

**Case Officer:** Lewis Knox

**Applicant:** Louise Tustian

**Proposal:** Single storey rear extension

**Ward:** Banbury Calthorpe And Easington

**Councillors:** Cllr Colin Clarke, Cllr Kieron Mallon and Cllr Tony Mephram

**Reason for Referral:** Application submitted by a member of staff

**Expiry Date:** 11 October 2021

**Committee Date:** 4 November 2021

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

**1. APPLICATION SITE AND LOCALITY**

- 1.1. The application property is a semi-detached dwelling within the Bankside residential estate in south-east Banbury. The building is constructed from brick with white uPVC fenestrations and an interlocking concrete tile roof above. The building currently benefits from a conservatory extension to the rear.
- 1.2. The design of the dwelling is similar to the surrounding character of the street scene, although the form and materials used vary amongst the various house types.

**2. CONSTRAINTS**

- 2.1. There are no significant constraints to the site. The building is not listed, and the site is not located within a designated conservation area. Permitted development rights for the enlargement of the dwelling are intact.

**3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1. The applicant seeks permission for the erection of a single storey rear extension to the dwelling to replace an existing rear conservatory.
- 3.2. The extension would measure 3.4m in depth and would extend the width of the rear elevation to 5.9m. The development would have a flat roof of overall height of 3.0m.

**4. RELEVANT PLANNING HISTORY**

- 4.1. The following planning history is considered relevant to the current proposal:  
Application: 05/02064/F  
Conservatory to the rear. Single storey front extension  
Permitted 8 December 2005

**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 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 **9 September 2021**.
- 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. CDC BUILDING CONTROL: **No adverse comments**

## **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)
- 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
- Highway Safety

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

#### *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 Cherwell Local Plan 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 Part 1 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 proposed extension would be located to the rear of the application dwelling and as such would not be readily visible from the public domain and would not have a significant impact on the character and appearance of the streetscene.
- 9.6 The property has previously benefitted from a rear conservatory which would be replaced as part of this development. It is therefore considered that the principle of this form of development is already established at the site.
- 9.7 The scale of the development would be larger than the existing conservatory with a slightly greater depth, and a width which would match the width of the original dwelling. Despite the increase in scale, it would be subservient to the main dwelling with a single storey and a width which would not extend beyond the side elevation of the dwelling.
- 9.8 Extensions of this nature are typical of residential properties such as this and would not appear alien within the residential setting.
- 9.9 It is also noted that similar developments are visible to neighbouring dwellings, most notably to the neighbour immediately to the south. The development would therefore continue the established character of the area.
- 9.10 The proposed materials would not match the existing materials at the property. The development includes the use of a buff render to the elevations are considered to be appropriate for use in this residential location, particularly given that it would have no impact on the public domain.

#### *Conclusion*

- 9.11 The proposal is considered to be acceptable in design terms as it does not conflict with Policy ESD15 of the CLP 2031 Part 1, saved Policies C28 and C30 of the CLP 1996 and government guidance contained in the NPPF.

#### Residential amenity

##### *Legislative and policy context*

- 9.12 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 Part 1 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*

- 9.13 The proposed extension would be relatively minor in its depth and would not extend any significant distance beyond the rear of either neighbouring property, both of which have been extended. The proposal would not therefore conflict with the 45 degree rule to the closest habitable windows of the neighbouring properties.
- 9.14 Given this relationship it is considered that the development would not cause harm to the amenity of neighbouring residents in terms of loss of light, loss of outlook or by being overbearing.
- 9.15 All proposed openings would face towards the rear of the garden at the site and as such it is not considered that there would be any impact on the levels of privacy within the locality.

##### *Conclusion*

- 9.16 The proposals would be acceptable in neighbouring amenity terms and accord with Policy ESD15 of the CLP 2031 Part 1, saved Policies C28 and C30 of the CLP 1996 and government guidance contained in the NPPF.

#### Highway Safety

##### *Legislative and policy context*

- 9.17 Paragraph 109 of the Framework notes, '*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

##### *Assessment*

- 9.18 There are no further bedrooms proposed through the development and as such the existing off-street parking provision at the site would remain adequate for a dwelling of this size.
- 9.19 It is unlikely that the development would have any impact on the safety of the local highway network.

##### *Conclusion*

- 9.20 The proposals would be acceptable in highway safety terms and accord with Policy ESD15 of the CLP 2031 Part 1, saved Policies C28 and C30 of the CLP 1996 and government guidance contained in the NPPF.

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

- 10.1 The proposal complies with the relevant Development Plan policies and guidance listed at section 7 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 – TO 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: Job No: 21\_037\_ Drawing No. 102 Rev A, 103, 104 and 001

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.