

## EAST AREA PLANNING COMMITTEE

04.12.2019

<b>Application number:</b>	19/01871/CT3		
<b>Decision due by</b>	13th September 2019		
<b>Extension of time</b>	12 <sup>th</sup> December 2019		
<b>Proposal</b>	Erection of single storey rear extension.		
<b>Site address</b>	18 Lambourn Road, Oxford, Oxfordshire, OX4 4GN – see <b>Appendix 1</b> for site plan		
<b>Ward</b>	Rose Hill And Iffley Ward		
<b>Case officer</b>	Sarah Chesshyre		
<b>Agent:</b>	Mr James Cookson	<b>Applicant:</b>	Mr Gary Long
<b>Reason at Committee</b>	The application is made by the City Council.		

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### 1. RECOMMENDATION

1.1. East 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 Services to:

- finalise the recommended conditions and informatives as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary.

### 2. EXECUTIVE SUMMARY

2.1. This report considers the erection of a single storey extension to the rear of the existing dwelling.

2.2. The development is considered acceptable in design terms and will not detract from the character and appearance of the area. The proposal would not have a detrimental impact on the neighbouring properties and is considered to comply with CP1, CP6, CP8, CP10 and CP13 of the Oxford Local Plan, HP9 and HP14 of the Sites and Housing Plan, CS18 of the Core Strategy and the NPPF.

### 3. LEGAL AGREEMENT

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

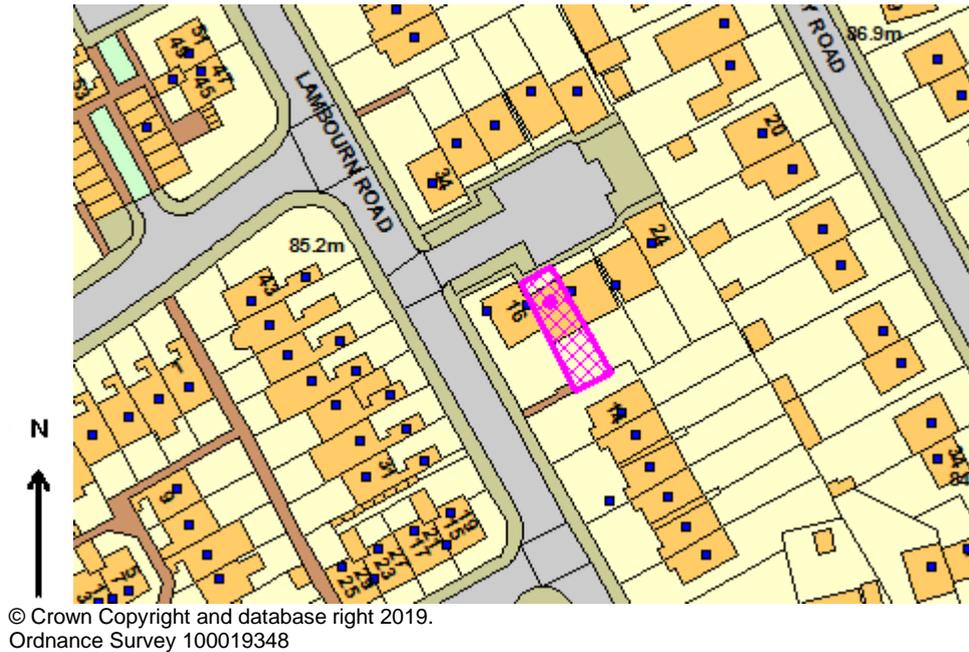
#### 4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is not liable for CIL.

#### 5. SITE AND SURROUNDINGS

5.1. The site is located within the Rose Hill and Iffley ward of Oxford to the south east of the city centre. The property is a 1.5 storey mid terrace dwelling with a modest rear garden.

5.2. See location plan below:



#### 6. PROPOSAL

6.1. The application proposes the erection of a single storey rear extension to the existing dwelling. The extension would extend beyond the existing rear elevation of the dwelling by 2.025 metres and would have a width of 6.2 metres, to occupy the full width of the plot. The extension would have a hipped roof with an eaves height of 2.5 metres and a ridge height of 4.1 metres. The extension would be finished in brick to match the existing dwelling with concrete tiles to match the existing roof. The extension would provide an additional bedroom and an additional accessible bathroom which is required to meet the specific personal needs of the applicant.

6.2. Officers note that the originally submitted plans proposed an extension with a greater depth. Officers expressed concern about the impact of the proposals on the amenity of adjoining neighbours, and subsequently the extension was reduced in depth to the minimum size that was required to meet the needs of the applicant. It was not considered necessary to re-advertise the application as the changes represented a reduction in what was proposed.

#### 7. RELEVANT PLANNING HISTORY

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

09/01499/CT3 - Demolition of existing bungalows. Erection of 38 units of affordable accommodation made up of 18 houses (16 x 3 bed, 2 x 5 bed), 10 flats (6 x 1 bed, 4 x 2 bed) and 10 x 2 bed chalet bungalows. Provision of 56 car parking spaces, cycle and bin stores and ancillary works. APPROVED 16th September 2009.

## 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	Neighbourhood Plans:
Design	Paras 117, 118, 122, 127	<b>CP1</b> Development Proposals <b>CP6</b> Efficient Use of Land & Density <b>CP8</b> Designing Development to Relate to its Context <b>CP10</b> Siting Development to Meet Functional Needs	<b>CS18</b> Urban design, townscape, character, historic environment,	<b>HP9</b> Design, Character and Context	<b>DH1</b> High quality design and placemaking
Environmental				<b>HP14</b> Privacy and Daylight	<b>H14</b> Privacy, daylight and sunlight
Miscellaneous	Paras 38, 47	<b>CP13</b> Accessibility			

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 24th July 2019 and an advertisement was published in The Oxford Times newspaper on 25th July 2019.

### Statutory and non-statutory consultees

9.2. No relevant statutory or non-statutory consultees.

## **Public representations**

9.3. No third party comments were received.

### **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- Design
- Neighbouring amenity

#### **a. Design**

10.2. Policy CS18 of the Core Strategy, HP9 of the Sites and Housing Plan and policies CP1 and CP8 of the Oxford Local Plan combine to require that planning permission will only be granted for development which shows a high standard of design that respects the character and appearance of the area and uses materials of a quality appropriate to the nature of the development and creates an appropriate visual relationship with the form of the existing building and its surroundings. Policy DH1 of the emerging Oxford Local Plan 2036 states that planning permission will only be granted for development of high quality design that creates or enhances local distinctiveness.

10.3. The existing dwelling is situated within a small close of terraced dwellings that were built in the early 2000s. The dwellings are modest in scale and form, and to date have not been added to or altered. Nonetheless, in the wider area of Lambourn Road and further afield a large number of properties have been extended by the addition of single storey extensions. The proposed extension is modest in scale, being 2 metres in depth, and would appear a subservient and proportionate addition to the existing dwelling. The hipped roof form would integrate well with the existing dwelling and would form an acceptable relationship with the dwelling and surrounding properties. The fenestration and proposed materials would also form an acceptable relationship with the existing dwelling and with adjoining buildings.

10.4. Due to the orientation of the dwelling in relation to Lambourn Road, the extension would be clearly visible from the street. However, having regard to its modest scale, its form, and the materials proposed, it is considered that it would not appear an overly prominent addition that would integrate well with the dwelling and the terrace in which it sits.

10.5. The proposals are considered a suitable addition to the existing dwelling and to the street scene, and would not result in any harm to the character or appearance of the surrounding area. The proposed development would comply with policies CS18 of the Core Strategy, HP9 of the Sites and Housing Plan and CP1 and CP8 of the Oxford Local Plan, as well as DH1 of the emerging Local Plan 2036, noting that it carries only limited weight at this time and the NPPF.

#### **b. Impact on neighbouring amenity**

- 10.6. Policy HP14 of the Sites and Housing Plan states that planning permission will only be granted for new residential development that provides reasonable privacy and daylight for the occupants of both existing and new homes. HP14 also states that planning permission will not be granted for any development that has an overbearing effect on existing homes. These requirements are carried through into the emerging Oxford Local Plan 2036 as policy H14.
- 10.7. The application site is situated between 16 and 20 Lambourn Road and adjacent to 14 Lambourn Road to the rear. The proposed extension would be adjacent to the side elevation of 14 Lambourn Road, which does not benefit from any windows, and therefore the development would not result in any loss of light, impact of overbearing or loss of privacy to no.14.
- 10.8. The proposed extension contravenes the 45 degree line when applied to the closest windows in the rear elevations of each of the adjoining properties at 16 and 20 Lambourn Road. The extension also contravenes this line slightly when the 25 degree uplift is applied.
- 10.9. The impact to 20 Lambourn Road would be limited in terms of loss of light and overbearing, as the extension would project beyond the rear elevation of no.20 by only 2 metres. Furthermore, the window in the rear elevation of no.20 that is adjacent to the extension serves an open plan kitchen-living room which benefits from a further window in the front elevation of the dwelling. Therefore, having regard to the modest depth of the extension and the relatively modest eaves height, it is considered that any loss of light to 20 Lambourn Road would be limited and would not be harmful to the amenity of occupiers of no.20. It is also considered that the proposed extension would not have an overbearing impact on the garden or dwelling given the limited depth, and would not be harmful to the outlook of the dwelling.
- 10.10. The window in the rear elevation of 16 Lambourn Road adjacent to the proposed extension serves a ground floor bedroom. The rear elevation of 18 Lambourn Road already projects beyond the rear elevation of no.16 by 2.8 metres, and so the existing arrangement would already cause some loss of light and overbearing impact to the bedroom window and the garden at no.16. The addition of the extension would exacerbate this impact slightly, resulting in some loss of light, particularly in the first half of the day. Having regard to the existing situation, and to the modest depth of the proposed extension, officers consider that the proposed development would not result in a loss of light to the bedroom window that would be unacceptably detrimental to the amenity of occupiers. The rear garden serving 16 Lambourn Road is bounded by the street to the south west, and to the south east is adjacent to the front garden of 14 Lambourn Road. As a result, the garden benefits from a substantial degree of openness to the south east and south west. Therefore, while the proposed extension would result in some impact of overbearing to the garden of no.16 and some loss of outlook to the ground floor rear bedroom, having regard to the existing sense of openness and the orientation of the garden it is considered that any impact of overbearing or loss of outlook would not be unacceptably detrimental to the amenity of occupiers at 16 Lambourn Road.

10.11. The proposed extension is at single storey only, and would not have any windows in the side elevations, and therefore would not result in any loss of privacy or impact of overlooking to neighbouring properties.

10.12. While the proposed extension would cause some limited harm to the amenity of neighbouring residential properties, officers have had regard to the mitigating factors detailed above and on balance consider that the impact to amenity would be minor and not unacceptably harmful. The proposed development is considered acceptable in terms of its impact on amenity and compliant with policy HP14 of the Sites and Housing Plan and H14 of the emerging Oxford Local Plan 2036, noting that it carries only limited weight at this time.

## **11. CONCLUSION**

11.1. Having regards to the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.

11.2. The NPPF recognises the need to take decisions in accordance with Section 38 (6) but also makes clear that it is a material consideration in the determination of any planning application (paragraph 2). The main aim of the NPPF is to deliver Sustainable Development, with paragraph 11 the key principle for achieving this aim. The NPPF also goes on to state that development plan policies should be given due weight depending on their consistency with the aims and objectives of the Framework. The relevant development plan policies are considered to be consistent with the NPPF despite being adopted prior to the publication of the framework.

11.3. Therefore in conclusion it would be necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which are inconsistent with the result of the application of the development plan as a whole.

11.4. In summary, the proposed development would be an acceptable addition to the existing dwellinghouse. The proposals are suitable in design terms and comply with policies CP1, CP8 and CP10 of the Oxford Local Plan 2001-2016, HP9 of the Sites and Housing Plan, CS18 of the Core Strategy and DH1 of the emerging Oxford Local Plan 2036 and NPPF. The proposals would not result in an unacceptable degree of harm to neighbouring amenity and are compliant with HP14 of the Sites and Housing Plan and H14 of the emerging Oxford Local Plan.

11.5. Therefore officers consider that the proposal would accord with the development plan as a whole.

### *Material consideration*

11.6. The principal material considerations which arise are addressed below, and follow the analysis set out in earlier sections of this report.

- 11.7. National Planning Policy: the NPPF has a presumption in favour of sustainable development.
- 11.8. NPPF paragraph 11 states that proposals that accord with the development plan should be approved without delay, or where the development plan is absent, silent, or relevant plans are out of date, granting permission unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole; or specific policies in the framework indicate development should be restricted.
- 11.9. Officers consider that the proposal would accord with the overall aims and objectives of the NPPF. Therefore in such circumstances, paragraph 11 is clear that planning permission should be approved without delay. This is a significant material consideration in favour of the proposal.
- 11.10. Officers would advise members that, having considered the application carefully, the proposal is considered to be acceptable in terms of the aims and objectives of the National Planning Policy Framework and relevant policies of the Oxford Core Strategy 2026, and Oxford Local Plan 2001-2016, and the emerging Local Plan 2036, when considered as a whole, and that there are no material considerations that would outweigh these policies.
- 11.11. Therefore it is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions set out in Section 12 of this report.

## **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 to be used in the proposed development shall be as specified in the application hereby approved. There shall be no variation of these materials without the prior written consent of the local planning authority.

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

- 4 All Impermeable areas of the proposed development, including roofs, driveways, and patio areas shall be drained using Sustainable Drainage measures (SuDS).

This may include the use of porous pavements and infiltration, or attenuation storage to decrease the run off rates and volumes to public surface water sewers and thus reduce flooding.

Soakage tests shall be carried out in accordance with BRE Digest 365 or similar approved method to prove the feasibility/effectiveness of soakaways or filter trenches.

Where infiltration is not feasible, surface water shall be attenuated on site and discharged at a controlled discharge rate no greater than prior to development using appropriate SuDS techniques and in consultation with the sewerage undertaker where required.

If the use of SuDS are not reasonably practical, the design of the surface water drainage system shall be carried out in accordance with Approved Document H of the Building Regulations.

The drainage system shall be designed and maintained to remain functional, safe, and accessible for the lifetime of the development.

Reason: To avoid increasing surface water run-off and volumes to prevent an increase in flood risk in accordance with policies CS11 of the Oxford Core Strategy 2011-2026

### **13. INFORMATIVES**

- 1 The applicant is advised that the Oxford City Council SuDS Design Guide can be found at [www.oxford.gov.uk/floodriskforplanning](http://www.oxford.gov.uk/floodriskforplanning)

### **14. APPENDICES**

- **Appendix 1** – Block plan

### **15. HUMAN RIGHTS ACT 1998**

- 15.1. 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.

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

- 16.1. 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.