

**Case Officer:** John Gale

**Applicant:** Mr Imran Khan

**Proposal:** Remodelled/enlarged single storey rear extension

**Ward:** Banbury Ruscote

**Councillors:** Cllr Richards, Cllr Woodcock and Cllr Cherry

**Reason for Referral:** Application submitted by a member of staff or Councillor of CDC acting as agent, advisor or consultant

**Expiry Date:** 20 July 2021

**Committee Date:** 15 July 2021

---

**SUMMARY OF RECOMMENDATION: GRANT PERMISSION, SUBJECT TO CONDITIONS**

**1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site is a terraced dwelling in the urban confines of Banbury.
- 1.2. The mid-terrace dwelling was likely built in the post-war period and it is constructed from brick with uPVC fenestrations and a concrete tile roof.

**2. CONSTRAINTS**

- 2.1. The application site is not within a designated Conservation Area and there is no public access to the rear of the dwelling.

**3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1. The proposal is for a replacement flat roofed, single storey, rear extension.
- 3.2. The proposals would extend the existing 5.3m deep extension by around 0.5m in depth. The width of the existing extension would be enlarged, but not the full width of the property, with a 1.5m gap to the boundary. The height of the flat-roofed enlargement would be 3.0m, matching the height of the existing extension.
- 3.3. The extension would be constructed from materials to match the existing dwelling.

**4. RELEVANT PLANNING HISTORY**

- 4.1. There is no planning history directly relevant to the proposal.

**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 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 **25 June 2021**, although comments received after this date and before finalising this report have also been taken into account.

6.2. No comments have been raised by third parties.

## 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**

### CONSULTEES

7.3. None

## 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 in 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)
- CDC 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

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

#### *Legislative and policy context*

9.2 Government guidance contained within the NPPF 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. Furthermore, 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.

9.3 Saved Policies C28 and C30 of the adopted CLP 1996 exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context as well as compatible with the existing dwelling. Proposals to extend an existing dwelling should be compatible with the scale of the existing dwelling, its curtilage and the character of the streetscape.

9.4 Policy ESD15 of the CLP 2031 states that development should '*Reflect or, in a contemporary design response, re-interpret local distinctiveness, including elements of construction, elevational detailing, windows and doors, building and surfacing materials, mass, scale and colour palette*'.

#### *Assessment*

9.5 The proposals would be wholly to the rear of the building and would not impact upon the character of the street scene. Whilst flat-roofed extensions are normally advised against, as the existing roof is flat-roofed and there would be no impact on the wider street scene, given the rear location, it is therefore considered acceptable in this instance.

9.6 The proposed extension is only slightly larger than the existing rear extension and it is considered to be in proportion to the original, modestly sized, dwelling.

#### *Conclusion*

9.7 The proposal is considered to be acceptable in design terms as it does not conflict with Policy ESD15 of the CLP 2031, saved Policies C28 and C30 of the CLP 1996 and government guidance contained in the NPPF.

### **Residential Amenity**

#### *Legislative and policy context*

9.8 Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2031 which states that new development proposals should consider amenity of both existing and future development,

including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space.

#### *Assessment*

- 9.9 The proposals would extend out 1.0m deeper than the existing extension at the neighbouring property 13 Beatrice Drive which has a 4.5m deep existing extension. The centre of the nearest opening on the rear elevation of the extension at No.13 is approximately 1.5m from the boundary and the proposed extension would not impact to this nearest window serving living accommodation. Given the minor additional enlargement of the depth of the structure here would be no harm to outdoor amenity of the neighbouring residents of No.13 who enjoy the benefits of a generous garden space.
- 9.10 On the other side there would be a gap of around 1.5m to the 1.8m boundary fence with the neighbouring property 15 Beatrice Drive. Despite the 5.5m depth and 3.0m height of the proposals, which would impact upon the 45-degree line from the nearest windows at the rear of No.15, the gap of 1.5m and the boundary treatment would soften the impact to neighbouring amenity. As a fallback a 3m high flat-roofed extension could be constructed along the boundary to a depth of 3m under permitted development, this would have a greater impact upon the amenity of the residents. Given the significant gap to the boundary and the fallback position it is considered that the impact would be acceptable from the proposals.

#### *Conclusion*

- 9.11 The proposals would be acceptable in neighbouring amenity terms and accord with Policy ESD15 of the CLP 2031, saved Policies C28 and C30 of the CLP 1996 and government guidance contained in the NPPF.

## **10. PLANNING BALANCE AND CONCLUSION**

- 10.1. Based on the assessment above, 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**

### **RECOMMENDATION – GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW:**

#### **Time Limit**

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.

## **Compliance with Plans**

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application form and the following plans P.01 and SLP1.

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