HE.7			
Housing	6 Paragraphs 47 - 55	CP.6, CP.10			

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 5<sup>th</sup> April 2017 and an advertisement was published in The Oxford Times newspaper on 5<sup>th</sup> April 2017. Subsequently, the description of development for this application was amended and additional amended site notices were displayed around the application site and advertisement published in The Oxford Times on 7<sup>th</sup> June 2017.

### **Statutory and Non-Statutory Consultees**

#### Littlemore Parish Council

9.2. Initially objected to the application in the first round of consultation on the basis that the then proposed dwelling would be situated at the back corner of the site and that the amenity space would be located to the front of the proposed dwelling and would be enclosed by a 2 metre high fence which would not be acceptable at the front of the property. Concerns were also raised that the proposed enlarged upstairs window would overlook the back boundary of the site.

9.3. No further comments were received in the second round of consultation following amendments to the proposed development.

#### Oxfordshire County Council (Highways)

9.4. Raised no objections to the initial proposals subject to a condition requiring details to be submitted relating to cycle storage.

- 9.5. No further comments were received in the second round of consultation following amendments to the proposed development.

### **Public representations**

- 9.6. No public comments have been received.

### **Officer Response**

- 9.7. The comments made by Oxfordshire County Council Highways are no longer relevant to the current proposal and therefore are not addressed further in this report.
- 9.8. Likewise, the comments made by Littlemore Parish Council are no longer relevant with the exception of the concerns about the enlargement of the first floor window which is considered further in paragraph 10.11.

## **10. PLANNING MATERIAL CONSIDERATIONS**

- 10.1. Officers consider the determining issues to be:

- Design and Impact on Conservation Area;
- Impact on Neighbouring amenity;
- Other Issues.

### **i. Design and Impact on Character on Conservation Area**

- 10.2. David Nicholls Close is characterized by large detached dwellings set within spacious plots. The frontages of the dwellings are predominantly open and uncluttered and contribute to the overall open character of the quiet residential road. The application site is located within Littlemore Conservation Area.
- 10.3. The application proposes minor changes to the existing fenestration on the rear and side elevations. Views of the new replacement window and door will therefore be limited from the public highway and the surrounding Conservation Area.
- 10.4. The extension to the front of the building is highly visible from David Nicholls Close, however, Officers consider that the appearance of the building has not significantly altered following the works to infill the previous porch area. The materials used in the construction of the extension match the existing building and it is relatively modest in terms of size.
- 10.5. The proposed bin store would measure 0.81 metres in depth and 1.3 metres in height and would be constructed from natural timber. The existing bicycle store measures 1.82 metres in width, 0.8 metres in depth and 1.4 metres in height and is constructed from natural timber. It would remain unchanged except for its positioning.

- 10.6. The existing bicycle and bin stores are located to the side of the north west elevation however the applicant has indicated that this positioning is difficult to access. The application proposes to relocate the bin store further to the north of the building and the bicycle store north towards the existing brick pillars. While the proposed positioning of these storage areas would be more visible than currently, they would both be set significantly back from the principal elevation of 3 David Nicholls Close and therefore would retain subservience within the street scene. Due to their size and set back from the public highway Officers consider the proposed structures in their new locations to be acceptable.
- 10.7. Consequently the proposed development is considered to be acceptable and would preserve the character and appearance of the surrounding Conservation Area. The proposals are found to comply with Policies CP1, CP6, CP8 and HE7 of the Oxford Local Plan, together with Policy CS18 of the Core Strategy and Policies HP9 and HP14 of the Sites and Housing Plan which, in combination, require that development proposals incorporate high standards of design and respect local character and heritage.

**ii. Impact on Neighbouring Amenity**

- 10.8. The nearest residential properties to the application building are no. 3 David Nicholls Close, approximately 2 metres to the north east of the site, and no. 3 Lanham Way 'Woodlands', approximately 15 metres to the south west. To the immediate south/ south west of the building is an undeveloped area of green space.
- 10.9. The application proposes minor external changes including a single storey front, infill, extension and the insertion of a larger window and Juliette balcony in the rear elevation. Officers consider that due to the location and size of the extension there are no significant impacts on the occupiers of no. 3 David Nicholls Close.
- 10.10. The proposed relocation of the existing bin and bicycle stores would not result in any detrimental impacts for neighbouring occupiers due to their modest size and the significant distance between them and any neighbouring properties.
- 10.11. The location of the new window would be on the southern elevation of the building at the furthest point from no. 3 Lanham Way. As such, Officers conclude that there would not be significant harmful overlooking impacts arising from the proposal. There would be a slight increase in the amount of overlooking of the green space to the south but this is not considered harmful to existing residential occupiers.
- 10.12. The proposals are therefore found to be acceptable and compliant with Sites and Housing Plan Policy HP14.

**iii. Other Issues**

10.13. Officers do not consider there to be any other issues which need to be addressed in the determining of this application.

## **11. CONCLUSION**

11.1. The proposed development is found to be acceptable and compliant with the relevant national and local plan policies. The extension element has already been constructed but would preserve the character and appearance of the conservation area. There would be no harm to the living conditions of surrounding neighbouring occupiers. The design is considered to be appropriate and the materials match the existing building.

11.2. As such, it is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions set out below.

## **12. CONDITIONS**

### **1. Time Limit**

The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

### **2. Development in accordance with approved plans**

The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policy CP1 of the Oxford Local Plan 2001-2016.

### **3. Materials**

The materials to be used in the development shall be as shown on the approved plans. Where details are not provided materials shall match the existing building in terms of style, colour, size and general appearance. There shall be no variation of these materials without the prior written consent of the Local Planning Authority.

Reason: To ensure the satisfactory visual appearance of the new development in accordance with policies CP1, CP7, CP8 and HE7 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.



## Informatives

### **1. NPPF (paras 186 and 187)**

In accordance with guidance set out in the National Planning Policy Framework, the Council tries to work positively and proactively with applicants towards achieving sustainable development that accords with the Development Plan and national planning policy objectives. This includes the offer of pre-application advice and, where reasonable and appropriate, the opportunity to submit amended proposals as well as time for constructive discussions during the course of the determination of an application. However, development that is not sustainable and that fails to accord with the requirements of the Development Plan and/or relevant national policy guidance will normally be refused. The Council expects applicants and their agents to adopt a similarly proactive approach in pursuit of sustainable development.

### **1. APPENDICES**

#### **Appendix 1 – Site Location Plan**

### **1. HUMAN RIGHTS ACT 1998**

- 12.1. 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.

### **2. SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

- 12.2. 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 refusal of planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community

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