

Case Officer: Rebekah Morgan

Applicant: Mr & Mrs Dan & Susan Sames

Proposal: Single and two storey rear extension

Ward: Bicester South and Ambrosden

Councillors: Cllr Nick Cotter, Cllr Chris Pruden, and Cllr Dan Sames

Reason for Referral: Application submitted by a CDC Councillor

Expiry Date: 16 November 2022

Committee Date: 03 November 2022

SUMMARY OF RECOMMENDATION:

1. APPLICATION SITE AND LOCALITY

- 1.1. The application property is a two-storey, detached, four bedroom dwelling located at the end of a cul-de-sac within a residential estate in Bicester. The existing property is constructed from a buff brick with a plain brown roof tile. The property has an integral garage and large shared driveway area to the front. The integral garage and accommodation above has the appearance of a subservient two storey extension set back from the front and rear elevations, but this was part of the original dwelling. The rear of the property has a large garden with close board fencing on all boundaries.
- 1.2. The area is characterised by large, detached, two-storey dwellings constructed mainly of brick but utilising a variety of different design features

2. CONSTRAINTS

- 2.1. The application site is within an area identified for the potential presence of protected species

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application seeks consent for a single storey and two storey rear extension that wraps around the rear corner of the house due to the existing staggered rear elevation.
- 3.2. The two storey element measures approximately 4.3m (d) x 2.7m (w) with an eaves height of 5.1m and a ridge height of 6.3m. The single storey element measures approximately 1.4m (d) x 5.9m (w) with an overall height of 2.8m (not including rooflights).
- 3.3. Due to the existing staggered rear elevation, both extensions project to form a solid rear wall spanning the full 8.6m width of the dwelling. The proposal would be constructed in materials to match the existing dwelling (mainly through the re-use of existing materials and additional of matching materials).

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 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 **17 October 2022**.

6.2. 1 letter of objection, no letters of support and no comments have been received. The comments raised by third parties are summarised as follows:

- Impact on privacy
- Impact on property value
- Impact on neighbouring properties
- Extension of No. 29 should not be a justification for this proposal
- No prior consultation with applicant

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. BICESTER TOWN COUNCIL: No comments received.

CONSULTEES

7.3. CDC BUILDING CONTROL: A building control application will be required before work commences on site.

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 2015)

- PSD1 – Presumption in Favour of Sustainable Development
- 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

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Residential Design Guide (2018)
- CDC Home Extension 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
- Other matters

Design and impact on the character of the area

- 9.2. The proposal includes two storey and single storey extensions, that jointly wrap around the building. The two storey extension sits to the rear of two storey part of the dwelling containing the integral garage (described in the description above) and to the side of the main body of the dwelling. It would project approximately 1.4m beyond the rear wall of the main body of the dwelling.
- 9.3. The design of the two storey extension does result in a slightly uncomfortable roof line configuration towards the rear. Unfortunately, this is due to the expanse of the extension, with the new roof sloping away from the existing ridge creating more of a cat slide roof with a shallower pitch than the existing dwelling. However, it would not be overly prominent or clearly visible from the street scene and is not considered to have a detrimental impact on the character of the area. As the existing ridgeline is being used, the extension would appear subservient to the main body of the house.
- 9.4. The single storey element is a flat roof proposal. The Council's Home Extensions and Alterations Guide (2007) discourages flat roof extensions '*unless they are well designed, use good quality durable materials and are appropriate in the context of the existing building and wider area*'. This element is entirely situated to the rear of the property and would not be visible in the street scene. The proposed materials include brickwork to match the existing dwelling and the flat roof would only represent a small proportion of the property. Aerial photos suggest there are a variety of rear extensions on properties including some flat roof extensions and therefore the proposal is considered appropriate for the context of the building and the wider area.
- 9.5. Overall, the proposal replicates window proportions from the existing property, the ridge and eaves heights match and the extension would be constructed using recycled bricks from the property and materials to match, where necessary.

- 9.6. The proposals are therefore considered acceptable and thus accord with Government guidance contained within the NPPF, saved Policies C28 and C30 of the CLP 1996 and Policy ESD15 of the CLP 2015.

Residential Amenity

- 9.7. The proposal includes a single storey rear extension and two storey side/rear extension. Adjacent to the boundary with no. 25, is the single storey element of the proposal. The single storey element would project approximately 2.3m beyond the rear wall of the neighbouring property, however, due to the 2m gap between the properties and the intervening fence line, the proposal would not be overbearing or unduly impact on the general outlook from this neighbour.
- 9.8. The two storey element of the proposal is situated closest to the boundary with no. 29. The proposed extension would not however protrude beyond this neighbour's rear elevation. As such, the proposal would not have a harmful impact on this neighbour as it would not appear overbearing or impact on their general outlook. The proposal does include a first floor window in the side elevation; this is an existing window that is being slightly re-positioned and would continue to face onto a blank gable of the neighbouring property. The applicants propose to obscurely glaze this opening to ensure that privacy is maintained in perpetuity.
- 9.9. An objection has been received from a property situated to the rear of the application site raising concerns regarding impact on privacy. The property in question, is part two storey with a single storey (integral garage) section to the side. When measuring from the two storey part of that property to the proposed development, the distance measures approximately 21.8m. Measuring between the single storey part of the neighbouring property and the proposal is a distance of 19.5m.
- 9.10. The Council's Home Extensions and Alterations Guide (2007) advises '*Where the extension has a window at the rear, it should normally be at least 22 metres from a window of a neighbour's habitable room to prevent loss of privacy. However, in the case of single storey extensions, boundary fences, walls or hedges can overcome harmful overlooking*'.
- 9.11. The proposed extension would only be slightly closer than the recommended 22m. Furthermore, the extension would have the same distance/relationship with the neighbours to the rear as the previously approved extension at no.29 and is only 1.4m closer than the existing first floor rear elevation windows on the application property.
- 9.12. In terms of potential overlooking of garden areas, this is common in residential areas such as this and the existing properties all already have views over neighbouring gardens.
- 9.13. When considering the existing relationship between the residential properties and the context of the site, the proposal is not considered to have a harmful impact on the neighbouring properties to the rear of the site or any other surrounding properties.
- 9.14. For the above reasons, the proposal therefore accords with Government guidance contained within the NPPF, saved Policy C30 of the CLP 1996 and Policy ESD15 of the CLP 2015, which seek standards of amenity and privacy acceptable to the Local Planning Authority.

Highway Safety

- 9.15. The proposals do not involve the addition of any additional bedrooms at the property and the existing parking/access arrangements would not be altered by the proposal. Therefore, the retained car parking provision is considered acceptable for a dwelling of this size.

Other Matters

- 9.16. The third party objection received also raised concerns relating to property value, the precedent set by the extension of no. 29 Shearwater Drive and not having received any prior consultation from the applicant.
- 9.17. Impact on property value is not a material planning consideration and cannot be considered when determining planning applications.
- 9.18. The extension at no. 29 Shearwater Drive is not considered to set a precedent as each application is considered on its own merits.
- 9.19. With regards to prior consultation, there is no requirement for applicants to notify third parties of their intention to submit an application, unless the proposal includes land owned/controlled by a third party. The planning process has statutory requirements for consultation. In this case, the neighbouring properties that adjoin the site were notified by letter. The consultation period was open to any interested parties enabling them to engage and comment on the application.

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

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

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 conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents:
- Design and Access Statement (ref: PMA259 dated 12/09/2022)
 - Drawing number GA 01 – [Proposed Ground Floor Plan]
 - Drawing number GA 02 – [Proposed First Floor Plan]
 - Drawing number GA 03 – [Proposed Roof Plan]

- Drawing number GA 04 – [Proposed North Elevation]
- Drawing number GA 05 – [Proposed South Elevation]
- Drawing number GA 06 – [Proposed East Elevation]
- Drawing number GA 07 – [Proposed West Elevation]
- Drawing number GA 08 – [Proposed Site Plan]
- Drawing number GA 09 – [Site Block/Layout Plan]

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 first floor window in the east 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 ensure that the amenities of the occupants of the neighbouring properties are not adversely affected by loss of privacy in accordance 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.