

## Oxford City Planning Committee

20<sup>th</sup> August 2024

**Application number:** 24/00668/FUL

**Decision due by** 13<sup>th</sup> May 2024

**Extension of time** 27<sup>th</sup> August 2024

**Proposal** Erection of a detached single storey rear outbuilding.  
Installation of solar panels to outbuilding roof.

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

**Ward** Hinksey Park

**Case officer** Victoria Ashton

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

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

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## 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 erection of a detached single storey outbuilding with the installation of solar panels to the southern roof slope of the outbuilding.

2.2 This report considers the following material considerations:

- Principle of Development
- Design

- Impact on Neighbouring Amenity
  - Flooding and Surface Water Drainage
  - Land Contamination
- 2.3. Officers conclude that the proposed development would be 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 result in no issues in regard to land contamination. Overall, the proposal is considered to accord with Policies DH1, H14, RE7, RE3, RE4 and RE9 of the Oxford Local Plan 2036.
- 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 on the north side of Wytham Street, to the west of Abingdon Road in the south of Oxford. The property is a two-storey semi-detached 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, and it is considered this was probably erected under permitted development rights and is now lawful having been in place for a period of four years or longer.
- 5.2. 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 and the rear gardens of several properties along Oswestry Road to the north.
- 5.3. Wytham Street is entirely residential in character, although there are various commercial units along Abingdon Road to the west. The site does not lie within a Conservation Area.
- 5.4. The site is located within a defined high flood risk area (Flood Zone 3b)
- 5.5. See site location plan below:



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 Ordnance Survey 100019348

## 6. PROPOSAL

- 6.1. The application proposes the erection of a single storey outbuilding to the rear garden. The outbuilding would have a depth of 4.1 metres, a width of 7.3 metres and would be finished under a pitched roof with an eaves height of 2.8 metres and a maximum height of 4.3 metres. 2 no. doors and 2 no. windows are proposed to the front elevation of the outbuilding. The outbuilding would be finished in brick to the elevations under a membrane roof.
- 6.2. The application also proposes the installation of 8 no. solar panels to the southern roof slope of the outbuilding.

## 7. RELEVANT PLANNING HISTORY

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

<p>23/01719/H42 - Application for prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 6.00m, for which the maximum height would be 3.50m, and for which the height of the eaves would be 2.40m. 1PA 30th August 2023.</p> <p>23/01870/FUL - Erection of a single storey rear outbuilding. Installation of solar panels to outbuilding roof. (amended plans) (amended description). Withdrawn 4th March 2024.</p>
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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 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.

24/00667/FUL - 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. Pending consideration at planning committee 20th August 2024, officers recommendation for approval.

## 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
Design	131-141	<b>DH1:</b> High quality design and placemaking	
Housing		<b>H14:</b> Privacy, daylight and sunlight	
Environmental	180	<b>RE3:</b> Flood risk management <b>RE4:</b> Sustainable and foul drainage	

		<b>RE7:</b> Managing the impact of development <b>RE9:</b> Land Quality	
Miscellaneous	7-12	<b>S1:</b> Presumption in favour of sustainable development	

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 4<sup>th</sup> 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 representations received.

## 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. Land Contamination

### I. Principle of Development

10.2. Policy S1 of the Oxford Local Plan 2036 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 proposed must also not result in any land contamination issues in relation to Policy RE9 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 and relates well to the existing house and its surroundings.
- 10.5. Having regard to the context of the site where large, detached garages and outbuildings are prevalent within many nearby rear gardens, the proposed outbuilding cannot be said to be out of character with the pattern of development in the area. Whilst the outbuilding would be tall at 4.3 metres in height, given that the eaves height would be low at 2.8 metres, with a pitched roof, sloping away from the neighbouring boundaries, the scale of the outbuilding would be acceptable and would read as a subservient addition to the main dwelling. This is also case given the size of the plot and the large rear garden in which the outbuilding would be sited.
- 10.6. The walls of the outbuilding would be finished in brick. Overall, the materials proposed are considered to be acceptable as they would form a good visual appearance to the host dwelling and would not be out of character with the surrounding area.
- 10.7. The southern roof slope of the proposed outbuilding would feature 8 no. solar panels. These would be sited together as an array and would in total cover 3.44m x 4.4m of the roof slope. Although solar panels are contemporary features and are not commonplace within the surrounding area; it is considered that due to their siting on the southern roof slope which would be screened by properties along Wytham Street and Abingdon Road, that the panels would not appear as prominent additions on the roof slope of the outbuilding and would not cause harm to the character of the area and would therefore be acceptable in design terms.
- 10.8. It is considered that the proposed outbuilding due to its use of matching materials with the host dwelling and its single storey height, would appear as a subservient building and therefore the panels would read within the context

of the overall site which has a contemporary character and appearance. The residual area of garden land would be acceptable having had regard to the size of the building proposed.

- 10.9. The proposal is therefore considered to comply with Policy DH1 of the Oxford Local Plan 2036.

### **III. Impact on Neighbouring Amenity**

- 10.10. 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.
- 10.11. Policy RE7 states that planning permission will only be granted for development that ensures that the amenity of communities, occupiers and neighbours is protected.
- 10.12. The outbuilding is proposed next to the northern boundary of the site, which is adjacent to a pathway, separating the rear boundary of No. 113 from the rear boundaries of the properties along the south side of Oswestry Road. The pathway is accessed from Oswestry Road and is mainly used for vehicle parking as there are several garages located to the north of No. 113. The outbuilding would be single storey and would be located a sufficient distance away so as not to have an overbearing impact on the rear gardens of the properties along Oswestry Road.
- 10.13. Due to the sitting of the plot of No. 113, the eastern boundary of the site is adjacent to the rear boundaries of properties No. 338 to No. 348 Abingdon Road. The outbuilding would be located closest to the western boundaries of the rear gardens of No. 338 and No. 340. As mentioned above, the outbuilding would be single storey, with a maximum height of 4.3 metres, with an eaves height of 2.8 metres and would not be considered to have an overbearing impact on the rear gardens of these properties along Abingdon Road.
- 10.14. No. 111 Wytham Street to the west of the site also shares a boundary with No. 113. However, given the single storey nature and scale of the outbuilding, the proposal would have no impact upon light or overbearingness to the neighbour at No. 111.
- 10.15. The outbuilding would have 2 no. glazed doors to the front elevation, which would face south towards the rear elevation of No. 113. Therefore, the glazing would have no impact on overlooking or privacy to any neighbouring properties.
- 10.16. In order to protect the amenity of surrounding residential occupiers, it is recommended that a condition is attached to this permission ensuring that the approved development shall only be used for a purpose incidental to the use of the dwellinghouse at No. 113 Wytham Street and shall not be used for

primary living accommodation. In addition, no cooking facilities shall be installed within the outbuilding. This is necessary to ensure that there would be no increased noise and disturbance in an existing backland garden plot.

- 10.17. The proposed solar panels to the front roof slope of the outbuilding would have no impact on neighbouring amenity. All other properties are a sufficient distance away from the site so would not be directly impacted by the proposals.
- 10.18. Subject to the conditions recommended, the proposal is therefore considered to comply with Policy H14 and RE7 of the Oxford Local Plan 2036.

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

- 10.19. 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.
- 10.20. 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.
- 10.21. 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 Flood Risk Assessment has been provided as part of the application and the flood risk for the site has been carefully assessed.
- 10.22. 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 (General Permitted Development Order 2015) (GPDO) (as amended).
- 10.23. In this case, the relevant section of the GPDO would be Schedule 2, Part 1, Class E. Whilst the proposed dimensions of the outbuilding, specifically in terms of height, would be taller than that allowed under the conditions of Class E, officers have taken a pragmatic approach in considering the total floor area which could be developed under permitted development. Under permitted development Class E, subject to other conditions, it would be possible to erect an outbuilding which covered no more than 50% of the total curtilage of the existing dwelling. The proposed outbuilding would cover approximately less than 20% of the curtilage of the existing dwelling, which is significantly less than that allowed under the conditions of permitted development.
- 10.24. 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 additional 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 unacceptable loss of floodplain storage at the site. Additionally, 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.

- 10.25. 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.
- 10.26. Subject to the conditions recommended, the proposal is therefore considered to comply with Policies RE3 and RE4 of the Oxford Local Plan 2036.

## **V. Land Quality**

- 10.27. Policy RE9 of the Oxford Local Plan 2036 sets out the requirements for applications where proposals would be affected by contamination or where contamination may present a risk to the surrounding environment. These include details of investigations carried out to assess the nature and extent of contamination and possible impacts on the development and future users, biodiversity, and the natural and built environment, and detailed mitigation measures.
- 10.28. The Council has a statutory duty to take into account, as a material consideration, the actual or possible presence of contamination on land. As a minimum, following development, land should not be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990.
- 10.29. The Councils' internal land quality officer was consulted on the application and stated that the site has not been subject to previous historical contaminative use, according to historical mapping, as the site has always been in residential use. The proposed development is of a small scale with minimal groundworks and is within the existing curtilage of the property. There are no new residential dwellings and no significant landscaping proposed. As a result of the above, the overall contamination risk at the site is considered to be low for the proposed development and no conditions or informatives have been recommended for this application.
- 10.30. The proposal is therefore considered to comply with Policy RE9 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 considerations 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 proposals would not be detrimental upon any neighbouring occupiers and would comply with Policies H14 and RE7 of the Oxford Local Plan 2036. The proposals would be acceptable in regard to flood risk and would comply with Policies RE3 and RE4 of the Oxford Local Plan 2036. The proposals would be acceptable in regard to land contamination and would comply with Policy RE9 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.

### **Amenity – Incidental Use**

4. The approved development shall only be used for a purpose incidental to the use of the dwellinghouse at 113 Wytham Street and shall not be used for primary living accommodation. No cooking facilities shall be installed within the outbuilding.

Reason: In order to protect the amenity of surrounding residential occupiers by ensuring that there would be no increased noise and disturbance in an existing backland garden plot as required by Policy H14 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](http://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.

## **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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