

**Site Address: 1 Hemingway Drive,
Bicester, OX26 2FY**

14/00418/F

Ref: 14/00418/F

Ward: Bicester West

District Councillors: Cllr Sibley, Hurle & Bolster

Recommendation: Approval

Case Officer: Stuart Howden

Applicant: Mr Danistan

Application Description: Rear single storey extension and garage conversion

Committee Referral: Called in by Member **Committee Date:** 15.05.14

1. Site Description and Proposed Development

- 1.1 The site is located on the east side of Hemmingway Drive, near the junction with Blenheim Drive. The semi-detached bungalow property is situated within a residential estate to the west of Bicester town centre. The dwelling is constructed from brick under a tiled roof. The streetscene is comprised of semi-detached bungalows, detached bungalows and two storey semi-detached properties, nearly all of which are constructed from brick under tiled roofs. A flat roofed detached garage is situated to the rear of the dwelling, whilst additional on-site vehicular parking is located along the north east boundary of the site. The existing dwelling accommodates three bedrooms.
- 1.2 Planning permission is sought for a single storey rear extension as well as the conversion of the existing garage to the rear of the property. The rear extension is proposed to be stepped, with the north east element of the proposed extension protruding beyond the south west element of the proposed extension. The south west element of the extension is proposed to be a depth of approximately 6 metres from the existing rear wall of the dwellinghouse, whilst the north east element of the extension is proposed to be a depth of approximately 5 metres from the existing rear wall of the dwellinghouse. The extension is proposed to be a width of approximately 6.5 metres and a height of approximately 2.5 metres. The proposed rear extension would be adjoined to the existing garage. The extension is proposed to accommodate one bedroom and the enlargement of the existing lounge. The materials for the walls of the extension are proposed to match the existing materials of the dwelling. The roof of the extension is proposed to be flat, whilst the existing roof is pitched. A window is proposed in the north east side elevation of the extension. The garage conversion is proposed to accommodate an en-suite bedroom. The existing garage door would be replaced by brick to match the existing building and a window, whilst a window is proposed in the south west side wall of the existing garage. A new window is also proposed in the north east side elevation of the existing dwelling.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter. The final date for comment was the 25 April 2014. 2 Letters were received from 4 neighbours objecting to the application. The following issues were raised:
- Detrimental impact upon the visual amenities of the locality;
 - The extension is not in keeping with the area;
 - Overdevelopment of the site;

- Overdomination and overbearing;
- Loss of light;
- Loss of privacy;
- Increase in noise;
- The conversion of the garage to a bedroom would have an 'adverse impact' on No.83 Blenheim Drive;
- The conversion of the garage would remove much needed off street parking provision;
- The number of traffic movements would increase and the property is located on the corner of a busy junction therefore raising traffic safety concerns;
- It appears to be a HMO therefore this will lead to an increase in nuisance and noise;
- Loss of view.

3. Consultations

- 3.1 Bicester Town Council: Object in the strongest possible terms to this application as a clear overdevelopment of the site. There will be a loss of both privacy and light for the neighbours on both sides of the property. Parking will also be an issue as the property could potentially house up to 10 individuals. The property is very close to the T junction and also the vehicles have to gain access to the property across the footpath.
- 3.2 Local Member Views: Cllr Sibley - I strongly object to the planning application as an over development of the site and is contrary to Cherwell District Planning Policies C28, C30, C31, ENV1, T2 & T6.

Cherwell District Council Consultees

- 3.3 None.

Oxfordshire County Council Consultees

- 3.4 Local Highways Authority: No objections. Adequate parking is retained as a result of the proposal.

Other Consultees

- 3.5 None.

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
 EV1: Detrimental levels of pollution

- 4.2 Other Material Policy and Guidance

National Planning Policy Framework

Submission Cherwell Local Plan (January 2014)

The Submission Local Plan (January 2014) has now been through public consultation and was submitted for examination in January 2014, although this plan does not have Development Plan status, it is a material planning consideration. The plan sets out the Council's strategy for the District to 2013.

The policies listed below are considered to be material to this case and are not replicated by saved Development Plan policy:

ESD16: The Character of the Built and Historic Environment

Cherwell District Council Householder Extensions and Alterations Design Guide (March 2007).

5. Appraisal

5.1 The key issues for consideration in this application are:

- Visual Amenities;
- Residential Amenities;
- Highway Safety;
- Other Matters.

Visual Amenities

5.2 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. Further, 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.

5.3 Saved Policies C28 and C30 of the adopted Cherwell Local Plan 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 streetscene.

5.4 The proposed single storey rear extension is relatively large and officers are of the opinion that proposed flat roof element of the proposed extension is a poor design solution which is not highly compatible with the existing dwelling. That said, the majority of the proposed extension would be screened from the public domain of the highway due to the siting of the proposed extension to the rear of the existing dwelling. Furthermore, the wider locality is not one that is sensitive to change and that the surrounding dwellings are not of any special architectural merit. The proposed extension is also considered to be of a scale which is acceptable. The proposed garage conversion and proposed side window in the existing dwelling are considered to be of a design, scale and style which would be compatible with the existing dwelling and sympathetic to the visual amenities of the locality.

5.5 Third parties have noted that the proposal would result in the overdevelopment of the site. However, officers hold the view that there would be adequate amenity space and sufficient off-street parking for 1 Hemingway Drive. Furthermore, the garage which is proposed to be converted is an existing structure within the site. For the reasons above and given the nature of the proposal, it is considered that the proposal would not represent an overdevelopment of the site or area.

- 5.6 Thus, for the reasons above it is considered that the proposal would not cause detrimental harm to the visual amenities of the locality, in accordance with saved Policies C28 and C30 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Residential Amenities

- 5.7 The proposal is most likely to impact upon the residential amenities of the two next door neighbouring properties, No.83 Blenheim Drive and No.3 Hemingway Drive. However, it is considered that the proposed rear extension, garage conversion and new window would be sited so as not to cause detrimental harm to any other neighbouring properties in terms of overdomination, loss of light and loss of privacy.
- 5.8 Regarding No.83, a fence of approximately 2 metres is situated between the two properties, which begins from the rear wall of No.83 and this prevents a large amount of light from entering the nearest window to the site within No.83. The existing garage to the rear of No.1 is also situated adjacent to this boundary and is a height of approximately 2.5 metres therefore this also restricts light from entering this window and has an overbearing impact upon No.83. As the proposed extension would be a height of approximately 2.5 metres and it would be approximately 2.4 metres away from No.83 officers considered that these existing structures situated on the north east boundary of the site would screen most of the proposed extension from No.83. No windows are proposed in the side elevation of the existing garage which directly faces No.83. That said a window is proposed in the front wall of the existing garage. In addition, a window is proposed on the side elevation of the extension which directly faces No.83 and a window is proposed on the existing side wall which also directly faces this neighbouring property. However, no windows are situated on the side elevation of No.83 which directly faces No.1. In addition, officers are of the opinion that views of the rear garden of No.83 and the rear windows of No.83 would be mainly screened from these two proposed side windows and the window in the front elevation of the garage conversion because a fence of over 2 metres sits on the boundary between these two properties. Thus, for the reasons above it is considered that the proposal would not cause additional detrimental harm to No.83 in terms of overdomination, loss of light and loss of privacy.
- 5.9 Regarding No.3, the nearest element of the proposed rear extension to No.1 (the south west element) would protrude approximately 3.3 metres beyond the rear wall of No.3 and the nearest rear window to the site serves a dining room. Officers are of the opinion that the proposed extension would have an overbearing impact upon this neighbouring dining room window and would result in a loss of light to this window. However, there is a fence of a height of approximately 1.8 metres along the boundary between the site and No.3 which prevents light from entering this property and under permitted development this fence could hypothetically be increased to a height of 2 metres. Officers are therefore of the opinion that this proposed extension at a height of approximately 2.5 metres would not significantly alter the level of light this window receives. The north east element of the proposed extension does not breach the informal 60 degree line as taken from the nearest principal window on this ground floor within No.3. No windows are proposed in the side elevation of the extension or garage conversion which would directly face No.1. It is therefore considered that the proposed extension would not cause additional significant harm to No.1 in terms of overdomination, loss of light and loss of privacy.
- 5.10 A third party has noted that the proposal is contrary to saved Policy C31 of the adopted Cherwell Local Plan. Saved Policy C31 notes that in existing residential areas, any development which is not compatible with the residential character of the area, or would cause an unacceptable level of nuisance or visual intrusion will not normally be granted. Given that this is a small scale residential development within a

residential area, saved Policy C31 is not considered to be highly relevant in this case. Third parties have noted that the proposed development would result in a detrimental increase in the level of noise and nuisance, but given that the extension and garage would be used for residential purposes it is considered that this proposal would not create significant additional disturbance to that already experienced from within the neighbourhood.

Highway Safety

- 5.11 The Local Highways Liaison Officer has no objections to the proposed development. Officers and the Local Highways Liaison Officer are of the opinion that at least three vehicles could be accommodated on the site as a result of this development. Thus officers are in agreement with the Local Highways Liaison Officer who holds the view that the level of off-street parking would be commensurate for a 5 bedroom property in this location, which is in close proximity to Bicester town centre and has good access to public transport links (including bus routes and rail links).
- 5.12 A third party has noted that the number of traffic movements would increase and the property is located on the corner of a busy junction therefore raising traffic safety concerns. However, the Local Highways Liaison Officer is not concerned by the proposal. Furthermore, the site is residential in nature and vehicles would access and leave the site via an existing access therefore it is considered that this situation would not significantly alter as a result of this proposal.
- 5.13 A third party has noted that the proposal is contrary to Policies T2 and T6 of the adopted Cherwell Local Plan, but these are not saved Policies in adopted Cherwell Local Plan.
- 5.14 For the above reasons above it is considered that the proposed development would not cause detrimental harm regarding highway safety, in accordance with Government guidance contained within the National Planning Policy Framework.

Other Matters

- 5.15 Third parties have noted that the proposal would result in a loss of view from No.83 Blenheim Drive and No.3 Hemingway Drive, but this is not a material planning consideration in this case.
- 5.16 In addition, third parties have objected on the grounds that a change of use would result from this extension and garage conversion. However, no details of a change of use are provided with the application so this cannot be taken into account when assessing this planning application.

Engagement

- 5.17 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged through the approval of development that accords with sustainable development principles as set out in the NPPF. The call in of the application to planning committee has resulted in the application exceeding the target determination date.

Conclusion

- 5.18 The proposal is considered to be of a design, scale and style that is sympathetic to the context of the development. The proposal is also considered not to have an adverse impact on the neighbour amenity or highway safety and is therefore

compliant with the policies outlined in section 4 of this report. Overall, the proposal is considered to have no significant adverse impacts, therefore the application is recommended for approval and planning permission should be granted subject to appropriate conditions.

6. Recommendation

Approval, subject to the following 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 condition, the application shall be carried out strictly in accordance with the following plans and documents: Application Forms, Site Location Plan and Drawing Numbers 1 and 2 submitted with the application and E-mail from agent received on 2nd May 2014.

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 contained within the National Planning Policy Framework.

PLANNING NOTES

- 1 Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.

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.