

Ward: Bloxham and Bodicote

District Councillor: Chris Heath and Lynda Thirzie Smart

Case Officer: Rebekah Morgan

Recommendation: Approval

Applicant: Mr and Mrs Dan McInerney

Application Description: Single storey front extension and two storey side extensions.

Committee Referral: Member Request – Cllr Chris Heath

Committee Date: 21st May 2015

1. Site Description and Proposed Development

- 1.1 The application property is a detached, two storey dwelling located within a small cul-de-sac. Neighbouring properties are positioned at a 90^o angle to the site with their rear gardens adjoining the side of the application site.
- 1.2 The application seeks consent for a single storey front extension and two storey side extension. The proposed front extension would measure 8.1m (w) x 2m (d) with a ridge height of 3.5m. The proposed side extension would measure 2.4m (w) x 7.3m (d) with a ridge height of 6m.
- 1.3 This application was deferred at the meeting held on 21st May to enable a Members formal site visit to be held. This has been organised for 3.00pm on 9th July.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter, site notice and press notice. Following the submission of amended drawings, the application was re-advertised for a further 10days. The final date for comment was the 20th April 2015.

5 letters have been received following the initial consultation. The following issues were raised:

- Impact on light in gardens and neighbouring properties
- Overly dominant and overbearing
- Impact on general outlook from neighbouring properties
- Extension will be only 11m from neighbouring properties
- Angle of roof would be different to existing
- All of the properties that have been extended on the estate, have extended above the garage
- Loss of privacy to gardens
- Overlooking of neighbouring property
- Land level of application site is approximately 600mm higher than neighbours
- Outlook of neighbouring property will be directly facing gable wall
- No landscaping within the proposal to help soften the visual impact
- Does not comply with the Council's design guidance which states a minimum of 14m should be maintained
- Un-neighbourly
- Impact on trees in neighbours garden

3 letters have been received following the re-consultation after the receipt of amended plans. The following issues were raised:

- Does not address neighbours' concerns

- Impact on general outlook
- Overlooking of neighbours gardens and properties
- Will ceiling heights meet building regulations?
- Loss of light
- Large blank wall to look at
- Amendments do not alleviate the fundamental objections raised to the proposal
- Extension would only be 12.5m away from neighbouring property and therefore does not meet the 14m set out in the Council's design guidance
- The gap to the side of 1 Hyde Grove was intentionally left as a buffer when the estate was built
- There is an alternative option to build over the garage
- Un-neighbourly
- Overbearing and overly dominant
- Out of character with the surrounding area

3. Consultations

3.1 Bloxham Parish Council: Objects for the following reasons:

- *It does not comply with guidelines in the Cherwell District Council Design Guide for Home extensions and alterations, March 2007. In particular "Rear extensions should be designed so they do not cause loss of daylight, sunlight, privacy or amenity to neighbouring buildings or gardens. The extension should not dominate the original or neighbouring buildings".*
- *This proposed extension is within 11-12m of the window at the rear of properties on Brookside Way Bloxham, rather than the 14m in the above design guide, therefore overshadowing the properties*
- *The proposed development window, would overlook all the bedroom windows of No 23 Brookside Way*
- *The side extension would be within the recommended 1m of the boundary fences of these properties*
- *Due to the differences in land levels, this development would be an overbearing and dominant element when viewed particularly from 23, 25 and 27 Brookside Way*
- *No 25 would be severely enclosed by the proposal*
- *The proposal would result in a significant loss of outlook resulting in an unacceptable effect on the living conditions of the occupiers, in particular No 25 and 27 Brookside Way*
- *The repositioning of the front porch beyond the existing building line would encroach on the view from No 27 Brookside and further reduce the remaining view and light for No 25 Brookside*
- *There are clearly issues for all the above properties concerning the closeness and the size of the extension causing:*
 - *Loss of daylight*
 - *Loss of sunlight*
 - *Over looking*
 - *Loss of privacy*
 - *Loss of amenity in gardens, particularly during building*

There would be very clear safety and privacy issues which would arise during the building of the extension, particularly in view of the closeness of the works to the children's garden play area.

The close proximity to the Boundary fence would mean the neighbours at No 23 would have to have a conifer removed and the tree roots in their garden protected

and No 27 having their wall, garden shed removed and their garden disrupted.

All other houses extended in Hyde Grove have used the space over the garage and have not dominated neighbouring properties.

It is obvious that the original houses were built in such a way to prevent over dominance of the houses on Brookside Way.

Is there a condition in the original planning application for the dwelling of 1 Hyde Grove regarding it's positioning on the plot of land, as it seems to sit centrally on the plot rather than on a boundary.

Following the re-consultation on the amended design, the following comments were received from Bloxham Parish Council:

The Parish Council considers that there has been no significant change to the original plans. The proposed extension is too overbearing and detrimental to neighbouring properties as previously advised. This includes, loss of daylight, loss of sunlight, too close (less than 14 metres) and detriment to the enjoyment and privacy of gardens.

Oxfordshire County Council Consultees

3.2 Highways Liaison Officer: 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

National Planning Policy Framework

Submission 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 March 2015.

5. Appraisal

5.1 The key issues for consideration in this application are:

- Visual Amenity

- Neighbouring Amenity
- Highway Safety

Visual Amenity

- 5.2 The proposed extensions would be in keeping with the general style of the property and others in the area. The two-storey extension has been set down and set back so it would appear subservient to the original dwelling. The front extension is limited to single storey.
- 5.3 Due to the location of the property within a small cul-de-sac, the proposed extensions would not appear overly prominent within the street scene. The application site is not within a sensitive area and there are no historic assets within the vicinity of the site.
- 5.4 From a design point of view, the proposal is considered to be acceptable as it would not have a detrimental impact on the visual amenities of the area. The proposal complies with government guidance on requiring good design contained within the National Planning Policy Framework and Policy C28 of the adopted Cherwell Local Plan.

Neighbouring Amenity

- 5.5 It is noted that although the applicant has submitted amended drawings, similar objections have still been raised by the Parish Council and neighbouring properties.
- 5.6 The application property sits at a 90^o to the properties on Brookside Way, with the gable end facing the rear of No 25 Brookside Way. The existing side to back distance is approximately 15m and the application seeks a two storey side extension that would reduce this distance to approximately 12m.
- 5.7 The Council's Home Extensions and Alterations Guide (March 2007) suggests "A windowless elevation should normally be at least 14 metres from a window of a neighbours habitable room to prevent overshadowing". The aim of the guidance is 'to provide advice and general guidance on how to design extensions that are likely to be granted planning permission'. It is not simple a set of hard and fast rules.
- 5.8 Clearly the proposal does not comply with this suggested distance, however the document is only guidance and therefore limited weight can be given to the guideline distances that it contains. Therefore, the individual circumstances of the site need to be considered to determine if the proposal would have an unacceptable impact on neighbouring amenity.
- 5.9 The application property is positioned to the south of the neighbours on Brookside Way and therefore the existing property will already impact on the amount of middle of the day sun received. The application has been amended so that the ridge height of the extension is set down from that of the house and the front and back elevations are set in.;Although there may be some additional loss of sunlight, I would not consider this significant given the existing relationship between the properties.
- 5.10 The properties along Brookside Way do benefit from existing views over the wider countryside as these properties are located on the edge of the village. 1 and 3 Hyde Grove (which sit in line with each other) are the only properties situated to the rear of the dwellings on Brookside Way, therefore wider views are available to the east and west of the site. Some of the wider views from the neighbouring properties may be slightly more restricted; however, given the openness of the area I would not consider this to have a significantly detrimental effect. Furthermore, views cannot be protected in planning terms.
- 5.11 The property that is most likely to be affected by the proposal is No 25 Brookside Way

as it looks directly on to the side of 1 Hyde Grove. In terms of actual outlook the view from No 25 would still be of a gable end as it currently is. Although the extension would be closer, I would not consider it to appear significantly more bulky as it has been amended to appear subservient to the original dwelling.

- 5.12 Having visited the neighbouring properties (No 25 and No 27 Brookside Way) the area has a very open feel due to the lack of dwellings to the rear of these properties. I do not consider the extension of 1 Hyde Grove to change this general feel, the lack of other properties to the rear will protect the open feel as there are no other opportunities for building along the rear boundaries.
- 5.13 Concerns have been raised regarding overlooking of neighbouring properties and gardens, especially as the application site is on land approximately 600mm higher than the properties on Brookside Way.
- 5.14 The existing properties in this area are arranged in such a way that the properties do overlook their neighbour's gardens. The proposal would result in overlooking of neighbouring gardens however this would not cause increased harm as it would not differ significantly from the existing relationship between the properties in this area.
- 5.15 With regards to direct overlooking of the neighbouring properties, there are no windows proposed in the north elevation of the extension. Concerns have been raised regarding the windows in the front elevation in relation to No 27 Brookside Way.
- 5.16 The proposed front elevation would be positioned at a 90° angle to No 27 and the proposed kitchen window would be approximately 11-12m from the habitable rooms of No 27 Brookside Way. Although the application property sits on slightly elevated land, any views would be significantly reduced by the angle of the view. Furthermore, anyone standing in the proposed extension would be stood back into the room due to the position of proposed kitchen units/worktops. The perception of overlooking would be increased due to the position of the front extension, but in actual fact the level of overlooking would not be significant in your officers opinion..
- 5.17 The existing ground floor kitchen window has a similar relationship although it is set back an additional 2-3m than the proposed. It is your officer's opinion that the extension would not result in significantly increased direct overlooking of the neighbouring properties.
- 5.18 The Parish Council have raised concerns regarding to the impacts of the building works. These are not a material planning consideration. The applicant will be responsible for ensuring health and safety regulations and other legislation are complied with. Furthermore, the grant of planning permission would not give the applicant the right to enter or carry out works on neighbouring properties; this is a private matter.
- 5.19 Given the existing built form and the relationship between the properties, your officers do not consider the proposal to appear overbearing or overly dominant. Furthermore it would not result in harmful overlooking of the neighbouring properties. The proposal would not cause harm to neighbouring amenity and accords with the core principles of the NPPF and Policy C30 of the adopted Cherwell local Plan.
- Highway Safety**
- 5.20 The Local Highway Authority has raised no objections to the proposal on the grounds of highway safety. The existing on site parking provision is considered to be adequate for the proposal.
- 5.21 The proposed extension would not have a detrimental impact on highway safety and

complies with government guidance within the National Planning Policy Framework.

Engagement

- 5.22 With regard to the duty set out in paragraphs 186 and 187 of the Framework, amendments have been sought during the application process. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

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 development shall be carried out strictly in accordance with the following plans and documents: Application forms, site location plan, block plan and drawings numbered: 14:3624:2 rev B (Proposed ground floor drawing only), 14:3624:3, 14:3624:4, proposed rear elevation and proposed first floor plan.

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. The materials to be used for the extension hereby approved shall match in terms of colour, type and texture those used on the existing building.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the materials used on the existing building and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

4. Notwithstanding the provisions of Classes A, B and C of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 1995 and its subsequent amendments, no new window(s) or other openings, other than those shown on the approved plans, shall be inserted in the walls or roof of the north elevation 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. 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.

2. The applicant's and/or the developer's attention is drawn to the requirements of the Control of Pollution Act 1974, the Environmental Protection Act 1990 and the Clean Air Act 1993, which relate to the control of any nuisance arising from construction sites. The applicant/developer is encouraged to undertake the proposed building operations in such a manner as to avoid causing any undue nuisance or disturbance to neighbouring residents. Under Section 61 of the Control of Pollution Act 1974, contractors may apply to the Council for 'prior consent' to carry out works, which would establish hours of operation, noise levels and methods of working. Please contact the Council's Anti-Social Behaviour Manager on 01295 221623 for further advice on this matter.

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure)(England) Order 2015 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 by seeking amendments to the scheme.