

**Site Address: 17 The Paddocks  
Deddington**

**14/01346/F**

**Ward: Deddington**

**District Councillor: Cllr Williams**

**Case Officer: Shona King**

**Recommendation: Refusal**

**Applicant: Ms Louise Tustian**

**Application Description: Rear extension and minor alterations to attached outbuilding**

**Committee Referral: Employee Application**

**Committee Date: 30<sup>th</sup> October 2014**

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

- 1.1 The application site is a semi-detached two storey dwelling and is located to the south of Hempton Road in Deddington. It is linked to a further dwelling by an attached outbuilding. The site is outside the Conservation Area.
- 1.2 The proposal comprises the erection of a two storey rear extension, the raising of the height of the attached outbuilding and the conversion of the outbuilding into a garage at ground floor and a bathroom and en-suite above.
- 1.3 This application is an amendment to the scheme approved under application 14/00735/F considered by Members on 10<sup>th</sup> July 2014. The application was reported to Members on 2<sup>nd</sup> October 2014 and it was deferred for a Formal Site Visit.

## **2. Application Publicity**

- 2.1 The application has been advertised by way of neighbour letters. The final date for comment was the 8<sup>th</sup> September 2014. No correspondence has been received as a result of this consultation process.

## **3. Consultations**

- 3.1 Deddington Parish Council: No objections

## **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

- 4.2 Other Material Policy and Guidance

Submission Local Plan (January 2014)

The draft Local Plan has been through public consultation and although this plan does not have Development Plan status, it can be considered as a material planning consideration. The plan sets out the Council's strategy for

the District to 2031.

National Planning Policy Framework

Planning Practice Guidance

## 5. Appraisal

5.1 The key issues for consideration in this application are:

- Impact on the visual amenities of the area
- Impact on the living amenities of the neighbouring properties
- Other matters

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

5.2 The proposed alterations to the outbuilding are considered to be acceptable in terms of the design. The ridge is to be raised by approximately 1.4m which will result in a step in the ridge from the adjoining outbuilding at No. 16 but it will not be harmful to the visual amenities of the area. The conversion of the part of the outbuilding into a garage will not in my opinion adversely affect the visual amenities of the area. The front garden is already laid to gravel.

5.3 The existing dwelling is rendered with a tiled roof and the two storey extension to the rear is to be clad with timber boarding with a tiled roof. Whilst this is not entirely in keeping with the existing property it is considered that it will not result in any significant detriment to the visual amenities of the area. The extension will not be readily visible in public views given the relationship with the surrounding properties and whilst there is a public footpath across the fields to the south of the site the extension is unlikely to be prominent from it.

### **Impact on the living amenities of the neighbouring properties**

5.5 The proposed alterations to the outbuilding will not result in any detriment to the living amenities of the neighbouring properties due to the relationship between the buildings.

5.6 As submitted the application proposal is the same as the scheme originally submitted under application 14/00735/F which was amended prior to a decision to reduce the depth of the first floor element of the rear extension. The extension is to extend approximately 6.5m from the rear of the existing outhouse, 1m from the shared boundary. With a ridge height of 7.5m and an eaves height of 4.2m it is considered that it would dominate the private garden area of No. 16 The Paddocks. Whilst the proposed rear extension will not affect the 45 degree angle (which is used as a rule of thumb to help to assess impact on neighbouring properties) from the closest habitable room window in the rear elevation of No.16, officers are concerned about the effect that the extension will have on the outlook from No. 16 and consider that it would be overbearing on the garden of No. 16.

5.7 Application 14/00735/F was amended during the processing of the application to reduce the depth of the first floor element by 1.8m. This reduction lessened the impact on the neighbour sufficiently to ensure that the living amenities of No. 16 would not be so adversely affected as to warrant refusal of the application. The application was subsequently approved by Members in July. It is considered that the extension approved under 14/00735/F is the maximum that would be acceptable without resulting in significant detriment to the living amenities of the occupiers of No. 16.

5.8 The applicant's agent has stated that the proposal currently to be considered

complies with the Council's Home Extensions and Alterations Design Guide with regards to the 45 degree angle. Whilst it does comply with this the Design Guide stresses that decisions are not based purely on the 45 degree rule. Aspect/orientation, scale of a proposal and the dominance of an extension on neighbouring properties and their gardens also need to be taken into consideration.

5.9 They have also stated that the approved scheme resulted in a flat roofed area accessible from the first floor which could be used as a balcony and which would result in the overlooking of the garden at No. 16. However Condition 4 of the permission restricted permitted development rights preventing the use of the flat roof as a balcony without further planning permission.

5.10 The living amenities of No. 18 are not considered to be significantly affected due to the distances involved and the relationship between the properties.

### **Other matters**

5.11 Following the Committee Meeting on 2<sup>nd</sup> October the applicant's agent submitted a letter which can be viewed in full on the Council's website or on the application file. The issues raised in the letter are as follows:

- Planning permission was granted on 11 July this year for a very similar proposal. The only difference between that permission and this application is a 1.8m extension at first floor level
- The only neighbour affected is No 16 The Paddocks who has not objected to the development
- No 16 is adjoined to the application site and has a similar floor plan. Both properties are joined by an outbuilding structure which does not contain any habitable rooms. The main house is set approximately 4m off the common boundary. Any loss of outlook is therefore from windows more than 5m from the proposed extension and this is at an oblique angle rather than a direct view. The direct outlook for No 16 from its rear windows remains beautiful agricultural fields.
- Cherwell's Design Guide states that the 45 degree line will be used to help determine the effect on a neighbours light and amenity. I accept it is a rule of thumb. However the extension approved in July did not breach the 45 degree line. Similarly the now proposed extension does not breach the 45 degree line. The officer does not state how they have reached the conclusion that the maximum extension has already been granted. It seems to be a subjective judgement. Given the distance from No 16 to the extension and its oblique angle, there is no evidence or clear rationale why an additional 1.8m will cause a harmful loss of outlook over and above that already approved.
- The following are reasons why the private garden area of No 16 is not harmed. Firstly, adjacent the proposed extension, No 16 has a small grassed area with a disused greenhouse. This is also where wheelie bins are stored. An area where wheelie bins are located cannot be considered an important or private part of the garden. Secondly, there is no sitting out or patio area near the proposed extension. Thirdly, with a garden area of 240 sq m and the design of the extension being set off the boundary by 1m, the roof hipped away and no side facing windows, the additional 1.8m would not cause harm to any private garden area of No 16.
- There are also 3 other important reasons why the proposal is preferable to

that previously approved:

1. The removal of the flat roof and replacement with a pitched roof results in a much improved design.
  2. The applicants are concerned about future maintenance and lifespan of a flat roof.
  3. It provides a better internal space for the applicants
- The development is not contrary to Cherwell's design guidance or policies. There are no objections from the Parish Council, no comments from the Ward Member, no objections from neighbours or any consultees.

### **Engagement**

- 5.12 With regard to the duty set out in paragraphs 186 and 187 of the Framework, the applicant and agent have been informed of any problems or issues that have arisen during the application. It is considered that the duty to be positive and proactive has been discharged.

### **Conclusion**

- 5.13 To conclude the development is considered to have a detrimental impact on the living amenities of the neighbouring property, No.16 The Paddocks, contrary to Policy C30 of the adopted Cherwell Local Plan.

## **6. Recommendation**

### **Refusal for the following reason:**

In the opinion of the Local Planning Authority, the proposed two storey rear extension would be detrimental to the residential amenity of the occupiers of the neighbouring property at no.16 by reason of the length and height of the extension and the proximity to the shared boundary. For these reasons, the proposal would be contrary to Policy C30 of the adopted Cherwell Local Plan.

### **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 informing the applicant and agent of any problems or issues that have arisen during the application. It is considered that the duty to be positive and proactive has been discharged.