

Oxford City Planning Committee

14th July 2026

Application number: 24/01104/FUL

Decision due by 25th July 2024

Extension of time 5th May 2026

Proposal Demolition of existing garage and rear extension. Removal of timber to front elevation and chimneys. Erection of a part single, part two storey side and rear extension. Alterations to roof to form hip to gable and insertion of rooflights in association with a loft conversion. Insertion of window to side elevation. Installation of flue, pipework and air conditioning unit. Alterations to landscaping and installation of nesting boxes and dropped kerb (Retrospective). (Additional noise impact assessment).

Site address 35 Ash Grove, Oxford, Oxfordshire, OX3 9JN – see **Appendix 1** for site plan

Ward Headington Ward

Case officer Nia Baldwin

Agent: Mr Bill Greensmith **Applicant:** Dr Huy Nguyen

Reason at Committee Application was called in by Councillors Snowton, Sandelson, Gant, Miles, Fouweather, Smith and Munkonge for reasons of design and impact upon neighbouring amenity.

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. **agree to delegate authority** to the Director of Planning and Regulation to:

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

2. EXECUTIVE SUMMARY

- 2.1. This report considers an application to seek retrospective planning permission. Permission is sought to demolish a garage and rear extension, remove timber from the front elevation and to remove chimneys, along with the erection of a part single, part two storey side and rear extension. Permission is sought for alterations to roof to form hip to gable and insertion of rooflights in association with a loft conversion, as well as the insertion of a window to side elevation and installation of flue, pipework and air conditioning unit. Alterations are also sought to the landscaping and the installation of nesting boxes and dropped kerb.
- 2.2. The application site comprises of a dwellinghouse which is located on the western side of Ash Grove, which is a residential street located within the Headington Ward of Oxford City.
- 2.3. The development is acceptable with regard to its design and does not cause any detrimental harm upon the character and appearance of the dwelling itself or the streetscene of Ash Grove. The development does not cause any detrimental impacts upon the amenity of any neighbouring dwellings, and nor does the development cause any impacts with regards to drainage, trees, sustainability or ecology. In addition whilst the development does result in a net gain of parking which is contrary to Policy M3 of the Oxford Local Plan 2036 and whilst the kitchen extract vent does emit unacceptable noise contrary to Policy RE8 of the Oxford Local Plan 2036, having regard to the permitted development fall-back positions and all material planning considerations, it is considered that it would be unreasonable to refuse permission on the basis that these elements of the development do not require permission.
- 2.4. Officers consider on balance and when taking into account all relevant material considerations that the development is acceptable and accords with the policies of the development plan when considered as a whole and the NPPF.

3. LEGAL AGREEMENT

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

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 4.1. The proposal is not liable for CIL.

5. SITE AND SURROUNDINGS

- 5.1. The application site is a detached residential dwelling located on the western side of Ash Grove. Ash Grove comprises of residential dwellings which are predominantly two storey in scale in either detached form or in pairs of semi-detached dwellings. The dwellings typically benefit from small gardens or paved driveways to the front with long gardens to the rear.
- 5.2. The site does not lie within a Conservation Area, nor does it lie within the setting of any Conservation Areas or Listed Buildings.
- 5.3. See block plan below:



6. PROPOSAL

- 6.1. Planning permission was granted in February 2022 under application reference 21/02377/FUL for the “Demolition of existing garage and rear extension. Erection of a part single part two storey side and rear extension. Alterations to roof to form hip to gable. Insertion of 1no. window to side elevation. (Amended proposed site plan).”
- 6.2. Development commenced at the application site however the Council’s planning enforcement team were made aware that the built form on site differed to the approved plans under 21/02377/FUL. An enforcement investigation was opened and it was confirmed that the built form on site did not accord with the approved plans. A retrospective planning application was invited by the Council’s planning enforcement team to be submitted so the Council could assess the acceptability of the extensions and alterations which have been built on site.
- 6.3. This application seeks retrospective permission for “Demolition of existing garage and rear extension. Removal of timber to front elevation and chimneys. Erection of a part single, part two storey side and rear extension. Alterations to roof to form hip to gable and insertion of rooflights in association with a loft conversion. Insertion of window to side elevation. Installation of flue, pipework and air conditioning unit. Alterations to landscaping and installation of nesting boxes and dropped kerb.”
- 6.4. During the course of this application, the description of development and the plans have been amended following inaccuracies in both. The revised plans and description were fully re-advertised during the course of the application to reflect this in which site notices were placed in the locality for a further 21 days. An additional plan was provided annotating details of the materials used in the as-

built development and a noise impact assessment was also submitted. The application was re-advertised following the submission of these documents with additional site notices placed in the locality for 21 days.

- 6.5. Accurate plans have not been provided showing a comparison between what was approved under 21/02377/FUL and the as-built development. However, Officers have assessed the application on what has been built rather than comparing it to the previous application. Having visited the site to take measurements, Officers are satisfied that the amended plans showing the as-built development are accurate.
- 6.6. Officers note that the elevations submitted include annotations underneath each elevation noting the orientation of the site and that these are incorrect. For example, the front elevation is labelled as the south west elevation whilst in reality this is actually the north east elevation. The north arrow is however correctly drawn on the Location Plan, Site Plan, as well as the floor plans submitted. Officers consider that the inaccurate annotations however do not impact upon the assessment and that the plans are easily identifiable as to whether they are front, side or rear elevations.
- 6.7. For the avoidance of doubt, Officers have not considered 21/02377/FUL as a fallback option because that permission is no longer extant.

7. RELEVANT PLANNING HISTORY

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

21/02377/FUL - Demolition of existing garage and rear extension. Erection of a part single part two storey side and rear extension. Alterations to roof to form hip to gable. Insertion of 1no. window to side elevation. (Amended proposed site plan). Approved 22nd February 2022.

21/02377/NMA - Non-Material amendment to planning permission 21/02377/FUL to alter the wording of condition 6 (Ecological enhancement) to permit development in accordance with the submitted ecological enhancement measures, and that these measures shall be implemented on site prior to occupation of the development and retained on site thereafter. Approved 8th June 2023.

8. RELEVANT PLANNING POLICY

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

Topic	National Planning Policy Framework	Local Plan	Other planning documents	Neighbourhood Plans:	Emerging Local Plan:
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Design	131-141	DH1 - High quality design and placemaking		CIP1 - Development respect existing local character CIP3 - Innovative design GSP4 - Protection of the setting of the site	HD1 - Principles of High-Quality Design HD2 - Making Efficient Use of Land S2 - High Quality Design
Housing	61-84	H14 - Privacy, daylight and sunlight			
Natural environment	187-201	G2 - Protection of biodiversity geo-diversity G7 - Protection of existing Green Infrastructure			G3 - Provision of New Green and Blue Features – Urban Greening Factor G4 - Delivering Mandatory Net Gains in Biodiversity G5 - Delivering Onsite Ecological Enhancements G6 - Protecting Oxford's Biodiversity Including the Ecological Network G8 - Sustainable Drainage Systems R5 - Water Resources and Quality
Transport	109-118	M3 - Motor vehicle parking	Parking Standards SPD		C8 - Motor Vehicle Parking Design Standards
Environmental	161-186	RE1 - Sustainable design and construction RE4 - Sustainable and foul drainage, surface RE7 - Managing the impact of development RE8 - Noise and Vibration	Energy Statement TAN		G9 - Resilient Design and Construction R1 - Net Zero Buildings in Operation R2 - Embodied Carbon in Construction R3 - Retro-Fitting Existing Buildings R4 - Air Quality Assessment and Standards R8 - Amenity Impacts of Development

					HD7 - Health Impact Assessment HD8 - Privacy, Daylight and Sunlight
Miscellaneous	7-14	S1 - Sustainable development	External Wall Insulation TAN,		S1 - Spatial Strategy and Presumption in Favour of Sustainable Development

8.2. The NPPF gives guidance on when weight can be attached to policies in emerging Local Plans. At paragraph 49 the NPPF states that local planning authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)

8.3. The emerging Oxford Local Plan 2045 commenced Regulation 19 consultation beginning 30th January 2026 which has now completed. The policies are a material consideration and align with the NPPF however, these policies have very limited weight at this stage of the process whereby objections to the policies are not yet fully known.

8.4. Other relevant documents:

- Town and Country Planning Act 1990
- Planning Practice Guidance
- The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 18th June 2024. Subsequent site notices were placed outside the application site to reflect the amendments made and the receipt of further information. The latest date site notices were displayed was on 16th July 2025.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

9.2. No objection – no element of the development could impact the highway.

Natural England

9.3. No comments received.

Internal Environmental Health

9.4. No objection, subject to conditions. The acoustic note submitted by the neighbour for the kitchen extract vent uses incorrect British Standard and the outcome is not representative of the actual on site conditions. The noise level complies with British Standard 8233:2014 and World Health Organisation figures. The noise impact assessment for the air conditioning unit submitted by the applicant adequately predicts noise level criteria at suitably identified receptors. Conditions recommended to ensure the noise emitted does not exceed the existing background level at any noise sensitive premises and that the unit is mounted with anti-vibration isolators and fan motors shall be vibration isolated from the casing. The domestic kitchen extract does not come under guidance 'EMAQ + control of Odour and Noise from Commercial Kitchen Exhaust Systems'.

Internal Trees

9.5. No objection – development has not impacted on the stability of any retained trees. Other shrubs or small trees are not material considerations.

Internal Ecology

9.6. No objection, subject to condition and informatives. Considered there are no ecological constraints arising from the development subject to a condition ensuring the ecological enhancements on site are retained.

Public representations

9.7. Comments were received in support of the application from the following addresses: Flat A 32, 34 (x2) and 37 Ash Grove. A joint letter of support was also received and signed from the following addresses: 1A, 10, 13, 14, 15 (x2), 16, 17, 20, 21, 22, 23, 24, 25, 26, 29, 30, 31, 32, 36, 38, 40 (x2), 43, 50, 51 Ash Grove.

9.8. These comments of support are summarised as follows:

- The variations from the prior approved plans are very small and undetectable to the public.
- The variations have no significant impact on the local area or people within the area.
- The variations are aesthetically pleasing and have no impact from the street/public viewpoint.
- The height discrepancy is not visible or noticeable from the street and has no negative impact.
- The extension is sympathetically done and in keeping with the local area, and it still remains obvious what is the extension and what is the original architecture.
- Work on the property has taken a number of months and has had an impact on the street in terms of noise and the number of vehicles and works done.
- Any remedial work will cause unnecessary disruption to the street which has had a number of large projects completed in the last few years.
- The variations in this construction have markedly improved the property and character of the street.

- The external view of the property flat is improved and fits with the local character of properties.
- Works affected access to neighbouring properties and privacy.
- Strongly object to any further work taking place.
- The finished building works are sympathetic to the variety of housing in the street and a big improvement.
- The removal of the timber inserts on the façade at the front is a vast improvement, is more aesthetically pleasing and is not detrimental to the look of the house. The street has many houses of differing styles; semi-detached, detached, and a semi-detached house split into flats, so this is not noticeable.
- The works undertaken have improved the property significantly, as well as the landscape and appearance of the street overall.
- Do not wish for any additional remedial works to be carried out, particularly where scaffold may be required.

9.9. Comments were received neither objecting to nor supporting the application from 36 Chestnut Avenue.

9.10. These comments neither objecting to nor supporting the application are summarised as follows:

- The amendment includes the description "Installation of flue." There are two flues added since the original application elevations. The drawings with this application show two flues, one flue on the east and another on the west elevations. As built, the flue on the west is positioned higher up towards the ridge line and a high proportion stands proud above the ridge line. The flue on the east is visible above the ridge line.

9.11. Comments were received objecting to the application from 33 Ash Grove. Letters were also received from Right of Light Consulting who were commissioned by the owners of 33 Ash Grove to consider the impact of the development on 33 Ash Grove.

9.12. These comments objecting to the application are summarised as follows:

- Numerous and serious breaches of planning control have occurred.
- The retrospective application must be considered afresh on its own facts and in accordance with the development plan and material considerations.
- It would be procedurally incorrect to consider only the difference between the scheme previously authorised and the as built development.
- The previous permission no longer authorises any development – once a building has been built, the permission is spent and cannot authorise further demolition or rebuilding.
- Previous permission cannot be used as a fallback option or as a baseline.
- Cannot be assumed that planning permission would be granted again for the previous scheme if an application were submitted now. Consider that permission could not be issued due to the effects on light that were previously enjoyed which were not assessed correctly when the previous permission was granted.
- Daylight and sunlight assessment commissioned confirms that the application cannot be granted permission as it would be contrary to planning policy. It would

- have major adverse effect on daylight and has an overbearing nature.
- Consider the previous application should not have been granted permission.
 - Delegated report of previous application is very relevant as it sets out the limit of development that officers considered would be acceptable. It would be inconsistent if this Decision did not follow the reasoning of the previous decision in this regard.
 - The Council has already decided in writing and in a public document that it is highly likely that planning permission for any development beyond the previous permission would not be granted.
 - The term 'highly likely' is generally accepted as being more than a 90% likelihood so there would need to be extremely compelling reasons for allowing more development.
 - The applicant has not cited any justification as to why more development should be authorised.
 - The as built development contravened Policy H14 of the Oxford Local Plan 2036 so planning permission cannot be granted.
 - The sunlight and daylight assessment confirms the 45 degree angle test is contravened significantly and it fails the BRE vertical sky component test causing major adverse harm.
 - Should permission be granted, the Council's decision would be irrational and an error of law, exposing the Council to judicial review proceedings in the High Court with significant costs consequences.
 - If the council determines that just one aspect of the development should not be granted permission, the Council must refuse permission for the whole development. It would not be open to the Council to pick and choose, or to impose conditions that would seek to mitigate any harm caused by the development.
 - Detrimental effect on light and overbearing development.
 - Overdevelopment.
 - Overlooking and loss of privacy.
 - Unauthorised external alterations.
 - Representations made regarding the retrospective application.
 - No justification for the as built development provided.
 - Planning policy.
 - Noise impact assessment only assesses the air conditioning unit and not the kitchen fume extraction vent and as a result have commissioned own noise assessment. This concludes that the vent has a significant adverse impact on amenity.
 - When in use the vent emits noise and odour.
 - Vent is part of the unauthorised development and has not been applied for.
 - Air conditioning unit causes adverse effects on visual amenity
 - The noise impact assessment concludes that the noise from the plant would not have an adverse impact provided that the nighttime setback facility is used – assessment does not state this facility is used and could not be controlled via condition
 - Maximum capacity test for the air conditioning unit has not been conducted and nor has it been conducted with the extractor running at the same time.
 - Absence of biodiversity scheme – no wildflower area has been implemented
 - Council's Development Control Enforcement Policy requires extension ridge heights to be set down 45-60cm. Front gardens must have soft planting, existing

trees, shrubs and hedges must be kept as much as possible, existing features should be retained, attractive paving materials used, a single vehicle entrance should be in place, long dropped kerbs should be avoided and the width of the car access minimised. The as built development is contrary to the above.

Officer response

9.13. All material considerations raised have been addressed within the relevant section of this report.

9.14. There is no legislation which prohibits the Council recommending a retrospective planning application for approval subject to conditions. All planning applications are considered in relation to material planning considerations and included in that is the Development Plan and whether conditions could be attached to any consent.

9.15. The noise and disruption associated with any further works or remedial of the works undertaken is not a material planning consideration which Officers can have regard to.

9.16. One of the flues installed is located on a new two storey side extension to the property. As such the description has only contained the installation of a flue as technically only one flue has been added to the original dwelling, with the second being implicitly part of the new extension.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- Design
- Neighbouring amenity
- Highways safety and vehicle parking
- Drainage
- Biodiversity
- Trees
- Sustainability

a. Design

10.2. Policy DH1 of the Oxford Local Plan states that planning permission will only be granted for development of high quality design that creates or enhances local distinctiveness.

10.3. Policy GSP4 of the Headington Neighbourhood Plan states that development will be permitted where its design responds appropriately to the site and the character of the surrounding area.

- 10.4. Policy CIP1 of the Headington Neighbourhood Plan states that new developments (including additions, alterations, change of use and extensions) will only be permitted where they respond to and enhance the distinctive local character where it is described in the Character Assessments. This may include consideration of aspects such as materials, scale, siting use, layout, form, design and intensity of activity within the built environment and setting of the Headington Neighbourhood Plan Area. Where development proposals are required to submit a Design and Access Statement, they will be expected to demonstrate how their design and layout responds to the local character of the area.
- 10.5. Policy CIP3 of the Headington Neighbourhood Plan states that high quality development proposals, which are of an innovative and/or contemporary design will be permitted where they:
- accord with policies in the Local Plan
 - respect and take account of local heritage; and
 - enhance the distinctive identity, character and setting in terms of scale, layout, density, orientation and massing.
- 10.6. It is noted that only as-built plans and elevations have been submitted with this application for the Council to consider the as-built development against. Whilst it would have been helpful for original plans and elevations of the property prior to the works to be submitted, this is not a validation requirement. Officers have however considered the existing elevations submitted with application reference 21/02377/FUL to help aid this assessment as those existing plans and elevations showed the property prior to any of the works having been started at the site. This is because Officers recognise that the relevant baseline to compare against is the dwelling before the unauthorised works were carried out.
- 10.7. Ash Grove is a residential street located within Headington and runs from Hawthorn Avenue to the south up to Barton Lane to the north. The street has dwellings of two storey scale located on both the eastern and western sides of the road, in which the placement of dwellings is uniform; set back behind from gardens or driveways. Whilst the grain of dwellings and their two-storey scale is consistent along the road, the pattern of development varies with a mixture a detached dwelling and pairs of semi-detached dwellings. On the southern end of the road there are predominantly more pairs of semis which have a fairly uniform appearance with hipped roofs and bay windows at ground floor. At the northern end of the road where the application site is located, there are more detached dwellings which vary significantly in design. Some dwellings having pitched roofs with the gable fronting onto the road like the application site, some with pitched roofs with the gables facing to the side, some have hipped roofs, and there is a variety in detailing with bay windows sometimes only at ground floor, others covering both the ground and first floor, and the siting and sizing of fenestration is highly varied.
- 10.8. Within the Northfield character area which the application site sits within under the Headington Neighbourhood Plan, it states that the houses on Ash Grove are generally set back from the road frontage with small front gardens and driveways.

It also noted that Ash Grove is varied in its character of the housing both in style and period, in which this contrast adds further interest to the area. The character area appraisal also highlights that Ash Grove slopes downwards towards Barton Lane with attractive views to the countryside, providing a sense of greenery, openness and visual connection with the countryside.

- 10.9. Given the number of elements of this development, the following section has been divided up into subsections to deal with each element in turn.

Demolition of garage

- 10.10. The original single storey garage located to the southern side of the property was demolished as part of the works. This had a lean-to roof structure and was situated directly up to the shared boundary with No. 33 Ash Grove. As noted previously the dwellings along Ash Grove do not have a consistent character or appearance. There are only a few garages along the road, and they are not part of the predominant character of the road. As such its demolition is considered to be acceptable in design terms as it would not harm the streetscene nor the appearance of the host dwelling.

Removal of timber to front elevation

- 10.11. As well as the garage being demolished, the timber battens on the front elevation of the dwelling have been removed. Previously the façade was finished in white render at first floor level with black painted battens providing detailing in a grid pattern over the top. The loss of this detailing is not detrimental to the overall character and appearance of the existing dwelling and is considered to be acceptable given the varied design and appearance of dwellings along the road. The dwelling as built with these removed, does not appear out of character within the streetscene where the majority of dwellings have a plain rendered façade.

Removal of chimneys

- 10.12. Previously there were also two chimneys on the roof of the dwelling however these have now been removed. Whilst chimneys are common features on the roofs of dwellings along the road, their design and siting are not uniform with some dwellings having chimneys which are much more of an architectural feature than others. The chimneys on the dwellings were situated towards the rear of the property and relatively central in their position on the roof. As such they were not dominant features within the appearance of the property nor from the streetscene. The removal of these chimneys is therefore considered acceptable.

Demolition of rear projection

- 10.13. At the rear of the dwelling there was a single storey projection with a lean-to roof which has now also been demolished. Its demolition would be considered acceptable given it did not make any positive contribution to the character or appearance of the property.

Part single, part two storey side extension

- 10.14. In place of the previous garage on site a part single, part two storey extension has been erected to the southern side of the dwelling. At the front there is a single storey element with a lean-to roof measuring approximately 2.27m wide and 2.5m deep, and has an eaves height of approximately 2.7m and a maximum height of approximately 3.65m. Behind this is a two storey element of the same width measuring approximately 5.3m deep, and has a pitched roof which joins up to the central pitch of the property. A flue has been installed on the rear roof slope of this two storey projection. Beyond the two storey element there is then another single storey projection of the same width spanning approximately 4.9m in depth, and has a flat roof with a height of approximately 2.9m. There is also a parapet along the southern side of this extension which extends approximately an additional 0.5m in height at 0.4m in width as well as a lantern style roof light which raises to a maximum height of approximately 3.54m. An air conditioning unit has also been installed on the roof of this projection which is mounted on a metal frame. This is raised to a height of approximately 4.1m, and spans approximately 0.95m in length and 0.65m in width.
- 10.15. It is considered that although the side extension is partly two storey in scale, given its set back from the principal elevation by approximately 2.5m, that the pitched roof form of the original dwelling would be retained as being the focal design feature of the dwelling. The narrow width of the extension also helps ensure the side extension does not overwhelm or dominate the property. The lean-to roof of the single storey element at the front sits neatly underneath the window at first floor level within the two storey element, and given the varied design and form of dwellings within the streetscene, it is considered that the extension would not appear out of keeping with the locality. The further single storey projection to the rear behind the two storey element would have a flat roof with a parapet wall and lantern roof light which would be contemporary in its design. This element would not however be visible from the streetscene and its character and appearance would relate well to the contemporary two storey extension (discussed further below).
- 10.16. Whilst the air conditioning unit along with the metal frame it's placed upon has a utilitarian appearance, it is not visible from the public realm and given its small scale does not detrimentally impact upon the overall character or appearance of the property.
- 10.17. The two storey rear extension beyond the original dwelling measures approximately 6.65m in width and 4.85m in length, and has a pitched roof which is set down only very marginally in its height from the ridge and eaves of the original dwelling. Whilst there would not be any meaningful set down of the extension from the ridgeline and eaves of the original dwelling, the length of the extension would be smaller than the original dwelling and there is a visual break in the roof when the extension starts. It is therefore considered that the extension would be acceptable in design terms as it would still read as an extension to the main dwelling and would have a level of subservience. The rear projection is not prominently visible from the public realm due to the gable projections to either side of the original roof slope together with the absence of large gaps between the host dwelling and the neighbours either side. The gable projections either side help to break up the massing of the property and prevent an overly long pitched roof being visible. The lack of a meaningful set down can be seen within the neighbouring

gardens to the north and south, however the extension still clearly reads as an addition to the original dwelling when observed from these views. Given the dwellings along Ash Grove do not have a uniform design or form, the extension to the rear therefore does not appear out of character when observed from these neighbouring gardens. The fenestration within the extension is contemporary in design with large glazed doors at ground floor to the rear and again a large expanse of glazing above at first floor level, in which the first floor rear bedroom has an exposed ceiling with glazing extending upwards to serve this too. Whilst the glazing due to its scale, shape and positioning is contemporary in design, again given the varied character of dwellings this would not be considered unusual especially given its siting to the rear where it is not visible from the streetscene.

Alterations to roof in association with loft conversion

- 10.18. Alterations have been made to the roof of the property from a hip to form a gable. Previously the property had a centrally positioned pitched roof however a gable projection has now been erected to the northern side to mirror the gabled roof erected to the south as part of the two storey side extension. This is set back from the principal elevation by approximately 2.5m and extends for approximately 5.3m in depth. Five roof lights have also been installed within the roof in association with the loft conversion; two on the north roof slope, two on the south roof slope and one on the new gable facing east.
- 10.19. Many properties along Ash Grove have converted their loft space into living space including extensions to the roof in the form of dormer windows and hip-to-gable alterations. Roof lights are also commonplace in the streetscene with many properties benefitting from roof lights on their front facing slopes. As mentioned previously within this report too there is not a uniform pattern and grain of development along Ash Grove with a mixture of detached and semi-detached dwellings, and a mixture of hipped roofs and pitched roofs. It is considered that whilst the hip-to-gable alterations would alter the roof form of the property, given the set back of the gable from the principal elevation by approximately 2.5m, that the pitched roof form of the original dwelling would still be retained when seen in the streetscene, and given the varied design and form of dwellings along the road, the alterations would not be unduly prominent or harmful to the character and appearance of Ash Grove. The roof lights would be minor additions to the roof of the property which would not be out of character given the abundant use of roof lights along the road.

Materials

- 10.20. The application has not been supported with a design and access statement which notes what the materials are which have been used, and within the application form submitted it states that the proposed development does not require any materials to be used externally. Whilst technically this is true as the works are retrospective and no further works are proposed which would involve materials, for Officers to accurately assess the application the materials already used need to be specified. During the course of the application Officers requested for details of the materials so that a full and accurate assessment of the development could be made and a plan with the drawing title 'Materials' drawing number P/807 was submitted.

10.21. The original property on site was predominantly finished in rendered walls, with the exception of the lower half of the front elevation being finished in brick. On the front elevation there was also timber framing on the rendered part in black. The development has retained the brick on the front elevation however the timber has been removed as previously discussed within this report. The remainder of the house has been finished in render and as such is considered to be acceptable; relating well to the original dwelling. The roof of the original dwelling was finished in brown clay tile, and the extensions and alterations undertaken have also used brown clay tiles to match the original. At the rear and sides of the dwelling the fenestration is now powder coated aluminium instead of painted timber windows which were originally to the rear. Given the contemporary design of the extensions to the rear of the property however it is considered that the powder coated aluminium fenestration is acceptable in design terms as it forms a good visual relationship with the wider design.

Insertion of window, flue, pipework and nesting boxes

10.22. On the northern side elevation a window has been installed at first floor level serving a bathroom along with pipework. On the southern roof slope at the front of the property a flue has been installed, and nesting boxes have been placed under the eaves on the north and side elevations. All of these alterations are considered to be minor additions to the property which do not result in any impact upon the character and appearance of the dwelling.

10.23. Alterations to landscaping and dropped kerb

10.24. Previously at the front of the site the frontage comprised of a concrete hardstanding with a low close boarded timber boundary fence at the front next to the pavement. There was also a small hedge along the northern brick boundary wall. The fence and hedge have been removed and the concrete hardstanding has been replaced with new paving. The previous dropped kerb which spanned the partial width of the property has also been extended to the full width of the frontage. These alterations to the frontage of the site are considered to be minimal alterations which are wholly acceptable in design terms. The previous fence and concrete frontage were not of a high quality design, and the alterations undertaken do not appear out of character in the streetscene where various properties have full width dropped kerbs and driveways.

10.25. Alterations have also been made to the landscaping at the rear of the site with a patio immediately behind the dwelling, raised planters and a pathway running along the southern boundary of the garden to the rear, and the laying of a new lawn to the north of the planters and pathway. In order to accommodate these alterations trees and vegetation were removed from the garden and the previous paving and pathway running through the middle of the garden was removed. It is considered that the alterations to the rear garden would be wholly acceptable in design terms, being of a high quality design and having a minimal impact upon the character and appearance of the property. None of the alterations are visible from the streetscene and it must be noted that the alterations could have been undertaken without needing planning permission.

10.26. Overall view of development

- 10.27. Overall having reviewed all of the different elements of the development, Officers consider that the additions and alterations to the property would be of a high quality design and would enhance local distinctiveness which is required by Policy DH1. In addition, it is considered that the extensions and alterations would respond to and enhance the local character which is a requirement of Policy CIP1. The property would still be set back from the road frontage with a driveway, would be of partly single and two storey scale, and would have a rendered façade with tiled roof which are all identified as positive character features in the Northfield character area where the application sits within. In addition the views to the countryside to the north which are also identified as positive features would still be visible when looking towards Barton Lane. As such Officers also consider the design responds appropriately to the site and the character of the surrounding area which is required by Policy GSP4. Officers also consider that the high quality design whilst contemporary would accord with the relevant policies of the Oxford Local Plan 2036 which is a requirement of Policy CIP3. There are no local heritage assets in the surrounding area which the development has needed to respect or take account of. In addition, Officers consider that the design enhances the identity, character and setting of the site as it retains the existing orientation of the site and retains the density as a single dwelling. The partly single and partly two storey scale of the development would align with that prevalent in the area, and the layout and massing of the development would also be considered to align with the character of the area.
- 10.28. As such the development would be considered to accord with the requirements of Policy DH1 of the Oxford Local Plan 2036, and Policies GSP4, CIP1 and CIP3 of the Headington Neighbourhood Plan.
- 10.29. Comments have been received stating that the delegated report written for the previous application at the site has already outlined what is considered to be acceptable on site and that any further development beyond that previously approved cannot be acceptable.
- 10.30. The delegated report written for the previous permission stated the following:
- It is acknowledged that there would be a considerable amount of development at the application site when considering all of the elements of the proposal together cumulatively. However, in the context of the surroundings where houses vary in style and scale and numerous alterations have been made to properties along the street, on this occasion it would not appear out of keeping. Nonetheless it does highly likely represent the maximum amount to which the property could be extended without tipping this balance. Given the reasons above, overall the proposals are considered to be acceptable in design terms.*
- 10.31. Officers note that the previous application sought permission for the demolition of existing garage and rear extension, the erection of a part single part two storey side and rear extension, alterations to roof to form hip to gable, and the insertion of 1no. window to side elevation.
- 10.32. When Officers assessed the previous application, they considered that if the applicant wished to extend the property with a further extension beyond what had been granted under application reference 21/02377/FUL, that given the application

sought a number of extensions and alterations to the property, that anything further would likely be unacceptable. This is because any further extensions to the property would likely result in the extensions dominating the property.

10.33. This comment made by Officers does not however restrict any more development being proposed on site; it simply notes the Officers planning judgment at that time. Furthermore, the judgment was expressly not that it would never be possible to have further development, just that – in the view of that Officer – it was ‘highly likely’ the maximum. Officers have recognised the previously view and paid due regard to it. But they are not bound by it. Instead the as-built development has been considered upon its own merits, as shown throughout this report. Officers appreciate that the extensions built at the property are larger, both in height and depth compared to the previous permission, however having assessed the as-built design, it is considered that the development would still accord with the relevant planning policies for the detailed reasons set out in this Report. Officers do not believe there is any inconsistency with the previous Decision, and so far as there is perceived to be, the reasons for any perceived change in position are the detailed justification for policy accordance of this specific proposal set out in this Report.

10.34. Officers note comments received that the as built development is contrary to the Council’s Planning Enforcement Policy. Within this document there are design guidance sheets which include extensions to semi-detached and terraced properties. These states that the ridge to any extension should be lower than the existing by 45cm. The application site is however a detached property and therefore this guidance would not be applicable to the application site. There is also a guidance sheet on front gardens which advises that removing existing features should be avoided, that existing vegetation should be retained and that the width of car access should be minimised. Officers have however in paragraph 10.24 above explained why the alterations to the front of the site would be considered acceptable as they would not be out of character with its surroundings where various properties on Ash Grove have full width hard landscaped driveways. Therefore whilst Officers acknowledge that retaining soft landscaping and original features are best practice, for the reasons outlined it would not be reasonable to refuse the application on this basis. Officers must also stress that the design guidance sheets contained in the enforcement policy are guidance sheets only. In addition the document is out of date as the Planning Enforcement team follow the Council’s corporate enforcement policy.

10.35. Overall for the reasons outlined within this section of the report, the development accords with Policy DH1 of the Oxford Local Plan 2036, and Policies CIP1, CIP3 and GSP4 of the Headington Neighbourhood Plan.

b. Impact on neighbouring amenity

10.36. 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. It states that to assess access to privacy, sunlight and daylight, the 25° and 45° guidelines will be used, as illustrated in Appendix 3.6, alongside other material factors. It also notes that planning permission will not be granted for any development that has an overbearing effect on existing homes.

10.37. Officers must note that there is an error in the wording of Policy H14 as it incorrectly refers to Appendix 3.6. This reference should refer to Appendix 3.7 which is the 'Privacy, daylight, and sunlight: the 45 and 25 degree guideline'.

10.38. Policy RE7 states that planning permission will only be granted for development that ensures that the amenity of communities, occupiers and neighbours is protected. The policy also states that factors the City Council will consider in determining compliance with the above elements of this policy include:

- d) visual privacy, outlook;
- e) sunlight, daylight and overshadowing;
- f) artificial lighting levels;
- g) transport impacts;
- h) impacts of the construction phase, including the assessment of these impacts within the Construction Management Plans;
- i) odour fumes and dust;
- j) microclimate;
- k) contaminated land; and
- l) impact upon water and wastewater infrastructure

10.39. Policy RE8 states that planning permission will only be granted for development proposals which manage noise to safeguard or improve amenity, health, and quality of life. The policy also states that planning permission will not be granted for development that will generate unacceptable noise and vibration impacts. In addition planning permission will not be granted for development sensitive to noise in locations which experience high levels of noise, unless it can be demonstrated, through a noise assessment, that appropriate attenuation measures will be provided to ensure an acceptable level of amenity for end users and to prevent harm to the continued operation of existing uses. The policy outlines that conditions will be used to secure such mitigation measures and operational commitments.

33 Ash Grove

10.40. 33 Ash Grove is a two storey detached dwelling located to the south of the application site.

10.41. In order to assess the impact upon access to sunlight and daylight, as noted in Policy H14 the 25° and 45° guidelines will be used, as illustrated in Appendix 3.6, alongside other material factors. Within the Appendix it states the following:

Many factors are significant in assessing whether new dwellings will enjoy adequate sunlight and daylight, both internally and externally, and the same factors

must be taken into account when assessing the impact of new development on existing dwellings.

Reflected light and the amount of sky visible affect daylight within a room or garden. Applicants must consider the function of the room or that part of the garden, and also whether other windows serve the affected room. Existing features including boundary walls, trees, proposed buildings and any change in ground level between sites are all relevant factors which also need to be taken into account.

Applicants must also consider the impact on outlook - it is important not to create conditions which are overbearing (oppressive or claustrophobic) for existing or future occupiers.

While development proposals will be considered in the light of these factors, as a guideline to assess their impact on daylight, sunlight and outlook, the City Council will use the guidelines illustrated. In normal circumstances, no development should intrude over a line drawn at an angle of 45° in the horizontal plane from the midpoint of the nearest window of a habitable room and rising at an angle of 25° in the vertical plane from the cill. If a main window to a habitable room in the side elevation of a dwelling is affected, development will not normally be allowed to intrude over a line drawn at an angle of 45° in the vertical plane from the cill.

- 10.42. The 45 degree angle test has been applied to both the ground floor and first floor rear openings serving the neighbouring dwelling, and the development would not contravene this angle. The same test has been applied to the openings located on both the ground floor and first floor at the front of the property and the development would not contravene this angle.
- 10.43. There are openings located on the northern elevation (side) of the neighbouring property facing the application site. At ground floor level there are two; one serving a kitchen and one serving a hallway/stairs. At first floor level there is a window serving a bathroom. As referenced in the Appendix, the degree angle test is applied to habitable rooms in which there is clarification which states that for the purpose of these guidelines, habitable rooms include kitchens as well as living rooms, dining rooms, studies, bedrooms and/or studies. Given that the windows serving the bathroom and the hallway/stairs are not habitable rooms, the test has not been applied to these openings.
- 10.44. The 45 degree uplift angle test has been applied to the ground floor window serving the kitchen and the angle would be contravened by the proposed development. The single storey rear extension would extend approximately 0.4m above the 45 degree line. It is noted that in the Appendix it states "If a main window to a habitable room in the side elevation of a dwelling is affected, development will not normally be allowed to intrude over a line drawn at an angle of 45° in the vertical plane from the cill". However as also highlighted within this Appendix, many factors are significant in assessing whether new dwellings will enjoy adequate sunlight and daylight. It highlights that these factors include whether other windows serve the affected room and existing features including boundary walls.

- 10.45. In relation to the kitchen at the neighbouring property, whilst the window on the side elevation would be contravened by the development, Officers note that there is a glazed window and door with glazing, located on the rear elevation serving this same room. The side window affected by the development has a north orientation which therefore would typically receive limited light. It is also noted that prior to the as-built development, the window directly faced a pathway in the ownership of No.33 Ash Grove that was bounded to the north by a boundary fence which was approximately 2m in height. The original dwelling at the application site was also located the other side of this fence in front of this window. The windows on the rear elevation of No.33 facing west are not obstructed by any built form; facing the rear garden. The garden is over 25m in length, and the dwellings backing onto the property from Chestnut Avenue are themselves located approximately 50m away. These windows are considered therefore to provide the primary source of light to the kitchen. Having regard to these factors, Officers consider that whilst the 45 degree angle test would be contravened, on balance due to the orientation of the window, the presence of other windows serving the same room, and given the position of the original dwelling in relation to the window, that the impact upon the neighbours daylight provision would be acceptable.
- 10.46. The neighbour outlines that the sunlight and daylight report they commissioned highlights how the as built development fails the BRE Vertical Sky Component test and that this is the main test used by local planning authorities to assess the effects of a development on daylight. This test is however not referenced within Policy H14 of the Oxford Local Plan as being the 'main test'. Nevertheless, the Council have reviewed this report and considered its findings. As highlighted in Appendix 2 of the letter dated 04 December 2024, there are three windows serving the kitchen. Window 3 (side kitchen window) has been highlighted as the comparison in Vertical Sky Component and this has been shown to reduce from 21.5% to 5.5%. Officers note however that windows 1 and 2 (rear kitchen window and door) both had a higher Vertical Sky Component than Window 3 before the as-built development at 38.2% and 38.5%. Window 1 experienced a reduction in vertical sky component from 38.2% to 36.8%, and window 2 experienced a reduction from 38.5% to 35.9%. Whilst both the windows to the rear of the kitchen have therefore experienced a small reduction in vertical sky component, this report confirms that before the as-built development was erected, windows 1 and 2 were the windows which received the most vertical sky component; nearly double the amount compared to window 3. Officers therefore consider that whilst the report commissioned states window 3 is the largest and main window to the kitchen, it is clear that windows 1 and 2 actually provide the most skylight to the room, not window 3 and would continue to do so.
- 10.47. With regards to outlook, it is appreciated that the as built development would be located directly adjacent to the pathway outside the side kitchen window serving the neighbour. This is a blank façade which dominates the view out of the window.
- 10.48. Officers note that prior to the works the window on the side elevation faced the pathway to the north of the property and then the boundary treatment between 33 Ash Grove and the application site. This was a close boarded timber fence with a trellis at the top. Behind this fence and trellis there was then the side elevation of the original dwelling which was two storey in height. Whilst the dwelling was not located directly up to the boundary, when looking out of the window the occupiers

of 33 Ash Grove would have seen the fence and the side of the neighbouring dwelling. It is considered that the change in outlook is therefore not significantly different such that it would be detrimental. The windows serving the kitchen to the rear however look out to the private garden of 33 Ash Grove which have a more pleasant view; with views of the garden and sky. As noted previously this garden is over 25 in length, and as such the views of the garden were not interrupted or impacted by the development.

10.49. It must be stressed that whether or not the as-built development complies with Policy H14 is a planning judgement (having had regard to the 25 and 45 degree guidelines), and having regard to the technical analysis submitted by 33 Ash Grove. The overall planning judgment is concerned with whether there will be reasonable daylight and sunlight for occupants. This judgment can be guided by the guidelines but is not determined by it. Having had regard to all material considerations available to the Council, in Officers planning judgement the as-built development would comply with Policy H14 with regards to sunlight and daylight access as well as outlook.

10.50. In relation to whether the as-built development is overbearing upon the neighbour, it is noted that the property extends approximately less than 0.5m in depth beyond the front of No.33. At the rear the single storey element only extends for approximately 1.9m in depth beyond the rear elevation of No.33. The two storey element is only approximately another 1m further in depth, although this is set approximately over 2.4m away from the shared boundary which mitigates its impact. The as-built development also involves a part single, part two storey side extension which extends up to the shared boundary with the neighbour. Previously however there was a single storey garage which extended right up to the shared boundary. Before the as-built development, there was a narrow pathway between the two properties leading to the rear garden of No.33, and this has been retained. Whilst the pathway now does have a greater amount of built form enclosing it to the north in terms of depth and two storey height, Officers consider that given the pathway was already narrow and relatively enclosed before, the as-built development would not be detrimentally overbearing given the function of this space as a pathway. In terms of the experience inside the neighbouring property, whilst the as-built development does dominate the view out of the side windows, the previous boundary treatment between the properties together with the side walls of the garage and the original dwelling were also located directly in view from these windows and dominated the view. Although not located in such close proximity at two storey scale, Officers consider that when experienced from the neighbouring property that the as-built development is not overbearing resulting in a detrimental level of enclosure.

10.51. In relation to privacy, there are no openings located on the southern wall of the as-built development located up to the shared boundary with the neighbour. There is a window located at first floor level on the south side of the original dwelling facing south, however this would only look at the obscure glazed window located at first floor level of No.33 serving a bathroom. Given the presence of the single storey element directly next to and beneath the window, and the windows siting over 2.3m away from the boundary, it is considered that this would not afford direct views into the ground floor openings serving No.33, nor the rear garden.

- 10.52. Two roof lights located approximately 1.6m above the eaves have been inserted on the southern roof slopes of the property serving the loft. The roof light located towards the front of the property faces out to the northern roof slope of No.33 and its chimney. There are no openings located within the neighbours loft and as such this opening would not overlook the neighbours. In relation to the roof light located towards the rear of the property, this looks at the northern side elevation of No.33 and the roof slope of the two storey side extension of the application site. No openings located within the northern elevation of No.33 are visible in this view, and there are no direct views into the private rear garden, with only views of the top of the trees in gardens located further to the south. As such again it is considered that this opening would not overlook the neighbour, nor result in any perception of overlooking given its siting adjacent to the side of the property where there are no openings visible on the neighbouring elevation.
- 10.53. In relation to the windows to the rear elevation, at ground floor level these are situated at a height that would not overlook into the neighbouring garden. There is a narrow window at the rear of the two storey side extension serving a bathroom. However this would only look out over the roof of the single storey rear element and its lantern roof light. On the rear elevation of the two storey rear extension there are windows at first floor level which are large; spanning approximately 4.3m in width, extending close up to the top of the gable with a maximum height of approximately 3.3m, creating a double height space in the bedroom. Whilst large in scale, it is considered that the windows would not be afforded any different views of the neighbouring property compared to the original situation where there were two windows at first floor level. The original windows were both serving bedrooms, and therefore the windows now as built would simply look in the same direction as these original windows. It must also be noted that the top of the windows would be taller than any occupants using the double height room. Whilst it is appreciated that the large expanse of glazing may result in the perception of overlooking, Officers note that large windows at upper floors of properties is not uncommon, with box dormers often installed using permitted development rights, situated at second floor level. In an urban area where the application site is located, the proximity of dwellings is relatively close and as such the perception of overlooking is expected and commonplace in such locations. As such on balance Officers consider that the as-built development would not result in any detrimental impacts associated with privacy.
- 10.54. On the southern side elevation of the as-built development there is a kitchen extractor vent which abuts the boundary with the neighbour. This is a small circular vent which projects very minimally from the side elevation of the extension, and as such is considered not to cause any impact in terms of outlook, daylight access, and nor is it overbearing. The neighbour has raised concerns that the vent emits strong and unpleasant smells and that there is noise emitted too. An acoustic note was submitted by the neighbour which assessed the impact of the vent and this concludes that the vent gives rise to noise levels that are perceived as unacceptable at 33 Ash Grove. The report also concludes that mitigation measures should be introduced such as relocating the extract termination location so that the vent does not face adjacent properties.
- 10.55. The Council's internal Environmental Health team reviewed the acoustic note and noted that the assessment uses British Standard BS 4142:2014+A1:2019

Methods for Rating and Assessing Industrial and Commercial Sounds. This is intended to be used for the assessment of whether sound of industrial and/or commercial nature is likely to give rise to complaints. In the Environmental Health Officers' (EHO) opinion the vent is neither industrial or commercial and to interpret the installation under "sound from fixed installations which comprise mechanical and electrical plant and equipment" is incorrect.

- 10.56. The EHO also advised that the assessment is questionable in relation to the measurement locations which were used in the report as they were not taken at the same locations and in their opinion not representative. Measurements at P2 were undertaken at a position further from the extract in order to obtain representative ambient and background measurements and this should have been the same location for the extract assessment.
- 10.57. The assessment period does not align with the baseline noise data time periods and in the EHO's opinion the figures cannot be relied upon. The extract is not on continuously during the day and on for relatively short periods over the 16hr measurement day period.
- 10.58. The assessment intimates that the extract is highly perceptible within the garden and given how the assessment has been carried out the discrepancy in the conclusion is unreliable. No assessment has been made as to any internal noise break in and even if the Local Planning Authority accept the 49dB noise level, it is within the accepted 50 dBA Leq 16 hour [free field] under BS8233:2014 and also World Health Organization figures.
- 10.59. In conclusion, the EHO advises that given that the assessment uses the incorrect assessment measures the outcome is not representative of the actual on site conditions and the results should be discounted.
- 10.60. Objections have also been received noting that unpleasant odour is expelled from the vent. The vent serves a kitchen extract which expels cooking fumes and odours from the kitchen of 35 Ash Grove to the outside which is a typical device/installation seen at residential properties. Building Regulations outline the standards for ventilation in a dwelling under Approved Document F, and for a kitchen cooker hood extracting to the outside there are only minimum extract ventilation rates for intermittent extract systems, no maximum extract ventilation rates. As such for a domestic property there is no guidance or legislation which prevents an extract system expelling high rates of fumes/odours. Officers note that the application site is a dwellinghouse and not a commercial premises, and therefore any cooking undertaken at the property is associated with the typical use of a dwellinghouse where occupiers would use a kitchen extract when cooking throughout the day. It is considered that the intensity of odour from this vent could not be controlled alike a commercial premises given the domestic use of the site. From reviewing the extract survey data contained with the acoustic note conducted by the neighbour, Officers consider that the times of day the extract was in operation and the duration for which the extract was on are typical of a dwellinghouse use. Officers note that the operation times were all between 7.38am and 8.26pm, and that the maximum duration was for 60 minutes which are considered not uncommon in a residential setting. Nevertheless, the Local Planning Authority could not control the times and duration a domestic extract

system and vent is used, being unreasonable and unenforceable. In addition the siting of the extract on the side wall of the dwelling is a typical location for the siting of such vents, in which Officers note that the neighbouring property also has an extract on their side wall facing the application site. Therefore, whilst Officers acknowledge that odour is emitted from the vent, the use and siting of the vent is not out of character with its residential setting, and there would be no way of controlling the use of this vent through operation hours for example which would be possible on a commercial premises.

10.61. Having had regard to the opinion of the EHO and given the domestic use of the application site, it is considered that the vent would not give rise to a materially unacceptable level of noise and odour that would be reasonably expected within a domestic setting and would not result in a detrimental impact upon the neighbouring occupiers.

10.62. A boiler vent has also been installed on the south elevation at loft level on the gable wall. Given the neighbouring property does not have any openings at roof level on the north slope facing the vent, it is considered that this addition would not cause any impact in terms of outlook, daylight access, and nor is it overbearing. In addition, it is considered that it would not be unusual in a residential area to see such vents on a property, nor would any noise or fumes that may result from the vent be unusual.

10.63. An air conditioning unit has been installed on the flat roofed single storey rear extension to the rear. This is located approximately 1.7m away from the shared boundary with the neighbour and rises approximately 0.7m in height above the roof of the extension. It has a depth of approximately 0.85m and a width of approximately 0.4m. Officers consider that given its location next to the wall of the two storey rear extension this unit would not detrimentally impact the daylight afforded to the neighbouring property, nor would it be considered overbearing nor detrimental upon outlook.

10.64. In relation to the noise impact of the air conditioning unit, a noise impact assessment has been submitted by the applicant to assess the impact of this. The EHO considers that appropriate noise guidelines have been followed within the applicants' noise impact assessment such as the Noise Policy Statement for England, National Planning Policy Framework (NPPF), Planning Practice Guidance on Noise, British Standard 8233: 2014 "Guidance on sound insulation and noise reduction for buildings and BS4142:2014 +A1:2019 "Methods for rating and assessing industrial and commercial sound" as well as Policy RE8 of the Oxford Local Plan 2036. The EHO considers that all plant noise level criteria have been adequately predicted at suitably identified receptors taking into consideration distance losses, surface acoustic reflections and, where applicable, screening provided by any building. It is noted that the noise impact assessment concludes that the noise emissions from the unit would not have an adverse impact provided that the night-time set facility is utilised. Nevertheless, the EHO is satisfied that the unit would be acceptable given the appropriate design choice of plant and subject to mitigation. Conditions have been recommended by the EHO which require the noise emitted to not exceed the background noise level when measured in accordance with British Standards and that the unit shall be mounted with anti-vibration isolators and maintained as such. Therefore whilst the noise impact

assessment notes that the night-time set facility would need to be used to prevent adverse impact, Officers note that the conditions recommended would ensure this is complied with.

37 Ash Grove

10.65. 37 Ash Grove is a two storey detached dwelling located to the north of the application site.

10.66. The 45 degree angle test has been applied to the openings located at both ground floor and first floor at the rear of the neighbouring property and the proposal would not contravene this angle. The development does not extended forward of the neighbouring property as such there is no impact upon the openings to the front of the property. At the south side of the property, there are two windows located at ground floor level and two at first floor level. The 45 degree uplift angle test has been applied and it would contravene the openings at ground floor level, however it is noted that the angle would have been contravened by the dwelling at the application site prior to the works, and as such the development would not be materially worse than the previous situation. Both of the windows located at first floor level do not serve habitable rooms; a bathroom and a stairway, and as such the 45 degree angle test does not need to be applied to these openings. Overall the development would accord with the 45/25 test and would be considered not to be detrimental upon the daylight afforded to the neighbouring occupier.

10.67. The as-built development would not extend beyond the front elevation of the neighbouring property, and would not extend any closer to the neighbours boundary compared to the original layout. The two storey rear element would extend close to the shared boundary for approximately 4.75m in depth, up to the front elevation of the neighbours garage situated within the rear garden. The extension would only extend for approximately 2.8m beyond the single storey rear extension which the neighbour benefits from, and at first floor level at the rear the only opening is located over approximately 5.5m away from the shared boundary. In addition the extension extends next to the side passage of the neighbouring property leading to the rear garden, rather than next to the private garden itself which is long and large in size. Given the neighbouring property is offset from the shared boundary by at least 2.25m approximately, the neighbour benefitting from a single storey rear extension, coupled with the private garden being sited away from the two storey rear extension, it is considered that the development would not be overbearing upon this neighbour.

10.68. Prior to the works commencing at the application site, there was a window located at first floor level on the north elevation facing the neighbour. An additional window has been installed at first floor next to this serving a bathroom. Subject to a condition ensuring that this window is obscure glazed and retained in perpetuity being obscure glazed, it is considered that this opening would not overlook the neighbours, and nor would it be detrimental upon their privacy.

10.69. Two roof lights have also been installed on the northern roof slope of the application site. The neighbouring property has converted its loft and has a roof light serving this loft space on the southern facing roof slope. The roof light situated towards the rear of the site only looks out over the roof of the single storey rear

extension of the neighbour and as such would be considered at this angle not to directly overlook the private garden or the room within the loft. The roof light situated towards the front of the site looks out towards the southern facing roof slope of the neighbouring property. The roof light serving the neighbours loft is visible in this view, however given the neighbours roof light is of a small scale and facing up towards the sky, and the roof light to the front of the application site being sited over 5m away from this neighbouring roof light, on balance officers consider that this view from this roof light would not overlook the neighbour, nor would it result in the perception of overlooking.

10.70. In relation to the openings to the rear elevation, at ground floor level these are situated at a height which would not overlook into the neighbouring garden. On the rear elevation of the two storey rear extension there are windows at first floor level which are large; spanning approximately 4.3m in width, extending close up to the top of the gable with a maximum height of approximately 3.3m, creating a double height space in the bedroom. As noted previously, whilst large in scale, it is considered that the windows would not be afforded any different views of the neighbouring property compared to the original situation where there were two bedroom windows at first floor level. It is considered that the windows not materially increase the ability to overlook than previously existed. It must also be noted that the top windows would be taller than any occupants using the room, sitting within the vaulted ceiling space. Whilst it is appreciated that the large expanse of glazing may result in the perception of overlooking, Officers note that large openings at upper floors of properties is not uncommon, with box dormers with large windows and juliette balconies often being installed using permitted development rights, situated at second floor level which would result in a similar situation. In an urban area where the application site is located, the proximity of dwellings is relatively close and as such the perception of overlooking is expected and commonplace in such locations. As such on balance Officers consider that the as-built development would not result in any detrimental impacts associated with privacy.

10.71. All other properties are considered to be located a sufficient distance away from the site and would not be affected by the development.

10.72. Given that the single storey rear extension features a flat roof, a condition has been recommended which restricts this being used as a balcony or raised platform, as its use as such would create detrimental impacts upon the neighbouring occupiers No.33 Ash Grove in relation to overlooking and privacy.

10.73. Subject to the recommended conditions, the as-built development accords with Policies H14 and RE7 of the Oxford Local Plan 2036.

c. Transport

10.74. Policy M3 states that in Controlled Parking Zones (CPZs) or employer-linked housing areas (where occupants do not have an operational need for a car) where development is located within a 400m walk to frequent (15minute) public transport services and within 800m walk to a local supermarket or equivalent facilities (measured from the mid-point of the proposed development) planning permission will only be granted for residential development that is car-free. In all other

locations, planning permission will only be granted where the relevant maximum standards set out in Appendix 7.3 are complied with.

- 10.75. Policy RE7 states that planning permission will only be granted for development that does not have unacceptable transport impacts affecting communities, occupiers, neighbours and the existing transport network.
- 10.76. The application site is located within the Headington North Controlled Parking Zone. The site is located within a 400m walk to frequent public transport services and within an 800m walk to a local supermarket or equivalent facilities, and such is eligible to be car free.
- 10.77. From reviewing Google Street View imagery dating to May 2022 prior to any works commencing on site, previously there was a hard surface across almost the whole of the front of the property and a dropped kerb to the south half of the frontage allowing for vehicle access and parking. There was a low timber fence which bounded part of the frontage next to the pavement too. The fence has been removed and a new hard surface has been laid at the front of the site spanning the full width of the frontage. The dropped kerb has also been extended to span the full width of the frontage. The garage previously located to the south of the dwelling has also been demolished.
- 10.78. From reviewing the plans submitted to the Council under application reference 21/02377/FUL, it is noted that the previous garage on the site did not meet the internal dimensions of 3m x 6m which are required for a garage to be considered large enough to park a vehicle inside. As such the loss of the garage has not resulted in any changes to the parking arrangement on site.
- 10.79. Whilst the application site is eligible to be car-free, the property already benefitted from a hardstanding at the front which could accommodate on-plot vehicle parking prior to the development taking place. As such it would be unreasonable to require the application site to be car-free and Officers consider the proposals to comply with Policy M3.
- 10.80. Comments were received on the application stating that parking information should have been submitted in accordance with the local list of requirements necessary for validation. On the application form submitted in response to the questions within the 'Pedestrian and Vehicle Access, Roads and Rights of Way', as well as 'Parking' sections, that the applicant answered no to all of these; implying that the works would not affect car parking arrangements nor the vehicle access to or from the public highway. As such the application was validated by the Council's customer services applications team. However as outlined above, the Case Officer has assessed the development and considers that the proposal would alter the access to the highway.
- 10.81. In relation to the dropped kerb, Officers consider that the extension of the previous dropped kerb at the southern end of the site to the full width of the site would not cause any detrimental impacts in relation to highways safety on Ash Grove. In addition Officers note that the Local Highways Authority Oxfordshire County Council have raised no objection to the application.

10.82. As such, the development accords with Policies M3 and RE7 of the Oxford Local Plan 2036.

d. Drainage

10.83. Policy RE4 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.

10.84. The application site is located in Flood Zone 1 and as such is not at significant risk of flooding. In accordance with Policy RE4 however, the development should be drained via SuDS, or techniques to limit run-off and reduce the existing rate of run-off.

10.85. During the course of this application comments were received which noted that sustainable drainage details have not been submitted which is a requirement on the local list of requirements necessary for validation.

10.86. Officers note however that whilst no drainage details have been provided up front with this application, a condition could be attached to any consent which requires SuDS to be utilised. By using such a condition, the development would still be required to accord with Policy RE4 and as such would be acceptable.

10.87. As such the development accords with Policy RE4 of the Oxford Local Plan 2036.

e. Biodiversity

10.88. Policy G2 states that development that results in a net loss of sites and species of ecological value will not be permitted.

10.89. All species of bats and their roosts are protected under the Wildlife and Countryside Act 1981 and The Conservation of Habitats and Species Regulations 2017 (as amended). All wild birds, their nests and young are protected under The Wildlife and Countryside Act 1981 (as amended).

10.90. Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value. This is subject to exemptions however, in which development the subject of a householder application is exempt.

10.91. The National Planning Policy Framework (NPPF) at paragraph 187 states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs.

10.92. The as-built development involved substantial works to the roof of the property and therefore the impact upon roosting bats must be assessed. The works to the

property have already taken place and as such the Council can no longer assess the potential impact upon this protected species as any harm would have already taken place.

- 10.93. Under the previous planning application however before any works commenced on site associated with the as-built development, a Preliminary Roost Assessment (PRA) was submitted in which the Council confirmed that they were satisfied that the potential presence of protected species and habitats had been given due regard.
- 10.94. Prior to the as-built development there were trees located within the rear garden along the southern boundary of the site which have now been removed. Within the PRA submitted on the previous application it was outlined that in one of the trees a birds nest was present and that it could provide an active nesting habitat. The recommendation within the report was that works should be undertaken outside the period 1st March to 31st August, and that if this timeframe cannot be avoided, that a close inspection of the tree should be undertaken immediately by a qualified ecologist prior to the commencement of work. It was also noted that all active nests would need to be retained until the young have fledged.
- 10.95. Given the tree mentioned has been felled there is potential that it could have been removed during an active nesting season. Officers have no evidence however that the tree was removed when a nest was actively being used, and as such cannot prove that the as-built development has resulted in any harm to nesting birds.
- 10.96. As part of the as-built development, ecological enhancements have been installed including a bat box on the southern elevation of the building under the eaves, a swift box on the northern elevation of the building under the eaves, and a hedgehog access point next to the fence on the northern boundary of the plot. Subject to a condition which ensures these are maintained and retained in perpetuity, the as-built development would comply with paragraph 187 of the NPPF.
- 10.97. It is acknowledged that under application reference 21/02377/NMA ecological enhancements were approved at the site which included wildflower planting, and that this planting has not been implemented on the site. The non-material amendment application is not linked to this current application and Officers can only assess the retrospective development before them which does not include wildflower planting. Whilst wildflower planting is encouraged, Officers note that it is challenging to retain in the long term within a domestic setting given varying tastes, horticultural trends and likely multiple owners. Notwithstanding this and nevertheless as outlined above Officers consider that the ecological enhancements on the site in the form of a swift box, bat box and hedgehog access meet the requirements of paragraph 187 of the NPPF and Policy G2 of the Oxford Local Plan 2036.
- 10.98. Subject to the recommended condition, the as built development would be considered to accord with Policy G2 of the Oxford Local Plan 2036, the Wildlife and Countryside Act 1981 and The Conservation of Habitats and Species

Regulations 2017 (as amended), Schedule 7A of the Town and Country Planning Act 1990, and the NPPF.

f. Trees

10.99. Policy G7 states that planning permission will not be granted for development that results in the loss of green infrastructure features such as hedgerows, trees or woodland where this would have a significant adverse impact upon public amenity or ecological interest. It must be demonstrated that their retention is not feasible and that their loss will be mitigated.

10.100. It also states that planning permission will not be granted for development resulting in the loss or deterioration of ancient woodland or ancient or veteran trees except in wholly exceptional circumstances. Planning permission will not be granted for development resulting in the loss of other trees, except in the following circumstances:

- a) it can be demonstrated that retention of the trees is not feasible; and
- b) where tree retention is not feasible, any loss of tree canopy cover should be mitigated by the planting of new trees or introduction of additional tree cover (with consideration to the predicted future tree canopy on the site following development); and
- c) where loss of trees cannot be mitigated by tree planting onsite then it should be demonstrated that alternative proposals for new Green Infrastructure will mitigate the loss of trees, such as green roofs or walls

10.101. During the course of this application comments were received which noted that there are tree within 15 metres of the property and therefore a tree survey is required in accordance with the local list of requirements necessary for validation.

10.102. On the application form submitted the question 'are there any trees or hedges on the property or on adjoining properties which are within falling distance of the proposed development?' was answered no. The question 'Will any trees or hedges need to be removed or pruned in order to carry out your proposal?' was also answered no. None of the plans submitted identified any trees within the application site nor the adjacent sites. As such the application was validated by the Council's customer services applications team.

10.103. Following a site visit by the Case Officer it was identified that there were indeed trees located within the neighbouring garden of No.33 Ash Grove. The Case Officer also noticed when comparing their site photographs with those taken in association with the previous application under reference 21/02377/FUL, that trees had been removed from the garden of the application site too. Previously there were trees located along the southern boundary of the application site, however these have been removed and a there is now a raised timber planted with integrated seating which runs along the boundary.

10.104. Officers note that from reviewing the photographs included in the Preliminary Roost Assessment dated 7/12/2021 and the site visit photographs under application reference 21/02377/FUL, that these indicate that 2 trees were

growing in the rear garden along the southern boundary with 33 Ash Grove. Officers note that of the two, only the larger Sycamore tree met the criteria for material consideration in the planning process. The other tree appeared to be in poor condition and would have likely been classified as category U under British Standard 5837:2012 (trees unsuitable for retention).

10.105. Although the site visit photos indicate that both trees have been felled, the site is not part of a Conservation Area and is not subject to any Tree Preservation Orders, and therefore there is no formal protection for trees onsite. However, Officers note that given these trees were felled to enable the proposed development (the provision of the raised planters with integrated seating which are now located in the former trees' location), then in accordance with Policy G7 the Council should secure replacement planting.

10.106. Officers note that only one tree is of material consideration (as the other smaller tree would have been considered as Category U), and therefore the Council should secure planting of one tree to replace the lost canopy cover and (limited) amenity value in line with Policy G7, secured by condition.

10.107. In relation to the trees on neighbouring land, Officers have considered the potential impact of landscaping works along the southern site boundary. The only tree which is located close to this boundary is a Birch tree growing near the rear boundary of the application site. This tree is located at a distance of approximately 2-3 metres away from the application site's southern boundary, and the boundary treatment appears to have been retained with the same concrete "retaining wall" seen both in 2021 and 2024. As such Officers consider that the development has not cause any detrimental impact on the stability of any retained trees off site either.

10.108. Other vegetation that is located alongside the shared boundaries to the application site are either shrubs or small trees which are not material considerations in the planning process.

10.109. Subject to a condition requiring details of a new tree being located within the rear garden and wording which secures the implementation of this, the development accords with Policies G7 and G8 of the Oxford Local Plan 2036.

g. Sustainability

10.110. Policy RE1 states that planning permission will only be granted where it can be demonstrated that the following sustainable design and construction principles have been incorporated, where relevant:

- a) Maximising energy efficiency and the use of low carbon energy;
- b) Conserving water and maximising water efficiency;
- c) Using recycled and recyclable materials and sourcing them responsibly;
- d) Minimising waste and maximising recycling during construction and operation;

- e) Minimising flood risk including flood resilient construction;
- f) Being flexible and adaptable to future occupier needs; and
- g) Incorporating measures to enhance biodiversity value

10.111. The application has not been accompanied by a planning statement which outlines how the as-built development has considered this policy and where sustainable design and construction principles have been incorporated.

10.112. Officers note however that ecological enhancements in the form of a hedgehog access, bat box and swift box have been installed on site. Permeable hardstanding has also been installed for the frontage of the site which would help minimise flood risk. It must be noted that this policy only requires the principles to be incorporated where relevant. Given that the as-built development involved a householder development conducting improvements to an existing dwelling only and not the erection of a new-build dwelling, it is considered that the principles incorporated are acceptable.

10.113. As such the development accords with Policy RE1 of the Oxford Local Plan 2036.

h. Other matters

10.114. During the course of the application comments were received from No.33 Ash Grove by the Case Officer via email which raised concerns as to why the application was validated, as well as inaccuracies within the plans and documents submitted. Responses to these comments have been outlined within the relevant section of this report.

10.115. One of the comments however noted that part of the building has been constructed on land owned by No.33 Ash Grove without consent, and as such a different ownership certificate should have been signed within the application form.

10.116. The Case Officer received a copy of the Title Deeds of No.35 Ash Grove and compared the land owned by the applicant to the development built within this application and considers that the land is owned by the applicant, and therefore the correct certificate has been completed.

10.117. Given that none of the development appears to be located outside of the Applicant's ownership, any comments and concerns raised regarding access and boundaries must simply be considered as a private matter between the parties involved and the Council cannot intervene in such.

10.118. Comments have also been received suggesting that neighbouring occupiers have been afforded very little consideration, however as demonstrated through the neighbouring amenity section of this report, the impact upon neighbouring occupiers has been considered very carefully.

10.119. Comments suggest that the Council have gone out their way to allow the applicant opportunities to improve its application and plans. 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. Prior to submitting application reference 21/02377/FUL, the Applicant engaged in the pre-application process with the Council, paying for a meeting and written advice. Whilst the Applicant has undertaken retrospective works, the Council still tries to work positively and proactively with applicants.

10.120. Comments were also received noting that vents and flues are not included in the description of works for the application. These elements have been installed as part of the new extension which has been built on the site in which the description of works notes the 'Erection of a part single, part two storey side and rear extension'. These are additions associated with the extensions (and depicted on the plans submitted for approval) and do not need to be outlined within the description of works themselves. For example, if the Council receive an application for a single storey rear extension, the description of works does not need to outline how many doors or windows there would be, whether there are roof lights proposed, or whether there are vents proposed. All of these components are part of the extension and do not need to be outlined within a description additionally or specifically. Additional comments were received that should any application be approved that a condition should be recommended requiring these elements to be removed within 30 days by the applicant. The vent and flue as outlined within this report are considered to be acceptable and as such no condition is recommended.

10.121. Another condition suggested was that the rooflights should be fixed shut and obscure glazed within 30 days, however like the vents, Officers consider the roof lights to be acceptable in their current form and as such no condition is required.

10.122. One other condition suggested was that the exterior materials should be regularly maintained, repaired and painted in a similar colour to the existing, all using suitable and good quality materials. This has been suggested due to the external materials used being considered flimsy and prone to be damaged easily with discolouration. Officers consider that this condition would be unreasonable to attach to any permission as the use of render is a common finish and whilst render can become discoloured, this can happen regardless of the construction materials used as weather conditions, wildlife and vegetation all contribute to the discolouration of render. It is considered unreasonable and unenforceable to condition maintenance of a domestic dwellinghouse.

10.123. It also must be noted that the author of the delegated report for the previous permission did not 'cut and paste' the applicant's daylight assessment into their report. The applicant sought pre-application advice from the Council prior to submitting the previous planning application, and a written letter was provided by the Council who made an assessment of the plans at that stage. The daylight assessment submitted by the applicant copied and pasted the assessment the Case Officer made in the pre-application letter.

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 decision apply a presumption in favour of sustainable development. This means approving development that accord 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 a 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. *Compliance with development plan policies*
- 11.4. Therefore it would be necessary to consider the degree to which the development complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which are inconsistent with the result of the application of the development plan as a whole.
- 11.5. In summary the development is acceptable in regards of its design and does not cause any detrimental harm upon the character and appearance of the dwelling itself or the streetscene of Ash Grove. The development does not cause any detrimental impacts upon the amenity of any neighbouring dwellings, and nor does the development cause any impacts in regards to parking and highways safety, drainage, trees, sustainability or ecology.
- 11.6. Therefore Officers consider that the development accords with the development plan as a whole.
- 11.7. *Material considerations*
- 11.8. The principal material considerations which arise are addressed above, and follow the analysis set out in earlier sections of this report.
- 11.9. Officers consider that the development accords 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.
- 11.10. Officers would advise members that, having considered the application carefully, including all representations made with respect to the application, the development is considered to be acceptable in terms of the aims and objectives of the National Planning Policy Framework.
- 11.11. It is recommended that the Committee resolve to grant planning permission for the development subject to the conditions set out in section 12 of this report.

12. CONDITIONS

1. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or enacting that Order), no part(s) of the roof of the building(s) permitted shall be used as a balcony or terrace nor shall any access be formed to the roof.

Reason: To safeguard the amenities of the adjoining occupiers in accordance with Policy H14 of the Oxford Local Plan 2036.

2. All Impermeable areas of the proposed development, including roofs, driveways, and patio areas shall be drained using Sustainable Drainage measures (SuDS). This may include the use of porous pavements and infiltration, or attenuation storage to decrease the run off rates and volumes to public surface water sewers and thus reduce flooding. Soakage tests shall be carried out in accordance with BRE Digest 365 or similar approved method to prove the feasibility/effectiveness of soakaways or filter trenches. Where infiltration is not feasible, surface water shall be attenuated on site and discharged at a controlled discharge rate no greater than prior to development using appropriate SuDS techniques and in consultation with the sewerage undertaker where required. If the use of SuDS are not reasonably practical, the design of the surface water drainage system shall be carried out in accordance with Approved Document H of the Building Regulations. The drainage system shall be designed and maintained to remain functional, safe, and accessible for the lifetime of the development.

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

3. Notwithstanding the provisions of the Part 1, Class A of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any order amending or re-enacting those provisions the windows shown on the approved plans to be obscure glazed shall remain obscure glazed and not be altered in a manner that means that they are no longer obscure glazed.

Reason: In the interests of the amenity of surrounding occupiers as required by Policy H14 of the Oxford Local Plan (2036).

4. Within 3 months of this permission, details of a replacement tree to be planted within the rear garden shall be submitted to and approved in writing by the Local Planning Authority.

The approved replacement tree shall then be planted in the first planting season following the approval of the details. Shall the tree within a period of 5 years from its planting die, be removed or become seriously damaged or diseased, shall be replaced in the next planting season with another of similar size and species.

Reason: In the interests of visual amenity and biodiversity in accordance with Policy G7 of the Oxford Local Plan 2036.

5. The approved ecological enhancement devices installed at the site 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.

6. The noise emitted from the air conditioning unit located at the site shall not exceed the existing background level at any noise sensitive premises when measured and corrected in accordance with BS4142:2014 +A1:2019 "Methods for rating and assessing industrial and commercial sound," with all machinery operating together at maximum capacity.

Reason: To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise from plant/mechanical installations/ equipment in accordance with Policy RE8 of the Oxford Local Plan 2036.

7. Within 1 month of this permission, the air conditioning unit located at the site shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by vibration in accordance with Policy RE8 of the Oxford Local Plan 2036.

INFORMATIVES :-

- 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.
- 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.

- 3 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 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 development 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 development does not undermine crime prevention or the promotion of community.

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