

East Area Planning East Committee

3rd August 2011

Application Number: 10/03257/FUL

Decision Due by: 31st January 2011

Proposal: Two storey side and rear extension.

Site Address: 2 Mortimer Drive Oxford Oxfordshire OX3 0RR

Ward: Marston Ward

Agent: Mr Nadeem Khan

Applicant: Mr Zamir Hussain

Application Called in – by Councillors: Clarkson, Lygo, Van Nooijen and Rowley

for the following reasons –

- Overlooking
- Overdevelopment

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The development is not considered to be materially out of character with the existing house or local area, is unlikely to have a material effect on adjacent properties, and provides an appropriate level of parking for a house of this size in this location. The proposals therefore comply with Policies CP1, CP8, CP10, TR3, HS19 and HS21 of the adopted Oxford Local Plan 2001 – 2016 and Policy CS18 of the Core Strategy.
- 2 Various comments and objections have been received. The issues raised have been considered in the officer's report and conditions have been recommended to address any material issues.
- 3 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

subject to the following conditions, which have been imposed for the reasons stated:-

- 1 Development begun within time limit

- 2 Develop in accordance with approved plans
- 3 Materials - matching
- 4 Amenity no additional windows side or roof,
- 5 Design - no additions to dwelling
- 6 Amenity windows obscure glass First floor, north east facing side wall.
- 7 Removal of garage
- 8 Retention of parking
- 9 Details excluded submit revised plans the proposed rear facing windows, P/2-MD/002, P/2-MD/003, P/2-MD/004,

Main Local Plan Policies:

Oxford Local Plan 2001-2016 (OLP)

CP1 - Development Proposals

CP8 - Design Development to Relate to its Context

CP10 - Siting Development to Meet Functional Needs

HS19 - Privacy & Amenity

HS21 - Private Open Space

TR3 - Car Parking Standards

Core Strategy

CS18_ - Urban design, town character, historic environment

Other Material Considerations:

Oxford City Council Planning Design Guide 2 – Side Extension (Design Guide 2)

Manual for Streets

Relevant Site History:

78/00647/SON_H - Erection of garage.. PER 17th November 1978.

05/00925/FUL - Erection of 1 bedroom self contained accommodation at rear. (Amended plans). PER 21st June 2005.

06/02508/FUL - Erection of garden shed/store.. PER 23rd January 2007.

09/01627/FUL - Retention of porch to annex. Retention of shed conversion for use by annex.. PER 18th December 2009.

10/01974/FUL - Two-storey side extension and part two and single storey rear extension.. REF 8th September 2010.

Representations Received:

98 Oxford Road: Object – Fails to overcome previous reasons for refusal. Incremental overdevelopment and over intensification, reduction in amenity space, effect on environment, increased risk of flooding. Lack of access / emergency access to rear. Possible subdivision.

102 Oxford Road: Object – Overdevelopment, asbestos risk from demolition.

108 Oxford Road: Object – Previous development, potential to convert garage to living space. Out of scale, clumsy design, overlooking and overshadowing to adjoining gardens. Risk of damage to tree at number 108. Overdevelopment, dominant and overbearing, detrimental effect on adjoining properties.

110 Oxford Road: Object – Front corner of proposed extension abuts property at number 110 Oxford Road; potential for overhanging of eaves. Only access / emergency access to rear and property at rear is through house or garage extension. Increase in floor space. Garage could be converted to living accommodation at later date. Design, impact of solar panels, overlooking. Increased risk of flooding.

A number of additional comments have been received from 110 Oxford Road commenting on the amended plans. For the most part, they confirm that the comments above still apply, but have also raised useful points relating to the depiction of the hipped roof and numbering of plans, which have been addressed by further amendments and the dating of drawings to differentiate the various recent submissions.

Statutory and Internal Consultees:

Local Highway Authority: No objection.

Oxford Civic Society: Overdevelopment, inadequate garden space

Old Marston Parish Council: Object – Proximity to other dwellings, overdevelopment, out of keeping, inadequate parking, risk to ash tree.

Oxford Preservation Trust Marston Area, Old Marston Residents' Association, Highways And Traffic,

Issues:

Design
Effect on adjoining properties
Parking
Private amenity space

Officers Assessment:

Site description and background

1. 2 Mortimer Drive is a semi detached house, whose plot lies to the rear of several houses along Oxford Road. Previous permissions have allowed a structure in the garden to be occupied as a bungalow annex to the main house. In 2010, permission for a two-storey side extension and part two and single storey rear extension was refused under application 10/01974/FUL for the following reasons:
2. *The proposed extensions, by reason of their design, height, side and rear projection, proximity to the boundary, position on the house, bulk and overall scale would amount to an overdevelopment of the existing house, serving to unbalance the pair of semi detached houses and would introduce a jarring and incongruous element that would have a detrimental impact upon the visual amenity of the existing building and surrounding area. The proposals therefore fail to comply with Policies CP1, CP7, CP8, CP10 and HS19 of the adopted Oxford Local Plan 2001 – 2016.*
3. *Due to the side extension's height, depth, overall bulk and scale and its position on the boundary, it would lead to a material loss of light to the rear gardens of adjoining dwellings along with the creation of a sense of overbearing, leading to a material loss of residential amenity, contrary to policies CP10 and HS19 of the adopted Oxford Local Plan 2001 - 2016.*

Proposal

4. Permission is sought for a two storey side and rear extension. Attempts have been made to address the previous reasons for refusal. The scheme is substantially smaller in terms of floor space than that previously refused, and the side wall now runs parallel to the existing house, rather than along the side boundary of the site. It is noted that the plans have been further amended since submission to reduce the apparent bulk of the proposal and its roof.

Design

5. The Council expects new development to enhance the quality of the environment, and with this Policy CP1 is central to the purpose. This policy states that all new development should respect the character and appearance of the area. This view is taken a step further in Policies CP8 of the OLP and CS18 of the Core Strategy, which require all new development to demonstrate high quality urban design and ensure that the siting, massing and design creates an appropriate visual relationship with the built form of the local area.
6. Oxford City Council Planning Design Guide 2 – Side Extension seeks to ensure that pairs of semidetached houses are not unbalanced by side extensions that are not subordinate to the existing houses.

7. The proposed development is highly visible from the public domain. However, the reduction in scale and rationalisation of layout results in a more legible and cohesive design than that previously refused.
8. The front wall of the extension is set back from the front wall of the existing house by around 1 metre and the ridge is set down from the existing ridge by 0.45 metres. The proposed roof is hipped to reduce its bulk and of a generally legible design.
9. The main change from the previously refused application is the side wall which now runs perpendicular to the front wall and has been reduced in depth. This considerably reduces the overall bulk of the extension, particularly when viewed from the street and the result is an extension that remains subservient to the original house and pair of semis when viewed from the south east corner of the site and the public domain.
10. The small rear facing windows are not ideal from a design point of view and amended, larger windows are required through the suggested condition. Overall, the extension, whilst large is not considered materially of scale with the existing house and surrounding area. However, the site's capacity to absorb further development may well have been reached and it is therefore recommended that any grant of planning permission be conditional on no further development of the site without the benefit of planning permission from the Council and a requirement to remove the existing garage prior to commencement of development.
11. Subject to a condition of planning permission to control the appearance of materials used in the build, the proposal is considered to preserve the character of the existing house and local area, is acceptable in design terms and complies with Policies CP1, CP8 and CP10 of the OLP and CS18 of the Core Strategy.

Effect on adjoining properties

12. Policy CP1 of the adopted Oxford Local Plan 2001-2016 states that where relevant, development proposals must safeguard the amenities of adjoining land users and occupiers, whilst Policy HS19 of the adopted Oxford Local Plan 2001-2016 states that planning permission will only be granted for development that adequately provides both for the protection of the privacy or amenity of the occupants of proposed and existing neighbouring residential properties. This is supported by Policy CP10, which seeks to safeguard the amenities of adjoining properties.
13. Appendix 6 of the OLP sets out the 45 degree guidance, used to assess the effect of development on daylight reaching the windows of neighbouring properties.
14. The proposal complies with the 45-degree guidance and is not considered likely to lead to a material loss of light to the windows of adjacent habitable rooms.

15. The reduction in the side extension's depth, overall bulk and scale and the revised position of the flank wall away from the boundary has reduced the impact on the gardens of rear gardens of properties along Oxford Road in terms of loss of light and overbearing, particularly on numbers 106 and 108.
16. An effect remains on the garden of 110 Oxford Road, but on balance, bearing in mind the orientation of the properties, the size of the gardens and the revised flank wall position, the effect is considered to be acceptable.
17. The insertion of windows into the flank wall further softens the appearance, but does increase the potential for overlooking and the perception of overlooking. One of these windows serves a bathroom and obscure glass is specified to this window. The other window serves a landing and the likelihood of actual overlooking is considered low. However, to reduce the perception of overlooking, it is recommended that any grant of planning permission be conditional on both of the side facing first floor windows being fitted with obscure glass, being fixed shut below eye –level and on no further windows being inserted to the flank wall. Subject to these conditions, the proposed development is not considered likely to lead to a material loss of amenity to adjacent occupiers and the proposals comply with policies CP1, CP10 and HS19 of the OLP.

Parking

18. Appendix 3 of the OLP gives a maximum standard of three parking spaces for a house with four or more bedrooms. The proposed extension will create a four / five bedroom house and provide two parking spaces to the frontage and a garage.
19. The proposed garage measures around 2 metres wide by 4.35 metres long, which is less than the 2.4 metres by 4.8 metres required for a conforming parking space. However the existing drive (that will be lost) is also substandard and impractical for access by a modern motor car. The effective level of compliant parking provided to the site will therefore remain unchanged.
20. Given that the parking standard given in appendix 3 is a maximum figure, the sustainable location of Mortimer Drive, with its proximity to local shops and bus services and subject to conditions requiring the retention of the existing parking, two spaces is considered sufficient for this location and the proposal complies with Policy TR3 of the adopted Oxford Local Plan 2001 – 2016.
21. Comments have been received from 110 Oxford Road suggesting that a condition of planning permission be imposed to ensure the garage be retained for car parking, but as the space within it does not meet the standard specification for a parking space, such a condition is considered unreasonable

Private amenity space

22. The adopted Oxford Local Plan requires that new dwellings should provide an amount of private open space to allow their occupants to enjoy fresh air and light in privacy. It goes on to say that where occupiers are likely to be children, then shared amenity space is not appropriate and, generally, the length of a private garden for a family house should be 10 metres.
23. Policy CP10 of the OLP states that permission will only be granted where developments are sited to ensure that outdoor needs are properly accommodated, including private amenity space and where buildings are orientated to provide satisfactory light, outlook and privacy. Policy HS21 states that planning permission will not be granted for development proposals where insufficient or poor quality private open space is proposed.
24. Bearing in mind that the proposals involve the removal of the garage, the area of private amenity space not covered by buildings or hard standing will increase and the proposals comply with policies CP1, CP10 and HS21 of the OLP in this regard.

Other issues

25. The following issues are raised through consultation responses:
26. The application is for an extension to a dwelling house and has been assessed as such.
27. The development site is not defined by the OLP proposals map to be within an area of low lying land and appears to be within Flood Zone 1. As surface treatments are to remain unchanged, it is not considered reasonable to justify refusal or imposition of a flooding related condition of planning permission.
28. No material effect on local wildlife or habitat has been identified.
29. Access for emergency services is available through the garage of the extension and the annex to the rear will remain within the 45 metres of the highway specified by Manual for Streets.
30. There are no protected trees within the local area. A neighbouring garden has a non-protected tree within about four meters away from the proposed flank wall. Although the tree is of some amenity value, it is not considered to be at sufficient risk from the development to justify refusal or imposition of a condition of planning.
31. The plans show the existing garage to be removed. This will increase the area of garden available, reduce the intensity of development on site and is to be welcomed. However removal of the garage will be difficult once the extension is constructed, particularly if it involves the removal of asbestos and it is considered reasonable to impose a condition of

planning permission requiring the existing be demolished and removed from site, prior to the commencement of works on the approved extension to the main house.

Conclusion:

32. It is considered that the current application is successful in addressing the reasons for refusal of the previous scheme (10/01974/FUL). The development is not considered to be materially out of character with the existing house or local area, is unlikely to lead to a material loss of amenity for the occupiers of adjacent properties, and provides an appropriate level of parking for a house of this size in this location. The proposals therefore comply with Policies CP1, CP8, CP10, TR3, HS19 and HS21 of the adopted Oxford Local Plan 2001 – 2016 and Policy CS18 of the Core Strategy and the application is recommended for approval.

Human Rights Act 1998

33. Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

34. Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

Section 17 of the Crime and Disorder Act 1998

35. Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers: 10/03257/FUL

Contact Officer: Tim Hunter

Extension: 2154

Date: 20th July 2011

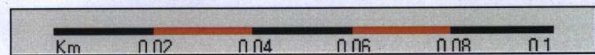
10/03257/FUL

2 Mortimer Drive



Legend

Scale: 1:1250



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Organisation	Not Set
Department	Not Set
Comments	Appendix 1
Date	22 July 2011
SLA Number	Not Set

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