

<b>Application number:</b>	18/02031/FUL		
<b>Decision due by</b>	24th September 2018		
<b>Extension of time</b>	Not required		
<b>Proposal</b>	Erection of a single story rear extension and insertion of 2no. rooflights to rear roofslope.		
<b>Site address</b>	12 Earl Street, Oxford, OX2 0JA, – see <b>Appendix 1</b> for site plan		
<b>Ward</b>	Jericho And Osney Ward		
<b>Case officer</b>	Robert Fowler		
<b>Agent:</b>	Mr G Gillick	<b>Applicant:</b>	Mr & Mrs Ball & Mitchell
<b>Reason at Committee</b>	The application is before the committee because the applicant is a member of Council staff. The report has been cleared by the Council's Monitoring Officer.		

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## **1. RECOMMENDATION**

1.1. West Area Planning Committee is recommended to:

1.1.1. **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

1.1.2. **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**

This report considers a planning application for a single storey rear extension and insertion of two rooflights to the rear elevation roofslope at 12 Earl Street. The single storey extension would be constructed from bricks to match the existing house with a flat roof. The proposed development would be acceptable in terms of its design and impact on neighbouring amenity and would not give rise to an adverse impact on light conditions for neighbouring occupiers. The

proposed development would incorporate measures to mitigate the impact of the development on flooding. The development is therefore acceptable in planning terms and meets the specific requirements of Policies CP1 and CP10 of the Oxford Local Plan 2001-2016, Policy CS11 of the Core Strategy (2011) and Policy HP14 of the Site and Housing Plan (2013).

### **3. LEGAL AGREEMENT**

3.1. This application is not subject to a legal agreement.

### **4. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

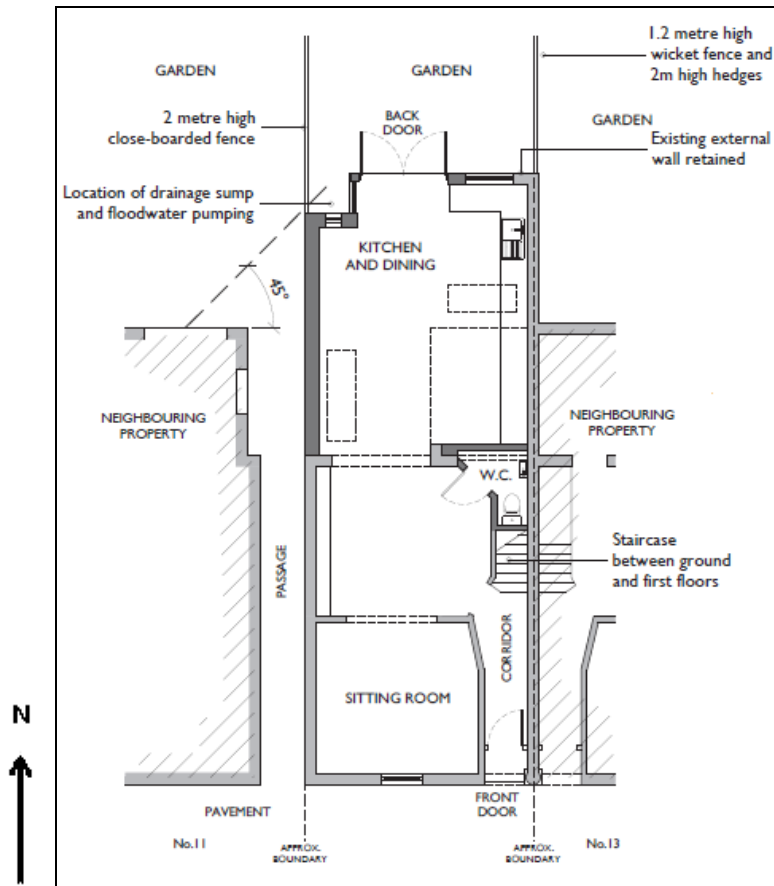
4.1. The proposal is not CIL liable.

### **5. SITE AND SURROUNDINGS**

5.1. The application site is an end of terrace period house on the eastern side of Earl Street off of Botley Road. Despite being close to the retail parks on Botley Road, Earl Street has a strong residential character of mainly brick or painted brick terrace houses. There is uniformity to the appearance of the houses, with many incorporating Victorian sash windows and some simple detailing.

5.2. The application property adjoins No. 13 Earl Street (and forms part of the terrace with No.s 13-17 Earl Street). There is an alley separating No. 12 from No. 11 Earl Street, this alley is owned by No. 11 Earl Street and the occupiers of No. 12 do not have use of this access. The rear aspect of the site contains a small single storey extension that extends beyond the original two storey outrigger. Neighbouring properties have also been extended and altered (with an existing extension at ground floor level present at No. 11 Earl Street and extensive additions at roof level at No. 13 Earl Street). The rear garden of the application property extends approximately 15m and there is an existing outbuilding at the end of the garden. The boundary between No. 12 and No. 13 Earl Street is a low fence. Between No. 12 and No. 11 Earl Street there is an existing 1.7m high timber fence and some mature planting.

5.3. See block plan below:



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Ordnance Survey 100019348

## 6. PROPOSAL

6.1. The application proposes a single storey rear extension. The proposed extension would be constructed from brick to match the existing house with a flat roof. The extension would infill the area between the existing outrigger (and extension beyond the outrigger) and the boundary with No. 11 Earl Street. A corner of the extension adjacent to the boundary with No. 11 Earl Street is reduced in length to decrease the impact on neighbouring amenity. The extension would be between approximately 5 and 6m in length and between 2.8 and 3m in height. At the ground floor there are proposed to be windows and patio doors facing into the garden; no windows are proposed on the side elevation of the proposed extension. At the roof level it is proposed to insert two black framed heritage type rooflights; these would serve a proposed home office at the second floor level.

6.2. The submitted plans show that a 2m high fence would be installed along the boundary with the application property and No. 11 Earl Street and a 1.2m high wicket fence and 2m high hedge is proposed to be installed between No. 12 and No. 13 Earl Street. Planning permission is not required for this aspect of the proposed development as it would be permitted development as set out in Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

## 7. RELEVANT PLANNING HISTORY

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

72/25391/A_H - Extension to form bathroom. PDV 8th February 1972.
18/02031/FUL - Erection of a single story rear extension and insertion of 2no. rooflights to rear roofslope.. PDE .

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Core Strategy	Sites and Housing Plan	Other planning documents
Design	127 and 130	CP1, CP8 and CP10	CS18		
Natural environment				CS11	
Social and community				HP14	
Transport					Parking Standards SPD
Environmental					Energy Statement TAN
Miscellaneous		CP13		MP1	Telecommunications SPD, External Wall Insulation TAN,

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 30th July 2018.

### Statutory and non-statutory consultees

9.2. None received

Public representations

9.3. None received

## 10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- Principle of development
- Design
- Neighbouring amenity
- Flooding and Surface Water Drainage

**a. Principle of development**

10.2. The proposed development is for an extension to an existing dwellinghouse. The proposed extension would be a subordinate increase to the accommodation provided in the house and would be acceptable in terms of the principle of development.

**b. Design**

10.3. The proposed development would not be visible in the streetscene as all the development proposed would be situated at the rear of the house.

10.4. The proposed use of materials to match the existing house combined with the form of the extension which would infill an existing courtyard next to an existing outrigger mean that the proposed development would form a natural and visually harmonious addition to the house. The use of the flat roof would decrease the visual prominence of the proposed addition and is a feature found elsewhere on neighbouring properties (and the host property which already benefits from a flat roof single storey extension).

10.5. The proposed rooflights would be fairly discrete and would be acceptable additions to the rear roofslope of the property.

10.6. Having had regard to the size, design and materials proposed for the development it is considered that it would be acceptable in design terms. The development therefore complies with Policies CP1, CP8 and CP10 of the Oxford Local Plan 2001-2016, Policy CS18 of the Core Strategy (2011) and Paragraphs 127 and 130 of the NPPF.

**c. Impact on neighbouring amenity**

10.7. The proposed extension would be single storey and would therefore not provide an opportunity for overlooking into neighbouring properties or gardens. The proposed rooflights would provide views over the existing garden at 12 Earl Street; whilst there would be oblique views from these rooflights towards neighbouring gardens this would not be uncharacteristic in a terrace of fairly narrow properties.

10.8. The proposed development would not impact on the amenity of No. 13 Earl Street in terms of a loss of light as the existing single storey extension at No. 12 Earl Street is being retained and there is no work proposed to extend any of the development further to the rear along this shared boundary. Because

No. 12 Earl Street lies to the north of No. 13 Earl Street there would be no impact on light for that property anyway.

- 10.9. Officers have carefully considered the impact of the proposed development on No. 11 Earl Street. There is an existing alley between the application property and No. 11 Earl Street; this affords a separation distance between the properties that reduces the impact of the proposed development on No. 11 Earl Street. An existing single storey rear extension at No. 11 Earl Street also means that the rear wall of the proposed development would only extend approximately 3.3m beyond the rear wall of No. 11. A corner of the proposed extension has also been removed along the shared boundary with No. 11 to ensure that the impact of the development on windows at ground floor level of that property aren't adversely effected in terms of a loss of light. Officers have applied the 45/25 degree code set out in Policy HP14 of the Sites and Housing Plan and the development would comply with this requirement.
- 10.10. As a result of the above, the development is considered acceptable in terms of its impact on neighbouring amenity and meets the specific requirements set out in Policy CP1 of the Oxford Local Plan 2001-2016 and Policy HP14 of the Sites and Housing Plan (2013).

#### **d. Flooding and Surface Water Drainage**

- 10.11. The application site lies in an area of defined high flood risk with most of the site being with flood zone 3. The National Planning Policy Framework Paragraph 164 set out the requirements for minor developments (which would include these proposals) and that the specific requirements for the sequential test for flooding and exception tests are not required. However, there are still specific requirements for site-specific flood risk assessments and this has been considered as part of this application.
- 10.12. The application includes measures to mitigate the impact and risk of flooding on the property. The existing outrigger would have the floor levels raised to the rest of the ground floor of the property and the new extension would also be at this higher level. As a result the proposed development is able to incorporate flood voids which would mitigate the increased covered of ground that would result from the development. The proposals also include the use of waterproof materials and raised plug sockets. The use of these mitigation measures alone would not normally make the development acceptable. However, a significant amount of ground could be covered at the rear of the host property without planning permission (as permitted development) and could be done without the need to include any flood mitigation measures. Officers have also had regard to the fact that the existing site where the extension would be located is made up of a hard surface courtyard which would be impermeable and therefore the proposed development would provide some benefit in terms of allowing increased infiltration of water. As a result, on balance the development would be acceptable in terms of its impact on flooding and surface water drainage and meets the requirements of Paragraph 164 of the NPPF and Policy CS11 of the Core Strategy (2011).

## **11. CONCLUSION**

- 11.1. On the basis of the above the development would be considered acceptable in terms of its design, impact on neighbouring amenity and impact on flooding and surface water drainage. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to conditions.

## **12. CONDITIONS**

- 1 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 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 The materials used in the external construction of the approved development shall be those set out in the approved plans and specified in the submitted application form.

Reason: To ensure that the development is visually satisfactory as required by Policy CP1 of the Oxford Local Plan 2001-2016.

- 4 Flood mitigation measures including raised electric sockets, the use of waterproof materials and flood void details (as shown in Drawing No. 169-105) shall be carried out in conjunction with the approved development unless agreed otherwise in writing by the Local Planning Authority.

Reason: To ensure that there are adequate flood mitigation measures as required by Policy CS11 of the Core Strategy (2011).

## **13. APPENDICES**

- **Appendix 1** – Site location plan

## **14. HUMAN RIGHTS ACT 1998**

- 14.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve 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.

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

15.1. 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.