

Oxford City Planning Committee

23rd January 2024

Application number:	23/02342/FUL		
Decision due by	5th December 2023		
Extension of time	N/A		
Proposal	Removal of 1no. rooflight to rear elevation. Alterations to fenestration. Insertion of 3no. ventilation grilles to front elevation.		
Site address	34 Canal Street, Oxford, Oxfordshire, OX2 6BQ – see Appendix 1 for site plan		
Ward	Carfax And Jericho Ward		
Case officer	Rob Fowler		
Agent:	Jessop And Cook	Applicant:	C/O Mr Harry Tuke Architects
Reason at Committee	The application has been submitted on behalf of a Councillor.		

1. RECOMMENDATION

1.1. Oxford City 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. **delegate authority** to the Head of Planning 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 and Regulatory Services considers reasonably necessary

2. EXECUTIVE SUMMARY

2.1. This report considers the removal of one rooflight to the rear elevation, alterations to the fenestration (including the replacement of windows) and the insertion of three ventilation grilles to the front elevation.

2.3. Officers conclude that the proposed development is acceptable with regards to its design and although it would cause a low level of less than substantial harm to the character and appearance of the Jericho Conservation Area, the benefits of the scheme are considered to outweigh this low level of harm. The

proposal would not cause any detrimental impacts to the amenity of any neighbouring dwellings, subject to the recommended conditions and informatives. Overall, the proposal is considered to accord with Policies DH1, DH3 and RE1 of the Oxford Local Plan 2036, the NPPF and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2.4. This report has been cleared by the Council's monitoring officer.

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

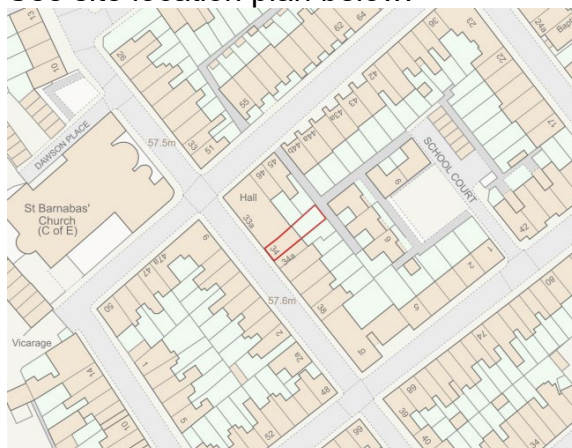
5.1. The site is located within the Jericho Area of Oxford, to the north west of the City Centre. The application site is located on the north east side of Canal Street. The property is a three storey (two storeys plus attic) terraced dwelling finished in red brick.

5.2. There is an existing single storey rear element with patio doors, sidelight windows and one rooflight in the lean-to roof which has slate finish tiles and matches an adjacent extension at 34a Canal Street.

5.3. Canal Street is predominantly residential in character, although the site is located adjacent to the Jericho Community Centre, at 33 Canal Street. To the north west of the site is St Barnabas Church which is a Grade I listed building.

5.4. The site is located within the Jericho Conservation Area. The property is also covered by an Article 4 Direction meaning permitted development rights have been removed for certain changes to the property, including alterations to the front elevation and windows.

5.5. See site location plan below:



6. PROPOSAL

- 6.1. The application proposes the removal of the existing rooflight to the rear elevation of the existing extension. The application also proposes alterations to the fenestration and the insertion of three ventilation grilles to the front elevation.
- 6.2. The alterations to the fenestration include the replacement of the three existing single glazed timber framed sash windows with double glazed timber framed sash windows to the front elevation. The proposals also include replacing the existing single glazed timber casement window to the dormer on the front elevation with a triple glazed timber casement window. To the rear, it is proposed to replace the existing single glazed timber casement windows with triple glazed timber casement windows. It is also proposed to replace the rear patio doors with double glazed timber framed doors. Lastly, it is proposed to replace the existing solid timber front door with a replacement solid timber front door.
- 6.3. The proposed ventilation grilles would be installed to the front elevation, with one at ground floor level, one at first floor level and one at second floor level, serving the kitchen and bathrooms.

7. RELEVANT PLANNING HISTORY

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

00/01855/NF - Demolition of single storey extension . Second floor and single storey extensions at rear, and change of use of 34A from office and builders yard to form 2x3 bedroom houses. PER 23rd March 2001.

23/02342/FUL - Removal of 1no. rooflight to rear elevation. Alterations to fenestration. Insertion of 3no. ventilation grilles to front elevation.. PCO .

8. RELEVANT PLANNING POLICY

- 8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Other planning documents
Design	131-141	DH1: High quality design and placemaking	
Conservation/Heritage	195-214	DH3: Designated heritage assets	Jericho Conservation Area Appraisal

Housing		H14: Privacy, daylight and sunlight	
Environmental	180	RE7: Managing the impact of development	
Miscellaneous	7-12	S1: Presumption in favour of sustainable development	

9. CONSULTATION RESPONSES

- 9.1. Site notices were displayed around the application site on 25th October 2023 and an advertisement was published in The Oxford Times newspaper on 27th November 2023. An amended Design and Access Statement was submitted on the 29th November to provide additional information on the justification for the proposals and consideration of other options to improve the thermal performance of the property. In addition, a section drawing of the proposed window was submitted on 29th November to confirm the sitting of the glazing bars on the window.
- 9.2. On 3rd January 2024 amended plans were submitted that altered the proposed ground and first floor windows from the originally proposed triple glazed windows to double glazed windows. This alteration to the plans was made following discussions between the applicant's agent and officers; as this reduces the visual difference between the existing and proposed plans it is considered that it was not necessary to carry out further consultation on the amended proposals.

Statutory and non-statutory consultees

Local Highways Authority

- 9.3. No objection.

Jericho Community Centre

- 9.4. No objection.

North Oxford Association

- 9.5. No objection.

William Lucy Way Association

- 9.6. No objection.

Oxford Preservation Trust

9.7. The property is located within the Jericho Conservation Area with the area being covered by an Article 4 Direction. The designated area is vulnerable to the cumulative impact of alterations to windows, particularly those which are street facing, as the fenestration on properties can play a key part in forming the wider character of the area. OPT supports the principle behind the proposals to reduce the carbon footprint and energy use of 34 Canal Street. However, a balance needs to be struck between carbon reduction and avoiding damage to the overall character of the Conservation Area. OPT questions whether alternative ways to increase the energy efficiency of the house which does not damage the historic fabric, such as installing secondary glazing, has been explored by applicants.

9.8. **Officer Response**

As a result of receiving the comments, further clarification was sought from the agent in regard to details of the glazing bars. Following this, a revised section drawing was submitted. Further clarification was also sought on the drawings and the Design and Access Statement, as some of the statements on the window design, as highlighted above, were contradictory. An amended Design and Access Statement clarified this. Finally, clarification was sought from the agent in regard to consideration of other locations for the proposed ventilation grilles. This was then included in the amended Design and Access Statement. This has been addressed in further detail in the below sections of this report. Changes to the plans to alter the proposed and ground floor windows from triple glazed to double glazed windows were submitted by the applicant's agent.

Public representations

9.9. No representations received.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- I. Principle of development
- II. Design and impact upon designated heritage assets
- III. Impact on neighbouring amenity

I. Principle of development

10.2. Policy S1 of the Oxford Local Plan states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. This applies to paragraphs 10 and 11 of the NPPF which state that a presumption in favour of sustainable development is at the heart of national planning policy. The Council will work proactively with applicants to find solutions jointly which mean that applications for sustainable development can be approved where possible, and to secure development that improves the

economic, social and environmental conditions in the area. Planning applications that accord with Oxford's Local Plan and national policy will be approved without delay, unless material considerations indicate otherwise.

- 10.3. Specifically, where this application is concerned, the Council shall support enhancements to people's homes where they accord with the identified requirements of local and national planning policy, in addition to the legislative requirements the Council is required to undertake. As a householder development the proposals seek to specifically address the energy performance of the property and represent relatively small-scale changes to the dwelling. In this case, planning permission would be granted without delay subject to the acceptability of the design of the proposal in relation to Policies DH1 and DH3 of the Oxford Local Plan 2036. The proposal must also not be detrimental to the amenity of neighbouring occupiers' in accordance with Policies H14 and RE7 of the Oxford Local Plan 2036, in addition to the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 10.4. Since the submission of the application the NPPF has been revised (on 19th December 2023) with the insertion of an additional paragraph (Paragraph 164). The paragraph specifically refers to the need for local planning authorities to give **significant weight** to the need to support energy efficiency and low carbon heating improvements to existing buildings. Paragraph 164 of the NPPF is clear that where a proposal affects a Conservation Area (or any other designated heritage asset) then the existing requirements of the NPPF are still applicable including the **great weight** given to the conservation of a designated heritage asset (Paragraph 205 of the NPPF).

II. **Design and impact upon designated heritage assets**

- 10.5. Policies DH1 and DH3 of the Oxford Local Plan, seek to ensure that development is of a high-quality design, relates well to the existing house and its surroundings, and respects and enhances the historic environment.
- 10.6. Paragraph 205 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 208 also states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 10.7. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 also requires Local Planning Authorities to have special regard to the desirability of preserving or enhancing the character and appearance of the Conservation Area to which great weight is attached and it is accepted is a higher duty.

- 10.8. No. 34 Canal Street lies within the Central Jericho area of the Jericho Conservation Area. The Conservation Area Appraisal defines Central Jericho as a blend of terraced cottages tightly packed along narrow streets. The overarching character is one of regularity, created from the building line, roof line, form, scale and materials of the buildings. It is enclosed and intimate with its core character supplemented by individual expressions of architectural details that reflect the styles and personality of the army of small-scale developers that built out the area. Other features that contribute to the consistency of the character of Jericho are wooden sash windows, and panelled doors.
- 10.9. The character and appearance of Jericho is principally defined by the terraced housing that makes up a large part of its built form. The design, scale and architectural language of the terraced housing makes an important contribution to the character and appearance of the Conservation Area. As part of that, the long, uninterrupted roof slopes of the terraces, frequently stretching the length of a street “block” and the consistent design and appearance of features of the facades, windows and doors (19th Century traditional, balanced, timber framed sash windows), although there will be some variation as to siting within the depth of the building façade there is some consistency in streets arising from the fact that these were built by the same builders using the same “pattern book designs”. There is also a consistency of materials with some variation in use/pattern in part to denote a building importance hierarchy.
- 10.10. This application proposes energy efficiency measures to reduce the energy use and carbon footprint of the building. The measures have been chosen as part of a whole house approach to retrofit that assesses the most appropriate number of measures for the individual house. The proposed double glazed windows at ground and first floor on the front elevation represent the minimum thermal performance to meet current building regulations.
- 10.11. The removal of the rear rooflight would not have any impact on either the character or appearance of the Jericho Conservation Area. The Article 4 Direction covering the Jericho area has removed permitted development rights for the insertion of rooflights facing onto a highway or waterway. As the rooflight to the rear at ground floor level would not face onto a highway or waterway, and includes the removal of the rooflight, this would not be relevant. The Article 4 Direction also restricts against changes in roofing material and therefore the re-roofing of the rear extension following the removal of the rooflight should be to match the existing material of the roof of the extension. This would be the case as the roof is proposed to be finished in slate to match the existing roof material of the extension. Given that the material of the roof would be reinstated to match the existing following the removal of the rooflight, this would be considered acceptable in design terms and would protect the character and appearance of the Conservation Area.
- 10.12. The sash windows are currently single glazed and other glazing is in need of replacement and therefore is considered to be poor performing and currently causes a loss of heat to the dwelling. Although secondary glazing is a potential approach to improving glazing performance, which has been considered by

the applicants, the existing sash windows extend beyond the internal wall finish, so there is not an internal reveal to properly fit secondary glazing. Robust trickle vents are also required which is difficult to achieve with secondary glazing. The sash windows are therefore proposed to be replaced with double glazed sash windows, with cord and weights, sitting in the same recessed opening, set back from the front facade. The second floor dormer windows is to be replaced with a triple glazed casement to match the general arrangement of the current windows as much as possible.

- 10.13. The proposed windows at ground and first floor would be a like-for-like replacement of the existing timber sash and casement windows, except that they would be double glazed, instead of single glazed. Although double-glazed units are not an original feature of these types of buildings and can cause harm due to their bulky appearance, this would not be the case with this proposal, as the materials proposed are to match the existing timber windows. Officers have taken a carefully considered approach when recommending this application for approval and taking into account the thermal performance upgrade the proposed windows would provide to the property having had regard to the requirements of Paragraph 164 of the NPPF). The sections show the depth of the window would be maintained within the reveals so as to preserve the external relationship. The cord and weights would sit in the same recessed opening, set back from the front elevation, although the frame profile would be slightly wider to accommodate double glazing, improved thermal performance and trickle vents. The external finishes of the timber windows would be white painted timber to match the existing windows, with the same glazing bars and arrangements as existing.
- 10.14. Therefore, as the double-glazed units at ground and first floor would be inserted into the existing timber box frames and would retain the same arrangement in terms of design and materiality, there would be a minimal visual difference of the proposed windows. Furthermore, the arrangement of the windows would remain the same, with three two-over-two sash windows and one casement window to the front elevation and two casement windows to the rear as well as replacement timber framed patio doors to the extension. Officers have sought additional information and changes to the plans to ensure that the impacts of the replacement fenestration would be minimal, due to the existing timber box sash frames remaining and sympathetic design in terms of arrangement and materiality. Where changes would be visually apparent further justification has been sought from the applicant's agent to demonstrate that there is no practical alternative. The proposed ground and first floor windows are directly adjacent to the pavement and as a result there would be a small visual difference with the thickness of the glazing and the nature of the glazing bars (as described above); these changes would be perceptible as the overall profile of the window would be thicker. Given the importance of windows to the significance of the Jericho Conservation Area there would be a low level of less than substantial harm caused to the character, appearance and special significance of the Conservation Area.
- 10.15. The replacement door is acceptable and would have a minimal impact on the street scene and wider Conservation Area. The replacement door would be of

timber construction and painted the same colour to match the existing which is considered acceptable, given there would be a minimal visual difference. This would not impact upon the character and appearance of the Conservation Area.

- 10.16. The external ventilation grilles are proposed to the front elevation, at each floor level, originally these were proposed to be grey to match to the rainwater goods but officers have specifically sought that these should be terracotta to match surrounding brickwork (and a condition is recommended to that effect). The Design and Access Statement submitted as part of the application states that due to the existing services and layouts in the corners of rooms where ducting would be possible, ventilation from the kitchen and bathrooms to the roof are not possible, making wall ventilation grilles the necessary option. Other options such as ventilation through the roof and locating this on the rear roof slope were considered, however the layout is not possible to fit a vertical run of ducting to the roof rather than walls from the ground floor kitchen and first floor bathroom. Additionally, ventilation ducts should not be more than 1.5 metres long under regulations.
- 10.17. The proposed insertion of mechanical ventilation termination grilles in the front façade of the building would minimally interrupt the brick façade with non-traditional elements. The brickwork facades of buildings make an important contribution to the special character and appearance of the Jericho Conservation Area and these insertions would result in a low level of less than substantial harm.
- 10.18. Officers acknowledge that the neighbouring property at No. 34A has installed a ventilation grille to the front façade at first floor level, although this was installed prior to the adoption of the Jericho Conservation Area in February 2011, which has since informed a better understanding of the contribution of development proposals to the character and appearance of the different character areas in the Conservation Area.
- 10.19. Officers note that although the grilles would partly interrupt the front façade of the property, the proposed ventilation grilles would be of a minimal size and officers consider that there would be clear and convincing justification for the unavoidable harm that would be caused through the proposed interventions to improve the thermal efficiency and reduce heat/energy use that the applicant is proposing. The information provided by the applicant, in particular the submitted Cosy Homes report which outlines the retrofitting measures for the property, states that a new boiler, new windows and doors, insulation and ventilation could reduce total carbon dioxide content by 46% from 3.53 tCO² to 1.92 tCO² annually; though this figure was based on the use of triple glazing at the front elevation and there will be a slight reduction in the improvements arising from the use of double glazing instead. The report has established that the proposed removal of the rooflight and alterations to fenestration would not cause harm to the character and appearance of the Conservation Area and that the ventilation installation would give rise to a low level of less than substantial harm.

- 10.20. Due to the reasons given above, the development proposal has been assessed as resulting in a low level of less than substantial harm to the significance of the Jericho Conservation Area, and in accordance with the NPPF, this harm should be weighed against the public benefits of the proposal.
- 10.21. Further to the above, in identifying public benefits that arise from a proposed development it should be made clear that normally an improvement to an existing home represents a private benefit rather than a public benefit. However, Paragraph 157 of the NPPF requires that Local Planning Authorities support the transition to a low carbon future and recognise that environmental objectives are an overarching objective of the planning system set out in Paragraph 8 of the NPPF.
- 10.22. Importantly the recent insertion of the new Paragraph 164 of the NPPF places significant weight on the need to support energy efficiency for existing buildings, both domestic and non-domestic. In this context, and in the context of the recognition of the shared societal challenge of reducing carbon emissions it is considered that carefully considered and justified energy efficiency improvements to existing buildings can be considered to represent a public benefit. Officers are satisfied that the harm identified to the Conservation Area has been reduced as far as is possible whilst still providing the energy efficiency measures that are reasonably required and further information has been provided to justify the proposals in the context of a holistic approach to improving the thermal and energy performance of the building. Where possible further mitigation is provided by the use of conditions to require specific materials to ensure that the harm to the Conservation Area is minimised. On balance, having considered the requirements of Policy DH3 and Paragraph 208 of the NPPF it is considered that the public benefit of improving energy efficiency and thermal performance of an existing building outweighs the low level of less than substantial harm to the Conservation Area.
- 10.23. On the above basis, officers are satisfied that the proposals therefore meet the requirements of Policy DH3, Paragraphs 205-208 of the NPPF and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF and Policies DH1 and DH3 of the Oxford Local Plan.

III. Impact on neighbouring amenity

- 10.21 Policy H14 states that planning permission will only be granted for new development that provides reasonable privacy, daylight and sunlight for occupants of both existing and new homes and does not have an overbearing effect on existing homes. Appendix 3.7 of the Oxford Local Plan sets out guidelines for assessing the loss of sunlight and daylight using the 45/25-degree code.
- 10.22 Policy RE7 states that planning permission will only be granted for development that ensures that the amenity of communities, occupiers and neighbors is protected.

- 10.23 The proposed removal of rooflight to the rear elevation, alterations to the fenestration, replacement front door, and installation of ventilation grilles to the front elevation would have no impacts on residential amenity including a loss of light or privacy.
- 10.24 The proposal would therefore accord with Policy H14 of the Oxford Local Plan 2036.

11. CONCLUSION

- 11.1 On the basis of 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 it clear that proposals should be assessed in accordance with the development plan unless material consideration indicate otherwise.
- 11.2 In the context of all proposals paragraph 11 of the NPPF requires that planning decisions apply a presumption in favour of sustainable development. This means approving development that accords with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in the Framework that protect areas or assets of particular importance provides clear reasons for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 11.3 Therefore 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.

Compliance with development plan policies

- 11.4 In summary, the proposed development would enhance a residential property and is supported by the overall objectives of the Oxford Local Plan 2036 and Policy S1. Although the proposal would cause a low level of less than substantial harm upon the character and appearance of the Jericho Conservation Area, the public benefits of the scheme are considered to outweigh this low level of harm and it is considered to accord with Policies DH1 and DH3 of the Oxford Local Plan 2036, the NPPF, and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposals would not be detrimental upon any neighbouring occupiers and would comply with Policies H14 and RE7.
- 11.5 Therefore officers consider that the proposal would accord with the development plan as a whole.

Material considerations

- 11.6 The principal material considerations which arise are addressed above, and follow the analysis set out in earlier sections of this report.
- 11.7 Officers consider that the proposal would accord with the overall aims and objectives of the NPPF for the reasons set out in the report. 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.
- 11.8 Officers would advise members that, having considered the application carefully, including all representations made with respect to the application, 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 Local Plan 2036 and that there are no material considerations that would outweigh these policies.
- 11.9 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

Time limit

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.

Development in accordance with approved plans

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 and to comply with Policy DH1 of the Oxford Local Plan 2036.

Materials

3. Notwithstanding the requirements of Condition 4 the materials and external finish of the approved development including with respect to the approved windows details shall be those specified in the submitted application form and approved plans.

Reason: To ensure that the development is acceptable in the context of its

impact on the Jericho Conservation Area as required by Policy DH3 of the Oxford Local Plan (2036).

4. Notwithstanding the approved plans the approved extract grilles shall match as closely as possible the surrounding brickwork.

Reason: In the interests of reducing the harm to the Jericho Conservation Area as required by Policy DH3 of the Oxford Local Plan (2036) and Paragraph 205-208 of the NPPF.

INFORMATIVES

NPPF

1. 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.

13.APPENDICES

- **Appendix 1 – Site 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.

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