

24 Cheney Road Banbury OX16 3HS**Case Officer:** Emma Whitley**Applicant:** Mr Asif Elahi**Proposal:** Proposed single storey front, side & rear extension including new porch to front. Double storey side extension. Proposed new outbuilding to rear of garden.**Ward:** Banbury Grimsbury And Hightown**Councillors:** Cllr Andrew Beere, Cllr Shaida Hussain and Cllr Perran Moon**Reason for Referral:** Called in by Cllr Andrew Beere for the following reasons: public interest**Expiry Date:** 15 January 2021**Committee Date:** 14 January 2021**1. APPLICATION SITE AND LOCALITY**

1.1. The application site relates to a two-storey detached dwelling located in a residential area of Banbury to the north-east of the town centre. The house is constructed from red facing brick with grey uPVC fenestration, under a plain tiled roof. The property has an attached garage in addition to an area of hardstanding to the front providing off-street parking. The property benefits from a large rear garden, with an existing single storey garden room situated at the end of the garden.

2. CONSTRAINTS

2.1. The dwelling is not listed, nor is it situated within close proximity to any listed buildings. The dwelling is not within a conservation area. There are public rights of way to the south and west of the site (route codes: 120/77/10 and 120/76/10). There are also public rights of way within close proximity to the site (route codes: 120/76/20 and 120/77/20). There are no additional planning constraints considered relevant to this proposal.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. The applicant seeks planning permission for a single storey front and rear extension and a two-storey side and rear extension. The proposals also include the provision for a replacement outbuilding to the rear of the garden.

3.2. The proposed lean-to front extension would protrude by 1.6 metres from the proposed two-storey side element and would extend by 1 metre from the existing dwelling. The front extension would cover the entire width of the existing dwelling and proposed two-storey side extension and would be in the form of a lean-to, although the central section would remain open.

3.3. The two-storey side extension would require the removal of the existing attached garage. The length of the extension would be 10.6 metres x 2.5 metres wide at the front, widening to 2.8 metres to the rear. The extension would protrude by 2.5 metres from the rear of the existing dwelling at two storey level. The maximum roof

ridge height would be 7.2 metres, dropping to a gable end roof ridge height of 6.2 metres to the rear of the dwelling and an eaves height of 5 metres.

- 3.4. The proposed single storey rear extension would protrude by 4 metres to the rear of the existing dwelling and by 1.5 metres from the proposed two-storey side extension. The width of the proposed rear single storey extension would be 8.6 metres and the width of the first floor rear extension would be 3 metres. The roof would be flat with a small parapet wall taking the height to 3.3 metres.
- 3.5. The extensions would be constructed from matching red-facing brick with grey uPVC windows to match the existing. There is one small window proposed in the upper-floor side of the proposed two-storey side extension, which would be for a bathroom. Two additional windows are proposed for the front elevation of the dwelling, with two windows, bi-fold doors and an additional door proposed in the rear elevation. No additional windows are proposed to the north elevation.
- 3.6. The proposed outbuilding would replace the existing outbuilding and would be 7.3 metres wide x 4.3 metres deep. The ridge height would be 4 metres, dropping to an eaves height of 2.1 metres. The proposed design of the outbuilding would be sympathetic to the main dwelling, with the materials matching the dwellinghouse.

4. RELEVANT PLANNING HISTORY

- 4.1. The following planning history is considered relevant to the current proposal:

20/00047/F – Proposed two-storey side extension with associated internal/ external works. *Application Permitted.*

52/00114/B – 3 Detached dwellinghouses with private garages with vehicular accesses. *Application Permitted.*

- 4.2. Permitted development rights remain intact for this dwelling as they have not been removed by way of condition.

5. PRE-APPLICATION DISCUSSIONS

- 5.1. No pre-application discussions have taken place with regard to this proposal.

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near to the site and letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **12 November 2020**, although comments received after this date and before finalising this report have also been taken into account.

- 6.2. The comments raised by third parties, which relate to the originally submitted plans, are summarised as follows:

- Proposed development is over large for the site and represents overdevelopment of the site
- Proposed development is out of character of the design of the surrounding houses
- Additional parking would be required for the proposed development, which cannot be accommodated within the immediate vicinity and create additional parking congestion

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

7. RESPONSE TO CONSULTATION

- 7.1. 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 AND NEIGHBOURHOOD FORUMS

- 7.2. BANBURY TOWN COUNCIL – **No objections. Comments:** Some concern about the adequacy of off-street parking for the proposed 5-bedroom house. The ancillary building should be conditioned so that it remains in ancillary use and cannot become a separate unit of accommodation.

OTHER CONSULTEES

- 7.3. LOCAL HIGHWAYS AUTHORITY – **No objections. Comments:** The proposals are unlikely to have any adverse impact upon the local highway network from a traffic and safety point of view. The proposals would not materially change the volume or type of vehicles accessing the development.
- 7.4. BUILDING CONTROL (CDC) – **No objections. Comments:** Reception 2 should have an escape window. Building control application required.
- 7.5. OPEN SPACES SOCIETY – **No objections/ comments** received at the time of drafting the report.
- 7.6. RAMBLERS ASSOCIATION – **No objections/ comments** received at the time of drafting the report.
- 7.7. RIGHTS OF WAY (CDC) – **No objections/ comments** received at the time of drafting the report.

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. 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)

- 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

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Residential Design Guide (2018)
- Cherwell Council Home Extensions and Alterations Design Guide (2007)

9. APPRAISAL

9.1. The key issues for consideration in this case are:

- Design, and impact on the character of the area
- Residential amenity
- Highway safety/parking provision

Design and Impact on the Character of the Area

- 9.2. Paragraph 124 of the NPPF states that: *'Good design is a key aspect of sustainable development'* and that it *'creates better places in which to live and work'*. This is reflected in Policy ESD15 of the CLP 2031 Part 1, which states that new development proposals should: *be designed to improve the quality and appearance of an area and the way it functions...contribute positively to an area's character and identity by creating or reinforcing local distinctiveness...(and) respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings.*
- 9.3. Saved Policies C28 and C30 of the CLP 1996 reinforce this, with Policy C30(ii) stating: *that any proposal to extend an existing dwelling (should be) compatible with the scale of the existing dwelling, its curtilage and the character of the streetscene.*
- 9.4. The proposed extensions and outbuilding would be constructed from red-facing brick, tiles and uPVC to match the existing dwelling and therefore are considered acceptable and in keeping with the red brick character of the immediate locale.
- 9.5. The two-storey side extension would replace the existing attached garage on the southern elevation of the dwelling. There are examples within the wider streetscene of extensions above garages and so this element of the proposed development would not appear out of place (the principle of a two storey extension was previously established with the approval of 20/00047/F). Furthermore, the two-storey element would be subservient to the main dwelling with the roof remaining hipped to ensure that it blends in within the immediate built environment and would not appear overly bulky.
- 9.6. As originally proposed, the two storey side extension would have resulted in a large unbroken expanse of brick which would face directly on to a public right of way. Amended plans reduced the impact with the rearmost element of the extension, beyond the original rear elevation, being stepped back off the boundary at first floor level. The impact of the proposal when viewed from the footpath is now considered to be acceptable.
- 9.7. Although there are not any other front extensions in the immediate vicinity, given its modest depth, it is nonetheless considered that the proposed front extension would be an appropriate addition.

- 9.8. The proposed outbuilding has a relatively large footprint but would be permitted development if it were repositioned so that it was to be at least 2 metres from the closest boundary. As with the single storey extension, which like the outbuilding is considered to be of an acceptable design, a large proportion of the proposed building would be screened from the public domain by the existing boundary fence. Officers do however share the concerns of the Town Council regarding the use of the outbuilding and a condition is proposed to ensure that the building remains ancillary to the dwellinghouse.
- 9.9. Neighbour objections were received in relation to the impact the works would have on the local character of the area and that they would result in an overdevelopment of the site. For the reasons set out above, Officers are satisfied that the design of the various elements of the scheme are acceptable. Whilst the proposal represents quite a significant increase in floor area, it is concluded that it does not represent an overdevelopment of the site; the application property occupies one of the larger curtilages in the vicinity.
- 9.10. For these reasons, the proposals are therefore acceptable in terms of design and impact on the character of the area, and thus accords with Government guidance contained within the NPPF, saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1.

Residential Amenity

- 9.11. Paragraph 127 of the NPPF includes, as a core planning principle, a requirement that planning should have *a high standard of amenity for all existing and future users*. This is reflected in Policy ESD15 of the CLP 2031 Part 1, which states that new development proposals should: *consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space*.
- 9.12. The Council's Home Extensions and Alterations Design Guide (2007) provides informal guidance on how the Council will assess proposed extensions to houses, including guidance on assessing the impact on neighbours. This includes assessing whether a proposed extension would extend beyond a line drawn at a 45° angle, as measured horizontally from the mid-point of the nearest habitable room window.
- 9.13. The proposed two-storey side extension would extend past the rear elevation of the existing dwelling and would therefore be visible to the neighbour situated north of the site, 26 Cheney Road. However, the rear extension would be situated approximately 9 metres away from the boundary with this neighbouring property and would not include any side windows facing towards this neighbour. As such, the impact caused by the two-storey side extension to this neighbour in terms of impact to privacy, outlook and light would be minimal.
- 9.14. The rear of the neighbouring dwellings located to the south of this site, which are at right angles to the application property, are situated approximately 17 metres away from the proposed side extension. The side extension element would comply with the guidance contained within the Cherwell Council Home Extensions and Alterations Design Guide (2007); which states that there should be a separation of at least 14 metres from a window of a neighbour's habitable room to prevent overshadowing. The intervening right of way and neighbouring garage also helps to lessen the impact on these neighbours. Only one window is proposed in this southern elevation, a bathroom window, which would be obscurely glazed to prevent any overlooking.

- 9.15. The single storey rear extension would align with the rear extension of 26 Cheney Road and would not therefore breach the 45-degree line. This element would also be screened by the shared boundary treatment. The impact on these neighbouring residents and indeed the other surrounding neighbours of this part of the development would therefore be minimal.
- 9.16. The front extension would extend by 1 metre along the north elevation, closest to No. 26 Cheney Road and would not breach the 45-degree rule in relation to this neighbour. The nearest structure to the south of the site is a detached garage and so there would not be any amenity issues presented by the front extension to this side.
- 9.17. Given its relatively limited height and the distance, approximately 18 metres, from the closest neighbour to the south (49 Grimsbury Square), the impact of the proposed outbuilding on the properties to the south is considered to be acceptable. The neighbour to the north of the site at 26 Cheney Road has an outbuilding situated adjacent to the proposed outbuilding and as with the other extensions the proposal would also be partly screened, from this neighbour, by existing boundary treatment.
- 9.18. For the above reasons, the proposals are considered to accord with Government guidance contained within the NPPF, saved Policy C30 of the Cherwell Local Plan 1996 and Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, which seek standards of amenity and privacy acceptable to the Local Planning Authority.

Highway Safety/Parking Provision

- 9.19. Policy ESD15 of the CLP 2031 Part 1 states, amongst other matters, that new development proposals should: *be designed to deliver high quality safe...places to live and work in*. This is consistent with Paragraph 110 of the NPPF which states that: *developments should create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles*.
- 9.20. Although the extension would encroach on the existing driveway, there would still be space for two off-street parking spaces. Notwithstanding the neighbour objections and the reservations expressed by the Town Council, the Local Highways Authority concluded that there was adequate parking provision and that the proposal would be unlikely to have any adverse impact upon the local highway network. Officers concur with this assessment, particularly as the property is in a sustainable location well served by public transport. The proposal is therefore considered acceptable in this regard.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The proposal complies with the relevant Development Plan policies and guidance listed at section 8 of this report, and so is considered to be sustainable development. In accordance with Paragraph 11 of the NPPF, permission should therefore be granted.

11. RECOMMENDATION

GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW

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 conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents:

Drawing Numbers:

00-PR-02 Rev A

00-PR-04 Rev A

00-PR-01 Rev A

00-PR-03 Rev A

00-OB-PR-02 Rev A

00-OB-PR-01 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 comply with Government guidance contained within the National Planning Policy Framework.

3. The materials to be used for the external walls, roof, doors and windows of the development hereby permitted 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 ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. The first floor window in the first floor southern elevation shall be obscure glazed, using manufactured obscure glass that is impenetrable to sight, (not an applied adhesive film) before the extension is first occupied and shall be permanently retained as such thereafter. The window shall also be non-opening, unless those parts which can be opened are more than 1.7m above the floor of the room in which it is installed and shall be permanently retained as such thereafter.

Reason - To safeguard the privacy and amenities of the occupants of the neighbouring properties and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

5. The outbuilding hereby permitted shall be used solely as ancillary accommodation to the existing dwellinghouse, currently known as 24 Cheney Road, and as such shall not be sold, leased, let, sub-let or used as an independent dwelling unit.

Reason : The site is unsuitable to accommodate a separate dwelling without it being cramped or causing harm to the amenities of the occupants of the adjoining dwelling and in order to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.