

Oxford City Planning Committee

20th August 2024

Application number: 24/00667/FUL

Decision due by 12th June 2024

Extension of time 27th August 2024

Proposal Demolition of existing rear extension at 113 Wytham Street. Erection of a part single, part two storey rear and side extension at 113. Erection of a first floor rear extension at 111 Wytham Street. Alterations to roof to form hip to gable. Formation of 2no. rear dormers in association with loft conversions. Formation of front porch to 113. Installation of 2no. solar panels to front elevation of 111. Installation of 2no. solar panels to the front elevation of 113. Insertion of 2no. rooflights to the front elevation of 111. Insertion of 3no. rooflights to the front elevation of 113. Alterations to 1no. rooflight to the front elevation of 111. Alterations to front bay window to 111. A severable development where the development at 113 and the development at 111 could be carried out individually (amended description).

Site address 111 And 113 Wytham Street, Oxford, Oxfordshire, OX1 4TN – see **Appendix 1** for site plan

Ward Hinksey Park

Case officer Victoria Ashton

Agent: Mr Grahame Elton **Applicant:** Mr & Mrs Sagar and Mrs Masih

Reason at Committee The application has been submitted on behalf of a member of staff of Oxford City Council.

1. RECOMMENDATION

- 1.1. Oxford City Planning Committee is recommended to:
- 1.2. **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
- 1.3. **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 Services considers reasonably necessary

2. EXECUTIVE SUMMARY

- 2.1. This report considers the demolition of the existing rear extension at No. 113 Wytham Street and the erection of a part single, part two storey rear and side extension at No. 113. This report also considers the erection of a first-floor rear extension at No. 111 Wytham Street as well as alterations to the roof to form hip to gable and the formation of 2 no. rear dormers in association with loft conversions at both No. 111 and No. 113. This report also considers the formation of a front porch to No. 113 and the installation of 2 no. solar panels to the front elevation of No. 111 and the installation of 2 no. solar panels to the front elevation of No. 113. Finally, this report considers the insertion of 2 no. rooflights to the front elevation of No. 111, the insertion of 3 no. rooflights to the front elevation of No. 113, alterations to 1 no. rooflight to the front elevation of No. 111 and alterations to the front bay window to No. 111.
- 2.2. Officers conclude that the proposed development is acceptable with regards to its design. The proposal would not cause any detrimental impacts to the amenity of any neighbouring dwellings, subject to the recommended conditions and informatives. The proposal would be acceptable in regard to flood risk and surface water drainage, subject to the recommended conditions. The proposal would be acceptable in regard to ecology and biodiversity, subject to the recommended conditions and informatives. Overall, the proposal is considered to accord with Policies DH1, H14, RE3, RE4 and G2 of the Oxford Local Plan 2036.
- 2.3. 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)

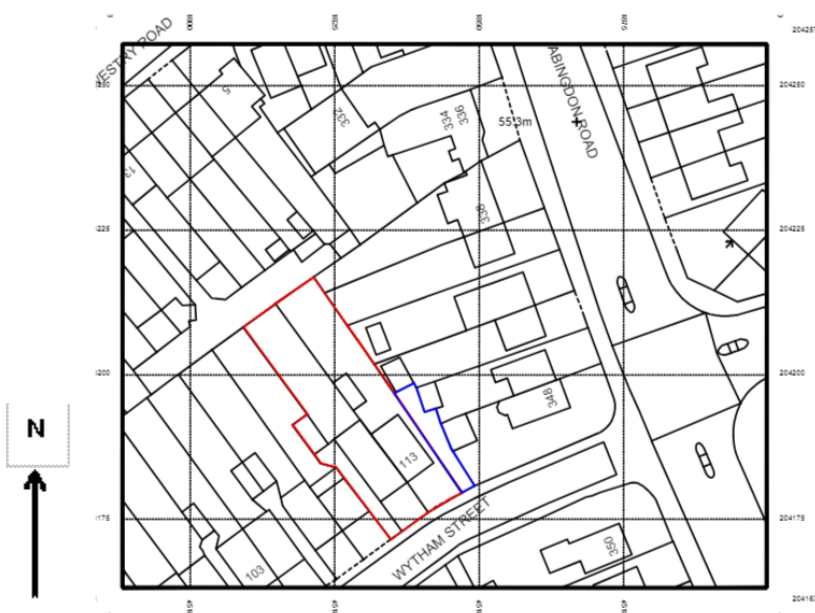
- 4.1. The proposal is not liable for CIL.

5. SITE AND SURROUNDINGS

- 5.1. The site is located on the north side of Wytham Street, to the west of Abingdon Road in the south of Oxford. No. 111 and No. 113 are a pair of semi-detached dwellings.
- 5.2. No. 111 is a two-storey, with loft-level, dwelling, finished in white render under a tiled roof. There is an existing large single storey rear extension which was approved in 2007. There is a detached single storey garage in the rear garden. The site is set back from the highway by a large driveway, with parking for two vehicles. The site is bounded by No. 113 to the east and No. 109 to the west.

- 5.3. No. 113 is a two-storey dwelling, finished in peddle dash brown render to the elevations and finished under a tiled roof. There is an existing single storey rear extension, however there is no planning history indicating when this was added. The site is set back from the highway by a large driveway, with parking for two vehicles. To the rear is a large garden. The site is bounded by the rear gardens of No. 338 to No. 348 Abingdon Road to the east, the rear gardens of several properties along Oswestry Road to the north and No. 111 Wytham Street to the west.
- 5.4. Wytham Street is entirely residential in character, although there are various commercial units along Abingdon Road to the west. Neither property lies within a Conservation Area.
- 5.5. Both properties are located within a defined area of high flood risk (Flood Zone 3b).

See block plan below:



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Ordnance Survey 100019348

6. PROPOSAL

- 6.1. The application proposes the demolition of the existing rear extension at No. 113 and the erection of a part single, part two storey rear and side extension at No. 113. The rear extension at ground floor level would have a depth of 6 metres, a width of 6.8 metres and would be finished under a flat roof with a maximum height of 2.7 metres. The rear extension at first-floor level would have a depth of 6 metres nearest the eastern boundary and a depth of 3.6 metres nearest No. 111. It would have a width of 3.6 metres and would be finished under a flat roof nearest No. 111 with a maximum height of 2.4 metres and a pitched roof nearest the eastern boundary of the site, with an

eaves height of 2.3 metres and a maximum height of 3.3 metres. The proposed side extension would have a depth of 12.8 metres and a width of 1 metre. The side extension would be single storey for a depth of 4 metres from the front elevation, with an eaves height of 2.7 metres and a maximum height of 3.6 metres. The side extension would be two-storey for a depth of 8.7 metres, with an eaves height of 6.5 metres and a maximum height of 7.6 metres for a depth of 2.8 metres and an eaves height of 5 metres and a maximum height of 6 metres for a depth of 6 metres. The extensions would be finished in render under a tiled roof.

- 6.2. The application proposes the erection of a first-floor rear extension at No. 111. The extension would have a depth of 3.6 metres, a width of 5.7 metres and would be finished under a part flat roof nearest No. 113 with a maximum height of 2.4 metres and a pitched roof nearest No. 109 with an eaves height of 2.3 metres and a maximum height of 3.3 metres. The first-floor extension would be finished in render under a tiled roof.
- 6.3. The application proposed alterations to the roof to form hip to gable and the formation of 2 no. rear dormers in association with loft conversions to both No. 111 and No. 113. The rear dormers would be of the same dimensions with a width of 5.5 metres, a depth of 3.6 metres and would be finished under a flat roof with a maximum height of 2.4 metres. The dormers would be faced in matching tiles.
- 6.4. The application proposes the formation of a front porch to No. 113. The porch would have a depth of 1.9 metres, a width of 2.4 metres and would be finished under a pitched roof with an eaves height of 2.4 metres and a maximum height of 3.3 metres. The front porch would be finished in render under a tiled roof.
- 6.5. The application proposes the installation of 2 no. solar panels to front elevation front elevation of No. 111 and No. 113. The application proposes the insertion of 2 no. rooflights to the front elevation of No. 111 and the insertion of 3 no. rooflights to the front elevation of No. 113 as well as alterations to 1 no. rooflight and bay window to the front elevation of No. 111. Finally, the application proposes alterations to the bay window of No. 111.

7. RELEVANT PLANNING HISTORY

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

02/01491/FUL - Single storey rear extension. Conversion of garage to living accommodation. Single storey extension.. PER 1st October 2002.
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07/01143/FUL - Erection of single storey rear extension.. PER 26th July 2007.

23/02136/FUL - Erection of a part single, part two storey rear and side extension at 113 Wytham Street. Erection of a first floor rear extension at 111 Wytham
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Street. Alterations to roof to form hip to gable, formation of 2no. rear dormers, alterations to 1no. rooflight to the front elevation of 111, insertion of 2no. rooflights to the front elevation of 111, installation of 2no. solar panels to front elevation of 111, insertion of 3no. rooflights to the front elevation of 113 and installation of 2 no. solar panels to the front elevation of 111 and 2 no. solar panels to the front elevation of 113 (Amended plans and description). Withdrawn 4th March 2024.

8. RELEVANT PLANNING POLICY

8.1. The following policies in the below table are relevant to the application.

8.2. It should be noted that the proposed submission draft for the Oxford Local Plan 2040 has been submitted for examination on 28th March 2024 and therefore its policies may be afforded some weight but noting that they cannot be given full weight at this stage.

Topic	National Planning Policy Framework	Local Plan	Other planning documents	Neighbourhood Plans:
Design	117-123, 124-132	DH1: High quality design and placemaking		
Housing	59-76	H14: Privacy, daylight and sunlight		
Environmental	117-121, 148-165, 170-183	RE3: Flood risk management RE4: Sustainable and foul drainage RE7: Managing the impact of development G2: Protection of biodiversity		
Miscellaneous	7-12	S1: Presumption in favour of sustainable development		

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 23rd April 2024.

Statutory and non-statutory consultees

South Oxford Community Association

9.2. No comments received at time of writing.

Public representations

9.3. No comments received at time of writing.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- I. Principle of Development
- II. Design
- III. Impact on Neighbouring Amenity
- IV. Flooding and Surface Water Drainage
- V. Ecology

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. In this case, planning permission would be granted without delay subject to the acceptability of the design of the proposal in relation to Policy DH1 of the Oxford Local Plan 2036. The proposal must also not be detrimental upon the amenity of neighbouring occupiers' in accordance with Policies H14 and RE7 of the Oxford Local Plan 2036. This proposal must also not cause any detrimental impacts in regard to drainage and flood risk outlined within Policies RE3 and RE4 of the Oxford Local Plan 2036. Finally, this proposal

must also not have detrimental impacts in regard to ecology in relation to Policy G2 of the Oxford Local Plan 2036.

II. Design

- 10.4. Policy DH1 of the Oxford Local Plan 2036 seeks to ensure that development is of a high-quality design, relates well to the existing house and its surroundings.
- 10.5. The proposed ground floor rear extension to No. 113 would be of a very similar footprint, scale and form to the existing extension, although with an additional depth of 2 metres. The extension would sit to the same depth and height as the existing extension at No. 111. Therefore, it is considered that the extension would not cause harm to the character of the surrounding area, given the similarities in design and scale to other nearby developments. The proposed fenestration, with 1 no. window and bi-fold doors would not be harmful to the character of the property or the surrounding area. The extension would be finished in render under a tiled roof to match the materials of the existing dwelling, as to ensure that the extension would appear as a congruent addition that forms an appropriate visual relationship with the host dwelling and surrounding area. By virtue of the materiality, scale and form, the proposed extension to the ground floor of No. 113 would be considered acceptable in design terms.
- 10.6. Officers note there is the possibility of part of the scheme being implemented at either property (i.e. one property completing the scheme and one property only implementing parts of the scheme). This is possible due to the properties being in different ownership. This would raise a concern in design terms for the party wall between the two existing rear single storey extensions. As the application is a joint application, no elevation of this specific wall has been provided, as the proposal intends to use this as a party wall for both ground floor rear extensions. To ensure that the development would appear as visually satisfactory and high-quality design, a condition has been included which requires further details of the party wall, in terms of finish and material, to be submitted to and approved in writing by the Local Authority, in the instance that the development is partially implemented and would leave this wall visible.
- 10.7. There are several examples of side extensions in the immediate area, although officers note that many of these are single storey, with some wrapping around the front and side of the property, notably No. 134 Wytham Street. As proposed, the side extension would be set back from the principal elevation by approximately 1 metre at ground floor level which is considered appropriate to ensure that the proposals would be read as a subservient addition to the main dwelling and would not have an adverse impact on the street scene. Whilst the side extension would be of a two-storey nature, it is noted that the side extension would only be two-storey set back over 5 metres from the front elevation. As a result, whilst the extension would be of a two-storey nature, given the set back and the staggered single and two-storey construction, the overall scale and

massing of the side extension would be considered acceptable. In addition, the side extension would be narrow, at 1 metre in width, which would also read as a subservient addition to the main dwelling. The use of matching render would ensure that the development gives rise to a cohesive and sympathetic treatment of the principal elevation of the existing dwelling and therefore would have a minimal impact on the street scene. The side extension would therefore be considered acceptable in design terms.

- 10.8. The proposed first-floor rear extensions to No. 111 and No. 113 would be almost identical in scale and symmetrical when viewing southwards from the rear gardens of these properties. The only visual difference would be the extension to No. 113, which would have an additional depth of 2.3 metres nearest the eastern boundary of the site, set away from No. 111. Despite this, the extensions at first-floor level would be sympathetic to the existing dwellings and would sit comfortably within the existing rear elevation. Additionally, there are several examples along Wytham Street of similarly scaled extensions at first-floor level with alike design features and therefore the proposal cannot be said to be out of character with the pattern of development in the area. The extension at first-floor level to No. 111 and No. 113 would be finished in render under a tiled roof to match the materials of the existing dwellings, as to ensure that the extensions would appear as congruent additions that form an appropriate visual relationship with the host dwelling and surrounding area. By virtue of the materiality, scale and form, the proposed extensions at first-floor level would be considered acceptable in design terms.
- 10.9. The proposed hip to gable to No. 111 and No. 113 would be visible in the public realm, however the alterations would not cause harm to the character or appearance of the area. Many other properties along Wytham Street have been similarly extended and therefore the proposal would not be considered out of character within the area.
- 10.10. The proposed box dormer windows to the rear roof slope would sit within the northern roof slope at loft level, providing an additional bedroom and bathroom to both No. 111 and No. 113. Box dormer windows are common in the area, with many examples of rear dormer windows along the south side of Wytham Street in particular. Therefore, the proposed development would not be out of character for the area. Officers consider the proposed design, scale and siting of the proposed rear dormer windows would sit comfortably within the existing roof slope and would represent a proportionate addition to the host dwelling and plot and would not be at odds with the grain of development in the area. The dormer would be finished in hanging tiles to match the existing roof material and therefore would not be considered harmful to the character of the area or the existing dwelling. The dormer windows would appear as congruent and characteristic additions that would form an appropriate visual relationship with the host dwelling and surrounding area.
- 10.11. The proposed front porch to No. 113 would be minimal in size and would have a width of less than half the original front elevation. Front porches are

a common feature of this area, with some examples of front extensions extending the full width of the front elevation, such as No. 134 Wytham Street. It is considered that the front porch to No. 113 would be acceptable in terms of scale and would read as a proportionate addition to the existing dwelling, having also considered the proposed side extension when viewing from the street scene. The front porch would be a sympathetic addition to No. 113 and would not be considered to overwhelm the front of the property. The front porch would be finished in render under a pitched tiled roof, integrating well with the existing dwelling. The front porch would appear as a congruent and characteristic addition that would form an appropriate visual relationship with the host dwelling and surrounding area and would therefore be acceptable in design terms.

- 10.12. The proposed 4 no. solar panels to the front (southern) facing roof slopes of No. 111 and No. 113 (2 no. panels to each property) would be visible in the public realm when viewing northwards from Wytham Street. Whilst solar panels are not a common feature of the area, officers do not consider the installation of solar panels to cause harm to the character of the area. Furthermore, the solar panels would be sited in an organised arrangement on the roof slope, so as not to detract from the character and appearance of the area.
- 10.13. The proposed addition of 2 no. rooflights to the front elevation of No. 111 and 3 no. rooflights to No. 113 would be considered acceptable, as many other properties within the immediate vicinity have also installed rooflights to the front of the property. Finally, it is proposed to alter the front window of No. 111 to reconstruct the bay window. This would sit at the same depth as No. 113 and would therefore be symmetrical in appearance. The alterations would be relatively minor and would be acceptable in design terms.
- 10.14. As a whole, the proposed design of the scheme at No. 111 and No. 113 would be acceptable and would not be considered to cause harm to the character or appearance of the existing dwellings, nor the surrounding area.
- 10.15. Subject to the recommended conditions, the proposal is therefore considered to comply with Policy DH1 of the Oxford Local Plan 2036.

III. Impact on Neighbouring Amenity

- 10.16. 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.

- 10.17. Policy RE7 states that planning permission will only be granted for development that ensures that the amenity of communities, occupiers and neighbours is protected.
- 10.18. Officers have considered the potential impact on neighbouring amenity if one of the properties did not build the proposed development. This is because the two dwellings are in different ownerships and officers consider that the development could be implemented on each property separately and this would give rise to different amenity impacts. For clarity, the below section has been discussed as individual properties.

No. 111

- 10.19. The proposed first-floor rear extension would pass both the 45/25-degree access to light test, as outlined in Policy H14, to the neighbouring property at No. 113 if the proposals at No. 113 were implemented. If they were not implemented, the first-floor rear extension would fail the 45-degree test but pass the 25-degree test. Therefore, in either instance, the proposal would not materially impact upon the daylight or sunlight received by No. 113. The extension would not be considered overbearing to No. 113, given that the proposals at first-floor level at No. 113 extend further in depth than at No. 111 in any case. If the proposals were not implemented at No. 113, the extension would extend 3 metres in depth from the original rear elevation, although would retain a low eaves height nearest No. 113 of 2.4 metres which would not be considered overbearing for the neighbours at No. 113.
- 10.20. The proposed first-floor extension to No. 111 would pass the 45/25-degree access to light test to the neighbouring property at No. 109. Given there would be a separation distance of at least 2 metres between the properties, and the low eaves height of the proposed extension, the impact to this neighbour would be acceptable.
- 10.21. The proposed rear dormer would pass the 45/25-degree access to light test, to No. 113 in both instances, with No. 113 implementing the dormer and not implementing it. The dormers would extend to the same depth, and would therefore not be considered overbearing, however in the instance that No. 113 did not implement the dormer, the proposals at No. 111 would not be considered to cause a harmful overbearing impact to that property.
- 10.22. The proposed hip to gable would have no impact on neighbouring amenity to No. 113 or No. 109. The proposed solar panels to the front roof slope would also have no impact on the amenity of any neighbouring properties. The alterations to the front bay window would also have no impact in regard to neighbouring amenity. Whilst the front window would be enlarged, the window would be in the same location and therefore would not result in a level of overlooking or loss of privacy to the properties on the south side of Wytham Street over and above what is already possible.

- 10.23. The proposed rooflights to No. 111 would be to the front roof slope and would not overlook any properties on the south side of Wytham Street. As a result, the rooflights would be acceptable in amenity terms.
- 10.24. The windows to the dormer and first-floor rear extension would be rear-facing and would therefore not provide any views into habitable rooms of No. 109 or No. 113. All other properties would be located a sufficient distance away so as to not be impacted. 1 no. side window is proposed at loft-level, facing west towards No. 109 Wytham Street. The window would serve a landing area which would not be considered a habitable room. As a result, the window would not be considered to cause a harmful level of overlooking or loss of privacy to No. 109.

No. 113

- 10.25. The proposed ground floor rear extension would pass the 45/25-degree access to light test, to No. 111, and would therefore not impact upon the daylight or sunlight received by this neighbour. The extension would extend no further in depth than the rear elevation of the existing extension at No. 111. For this reason, the extension would not be considered overbearing. If the extension was not implemented and the existing extension was not demolished, there would be no impact on light or overbearingness to No. 111, given that the existing rear extension at No. 111 extends further in depth into the rear garden, compared with the existing extension at No. 113.
- 10.26. The proposed first-floor rear extension would pass both the 45/25-degree access to light test, as outlined in Policy H14, to the neighbouring property at No. 111 if the proposals at No. 111 were implemented. If they were not implemented, the first-floor rear extension would fail the 45-degree test but pass the 25-degree test. Therefore, in either instance, the proposal would not materially impact upon the daylight or sunlight received by No. 111. The extension would not be considered overbearing to No. 111, given that where the proposals extend further in depth into the garden, this would be located at the eastern boundary of the site, away from the boundary with No. 111. If the proposals were not implemented at No. 111, the extension would extend just over 3 metres in depth from the original rear elevation, nearest No. 111 and 6 metres nearest the properties along Abingdon Road. Whilst this would be large, the deepest part of the extension would be over 3 metres away from the rear elevation of No. 111. For these reasons and given the low eaves and roof height at first-floor level, the proposal would not be considered overbearing in either instance.
- 10.27. The proposed rear dormer would pass the 45/25-degree access to light test, to No. 111 in both instances, with No. 111 implementing the dormer and not implementing it. The dormers would extend to the same depth, and would therefore not be considered overbearing, however in the instance that No. 111 did not implement the dormer, the proposals at No. 113 would not be considered to cause a harmful overbearing impact to that property.

- 10.28. The proposed hip to gable would have no impact on neighbouring amenity to No. 113 or No. 109. The proposed solar panels to the front roof slope would also have no impact on the amenity of any neighbouring properties.
- 10.29. The proposed front porch would pass the 45/25-degree access to light test, to the neighbour at No. 111. The front porch would have a depth of less than 2 metres and would be located over 3 metres away from the boundary with No. 111. As a result, the front porch would not be considered overbearing. No windows to the front porch are proposed.
- 10.30. The proposed rooflights to No. 113 would be to the front roof slope and would not overlook any properties on the south side of Wytham Street. As mentioned in the above section, the rooflights could likely be implemented under permitted development and therefore there is no objection to this addition in any case.
- 10.31. The windows to the dormer and first-floor rear extension would be rear-facing and would therefore not provide any views into habitable rooms of No. 111. All other properties would be located a sufficient distance away so as to not be impacted. 1 no. side window is proposed at loft-level, facing east towards the rear garden of No. 348 Abingdon Road. The window would serve a landing area which would not be considered a habitable room. As a result, the window would not be considered to cause a harmful level of overlooking or loss of privacy to No. 348. Finally, 1 no. side window, at second floor level, also facing No. 348 is proposed to be removed and replaced. Given this would be at the same level in the same location, the window would not provide materially harmful views into the rear garden of this property, over and above what is currently possible under the existing arrangement.
- 10.32. In considering the above, officers have been mindful that if planning permission was only acceptable if both sets of properties implemented their extensions concurrently, then a legal agreement or unilateral undertaking could be secured prior to a decision being issued. This is necessary in instances where there are two different landowner applicants; as each individual landowner is not in a position to ensure that a neighbours extension is built unless a legal agreement is in place to secure it. However, in this case this was not considered necessary as the above clearly sets out that each of the extensions would be acceptable in isolation of the other; considering the possibility that each owner carried out the development on its land without the other.
- 10.33. The proposal is therefore considered to comply with Policy H14 and RE7 of the Oxford Local Plan 2036.

IV. Flooding and Surface Water Drainage

- 10.34. Policy RE3 of the Oxford Local Plan 2036 states that planning permission will not be granted for development in Flood zone 3b except where it is for

water-compatible uses or essential infrastructure; or where it is on previously developed land, and it will represent an improvement for the existing situation in terms of flood risk. Development will not be permitted that will lead to increased flood risk elsewhere, or where the occupants will not be safe from flooding.

- 10.35. Policy RE4 of the Oxford Local Plan 2036 states that all development proposals will be required to manage surface water through Sustainable Drainage Systems (SuDS) or techniques to limit run-off and reduce the existing rate of run-off on previously developed sites.
- 10.36. The application site falls within Flood Zone 3b. In accordance with national and local policy, a Flood Risk Assessment (FRA) is required for proposals which fall within Flood Zone 3b. A FRA has been provided as part of the application and the flood risk has been carefully assessed.
- 10.37. Whilst the proposal would fall within Flood Zone 3b, where development is not typically granted unless it falls within the above criteria listed in Policy RE3, consideration must be given to development which could be undertaken through permitted development.
- 10.38. In this case, the relevant section of the GPDO would be Schedule 2, Part 1, Class A. Officers note the relevant parts of the proposal would fall within No. 113, specifically the rear extension at ground floor level and side extension as it is only these elements which would impact flood risk. All other parts of the scheme would be above ground floor level. In regard to the rear extension, this would cover a very similar footprint to the existing rear extension, proposed to be demolished, with an additional 2 metres in depth, with a total depth of 6 metres.
- 10.39. Under Paragraph A.4 of Class A, it would be possible to erect a 6-metre-deep extension under permitted development, subject to neighbour consultation. Officers note that an application for a 6-metre-deep extension was approved at No. 113 in 2023 (23/01719/H42). This permission remains for three years from the date of the decision and the applicants could erect an extension of this size without any flooding resilience measures. Therefore, the total footprint which would be covered as part of this application, would be possible under permitted development, for which the applicants already have approval for. Under Class A, it would also be possible to erect a side extension with a very similar footprint at ground floor level as proposed within this application. Whilst permitted development does not allow two-storey side extensions, the footprint which would be covered would be very similar.
- 10.40. The other relevant section of the GPDO would be Schedule 2, Part 1, Class D, which covers porches. The proposed porch would have a footprint of 4.56m² which would exceed the 3m² outlined in Class D. Whilst officers note that this would be slightly larger than allowed under permitted development, it is not considered that the additional footprint would be a reason for refusal on flooding grounds in this instance, having discussed

the footprint which could be covered under permitted development above. Having taken this into account, it would be unreasonable to refuse the application on flooding grounds.

- 10.41. Given the permitted development fallback position, officers have taken a practical approach in recommending the flood resilience and resistance measures set out in the FRA to be conditioned to reduce flood risk, as opposed to the proposal being carried out under permitted development with no flooding measures. The FRA states that finished floor levels would be set no lower than existing adjacent floor levels, flood proofing of the house would be incorporated as appropriate, and there would be no introduction of additional or separate units or dwellings, no sleeping accommodation on the ground floor, no basements and no increase in flood risk vulnerability post development. In addition, there would be no loss of floodplain storage at 111 Wytham Street and no unacceptable loss of floodplain storage at 113 Wytham Street. Finally, the FRA states that the proposed development fits within the Environment Agency standing advice for domestic extensions.
- 10.42. Officers are satisfied that the flood risk has been carefully assessed and whilst noting the site is within Flood Zone 3b, as illustrated above, proposals under permitted development have the potential to have a much worse outcome on flood risk compared with development which can be conditioned in accordance with site-specific flood resilience and resistance measures, as listed above.
- 10.43. Subject to the conditions recommended, the proposal is therefore considered to comply with Policies RE3 and RE4 of the Oxford Local Plan 2036.

V. Ecology

- 10.44. Policy G2 of the Oxford Local Plan 2036 states that important species and habitats will be expected to be protected from harm, unless the harm can be appropriately mitigated. It also outlines that, where there is opportunity, it will be expected to enhance Oxford's biodiversity.
- 10.45. The applicant has submitted a Preliminary Roost Assessment (PRA) in support of the application. The existing buildings were assessed to be of negligible suitability for roosting bats and no further surveys were recommended.
- 10.46. The report provides photographs of the buildings, including the internal loft voids, showing an unlined roof space in No. 113. Although the Council's ecology officers disagree with the project ecologist's assessment of the nearby surrounding habitat being unsuitable for foraging bats, officers are satisfied that the potential presence of protected habitats and species has been given due regard.

10.47. The Local Planning Authority, in exercising any of its functions, has a legal duty to have regard to the requirements of the Conservation of Habitats and Species Regulations 2017, which identifies four main offences for development affecting European Protected Species (EPS):

1. Deliberate capture, injuring or killing of an EPS
2. Deliberate disturbance of an EPS, including in particular any disturbance which is likely
 - a) to impair their ability –
 - i) to survive, to breed or reproduce, or to rear or nurture their young; or
 - ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
 - b) to affect significantly the local distribution or abundance of the species to which they belong.
3. Deliberate taking or destroying the eggs of an EPS
4. Damage or destruction of a breeding site or resting place of an EPS.

10.48. Officers are satisfied that European Protected Species are unlikely to be harmed as a result of the proposals.

10.49. Subject to the conditions and informatives recommended, the proposal is therefore considered to comply with Policy G2 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. The proposal would not cause harm to the character or appearance of the surrounding area and would be acceptable in design terms, in compliance with Policy DH1 of the Oxford Local Plan 2036. The proposal would not be detrimental upon any neighbouring occupiers and would comply with Policies H14 and RE7 of the Oxford Local Plan 2036. The proposal would be acceptable in regard to flood risk and would comply with Policies RE3 and RE4 of the Oxford Local Plan 2036. The proposal would be acceptable in regard to ecological impacts and would comply with Policy G2 of the Oxford Local Plan 2036.
- 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. 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 required by Policy DH1 of the Oxford Local Plan 2036.

Further Details - Materials

4. In the instance that the development is partially implemented at either property, further details of the material and finish of the party wall at ground floor level shall be submitted to, and approved in writing by, the Local Planning Authority and the works shall be carried out in accordance with the approved details.

Reason: To ensure the development is visually satisfactory and high quality, in accordance with Policy DH1 of the Oxford Local Plan 2036.

Flood Resilience and Resistance Measures

5. Flood resilience and resistance measures should be incorporated into the building, as proposed in the submitted Flood Risk Assessment, and as in accordance with DEFRA/Environment Agency Planning Practice Guidance, and the DCLG publication 'Flood resilient construction of new buildings'.

Reason: To manage flood risk in accordance with the NPPF and Policy RE3 of the Oxford Local Plan 2036.

SuDS

6. All Impermeable areas of the proposed development, including roofs, driveways, and patio areas should be drained using Sustainable Drainage measures (SuDS). This may include the use of porous pavements and infiltration, or attenuation storage to decrease the runoff rates and volumes to public surface water sewers and thus reduce flooding.

Soakage tests should 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 should 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 should be carried out in accordance with Approved Document H of the Building Regulations. The drainage system should be designed and maintained to remain functional, safe, and accessible for the lifetime of the development.

Oxford City Council SuDS Design Guide can be found at www.oxford.gov.uk/floodriskforplanning

Reason: To avoid increasing surface water run-off and volumes to prevent an increase in flood risk in accordance with Policy RE4 of the Oxford Local Plan 2036.

Ecological Enhancements

7. Prior to occupation of the development, details of ecological enhancement measures including at least one bat roosting device or one bird nesting device per dwelling shall be submitted to and approved in writing by the local planning authority. Details must include the proposed specifications, locations, and arrangements for any required maintenance. The approved devices shall be fully constructed under the oversight of a suitably qualified ecologist prior to occupation of the approved development Any new fencing will include holes suitable for the safe passage of hedgehogs. The approved devices and fencing holes shall be maintained and retained in perpetuity unless otherwise approved in writing by the local planning authority.

Reason: To enhance biodiversity in Oxford City in accordance with paragraph 174 of the National Planning Policy Framework and Policy G2 of the Oxford Local Plan 2036.

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.

Ecology

2. All species of bats and their roosts are protected under The Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended). Please note that, among other activities, it is a criminal offence to deliberately kill, injure or capture a bat; to damage, destroy or obstruct access to a breeding or resting place; and to intentionally or recklessly disturb a bat while in a structure or place of shelter or protection. Occasionally bats can be found during the course of development even when the site appears unlikely to support them. In the event that this occurs, work should stop immediately and advice should be sought from a suitably qualified ecologist. A European Protected Species Mitigation Licence (EPSML) may be required before works can resume.

All wild birds, their nests and young are protected under The Wildlife and Countryside Act 1981 (as amended). Occasionally nesting birds can be found during the course of development even when the site appears unlikely to support them. If any nesting birds are present, then the buildings works should stop immediately and advice should be sought from a suitably qualified ecologist.

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/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.

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/refuse] planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.

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