

**43 Churchill Road,  
Bicester,  
OX26 4UW**

**15/00155/F**

**Ward:** Bicester East Ward

**District Councillors:** Cllrs L and R Stratford

**Recommendation:** Approval

**Applicant:** Mr Peter Harrison

**Application Description:** Single storey rear extension

**Committee Referral:** Called in by Member   **Committee Date:** 19.03.2015

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

- 1.1 The site is located within the built limits of Bicester in a predominantly residential area, with a mixture of single storey bungalows on either side of the site and on Anson Way, to the rear of the site, and two storey, detached accommodation further along Churchill Road. Access to the site is taken directly from Churchill Road. The existing property is a single storey, red brick, detached bungalow with a upvc conservatory and detached garage/outbuilding at the rear. A low red brick wall bounds the front of the property with the highway, with concrete block work walls and trellis detailing along the rear boundaries of the site.
- 1.2 Planning permission is sought for a loft extension with an associated dormer to the rear of the dwelling along with a single storey extension to the rear of the dwelling. The dormer is proposed to be flat roofed and would span most of the rear slope of the existing roof. The dormer is proposed to be constructed from brick to match the existing dwelling. The proposed single storey extension is proposed to protrude from the rear wall of the dwelling by approximately 5.5 metres. The extension is proposed to be a width of 7.8 metres. The single storey extension is also proposed to be attached to the rear elevation of the dormer and would have a ridge height of approximately 4.7 metres, whilst having a similar eaves height to the existing dwelling. The extension is proposed to be constructed from materials to match the existing dwelling.
- 1.3 The building is not listed and no listed buildings are in close proximity to the site. The site is not within a Conservation Area and there are no other relevant site constraints.

## **2. Application Publicity**

- 2.1 The application has been advertised by way of neighbour letter. The final date for comment was the 4th March 2015. Four letters have been received from neighbouring residents objecting to the application. The following issues were raised:
  - The introduction of a two storey building amongst bungalows is inappropriate to the character of the area;
  - Overdevelopment;
  - Too large;

- Overlooking/loss of privacy;
- It will set a precedent;
- The applicants are not applying for a single storey extension;
- These additional rooms cannot be accommodated as a result of the development;
- The deeds of the house state that the dwelling can only be single storey;
- Loss of view.

### 3.

#### **Consultations**

##### 3.1 Bicester Town Council: Object to this application on the following grounds:

“This is a further application to the previous three applications. All set out raising the roof to accommodate a second storey. The Town Council has consistently endorsed local residents objections to the creation of a second floor on this bungalow because it is overdevelopment; because of its impact on surrounding properties and local residents; because it is not in keeping with the local landscape and the street scene and because it would set a precedent.

In particular, we are concerned by the extent of the permitted development which in effect adds a second storey to the bungalow and then extends this second storey extension into the so called single storey extension. The vaulted kitchen ceiling is one step away from a conversion into a second floor. It is clear from the diagrams that the roof is to be raised and it is clear that the proposal is much larger than any of the previous applications. This is not a single storey rear extension.

We continue to strongly object to any proposal that turns this bungalow into essentially a 2 storey building.”

##### 3.2 Bicester Town Councillor Porter: Objects to this application. “This is a further application to the previous 3 applications. All set out raising the roof to accommodate a second storey. I continue to support local residents' objections to the creation of a second floor on this bungalow because it is over development; because of its impact on surrounding properties and local residents; because it is not in keeping with the local landscape and street scene and because it would set precedent. In particular, I am worried by what the developer is pro porting to be permitted development. In reality it amounts to the adding a second storey to the bungalow and then extends this second story into the so called single storey extension. The vaulted kitchen ceiling is one step away for conversion into a second floor. It is clear from the diagrams that the roof is to be raised and it clear is that the proposal is much larger than any of the previous applications. This is not a single storey rear extension. Conditions on the deeds of all the bungalows in this row are not to be converted into 2 storey buildings which is what essentially this application does.”

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

3.3 None.

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

3.4 None.

## 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

### 4.2 Other Material Policy and Guidance

National Planning Policy Framework

Planning Practice Guidance

Submission Cherwell Local Plan (January 2014)

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 Spring 2015.

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

ESD16: The Character of the Built and Historic Environment

## 5. Appraisal

5.1 The applicant's agent has noted on the drawings submitted alongside the application that the proposed dormer on the rear elevation of the dwelling is permitted development. Officers are in agreement with the agent on this matter and it is considered that the proposed dormer element on its own would constitute permitted development under Schedule 2, Part 1, Class B of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (GPDO). Furthermore, the rooflights proposed to the front of the dwelling are considered to be permitted development under Schedule 2, Part 1, Class C of the GPDO. That said, planning consent is required for the rear extension element. The key issues for consideration in this application are:

- Relevant Planning History;

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

### **Relevant Planning History**

- 5.2 13/01361/F - Planning permission was refused to raise the roof of the dwelling by 1.7 metres, insert three pitched dormers on the front elevation and erect a single and two storey rear extension. It was considered that the proposal would cause detrimental harm to the amenities of 15 Anson Way to the rear of the site in terms of overdomination. Furthermore, it was considered that the proposal would cause adverse harm to the visual amenities of the locality.
- 5.3 14/00043/F - Planning permission was refused to raise the roof of the dwelling by 1.7 metres, insert three pitched dormers on the front elevation and erect a two storey rear extension. It was considered that the proposal would cause detrimental harm to the visual amenities of the locality. The applicant appealed this decision and the appeal was dismissed. The Inspector concluded that the proposal would have an adverse impact upon the character and appearance of the area.

### **Visual Amenities**

- 5.4 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.
- 5.5 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.
- 5.6 Views of the property from the public domain are principally from the Churchill Road, Keble Road and to a lesser extent, from Anson Way to the rear of the site. Previous applications at the site also included an increase in the ridge height of the existing dwelling, but the ridge height of the dwelling in this application is to remain as it is. The increase in ridge height was a considered a major issue in the previous applications as such an extension would have appeared prominently in the streetscene, interrupting the unobtrusive, single storey rhythm of this part of the road.
- 5.7 Whilst the attachment of the extension to the dormers is considered to be of poor design, Officers are of the opinion that views of the proposed dormer together with the extension would not be highly visible from the public domain of the highway. From Churchill Road, the clearest views of the proposed extension and dormer would be gained where the highway runs to the south east of the property, but the existing dwellings on Churchill Road would mainly screen the proposed development. In addition, Officers hold the view that the proposal would not be highly visible from the Anson Way as dwellings on Anson Way would contribute in

screening the proposed extension and dormer from the highway. Furthermore, the locality is also considered to be one which is not sensitive to change and there are no buildings of any special architectural merit within the immediate vicinity.

5.8

Third parties have noted that the proposal would result in the overdevelopment of the site. However, Officers consider that there would be adequate amenity space and sufficient off-street parking for 43 Churchill Road.

5.9

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**

5.10

Third parties have raised concerns in relation to the two storey element of this proposal and stated that it would cause adverse harm to neighbouring properties (notably those on Anson Way) in terms of overlooking and loss of privacy. Whilst such dormers would allow for new elements of overlooking it should be noted that the applicant could construct the proposed dormers separately under permitted development. Officers are therefore of the opinion that it would be unreasonable to refuse the loft extension/rear dormer element of the application on the grounds that it would cause detrimental harm to the amenity of neighbouring properties in terms of overlooking and loss of privacy. As the extension to the rear is only single storey, it is considered that the views gained from the proposed extension would not be significantly different from those already gained within the rear garden of No.43. Thus, the single storey extension element of the proposal is also considered to prevent detrimental harm to neighbouring properties in terms of overlooking and loss of privacy.

5.11

Regarding No.45 Churchill Road, the nearest rear facing window of this next door neighbouring property does not serve a habitable room (store) and the proposed extension would not, in the opinion of officers, unduly affect this nearest rear facing window. Furthermore, there is a wall of approximately 1.8 metres between the properties and the proposed extension would pitch away from this neighbouring property. No.45 has no side windows which face the application site. It is considered that the proposal would not cause adverse harm to No.45 in terms of over domination and loss of light.

5.12

Whilst the main body of the dwelling of No.41 Churchill Road is set in a similar line to the dwelling at No.43, this next door neighbouring dwelling has a rear extension element which runs close to the boundary shared with No.43. This rear extension accommodates a kitchen and three windows serve this room (each elevation has a window). Officers are of the opinion that the proposed extension element would restrict light from entering the side window facing the site, but a wall of approximately 1.7 metres between these properties already restricts some light from entering this window. Furthermore, this room is served by two other windows and the proposed extension would not breach the informal 60 degree line as taken from the rear facing window within the extension to No.41. There are no other side windows within No.41 which face the site. It is therefore considered that the proposal would not cause adverse harm to No.41 in terms of overdomination and loss of light.

- 5.13 The property closest to the rear of the site is No.15 Anson Way, which is a modest bungalow, with a rear conservatory and limited rear garden space. However, given that the proposed extension would be approximately 4.7 metres in height and beyond 16 metres away from the rear wall of this neighbouring property it is considered that the proposal would not cause adverse harm to No.15 in terms of overdomination and loss of light.

### **Highway Safety**

- 5.14 The parking retained on site is considered to be commensurate for a dwelling of this scale in this location. 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 proposed rear extension element will be used as a two storey extension. However, the plans display a single storey extension and this is what is being assessed. Given the dimensions of the proposed rear extension, Officers consider that a first floor within this extension this would be very difficult to achieve. If the applicant would like to raise the roof of this extension, this would require planning permission.
- 5.16 Third parties have raised concerns that the proposal would set a precedent for similar development. This concern relates to the issue of bungalows within the locality having a second storey. However, if a loft is converted in compliance with the GPDO, the Local Planning Authority has no control to enforce such a matter. In relation to the matter of precedent, each case is assessed on its own merits.
- 5.17 Third parties have also noted the following:
- the proposal would result in a loss of view from private property;
  - the deeds of the house state that the dwelling can only be of single storey;
  - the proposed loft extension would not be able to accommodate the rooms which are highlighted on the plans.

However these matters highlighted above are not a material planning consideration in this case.

### **Engagement**

- 5.18 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 efficient and timely determination of the application.

### **Conclusion**

- 5.19 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 and Drawing No's: P100, P103 and P105 submitted with the application and E-mail from the applicant's agent received on 3<sup>rd</sup> March 2015.

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.