

WEST AREA PLANNING COMMITTEE

11 January 2012

Application Number: 11/02722/FUL

Decision Due by: 26 December 2011

Proposal: Erection of a two storey side extension and first floor extension to rear of property together with associated internal alterations. (Amended plans)

Site Address: 3 Lathbury Road, Oxford (Appendix 1)

Ward: St Margarets Ward

Agent: Ridge

Applicant: Mr Laurie Kennedy

The application has been called-in by Councillors Campbell, Brundin, Jones and Gotch on the grounds that the proposed extension is potentially overbearing and out of keeping with the Conservation Area.

Recommendation:

APPLICATION BE APPROVED

Reasons for Approval:

- 1 The proposed extensions are considered to be of a form, scale and appearance such that they reflect the architectural integrity of the existing house as well as the special character and appearance of the North Oxford Victorian Suburb Conservation Area in which the application site is located. No significant harm to neighbouring residential amenity is considered to result from the proposals. The proposals are therefore considered to accord with policies CP1, CP6, CP8, CP9, CP10, HE7 and HS19 of the Oxford Local Plan 2001-2016 as well as policy CS18 of the Oxford Core Strategy 2026.
- 2 The Council considers that the proposal, subject to the conditions imposed, would accord with the special character and appearance of the conservation area. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity.

Conditions:-

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Sample Materials
- 4 Timber Windows

- 5 No additional windows
- 6 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
- CP9** - Creating Successful New Places
- CP10** - Siting Development to Meet Functional Needs
- HE7** - Conservation Areas
- HS19** - Privacy & Amenity

Core Strategy

- CS18** - Urban design, town character, historic environment

Other Material Considerations:

This application site falls within the North Oxford Victorian Suburb Conservation Area.

- PPS1** – Delivering Sustainable Development
- PPS5** – Planning for the Historic Environment

Relevant Site History:

03/00180/FUL – Demolition of garage and erection of single storey side and rear extensions – Permitted April 2003

08/01310/FUL - Erection of single and two storey side extensions and first floor rear extension. New railings and gate to front of property and new bicycle shed – Withdrawn September 2008

08/02428/FUL - Single and two storey side extensions. New railings and gate to front of property and new bicycle shed. (Amended plans) – Permitted January 2009

Representations Received:

Lathbury Road Residents Association – Object on the following grounds:

- Whilst the amended plans reduce the side extension the proposed rear extension will substantially reduce the amount of daylight and sunlight received into the windows of habitable rooms of 5 Lathbury Road;
- The scheme does not comply with the Council's daylight guidance set out in the Local Plan.

Oxford Civic Society – Object on the following grounds:

- The extensions would change the appearance of the semi-detached pair of houses due to the loss of symmetry.

The Victorian Group of the Oxfordshire Architectural and Historical Society – Object on the following grounds:

- The extensions would ‘throw out’ the proportions of the pair of houses as seen from the street.

Ten third party objections have been received from eight different addresses (1 Lathbury Road, 5 Lathbury Road, 2 Elmsfield Road, 2 Cunliffe Road, 11 Lathbury Road, 18 Lathbury Road, 24 Merrivale Square and 180 Woodstock Road) citing the following concerns:

- The proposed side extension is too close to 5 Lathbury Road and would create a detrimental sense of enclosure for the occupiers of that property;
- The extensions would significantly reduce light into windows of habitable rooms of both 1 and 5 Lathbury Road, particularly the dining room of 5 Lathbury Road;
- The pair of houses were designed by well known architect Frank Mountain in the Arts and Crafts style and present a very pleasing entrance to Lathbury Road. The houses were designed as a pair and the extensions proposed will result in a loss of the original symmetry – a key feature which contributes to the Conservation Area;
- The changes proposed do not preserve the character of the Conservation Area and, even the rear extension, would be visible from Lathbury Road;
- Views from the ground floor of 1 Lathbury Road towards the sunset would be partially blocked;
- The changes proposed are more radical than anything permitted by the Council in the past;
- The extension would reduce sunlight to the existing solar panels on the rear roofslopes of 1 Lathbury Road harming the energy efficiency of the house;
- The proposed rear extension is excessive in size and the roof form has changed from hip to gable such that the original character of the pair of houses would be harmed;
- Approving the proposed extensions would result in yet another ‘nibble’ at the North Oxford Conservation Area as a result of the intrusive scale of the extensions.

Statutory and Internal Consultees:

Thames Water – No objection

Officers Assessment:

Site Description

1. The application site relates to a large two storey semi-detached house in Lathbury Road that was built in 1905 by the notable architect Frank Mountain and features an original two storey element to the rear stepping down from the main range of the house. The dwelling has already been enlarged through the addition of single storey side and rear extensions in the recent past. The property features a large private rear garden, a feature common to the majority of other houses in Lathbury Road.

2. The site lies within the North Oxford Victorian Suburb Conservation Area where a key characteristic is the setting of large semi-detached and detached houses within generous sized plots featuring landscaped gardens and streetscenes.

3. The existing house primarily features white roughcast rendered external walls with facing brick cills, plinths and decorative panels in addition to a plain clay tiled roof with small sections of leaded flat roof. The windows and doors are of painted timber construction.

Description of Proposal

4. The application seeks permission for a hipped roof two storey side extension projecting towards 5 Lathbury Road and a two storey gabled rear extension. The materials are proposed to match those of the existing house. Amended plans were submitted part way through the application process and these differed from the original plans in that they reduced the size of the side extension and increased the depth of the rear first floor extension. Further public consultation was carried out following receipt of these amended plans and it is on the basis of these amended plans that the application will be considered.

Officers consider the principle determining issues in this case to be:

- Impact on the North Oxford Victorian Suburb Conservation Area
- Impact on Neighbouring Residential Amenity

Impact on the North Oxford Victorian Suburb Conservation Area

5. The Council acknowledges the strengths of Oxford as a historic city and, through policies CP1 and CP8 of the Local Plan, it aims to enhance the quality of the environment through the improved design qualities of new development. Indeed policy CP1 states that all new development should 'show a high standard of design that respects the character and appearance of the area'. In addition to these city wide design policies, the site is also covered by policy HE7 of the Local Plan as it is located within the North Oxford Victorian Suburb Conservation Area and, as such, all new development is required to preserve or enhance the special character and appearance of the area. The necessity for Council's to give due consideration to the special character and appearance of conservation areas in its decision making is set out in the Planning (Listed Building and Conservation Areas) Act 1990 as well as reflected in Government guidance document PPS5.

6. The North Oxford Victorian Suburb Conservation Area is, as set out in the Council's Conservation Area appraisal, characterised by large detached and semi-detached dwellings set within spacious plots. The gaps between buildings are recognised as helping to create the garden suburb quality that is a key feature of the conservation area in addition to the substantial private garden and street based landscaping.

7. The gap between the application site and 5 Lathbury Road has, to an extent, already been compromised by the single storey side extension at ground floor level. Although the first floor extension would reduce the appearance of this gap somewhat it would, in reality, only extend to half the width of the existing single storey extension. It is further noted that any impact on the streetscene would be lessened by the fact that it is set back approximately 11m from the front of the building and

would not be visible from oblique views into the site from Lathbury Road. It is also of substantial material weight in the consideration of the proposals that a two storey side extension of very similar form, scale and appearance was permitted by the Council in January 2009 such that officers consider that it would not be reasonable to now object to this element of the scheme.

8. The application also seeks permission for a first floor rear extension over the existing single storey rear extension (constructed following planning permission being granted in 2003) such that it continues the original rear projecting two storey element at its same height and width. Whilst the rear extension is likely to be visible from the street through the gap between 3 and 5 Lathbury Road officers consider do not consider this objectionable given that the rear first floor extension is thought to be entirely within keeping with the character and appearance of the house as well as the wider Conservation Area.

9. Whilst the property is located within the Conservation Area it is not considered to be of such significant individual architectural or historical merit to be worthy of listing and, by simply being in a conservation area, it does not put a blanket restriction on new development particularly where proposals are designed to be of an appropriate nature. Indeed Government guidance in PPS5 states that local planning authorities should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment in their decision making.

10. It is the opinion of officers that the symmetry of the rear of the semi-detached houses of 1 and 3 Lathbury Road is not an important contributor to the Lathbury Road streetscene or the Conservation Area particularly as a direct view of either the side or rear aspects of both of these properties at the same time is not possible such that their symmetry could not directly be seen from the public realm. Many of the buildings designed by Frank Mountain were not contrived to be deliberately symmetrical and it should be noted that, as result of extensions and alterations to the two properties in recent years, that any of their original symmetry (other than that of the frontages) has been generally lost. Indeed many of Frank Mountain's designs simply reflected the budget available for construction and, as a result, a number of potentially pleasant features were often omitted. In this regard officers consider the proposed four light casement window to the rear at first floor level to be a most welcome addition.

11. On this basis officers consider the key elevation of the semi-detached properties to be the front since these not only remain largely original in appearance but also have the greatest visual impact on the Conservation Area. A first floor rear extension of the same scale, height, massing, alignment and materials as of the existing house is not considered to be at all out of character and the alteration to the roof form – from hip to gable – neatly matches the existing gables to the front, side and rear of the house as well as that at the adjoining property. Officers therefore consider that any impact on the Conservation Area would at the very least preserve its existing character and appearance particularly given the proposed siting of the extensions towards the rear of the property and only visible through a relatively narrow gap between 3 and 5 Lathbury Road that is partly screened by existing vegetation.

Impact on Neighbouring Residential Amenity

12. The properties that stand to be most affected by the proposed development would be the adjoining property of 1 Lathbury Road and the adjacent property, 5 Lathbury Road.

13. Policy HS19 of the Local Plan states that planning permission will only be granted for development that adequately provides for the protection of the privacy or amenity of the existing neighbouring residential properties. Policy CP10 of the Local Plan also states that development should be sited to ensure that the amenity of other properties is adequately safeguarded and this requirement is further reflected in policy CP1 which adds that development proposals must safeguard the amenities of adjoining land users and occupiers.

14. With regards to 1 Lathbury Road officers consider that the proposed development would have no material impact on the amenity enjoyed by occupiers of the dwelling. The extensions clearly comply with the daylight guidance set out in Appendix 6 of the Local Plan and, in combination with the property's south facing garden, the majority of the existing levels of sunlight would continue to be received. The proposed extensions are also sited a significant distance away from the boundary with 1 Lathbury Road and would therefore not be overbearing to occupiers enjoying the rear garden. An existing side window currently overlooks part of the rear amenity space of 1 Lathbury Road and the additional side window proposed is not considered to result in a material increase in overlooking such that it could be considered unacceptable. It is noted that concern has been raised by the occupiers about the loss of view to the southwest from the rear windows/garden of 1 Lathbury Road though officers would point out that such private views are not matters that should weigh in the determination of the planning application. Some concern has also been raised about the reduction in sunlight to the existing solar panels on the rear roof slopes of 1 Lathbury Road. However the height and width of the proposed first floor extension are not considered by officers to be significant enough to block significant amounts of sunlight and, in any event, the Council's amenity policies do not extend to safeguarding sunlight for such purposes.

15. The proposed two storey side extension projects towards the side of 5 Lathbury Road. It extends to approximately half the depth of the existing single storey side extension and, at its closest point, would be about 3.6m from the side wall of this neighbouring house. Whilst this is relatively close to the existing dining room window of the neighbouring property it is not proposed to be sited directly in front of this window and is set back and set down such that it complies with daylight guidance contained within Appendix 6 of the Local Plan. In any event, there is a secondary window of significant size in this neighbouring dining room that faces towards 7 Lathbury Road and which allows substantial amounts of light into the room. Officers would also point out the side extension proposed is very similar in form and scale to that permitted by the Council in January 2009 and this permission is still extant. Consequently officers consider that, similar to the extant scheme, it will adequately provide for neighbouring amenity both in terms of protecting unacceptable outlook from windows of habitable rooms as well as light into them. Facing ground floor windows in this side elevation are recommended to be conditioned such that only obscure glazing is used in order to prevent any loss of privacy into rooms of 5 Lathbury Road.

16. The proposals also include a first floor extension above the existing single storey rear extension. Despite the resultant increased in depth of the two storey rear extension the development would not breach the Council's daylight guidance (as demonstrated on the submitted plans) with respect to the east facing of the dining room of 5 Lathbury Road and it is considered to be of significant weight that a secondary window to the room of significant size is located in the opposite side wall. This should, in officers' opinion, ensure that more than sufficient amounts of light would still enter the dining room with no consequent significant harm to the amenity of occupiers caused. Furthermore, the proposed first floor extension would be set approximately 4.7m at its closest point from the neighbouring house which officers consider to be more than sufficient to prevent any significant overbearing impact on occupiers using the room. The proposed extension projects no further to the rear than the farthest rear wall of 5 Lathbury Road and as such will not have an overbearing impact on the rear garden or cause a material reduction in the amount of light to it.

17. The rear extension also includes a window at first floor level however given that the proposed extension projects less far than the existing rear of 5 Lathbury Road it is not considered to result in a significant loss of privacy for occupiers using the rear garden.

Sustainability:

The site is already developed for residential purposes and the proposals would attempt to make a more efficient use of land in a sustainable urban location.

Conclusion:

18. The proposed extensions are considered to reflect the character and appearance of the existing house as well as well preserve the important local distinctiveness of the North Oxford Victorian Suburb Conservation Area. In addition the extensions are not considered to result in significant harm to the levels of amenity currently enjoyed by occupiers of neighbouring residential properties. The proposals are therefore considered to comply with all relevant policies of the development plan with no other material considerations of sufficient weight to justify coming to any other conclusion that to recommend approval of the application.

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 approve, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers: 03/00180/FUL, 08/01310/FUL, 08/02428/FUL & 11/02722/FUL

Contact Officer: Matthew Parry

Extension: 2160

Date: 21 December 2011

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