

## **32 The Fairway, Banbury**

**12/01706/F**

**Ward:** Banbury Ruscote

**District Councillor:** Cllrs Cartledge, Ross and Woodcock

**Case Officer:** Shona King

**Recommendation:** Approval

**Applicant:** Mr T Coleman

**Application Description:** Rear extension and conversion to form two number 2 bedroom houses

**Committee Referral:** Member request

### **1. Site Description and Proposed Development**

- 1.1 The application site is one of a pair of semis located in a residential part of Banbury. There is off-street parking located within the front garden with a dropped kerb.
- 1.2 Consent is sought to erect a two storey and single storey rear extension and to convert the resulting building into 2 x two bedroom dwellings with off-street parking. A porch canopy is also proposed in the side elevation of the building and window at first floor level in the existing east elevation of the property.
- 1.3 An amended plan has been submitted by the agent increasing the size of bedroom 2 in unit 32a.

### **2. Application Publicity**

- 2.1 The application has been advertised by way of neighbour letters. The final date for comment was the 10 January 2013.

5 letters have been received. The following Issues were raised:

- Overbearing
  - Will result in overshadowing and loss of light
  - Highway safety
  - Size of units out of keeping with the area
  - Size of accommodation too small for family accommodation
  - Loss of value to property
  - Adequacy of existing shared drains
- 2.2 The Local Ward Members Cllrs Ross and Cllr Woodcock have requested that the application be referred to the Planning Committee so that it can be fully discussed. They have commented that:
    - As Town Council and District Council Ward Members they have objected to the current application and the previous application at No. 34 The Fairway, which was approved under delegated powers.

- One of the Ward Members requested that that application was referred to the Planning Committee but it wasn't. (Considered that the proposal did not raise such significant issues or levels of local objection that it was appropriate to refer the application to the Planning Committee).
- The concerns expressed were:
  - a) overdevelopment of the site,
  - b) the increased pressure on roadside parking and the damaging effect on the character of the neighbourhood
  - c) damaging precedent would be set.
- Consider that if the application is approved the scene will be set for piecemeal speculative development in this part of the ward and the residents will suffer.

### 3. Consultations

- 3.1 **Banbury Town Council:** The Town Council objects to the application as it is considered to be overdevelopment of the site and detrimental to the street scene contrary to Policies C28 and C30 of the adopted Cherwell Local Plan.

#### **Cherwell District Council Consultees**

- 3.2 **Housing Officer:** The proposal looks to create two 2 bedroom properties, however the second bedroom in what has been called 32a is well below the minimum size (6.5m<sup>2</sup>) that we would consider a bedroom. There will not be adequate space for the inclusion of general bedroom furniture, such as a bed, wardrobe, chest of drawers, chair and space to move between them. Both units will also have very little space for the storage of large items such as an ironing board or vacuum cleaner.

#### **Oxfordshire County Council Consultees**

- 3.3 **Highways Liaison Officer:** No objections subject to conditions relating to parking and manoeuvring and improvement of the existing access

#### **Other Consultees**

- 3.4 **Thames Water:** Waste Comments  
 Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Thames Water would advise that with regard to sewerage infrastructure we would not have any objection to the above planning application.

#### Water Comments

On the basis of information provided, Thames Water would advise that with regard to water infrastructure we would not have any objection to the above planning application.

Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

## **4. Relevant National and Local Policy and Guidance**

### **4.1 Development Plan Policy**

Adopted Cherwell Local Plan (Saved Policies)

C28: Layout, design and external appearance of new development

C30: Design of new residential development

South East Plan 2009

CC1: Sustainable development

CC6: Sustainable Communities & Character of the Environment

T4: Parking

BE1: Management for an urban renaissance

### **4.2 Other Material Policy and Guidance**

National Planning Policy Framework

## **5. Appraisal**

5.1 The key issues for consideration in this application are:

- the impact on the visual amenities and character of the area
- Impact on neighbouring properties
- the impact on highway safety

#### **Impact on the visual amenities and character of the area**

5.2 Whilst the extension is proposed to have a dummy pitched roof to disguise a flat roof it is considered that it will not result in any significant detriment to the visual amenities of the area. The proposed extensions will not be readily visible in public views and only longer distance views will be gained between properties in Cherry Road.

5.3 It is considered that the conversion of the building into two dwellings will not have a significant impact on the character of the area. The front garden of the existing dwelling can be used for the parking of vehicles without requiring

planning permission and the building can be extended in a smaller form without requiring planning permission. There is outside amenity space for the dwellings and whilst the use of the building is to be intensified the same number of people could occupy the property now as when converted into two units.

- 5.4 The use of the front garden for parking vehicles will not be out of character with the surrounding area. Other properties in the immediate vicinity already have their entire front gardens hard surfaced and are used for parking.
- 5.5 The creation of two units will result in relatively small rooms as identified by the Housing Officer. However the second bedroom in unit 32a has been increased in size to the minimum standard as shown on the amended floor plan.

#### **Impact on the neighbouring properties**

- 5.6 The proposed extension will not have a detrimental impact on the living amenities of Nos. 34 and 34a due to the relationship between the properties. The extension approved under 12/01055/F has been constructed and as such the proposed extension will not give rise to any significant overlooking or overdominance on the outlook from those properties.
- 5.7 The two storey element of the extension complies with the Council's informal space standards and as such it is considered that there will not be any significant impact on the living amenities of No. 30 The Fairway.
- 5.8 The single storey element intersects with a 45 degree line taken from the centre of the nearest habitable room window at No. 30 however due to the design and height of the extension as well as the orientation of the rear of that property it is considered that the impact on the living amenities will not be so significant as to warrant refusal of the application. For information however, if the property was occupied as a single dwelling it could be extended, at single storey, by a depth of 3m without planning permission and up to 4m high. The extension proposed under this application is to be approximately 3.3m deep and 3.5m high at its highest point. It is therefore lower than the permitted development limits and only 0.3m deeper.
- 5.9 The proposed windows in the rear elevation of the property will not result in any increase in overlooking of the neighbouring properties. It is however recommended that the proposed window in the eastern elevation of the existing part of the building, to serve a bathroom, is obscurely glazed and fixed closed to ensure that the private garden areas of No. 34/34a are not overlooked. Currently there are no windows in this elevation.

#### **Impact on highway safety**

- 5.10 The Highway Authority is satisfied that the development will not result in any significant detriment to highway safety. Two off-street parking spaces are considered to be sufficient in this location.
- 5.11 Conditions are recommended requiring the improvement of the existing access and the provision and retention of the parking area.

### **Other Matters**

- 5.12 The Local Ward Members have requested that the application is referred to the Planning Committee for determination. At the time of the request for application 12/01055/F (extension and conversion of No. 34 The Fairway into two x 2 bed dwellings) to be determined by the Planning Committee the Ward Member was advised that the Council has general planning policies with regard to design and protecting amenity (Cherwell Local Plan policy C28 & C30) but does not have a policy in existing or emerging plans that prevents the sub division of properties. In determining the application it is therefore necessary to consider whether the application proposals would be acceptable taking into account the impact on the character of the area, the amenity provided for the proposed dwellings and impact on existing and issues such as parking. In the case of 12/01055/F it was considered that the proposals did not raise such significant issues or levels of local objection that it was appropriate to bring the application to the Planning Committee. Given that this is the second application on neighbouring properties for similar proposals the Chairman of the Planning Committee agreed that the current application could be considered by the Planning Committee.

### **Engagement**

- 5.10 With regard to the duty set out in paragraphs 186 and 187 of the Framework, the applicant's agent was advised by email that the application was to be referred to the Planning Committee for determination and that there were issues regarding the size of bedroom 2 in unit 32a. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

### **Conclusion**

- 5.11 It is considered that the development will not result in any significant detriment to the visual amenities or character of the area, nor will it adversely affect the living amenities of the neighbouring properties or highway safety.

## **6. Recommendation**

**Approval**, subject to the following conditions:

- 1 That 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: Application Forms, site plan and drawing numbers 1, 3 and 5 submitted with the application and the floor plans accompanying the agents email dated 14/01/13.

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 That the window proposed in the east elevation at first floor level shall be obscurely glazed with obscured glass that complies with British Standard Category C and fixed closed at all times.

Reason - To safeguard the privacy and amenities of the occupants of the adjoining premises, to comply Policy C30 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

- 4 Notwithstanding the provisions of Classes A to E (inc.) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 1995 and its subsequent amendments, the approved dwelling(s) shall not be extended, nor shall any structures be erected within the curtilage of the said dwelling(s), without the prior express planning consent of the Local Planning Authority.

Reason - To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the amenities of the occupants of the adjoining dwellings in accordance with Policies C28 and C30 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 5 That notwithstanding the provisions of Classes A, B and C of Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) (No2) (England) Order 2008 and its subsequent amendments, no new windows or other openings, other than those shown on the approved plans shall be inserted in the southern, eastern or western elevations of the dwellings without the prior express planning consent of the Local Planning Authority.

Reason - To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the amenities of the occupants of the adjoining dwellings in accordance with Policies C28 and C30 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Prior to the conversion of the dwelling hereby approved, the existing means of access between the land and the highway shall be widened to 4.5m formed, laid out and constructed strictly in accordance with Oxfordshire County Council's guidance available at

<http://www.oxfordshire.gov.uk/cms/content/dropped-kerbs>.

Reason - In the interests of highway safety and to comply with Government

guidance contained within the National Planning Policy Framework

- 6 Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework

### **Planning Notes**

- 1 You are advised that Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 2 Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit our website at [www.thameswater.co.uk](http://www.thameswater.co.uk)

### **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 proposal pays proper regard to the character and appearance of its surroundings and has no undue adverse impact upon the visual amenities of the area, the living amenities of neighbouring properties nor upon highway safety. As such the proposal is in accordance with Policies CC6 and BE1 of the South East Plan 2009, Policies C28 and C30 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework. For the reasons given above and having proper regard to all other matters raised the Council considered that the application should be approved and planning permission granted subject to

appropriate conditions as set out above

**Statement of Engagement**

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.