

8 Halifax Road  
Bicester  
OX26 4TG

**16/01993/F**

**Case Officer:** George Smith                      **Contact Tel:** 01295 221899

**Applicant:** Mr Ajay Kumar

**Proposal:** Extend double storey over the existing garage and sub-divide existing home into 2 x two bedroom flats.

**Expiry Date:** 08.12.2016                      **Extension of Time:** 19.12.2016

---

**Ward:** Bicester East                      **Committee Date:** 15<sup>th</sup> December 2016

**Ward Councillors:** Cllrs S. Gaul, R. Mould, and T. Wallis

**Reason for Referral:** Called-in by Cllr Mould on the grounds of significant public interest, overdevelopment, and parking issues

**Recommendation:** Approval

---

## **1. APPLICATION SITE AND LOCALITY**

1.1. The application site consists of a semi-detached, two storey dwelling with a linked garaged to the detached neighbour, facing southwest onto Halifax Road. The dwelling is made of brick and tile with uPVC windows and doors. The dwelling is not listed, nor is it in close proximity to any listed buildings. The site does not fall within a designated Conservation Area.

## **2. DESCRIPTION OF PROPOSED DEVELOPMENT**

2.1. The application seeks planning permission to extend and convert the existing dwelling to 2 two bedroom flats. A side extension to form a second storey over the existing attached garage is proposed, to a height of approx. 6m, which would be set down from the main dwelling by approx. 0.1m and set back by approx. 0.4m. A single storey element to the front is also proposed, which would extend outwards by approx. 1.1m, with an eaves height of approx. 2.4m and a total height of approx. 2.9m. The side extension would be approx. 7.7m in depth at first floor level.

2.2. The applicant proposes brick and tile to best match the existing building, with uPVC windows and doors. 4 parking spaces are proposed, 2 to each flat. It is stated in the submitted drawings, Flat 1 would be 61.1m<sup>2</sup> and Flat 2 would be 66.8m<sup>2</sup>, with both flats being accessed from a single entrance door, into a shared entrance lobby. Flat 1 would occupy the ground floor of 8 Halifax Road, and would feature a lounge/kitchen area, 2 bedrooms and a bathroom. Flat 2 would occupy the first floor, and would also feature a lounge/kitchen area, 2 bedrooms and a bathroom, but also with a study.

## **3. RELEVANT PLANNING HISTORY**

3.1. There is no planning history relevant to this application.

## **4. PRE-APPLICATION DISCUSSIONS**

4.1. The following pre-application discussions have taken place with regard to this proposal:

- 16/00224/PREAPP: The applicant proposed to extend over the existing garage and to the rear, and for a subdivision of the building into 3 flats (2x1 bed flats and 1 x 2 bed flat). It was considered by the Case Officer that the proposed conversion would be an overdevelopment of the site, as it would result in concerns regarding amenity for future residents, and lack of adequate car and cycle parking facilities. It was recommended by the Case Officer that the conversion of the extended property to 2 flats may be more appropriate, providing it was appropriately designed and above concerns addressed. This report was sent on 6<sup>th</sup> September 2016.

## **5. RESPONSE TO PUBLICITY**

5.1. This application has been publicised by way of a site notice displayed near the site and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records.

5.2. The comments raised by third parties are summarised as follows:

- Flats are not in keeping with the rest of the street or area.
- Additional window that would overlook, both to the front and rear.
- Loss of light to adjacent neighbours.
- Subdivision and increased dropped kerb will have increased impact on busy road; increased parking, parking on pavement is a danger to pedestrians, impact on emergency services, cars parked on road create a blind spot.
- Storage of additional wheelie bins will impact on parking and the visual amenity of area.
- Planting proposed, when grown out, may limit the amount of space for parking.
- The proposal appears to impact on the shared party wall.
- Discrepancies in plans, including amount of parking proposed, where the party wall is shown, labelling of plans, and length of dropped kerb.
- Other concerns regarding where the current owner lives in relationship to the site, the precedent for further proposals and regarding the suitability of prospective owners/occupiers.

5.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

## **6. RESPONSE TO CONSULTATION**

6.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

## PARISH/TOWN COUNCIL

- 6.2. BICESTER TOWN COUNCIL: **Object** – by reason that the proposal would constitute an overdevelopment of the site; parking issues already existing on this road, and the proposal would compound this problem.

## STATUTORY CONSULTEES

- 6.3. OCC HIGHWAYS: **No objections** – subject to conditions for improvement to the access, and for full details of the parking and manoeuvring areas to be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development.

## NON-STATUTORY CONSULTEES

- 6.4. CDC HOUSING STANDARDS: **No comments received**

## **7. RELEVANT PLANNING POLICY AND GUIDANCE**

- 7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

### CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

- ESD1 – Mitigating and Adapting to Climate Change
- ESD15 - The Character of the Built and Historic Environment

### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 - Layout, design and external appearance of new development
- C30 - Design of new residential development

- 7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Home Extensions & Alterations Design Guide (2007)

## **8. APPRAISAL**

- 8.1. The key issues for consideration in this case are:

- Principle of development
- Design, and impact on the character of the area
- Residential amenity
- Highway safety

### Principle of development

- 8.2. Paragraph 14 of the National Planning Policy Framework states that a presumption of sustainable development should be seen as a golden thread running through decision taking. There are three dimensions to sustainable development, as defined in the Framework, which require the planning system to perform economic, social and environmental roles. These roles should be sought jointly and simultaneously through the planning system.
- 8.3. Paragraph 12 of the Framework notes that the development plan is the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Cherwell District Council has an up-to-date Local Plan which was adopted on 20th July 2015.
- 8.4. Cherwell District Council can demonstrate a five-year supply of deliverable housing sites therefore the presumption in favour of sustainable development, as advised by the Framework, will need to be applied in this context.
- 8.5. Paragraph 17 of the NPPF states that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable. Paragraph 111 states that Local Planning Authorities should encourage the effective use of land by re-using land that has been previously developed.
- 8.6. Paragraph B.88 of the Cherwell Local Plan (2011-2031 Part 1) sets out the principle of development in Bicester. It states that the aim of the Plan is to focus development "in and around the towns of Bicester and Banbury...to ensure that the housing growth which the District needs only takes place in the locations that are most sustainable and most capable of absorbing this new growth".
- 8.7. Policy ESD1 of the Cherwell Local Plan (2011-2031 Part 1) states that measures will be taken to mitigate the impact of development within the District on climate change. This includes development which seeks to reduce the need to travel and which encourages sustainable travel options including walking, cycling and public transport to reduce dependence on private cars.
- 8.8. Given the above, it is considered that the principle of converting the existing dwelling on this site to two flats is acceptable. However, the acceptability of the proposed development in this case is also clearly dependent on it not causing adverse harm to the visual amenities of the locality, residential amenities, or highways safety. These issues are discussed below.

### Design, and impact on the character of the area

- 8.9. Government guidance contained within the Framework requiring good design states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.
- 8.10. Policies C28 and C30 of the Cherwell Local Plan (1996) exercise control over the design of new development and seek to ensure that the appearance of new development is sympathetic to the character of the context as well as compatible with the existing dwellings in the area. Proposals to extend an existing dwelling

should be compatible with the scale of the existing dwelling, its curtilage and the character of the streetscene.

- 8.11. The houses on Halifax Road and the neighbouring streets of Lancaster Close and Bristol Road are of a largely uniform nature, with similar design and styles, in particular the semi-detached rows with joined garages. Whilst the dwellings are not of a particularly noteworthy design, it is considered important to ensure that new development does not detract from local character and distinctiveness.
- 8.12. The main element of the proposal is the first floor side extension. There are examples of first floor side extensions above the garage at sites on Halifax Road, Bristol Road and Lancaster Close. There appear to be two local examples where dwellings have extended at two storey level with no subservience, however, these are both end of row properties, so do not upset the rhythm and balance of the row. At 25 Lancaster Close, a two storey extension above the garage has been constructed, and consent has recently been granted for a similar two storey extension above the existing garage at 50 Bristol Road. These extensions are both evidently subservient to the main dwelling through the eaves and ridge lines being lower than those of the main roof.
- 8.13. As the Cherwell Home Extensions & Alterations Design Guide (2007) states *“Ideally, the eaves and ridge lines (of an extension) should be lower than those of the main roof to make the extension subservient to the original building.”* The proposal at 8 Halifax Road shows a clear subservience to the main dwelling, through it being set down from the main ridge height, and set back from the front elevation by 0.4m. As such officers consider that the proposed extension would not appear out of scale with the existing property or out of keeping with other properties in the area which have been similarly extended.
- 8.14. The introduction of the front ‘lean-to’ roof is not considered to have any significant impact on the visual amenity of the dwelling. Whilst the area is mainly characterised by flat roof garages and porches, there is evidence of single storey ‘lean-tos’ on other properties and the proposal would be consistent with these.
- 8.15. Concerns have been raised that the use of the dwelling as two flats would be out of keeping with the character of the area. However, the use would remain as residential and given the external changes to achieve this do not result in a building that would appear incongruous, out of scale or otherwise out of keeping with other dwellings in the area, the use as two flats is not itself considered to be harmful to the general character, quality and appearance of the area.
- 8.16. Concerns have been raised in regard to the planting proposed. It is considered necessary for Officers to condition that a landscaping scheme is submitted to the Council in order to secure an appropriate level of planting, and also to ensure that the bin storage is screened more appropriately, as the Council has concerns with the current arrangement.
- 8.17. In summary, given that the proposed extensions show clear subservience to the existing building, and there are other examples in the local area that have been granted consent for first floor side extensions, I consider that the proposed two storey side extension above the garage would comply with Policy ESD15 of the Cherwell Local Plan (2011-2031 Part 1), Policies C28 and C30 of the Cherwell Local Plan (1996) and relevant paragraphs of the Framework.

#### Residential amenity

- 8.18. Both local and national planning policy seeks to ensure that new development provides a good standard of amenity for existing and proposed residents, including in respect of privacy, overlooking and outlook. Whilst the proposed extension is large in scale relative to the dwelling and in the context of the area, it is not considered that the proposal would have a significant material impact on surrounding neighbours through loss of light, outlook or privacy. The neighbours at 10 Halifax Road may experience some loss of natural light to their rear garden, but not to an extent that would be so significant as to warrant a refusal of this application.
- 8.19. Officers note the neighbours' concerns regarding the introduction of additional windows to the front and rear elevations, which would cause overlooking. However, given that there are existing opportunities for overlooking from current first floor windows along Halifax Road, and the proposal does not extend towards either of the affected neighbours or beyond the front and rear elevations of the existing dwelling, it is not considered that the Council could sustain a refusal on these grounds.
- 8.20. Turning to the amenity afforded to the future occupiers of the flats, internal amenity space for future occupiers provides an indication as to whether the development constitutes an overdevelopment of the site. There is no Policy within the Development Plan which sets out the Local Planning Authorities guidelines in respect of acceptable amenity space for future occupiers. As such the Nationally Prescribed Space Standard contained within the Planning Practice Guidance is considered the most appropriate starting point for making this assessment.
- 8.21. The standards state that the minimum gross internal floor area for a 1 storey, 2 bed dwelling for 3 persons is 61m<sup>2</sup>, and for 4 persons is 70m<sup>2</sup>. Both flats have internal floor areas falling between these two minimum standards. As it would be a matter of personal choice for prospective occupiers whether the bedrooms are used as single or double/twin rooms, and given Cherwell Council does not have a Policy setting minimum space standards, officers are satisfied that the flats would provide an acceptable amount of indoor space.
- 8.22. Only the ground floor flat would have access to the rear garden. This garden area provides an acceptable level of outdoor amenity space for the smaller ground floor flat. The first floor does not have access to this area and it is noted that while only the ground floor flat would have access to this space, it could be overlooked by the occupiers of the first floor flat. However, a similar, although marginally less, level of overlooking could be achieved by the occupiers of 6 & 10 Halifax Road. Furthermore, flats typically have less access to outdoor amenity space than houses, and prospective occupiers would be aware of the proposed arrangement when deciding whether the accommodation is suited to their needs.
- 8.23. Given the above, and the lack of a Development Plan policy setting minimum standards for outdoor amenity space serving flats, the proposed arrangement is considered acceptable.
- 8.24. It is considered that the level of outlook for future occupiers of both flats is acceptable, providing both natural light and outlook. This being the case and having regard to the conclusions above, officers consider that an acceptable standard of amenity is provided for future occupiers.

#### Highway safety

- 8.25. Neighbours have raised concerns regarding the amount of car parking proposed for the flats, given that 4 car parking spaces would serve the 2 flats. The existing front

drive is considered to provide enough space for 4 cars, and the existing dwelling is a 4 bedroom property.

- 8.26. The applicant has provided 4 car parking spaces, 2 for each flat, with further cycle storage provided for each flat. The Council cannot anticipate the exact number of residents that could inhabit the flats at any one time, however, judging by the size of the flats, it is expected that each flat would hold between 1 and 3 residents.
- 8.27. Class L of Schedule 2 Part 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015 allows for the conversion of small HMO's (Use Class C4) to dwellinghouse's (Use Class C3) and vice versa, thus allowing the use of a dwellinghouse by 3-6 residents as a House in Multiple Occupation. There is nothing within this Class or the planning history for the application site to restrict the applicant converting the existing dwelling into a HMO for at least 4 residents. Officers consider that a HMO on this site would generate a similar level of traffic generation to what has been proposed under this current application. Thus it would be difficult to sustain an objection to this application on parking grounds.
- 8.28. Furthermore it is considered that the development would promote other, more sustainable means of transport such as cycling, and access to bus and train services is also readily available in reasonable proximity to the site.
- 8.29. The Cherwell Local Plan (2011-2031 Part 1) seeks to support development that promotes the use of sustainable transport modes and that is not reliant on the private car. The GPDO also provides a fall-back for the applicant should an application be refused that could generate a similar or increased level of traffic generation and associated parked vehicles. This being the case, and in the absence of an objection from the Local Highways Authority, the amount of on-site car parking is considered acceptable.

#### Other matters

- 8.30. Officers note that two of the plans are both labelled "Proposed Ground Floor", however, it is clear from how the stairs are shown on each drawing and the lack of a single storey element from the first floor drawing, which drawing indicates the Proposed First Floor.
- 8.31. Officers note that the Design and Access Statement refers to three parking spaces, whereas the drawings show 4 parking spaces. The Council is content that there is an error in the text in the Design and Access Statement, as all the drawings indicate 4 parking spaces.
- 8.32. Officers also note that the length of existing dropped kerb is longer than the 2.8m shown on the plans, however, as this plan is clearly only indicating the kerb associated with the application site boundary, this also is a discrepancy on the plan which does not affect the Council's determination of the application.
- 8.33. Neighbours have raised concerns regarding the party wall, however, this is not a planning consideration, and is a civil matter between the applicant and the neighbour. A planning note is attached in respect of this.
- 8.34. Where the applicant lives in relation to the application site is not a planning consideration and should not have any bearing on the Council's decision. Likewise concerns about who is likely to occupy the flats are not a planning consideration and cannot be controlled through the planning process.

## **9. CONCLUSION**

- 9.1. The principle of the development is considered to be acceptable. The proposal would not cause detrimental harm to the character and appearance of the area, residential amenity, or highways safety. The proposal is therefore compliant with the policies outlined in section 7 of this report. Overall, the proposal is considered to have no significant adverse impacts, therefore the application is recommended for approval and planning permission should be granted subject to appropriate conditions.

## **10. RECOMMENDATION**

10.1. That permission is granted, subject to the following conditions:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents: Application forms, drawing numbers "A.01.1", "A.01.2", "A.01.05 Rev A", "A.01.6 Rev A", "A.01.7 Rev A", "A.01.8 Rev A", "A.01.9", "A.01.10 Rev A" and "A.01.13 Rev A".

Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government guidance contained within the National Planning Policy Framework.

3. The materials to be used for the external walls, roofs, windows and doors of the extensions hereby approved shall match in terms of colour, type and texture those used on the existing building.

Reason – To ensure that the development is constructed and finished in materials which are in harmony with the materials used on the existing building and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. Prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

- (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
- (b) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps,
- (c) details of any new boundary treatments, along with details of the proposed bin storage areas and their means of enclosure.

Thereafter, the development shall be carried out in accordance with the approved landscape scheme.



Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

6. Prior to the first use or occupation of the development hereby permitted the cycle parking facilities shown on the approved plans shall be provided, and shall be permanently retained and maintained for the parking of cycles in connection with the development thereafter.

Reason - In the interests of sustainability, to ensure a satisfactory form of development and to comply with Policies SLE4 and ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

### **Planning Notes**

1. Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.
2. Although consent has been granted for the extended access, this does not give consent for the applicant to carry out the works. The applicant would be required to contact OCC Highways and gain a Road Opening Permit.