

**Applicant:** Mr & Mrs B Dhesi

**Proposal:** Single storey front and side extensions and part single storey part two storey rear extension (revised scheme of 16/02499/F)

**Ward:** Banbury Calthorpe And Easington

**Councillors:** Cllr Colin Clarke  
Cllr Kieron Mallon  
Cllr Nigel Morris

**Reason for Referral:** One of the applicants is an elected member.

**Expiry Date:** 2 June 2017                      **Committee Date:** 18 May 2017

**Recommendation:** Approve

---

**1. APPLICATION SITE AND LOCALITY**

1.1 The application relates to a two storey detached dwelling with a detached garage, constructed of brick with a tiled roof, facing south on to Waller Drive. There are no changes in the levels across the site that would significantly affect the application assessment. The site, which lies within the built form of Banbury, is bounded by residential properties to the north and east. The application building is not listed and the site is not located within a designated Conservation Area. The property's permitted development rights remain intact.

**2. DESCRIPTION OF PROPOSED DEVELOPMENT**

2.1. The current application, a revised scheme of that previously refused, is for single storey front and side extensions and a part single storey, part two storey rear extension. The proposed front extension would measure approximately 1.6m in depth, 2.5m width with an overall lean to roof height of 4.3m sloping down to an eaves height 2.5m. The proposed side extension would measure approximately 2.6m depth, 1.2m width with an overall roof height of 3.9m sloping down to an eaves height of 3m. The proposed single storey extension would measure approximately 1.1m depth, 11.4m width with an overall roof height 3.5m sloping down to an eaves height of 2.5m. The proposed two storey rear extension would measure approximately 2.5m depth, 10.6m width with an overall roof height of 7.3m sloping down to an eaves height of 5m.

2.2. The difference between the refused scheme and the current proposal is reduction of approximately 1m to the depth of the rear extension at first floor and roof level.

**3. RELEVANT PLANNING HISTORY**

3.1. The following planning history is considered relevant to the current proposal:

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
16/02499/F	Single storey front and side extension and two storey rear extensions	Application Refused

- 3.2. The application reference (16/02499/F) was recommended for approval subject to Conditions but that recommendation was overturned at by Planning Committee who refused the application on the following grounds:

The proposal would result in an overly large extension that by reason of its siting and design would represent an overdevelopment of this site which would be detrimental to the character and appearance of this residential area and harmful to the residential amenities of adjacent properties. As such the proposal would be contrary to Policy ESD 15 of the adopted Cherwell Local Plan 2011- 2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996.

#### **4. PRE-APPLICATION DISCUSSIONS**

- 4.1. No pre-application discussions have taken place with regard to this proposal

#### **5. RESPONSE TO PUBLICITY**

- 5.1. This application has been publicised by way of a site notice displayed near the site and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 10.05.2017, although comments received after this date and before finalising this report have also been taken into account.
- 5.2. No comments have been raised by third parties

#### **6. RESPONSE TO CONSULTATION**

- 6.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

##### BANBURY TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.2. Objection: Banbury Town Council believe that this proposal would result in an overly large extension leading to overdevelopment of the site. The council also believes that this proposal by means of its character and appearance would be harmful to the residential amenities.

##### OTHER CONSULTEES

- 6.3. No objections

#### **7. RELEVANT PLANNING POLICY AND GUIDANCE**

- 7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

##### CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

- ESD15 - The Character of the Built and Historic Environment

#### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- Policy C28 – Layout, design and external appearance of new development
- Policy C30 – design of new residential development

#### 7.3. Other Material Planning Considerations

National Planning Policy Framework (The Framework) - National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied.

Planning Practice Guidance (NPPG) – This sets out regularly updated guidance from central Government to provide assistance in interpreting national planning policy and relevant legislation.

### **8. APPRAISAL**

8.1. Officers consider the following matters to be relevant to the determination of this application:

- Design, and impact on the character of the area;
- Residential amenity;
- Highway Safety and Parking;

#### Design, and impact on the character of the area

8.2. The proposed single storey extensions would be set down in height in relation to the existing dwelling and although partly visible from the public realm would not be unduly prominent in relation to the existing dwelling and are considered subordinate in relation to the existing dwelling.

8.3. The proposed two storey rear extension introducing two end gables to the rear would have a greater impact on the street scene, visible from Waller Drive as the front elevation faces south away from the road, but would be set down in height in relation to the existing dwelling. Although the two storey rear extension is of a significant scale and visible from the highway, the proposal would be well massed and would be of a harmonious form and is considered sufficiently subservient in relation to the existing dwelling.

8.4. The materials proposed for the overall development are considered to be acceptable and would match those of the existing dwelling.

8.5. It is relevant to note that the proposed side extension (snug) would appear to be permitted development (PD), and that the proposed rear extension is very similar to what could be carried out under permitted development.

8.6. That is, PD would allow for a two-storey rear extension of 3.0m depth and up to approx. 9.3m width, i.e. set off the side boundaries by 2.0m to either side. The current proposal has a depth at first floor level of 2.5m, and a width of approx. 10.65m.

- 8.7. It is therefore the case that if the width of the extension was reduced by approx. 1.35m in width and the ground floor element reduced in depth by 0.5m, such an extension would constitute PD.
- 8.8. The additional depth at ground floor level as now proposed (i.e. total of 3.5m) could then be added under PD at a later date.
- 8.9. It is therefore considered that the current proposal is substantially similar to what could be constructed under the property's PD rights, would have a very similar impact to what could be constructed under those PD rights.
- 8.10. The proposal would therefore be in keeping with the existing dwelling and would not adversely affect the visual amenity of the locality. The proposal would thus accord with retained Policy C28 of the Cherwell Local Plan 1996 (Saved Policies) and Policy ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1.

#### Residential amenity

- 8.11. The proposed development would be set off the boundaries of the neighbouring properties and would comply with the 45 degree rule with regards to the adjacent neighbours.
- 8.12. The proposed development would have an impact on the neighbour to the North at 31 Waller Drive in terms of privacy, but given the relationship between 31 Waller Drive and the neighbours at 15 and 19 Waller Drive, and having regard to the fact that a deeper first floor element could be achieved under the property's permitted development rights and which would have a similar impact, the proposal's impact on residential amenity is considered not to be significant to the extent that warrants refusal of the current application.
- 8.13. Overall, having regard to its scale and siting, the proposal would not have a significant impact either through loss of light or outlook and would not result in the direct overlooking on to the neighbouring properties.
- 8.14. The proposal would thus accords with saved Policy C28 of the Cherwell Local Plan 1996 and Policy ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1.

#### Impact on highway safety

- 8.15. The Local Highway Authority has raised no objections to the proposed development. In light of this, and the similarities with a permitted development scheme, it is therefore considered that the proposal would not significantly impact on local highway safety.

### **9. PLANNING BALANCE AND CONCLUSION**

- 9.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 9.2. The amended proposal would be an acceptable addition to the existing dwelling, would respect the character and visual amenity of the site's surroundings and respond appropriately to the site's characteristics. This proposal would not adversely affect residential amenity and there is satisfactory parking provision. The amended proposal would have a very similar impact to that which could be constructed under the property's permitted development rights. The proposal would thus comply with

Policies C28 and C30 Cherwell Local Plan 1996 (Saved Policies), Policy ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1 and the relevant paragraphs of the Framework.

## **10. RECOMMENDATION**

10.1. That permission is granted, 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, drawings No "P/16/155/001" and "P/16/155/003"

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 and architectural detailing to be used in the construction of the external surfaces of the development hereby permitted shall match, in material and colour, those used in the existing building, and shall be retained as such in perpetuity.

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 and Policy ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1.

CASE OFFICER: Michael Sackey

TEL: 01295 221820