

Application 11/00819/F	No:	Ward: Bloxham and Bodicote	Date 18/07/2011	Valid:
Applicant:	Mr and Mrs Cautley			
Site Address:	35 The Rydes, Bodicote			

Proposal: Proposed extension and alterations – re-submission of 11/00230/F

1. Site Description and Proposal

- 1.1 The application site is a detached, dark brick built property with an attached single storey garage, and a large open fronted garden. The site is within a planned, low density residential estate towards the Eastern edge of Bodicote; the estate is adjacent to, but not within the Bodicote Conservation Area.
- 1.2 The proposal is for a first floor extension over the garage, with a two storey gabled extension to the rear.
- 1.3 The application is placed before the committee for determination following a request from the local Member,, and following the original refusal of the application by the Committee at the May meeting (see Appendix 1).
- 1.4 Following the refusal of the original application, the design of the scheme has been amended to remove the timber cladding originally proposed, and to introduce a step down in the ridge of the side extension. This lowering of the ridge height has lead to the introduction of a dormer window in the front roof-slope of the extension to address the loss of ceiling height internally. The relationship of the proposal to the properties to the rear remains as in the previous application.
- 1.5 The refusal of the original application was appealed against shortly after the decision was issued. This appeal decision has now been received and planning permission was granted subject to conditions on 03 August (see Appendix 2).
- 1.6 In determining that appeal, the Inspector noted that several of the other dwellings in The Rydes have been altered or extended. He also notes that *“the stepping down between the existing and proposed ridge lines is unnecessary to retain the character and appearance of the host property”* and that *“the proposal would not significantly harm the character and appearance of the surrounding area... [or]... result in a dominant and visually intrusive form of development”*. The Inspector also made specific reference to the impact of the proposal on the objectors to the scheme, noting that *“by reason of the separation distance there would not be an unacceptable impact...by reason of overlooking or loss of privacy...[or]... by reason of either the loss of daylight and sunlight or being a visually dominant form of development... [and that]... the proposed development would not adversely harm the living conditions of the occupiers of the neighbouring properties”*.

2. Application Publicity

- 2.1 The application has been advertised by way of a site notice (following the amendment to advertisement procedures). The final date for comments was 11 July 2011.

- 2.2 One letter of objection has been received from an agent acting on behalf of the occupiers of the neighbouring property to the East (essentially to the rear of the site), expressing concerns over;
- the appropriateness of the scheme in terms of the character and appearance of the wider estate
 - loss of light
 - visual amenity
 - loss of privacy

The agent acting for the contributor has also highlighted the importance of consistency in planning decisions and the importance of the appeal system in the planning process.

3. Consultations

- 3.1 Bodicote Parish Council – strongly object to the scheme;
- harm to the street-scene and character of the estate (as a result of design details and material choices)
 - loss of privacy
 - loss of light

4. Relevant Planning Policies

- 4.1 National Policy Guidance:
PPS1 – Delivering Sustainable Development
- 4.2 Regional Policy in the South East Plan 2009:
CC1 – Sustainable Development
BE1 – Management for an Urban Renaissance
- 4.3 Local Policy in the Adopted Cherwell Local Plan 1996:
Policy C28 – Layout, design and external appearance to be compatible with the character of the context of a development proposal
Policy C30 – Through the exercise of design control, development should provide acceptable standards of privacy and amenity

5. Appraisal

- 5.1 In order to assess the acceptability of this proposal, there are two main issues to consider; the appropriateness of the design for the location (and in the light of the relevant policies in the Plan); the impact of the proposal on the amenity of the neighbouring properties, and the impact of the appeal decision for the original scheme on the determination of this scheme.
- 5.2 Turning first to the appropriateness of the design the scheme has been reduced in response to the original reasons for refusal and now no longer features the timber cladding or flush-ridge. As a result of introducing the step-down to the ridge a dormer window has been added to the front elevation.
- 5.3 Whilst the Parish Council maintain an objection to this element of the scheme, and particularly to the dormer window, the same form of extension has been approved elsewhere in The Rydes (at number 32 under application reference 10/00500/F) and received no similar objections.

- 5.4 In assessing the design of the extension, it is also necessary to consider the impact of the proposal on the amenity of the neighbouring properties. Given the layout of the estate, and the orientation of the properties, the principal impact is upon #34, which effectively sits to the rear of this property (the gable wall of #34 forms the end boundary of the garden to #35).
- 5.5 The proposed extension will be 13m from the nearest point of the neighbouring property (the gable wall), and approximately 18m from the nearest facing window of the neighbouring property. It is important to note however that the element of the neighbouring property which faces the application site does not contain a habitable room; it is instead the front door to the house, with the garage door adjacent and a downstairs bathroom behind. It is not disputed that the proposal will have an impact on the outlook from the front door of the neighbouring property; but as the impact is on a non-habitable room, it is not considered unacceptable
- 5.6 The proposal is not therefore considered to cause an unacceptable, refuse-able loss of light or privacy to the neighbours, nor is it considered that the privacy of the occupants of the application site would be harmed by the proposal.
- 5.7 This assessment of the lack of harm to the amenity of the neighbours caused by this extension is reinforced by the appeal decision for the original scheme as set out above.
- 5.8 The proposal will be visible from the public domain in two regards; the first floor element over the existing garage will be visible from the street, and the rear element will be visible from the path running from Weeping Cross through to The Rydes, between 33 and 35. The appearance of the scheme from both views is considered acceptable, and again this assessment is supported by the earlier appeal decision.
- 5.9 In addition to the consideration set out above, it is also important to have regard to the content and implication of the appeal decision relating to the original application. Elements of this have been set out in Section 1 above, but fundamentally, approval of the original scheme at appeal must lead to this scheme to being considered acceptable.
- 5.10 The appeal decision sets out that the original proposal will not have an unacceptable impact on the neighbouring properties and as this scheme is of a lesser scale in terms of its impact on the street-scene, it cannot be considered unacceptable in that regard.
- 5.11 As noted above, the Parish Council have maintained their objection to the dormer, but this very similar to one already approved. Similarly, whilst they object to the render to the rear of the property, the Inspector also found this to be acceptable.
- 5.12 The proposal is therefore considered to accord with the provisions of Policies C28 and C30 of the Local Plan; the extension is sympathetic to the character of the context of the development and is compatible with the scale of the dwelling and the street-scene and provides standards of amenity and privacy which are considered acceptable to this authority. It is therefore recommended for approval, subject to conditions.

6. Recommendation

Approval, subject to the following conditions;

- 1) SC 1_4A (Time for implementation)
- 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 WG06-002A (received on 01 July 2011)
 - drawing WG06-006E (received on 01 July 2011)
 - drawing WG06-007E (received on 01 July 2011)
 - drawing WG06-008E (received on 01 July 2011)
 - the details set out in the application forms

Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with government guidance in PPS1 – Delivering Sustainable Development.

Planning Notes

- 1) T1 – Third party rights
- 2) U1 – Construction sites
- 3) County drainage notes

Summary of Reasons for the Grant of Planning Permission and Relevant Development Plan Policies

The Council, as Local Planning Authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposed development is appropriate and will not unduly impact on the neighbouring properties, public, private or any other amenity, or the appearance of the street-scene. As such the proposal is in accordance with government guidance contained in PPS1 – Delivering Sustainable Development; Policies CC1 and BE1 of the South East Plan 2009; and Policies C28 and C30 of the adopted Cherwell Local Plan. For the reasons given above and having regard to all other matters raised, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions, as set out above.

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