

Case Officer: Michael Sackey

Applicant: Mrs Jenny Fenton

Proposal: Single storey rear extension, single storey side extension, part single storey front extension.

Ward: Bicester West

Councillors: Councillor Broad, Councillor Sibley and Councillor Webster

Reason for Referral: Called in by Councillor Sibley for the following reasons:

- Extensions too big for a residential property
- This will be turned into HMO
- Work has already commenced inside the property to significantly change its layout clearly offering multiple occupancy living
- Not enough parking to support another HMO.
- Extensions to the side and building to the boundary line right against the pavement is not in keeping with properties within the area, especially as this is in a prominent position at the junction of Lawrence Way and Hemingway Drive
- Impact on amenity of neighbouring properties

Expiry Date: 25 May 2021

Committee Date: 12 August 2021

SUMMARY OF RECOMMENDATION: GRANT PERMISSION, SUBJECT TO CONDITIONS

1. APPLICATION SITE AND LOCALITY

1.1. The application relates to a semi-detached, two storey dwelling positioned on a corner plot, externally of brick with a tiled roof, facing south towards Lawrence Way. There are no changes in the levels across the site that would significantly affect the application assessment. The site, which lies in the built form of Kidlington, is bounded by residential properties to the east, north and south. The site is not within a designated Conservation Area and the building is not listed.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

2.1. The applicant seeks planning permission for a single storey front, side and rear extensions. The proposed front extension would measure approximately 1.2m depth, 5.4m width with an overall roof height of 3.1m sloping down to an eaves height of 2.4m. The proposed single storey side extension would measure approximately 7.6m depth, 3m width with an overall roof height of 3.1m sloping down to an eaves height of 2.4m. The proposed single storey rear extension would measure approximately 3m depth, 8.6m with an overall roof height of 3.1m sloping down to an eaves height of 2.4m.

2.2. The application relates to the submission of revised plans received on (20.07.2021) at 13:16hrs and (21.07.2021) at 15:33hrs reference "OX262FREI01", "OX262FRFP01", "Block plan (existing) 1:200 (21, Lawrence Way, Bicester,

Oxfordshire, OX26 2FR)” and Block plan 1:200 (21, Lawrence Way, Bicester, Oxfordshire, OX26 2FR)”. The revised plans reduce the scale of the development and amend the design the proposed roof to a hipped roof.

3. RELEVANT PLANNING HISTORY

There is no planning history directly relevant to the proposal

Application: 10/01399/F Refused 2 November 2010
Retrospective. Erection of 1.8m wooden fence to boundary.

Application: 11/00310/F Permitted 21 April 2011
Erection of wooden fence to boundary (retrospective)

4. PRE-APPLICATION DISCUSSIONS

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

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. The final date for comments was **05 August 2021**, although comments received after this date and before finalising this report have also been taken into account.

5.2. Five letters were received objecting to the current application on the grounds of:

- Highway safety,
- Lack of parking,
- Loss of light,
- Loss of outlook,
- HMO development,
- Visual impact, not in keeping with the street scene and devalues property.

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.

BICESTER TOWN COUNCIL

6.2. Consulted on (09.04.2021): No comments received

OTHER CONSULTEES

6.3. OCC HIGHWAYS: No objections

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 ('CLP 2015') was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The CLP 2015 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 2015)

- 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 Residential Design Guide (2018)
- CDC Home Extensions and Alterations Design Guide (2007)

8. APPRAISAL

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

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

Design, and impact on the character of the area

- 8.2. 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.
- 8.3. Saved Policies C28 and C30 of the 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.
- 8.4. Policy ESD15 of the CLP 2015 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*'.

- 8.5. Given its scale, and massing, and the corner plot position of the existing dwelling, the proposal would be readily visible from the highway and would have a significant visual impact.
- 8.6. However, the proposal would be set down in height from the existing dwelling and, following amended plans and by reason of its scale, siting and design, it would be in keeping with the existing dwelling. The proposed materials would generally match those of the existing dwelling and are considered acceptable.
- 8.7. The proposal would therefore be in keeping with the existing dwelling and would not adversely affect the visual amenity of the locality.
- 8.8. The proposal is considered to be acceptable in design terms as it does not conflict with Policy ESD15 of the CLP 2015, saved Policies C28 and C30 of the CLP 1996 and government guidance contained in the NPPF.

Residential Amenity

- 8.9. Saved 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 2015 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.
- 8.10. The proposed development would be set well off the shared boundary with the adjacent neighbour at 1 Dumas Close and would not have any impact on this neighbour.
- 8.11. The proposal would abut the shared boundaries with the attached neighbour at 19 Lawrence Way. Given this neighbour's existing rear extension, the proposal would comply with the 45 degree rule.
- 8.12. Having regards to its scale and siting, along with the spatial relationship with the neighbouring properties and the existing extension to the rear of 19 Lawrence Way, it is considered that the development would not have any significant impact on the amenity of the neighbours, either through loss of light, outlook or privacy.
- 8.13. The proposals would be acceptable in neighbouring amenity terms and accord with Policy ESD15 of the CLP 2015, saved Policies C28 and C30 of the CLP 1996 and government guidance contained in the NPPF.

Highway safety

- 8.14. Policy ESD15 of the CLP 2015 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 35 of the NPPF which states that: *developments should be located and designed where practical to...create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians*.
- 8.15. The Local Highway Authority has raised no objections to the proposal, indicating that the proposals are unlikely to have any adverse impacts upon the local highway network from a traffic and safety point of view. Officers agree with this assessment.
- 8.16. The proposal is therefore considered acceptable in relation to highway safety and parking provision, and in this regard accords with Policy ESD15 of the CLP and Government guidance in the NPPF.

Other matters

- 8.17 Concerns have been raised that the property is to be used as a House in Multiple Occupation (HMO). The application only seek consent for proposed extensions, it does not include a request for a change of use to Use Class C4 - HMO.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. 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.

10. 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 following plans and documents: Location plan (1:1250), "Block plan 1:200 (21, Lawrence Way, Bicester, Oxfordshire, OX26 2FR)" "OX262FRFP01" and "OX262FREI01".

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

Boundary treatment

3. Notwithstanding the details submitted, no development shall commence above slab level until full details of means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure the satisfactory appearance of the completed development and to safeguard the character and appearance of the area and 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.