

**Site Address: 55 Churchill Road,
Bicester**

14/02104/F

Ward: Bicester East

District Councillor: Cllr Lawrie Stratford and Cllr
Rose Stratford

Case Officer: Gemma Magnuson

Recommendation: Approval

Applicant: Mr and Mrs S Roe

Application Description: Side extension to create new dwelling

Committee Referral: Called in by Cllr Rose Stratford

Committee date: 19 March 2015

1. Site Description and Proposed Development

1.1 55 Churchill Road is a detached dwelling situated in a residential area north-east of Bicester town centre. The building is not listed, no listed buildings are in close proximity and the site is not in a Conservation Area. The Stratton Audley Quarries SSSI is within 2km of the site and the Swift and West European Hedgehog have been identified in the vicinity of the site. The land is potentially contaminated.

1.2 The proposed development would involve the replacement of an existing flat roofed attached garage to the side of 55 Churchill Road with a two storey, two bedroom dwelling. The dwelling would be attached to 55 Churchill Road creating a semi-detached dwelling. A driveway providing one off-street parking space would be situated to the front of the dwelling and a private garden to the rear separated by a 1.8 metre fence. Bin storage would be provided in the rear garden. 55 Churchill Road would have 2 no. off-street parking spaces to the front of the dwelling with bin store to the side.

2. Application Publicity

2.1 The application has been advertised by way of neighbour letter. The final date for comment was 03 February 2015. One letter has been received as a result of the consultation objecting to the application, the following issues were raised (please note these have been summarised, refer to file for full version):

- North of Churchill Road comprises individual plots/detached houses/generous frontages. Semi-detached would leave 57 adrift from the sequence – detriment to streetscene character/appearance.
- Building should be in character with decade of existing and surrounding properties.
- This would introduce an unbalanced semi-detached block – large four bed 1970 dwelling aligned with a small two bed 2015 contemporary house would not enhance the appearance of street.
- Attempt to squeeze a “quart into a pint pot” for benefit of short-term financial gain by what appears to be a non-resident.
- Development is no more than an annexe of additional rooms to an existing property; it should not become a separate dwelling by inserting a front door.
- Design and Access Statement filled with emotive language that is subjective in nature and not factually correct.
- How does inserting a deviant into the mix ‘enhance’ it? Building is not designed in keeping with surroundings.
- Second floor of proposed dwelling protrudes nearly two metres forward from first floor windows of 57 resulting in loss of street view and light.
- Inaccurate description of location – north/west.

- Extension to rear will cut into sloping land. No details provided as to how adjacent properties land will be supported and minimum footway distance maintained.
- Small size of accommodation.
- Most dwellings have vehicle turning space on private land/driveway.
- Proximity to large secondary school accessed from Churchill Road – high footfall on Churchill Road, hundreds of school children traverse Churchill Road directly across the frontage of number 55. Driving in forward and exiting forward makes manoeuvre safer.
- Splitting frontages so that forward entry and exit from the properties cannot be facilitated would increase the risk of injury to pedestrians/school children.

3. Consultations

- 3.1 **Bicester Town Council:** objects to this application on the grounds that it is too close to the neighbouring property and out of keeping with the area.

Cherwell District Council Consultees

- 3.2 **Private Sector Housing Inspector:** I don't have any concerns with this proposal, as it meets the sub-division for residential use guidance.
- 3.3 **Environmental Protection Officer:** no comments received at time of writing.

Oxfordshire County Council Consultees

- 3.4 **Highway Authority:** no objection subject to conditions.

Other Consultees

- 3.5 **Thames Water:** no objections, notes recommended.

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
 ENV12: Contaminated land

4.2 Other Material Policy and Guidance

Planning Practice Guidance

Cherwell District Council Home Extensions and Alterations Guide (2007)

4.3 National Planning Policy Framework

Submission Local Plan (October 2014) (SLP) has been through public consultation and was submitted to the Secretary of State for examination in January 2014, with the examination beginning in June 2014. The Examination was suspended by the Inspector to allow further work to be undertaken by the

Council to propose modifications to the plan in light of the higher level of housing need identified through the Oxfordshire Strategic Housing Market Assessment (SHMA), which is an objective assessment of need. Proposed modifications (August 2014) to meet the Objectively Assessed Need were subject to public consultation, from 22nd August to 3rd October 2014. Although this plan does not have Development Plan status, it can be considered as a material planning consideration. The examination reconvened and closed in December 2014 and the Inspectors report is likely to be published in March 2015.

PSD1: Presumption in Favour of Sustainable Development

ESD7: Sustainable Drainage Systems

ESD16: Character of the built and historic environment

B.2 Theme Two: Policies for Building Sustainable Communities

5. Appraisal

5.1 The key issues for consideration in this application are:

- Relevant planning history
- Principle of development
- Visual amenity
- Neighbours
- Highway safety

Relevant planning history

5.2 There is no planning history relevant to the current application.

Principle

5.3 Government guidance within the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development; economic, social and environmental. These roles should not be undertaken in isolation, because they are mutually dependant. With specific regard to housing development, LPA's are required to significantly boost the supply of housing. Housing applications should be considered in the context of sustainable development.

5.4 The Local Planning Authority cannot currently demonstrate a five year supply of housing. In such circumstances, the NPPF advises that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. Further, where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, where assessed against the policies in the Framework taken a whole or specific policies in this framework indicate development should be restricted.

5.5 There are no adopted Local Plan policies relating specifically to housing development within existing Bicester housing areas, however, the Submission Local Plan states that housing growth will be directed towards the urban areas of Banbury and Bicester. Paragraph B.85 states "By focusing development in and around the towns of Bicester and Banbury we aim to ensure that the housing growth which the District needs only takes place in the locations that are most sustainable and most capable of absorbing this new growth."

5.6 The site is positioned within an established residential area in relatively close proximity to Bicester town centre and its range of shops, facilities, services and

transport connections. It is considered that the site is sustainably located, and as it is in a location where housing development is encouraged, it is considered that the principle of the erection of a dwelling here accords with Government guidance contained within the NPPF and the Submission Local Plan.

Visual Amenity

- 5.7 Government guidance contained within the NPPF attaches great importance to the design of the built environment and 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. Planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.
- 5.8 Saved Policies C28 and C30 of the adopted Cherwell Local Plan seek to control new development to ensure that it is sympathetic to the character of its context, and that new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.
- 5.9 The proposed dwelling would appear as a subservient extension to the existing dwelling, being set back from the front elevation and at a right angle to the existing gable fronted dwelling. The frontage of the proposed dwelling would sit in line with the front-most single storey element of adjacent 57 Churchill Road, with the two storey element of 57 Churchill Road set back a further 1.6 metres. The separating distance between the proposed dwelling and adjacent 57 Churchill Road would be 1 metre. It is considered that the distances and positioning described above would be sufficient to avoid the appearance of terracing through the provision of visual breaks.
- 5.10 The frontage of the proposed dwelling would include a front door that, when viewed alongside adjoining 55 Churchill Road, will appear as a semi-detached dwelling. The immediate streetscene consists of detached dwellings to the north of Churchill Road and a mix of semi-detached and terrace dwellings across the road to the south. It is understood that the dwellings to the north were self-built during the 1970's, resulting in a variety of house types and styles, including bungalow and one-and-a-half storey dwellings. The existing streetscene could not be described as uniform and it is considered that this variety forms the character of the immediate streetscene. It is considered that the introduction of further variety by having a semi-detached pair of dwellings would not be so out of keeping with the existing streetscene character as to warrant a refusal of planning permission.
- 5.11 The proposed dwelling would be of contemporary design, which would not be strictly in-keeping with the 1970's style of both the existing dwelling and its neighbours. However, given that this site is not sensitively located and taking account of Government guidance with regard to the requirement to conform to particular forms or styles, it is not considered that this difference between the existing and proposed dwellings warrants the refusal of the application on this ground. Render and timber cladding are construction materials that are present in vicinity of the site and would not be out of keeping.
- 5.12 It is considered that the proposed dwelling would be in-keeping with the streetscene character and would not detract from the visual amenities of the locality, in accordance with Government guidance contained within the NPPF and saved Policies C28 and C30 of the adopted Cherwell Local Plan.

Residential Amenity

- 5.13 The proposed dwelling has the potential to affect the dwellings along Anson Way to the north-east, and adjacent dwellings to either side; 55 Churchill Road and 57 Churchill Road.
- 5.14 The proposed first floor fenestration would be situated over 22 metres away from dwellings to the rear on Anson Way, which is the minimum distance guidance set out in the Cherwell District Council Home Extensions and Alterations Guide (2007) in order to avoid a loss of privacy. Outlook from ground floor openings would be limited by the boundary fencing.
- 5.15 The two storey element of the proposed dwelling would not protrude into the 45 degree line when taken from the mid-point of the nearest window at first floor level of both 55 and 57 Churchill Road. It is therefore considered that the dwelling will not result in a significant loss of outlook. Due to the position north-west of 57 Churchill Road, it is not considered that it would result in overshadowing. Some morning sunshine may be lost at 55 Churchill Road, although it would not be significant.
- 5.16 A single storey element to the rear of the proposed dwelling is also proposed at a depth of 4.5 metres. The height of the extension would be 3.5 metres at its highest point, reducing down to 2.5 metres at its lowest. Whilst the extension would sit upon the boundary between the proposed dwelling and 55 Churchill Road, it is considered that the lean-to roof design would reduce the impact upon this neighbour in terms of a loss of outlook or overshadowing, through the positioning of the highest element of the extension closest to the rear wall of 55 Churchill Road. Further, the lounge that is served by the nearest opening to the boundary runs along the full width of the dwelling and is served by a second window. The harm that would be caused here is not, therefore, considered so significant as to warrant the refusal of the application.
- 5.17 The single storey element of the proposed dwelling would be positioned a sufficient distance from the adjacent neighbour at 57 Churchill Road in order to avoid any harm in terms of a loss of outlook or overshadowing.
- 5.18 No first floor openings would directly face towards 55 or 57 Churchill Road. No ground floor openings are present within the side elevation of 57 Churchill Road that could be affected by the proposed ground floor openings in the dwelling. A first floor side facing opening is present at 57 Churchill Road although this opening is obscure glazed and floor plans indicate that it serves an en-suite bathroom. The proposed dwelling is not considered to result in significant harm to the amenity or privacy currently enjoyed by neighbouring properties, in accordance with Government guidance contained within the NPPF and saved Policy C30 of the adopted Cherwell Local Plan that seeks standards of amenity and privacy acceptable to the Local Planning Authority.
- 5.19

Highway Safety

- 5.20 Oxfordshire County Council Highway Authority have assessed the proposal and do not consider that harm would be caused to highway safety, subject to conditions requiring the provision of two off-street parking spaces per dwelling. Two parking spaces are proposed at 55 Churchill Road and one space is proposed for the new dwelling. Given the sustainable location of the site in close proximity to Bicester Town Centre, it is considered that providing one space is sufficient. It is considered that the refusal of the application based on the failure to provide two parking spaces could not be sustained at Appeal.
- 5.21 The layout of the proposed access and driveway is considered acceptable. The proposal accords with Government guidance contained within the NPPF that seeks

safe layouts which minimise conflicts between traffic and cyclists or pedestrians.

Engagement

- 5.22 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 discussion with the applicant on site.

Conclusion

- 5.23 The principle of the erection of a dwelling in this sustainable location, in close proximity to Bicester Town Centre, is considered acceptable. The proposed dwelling would not result in significant harm to the visual amenities of the locality, the amenity or privacy currently enjoyed by neighbouring properties or highway safety, in accordance with Government guidance contained within the National Planning Policy Framework and saved Policies C28 and C30 of the adopted Cherwell Local Plan.

6. Recommendation

Approve (subject to 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 development shall be carried out strictly in accordance with the following plans and documents: Application form, Design and Access Statement and drawings numbered: 100, 104A, 105A, 106A

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.

- 3 Prior to the commencement of the development hereby approved, a schedule of materials and finishes for the external walls and roof(s) of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 4 Prior to the first occupation of the dwelling hereby approved, the existing means of access between the land and the highway shall be widened to geometry as submitted and formed, laid out and constructed strictly in accordance with Oxfordshire County Council's specification and guidance.

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

- 5 Prior to the commencement of the development hereby approved, a plan showing a car parking provision for three spaces to be accommodated within the site to include

layout, surface details, and drainage, 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 spaces shall be laid out, surfaced, drained and completed in accordance with the approved details and shall be retained for the parking of vehicles at all times thereafter.

Reason - In the interests of highway safety, to ensure the provision of off-street car parking and to comply with Government guidance contained within the National Planning Policy Framework.

- 6 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.

Planning Notes

- 1 With reference to Condition 4, the guidance referred to is available at <http://www.oxfordshire.gov.uk/cms/content/dropped-kerbs>
- 2 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 groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.
- 3 Thames Water recommend 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.

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 through approving an application for sustainable development.