

Hethecote
6 Hardwick Road
Hethe
Bicester
OX27 8EY

18/01651/F

Applicant: Mr & Mrs Jon Woodman

Proposal: Single storey extensions to rear and side. Part two, part single storey extension to front.

Ward: Fringford And Heyfords

Councillors: Cllr Ian Corkin
Cllr James Macnamara
Cllr Barry Wood

Reason for Referral: *Called in by Councillor Barry Wood*

Expiry Date: 31 December 2018 **Committee Date:** 13 December 2018

Recommendation: Approve

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

Proposal

The proposed development involves the erection of a two storey front extension, a single storey front, side and rear extension and a side dormer extension to Hethecote; an end of terrace dwelling in the village of Hethe.

Consultations

The following statutory consultees raised **objections** to the application:

- Hethe Parish Council

The following non-statutory consultees have raised **no objections** to the application:

- OCC Highway Authority, CDC Environmental Health, CDC Building Control

4 Letters of **objection** were received with regard to the original scheme and 3 Letters of **objection** were received with regard to the amended scheme.

Planning Policy

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan, saved Policies from the Cherwell Local Plan 1996 and other relevant guidance.

Conclusion

The key issues arising from the amended application details are:

- Principle of development
- Design, and impact on the character of the area, including the setting of the designated Conservation Area;
- Residential amenity
- Highway safety

The report looks into the key planning issues in detail, and officers conclude that the proposal is acceptable subject to conditions.

RECOMMENDATION - GRANT PERMISSION SUBJECT TO CONDITIONS

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

1.1. The application relates to Hethecote, an end of terrace dwelling situated on Hardwick Road to the west of the village of Hethe. The existing dwelling is constructed from reconstituted stone, with a plain tile roof and uPVC openings. The dwelling is not a listed building and the site does not form a part of the setting of a listed building, although it is in close proximity to the boundary of the conservation area to the east. The swift, a protected and notable species, has been identified in the vicinity.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The application seeks planning permission for the erection of a two storey front extension, a single storey wrap around side and front extension, a first floor dormer style side extension, and single storey rear extension to replace an existing conservatory. The loft space would also be converted to form a bedroom, where rooflights would be installed in the eastern facing roofslope.
- 2.2. The two storey front extension would extend 2.1 metres beyond the existing two storey element of the dwelling, with the single storey front element extending a further 1.4 metres. The side extension would replace an existing single storey pitched roof garage to the side of the dwelling, to create a lean-to style extension that would incorporate the side elevation of the proposed two storey front extension and the majority of the side elevation of the existing dwelling. Rooflights are proposed within the side facing roofslope of the side extension.
- 2.3. The rear extension would replace an existing conservatory structure, although would have a 30cm shorter overall depth than the existing and would be set off the boundary.
- 2.4. The extensions would increase the number of bedrooms within the dwelling from four to five bedrooms. Three off-street parking spaces would be provided upon the existing driveway to the front of the dwelling.
- 2.5. Construction materials would consist of reconstituted stone walls and plain tile roof to match those of the existing dwelling.

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>
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02/01207/F	Proposed rear extension forming sun lounge	Application Permitted
97/01959/F	Two storey extension to provide dining, utility, bedroom and ensuite bathroom.	Application Permitted

3.2. The above applications relate to the conservatory that is now proposed for replacement (02/01207/F) and the existing two storey extension to the rear of the dwelling (97/01959/F).

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, by advertisement in the local newspaper, 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 is 06.12.2018, and as this date follows the finalisation of this report, any additional comments raising new matters will be reported as representations.

5.2. The scheme was amended on 05 November 2018 and the application was fully re-advertised. The comments on both the original and amended schemes have been included.

5.3. Three letters of objection and a letter from the Local MP highlighting the concerns of a neighbour were received with regard to the original scheme. The comments raised by third parties are summarised as follows:

- Loss of light/overshadowing
- Loss of privacy
- Light pollution
- Noise pollution
- Inaccurate plans
- Plans do not account for difference in land level
- Loss of view
- Detriment to setting of Conservation Area and proposed extended Conservation Area
- Out of keeping with character and appearance of dwellings in the terrace
- Overlooking from neighbour down into extension
- Oil tank position not considered and likely to contravene building regulations
- Impact on detached nature of our property
- Loss of off-street parking

- Over development of the site
- Proposal was not discussed prior to submission
- Party wall issues
- Overbearing
- Forward of building line
- Unneighbourly form of development
- Cluttered streetscene
- Negative impact upon the village and Hardwick Road
- Contrary to Policy
- 5 bed house not sustainable on this plot
- Impossible to clean and maintain the gap between dwellings

5.4. Three letters of objection were received to the amended scheme received on 05 November 2018. The comments raised by third parties are summarised as follows:

- Over development of the site
- Loss of off-street parking
- Out of keeping with character and appearance of neighbouring properties
- Loss of light/overshadowing
- Overbearing appearance
- Loss of privacy
- Gutters not catered for – encroachment
- Difficulty accessing our own gutters
- Light pollution
- Noise pollution
- Applicant will not be able to access their oil tank
- Concern regarding building materials and construction vehicles using shared access - hazard/inconvenience to bus stop used by school children

5.5. The comments received can be viewed in full on the Council's website, via the online Planning Register.

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.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.2 HETHE PARISH COUNCIL (original plans): **Object**, on the following grounds:

- The extension will encroach into the applicants' drive.
- A very large extension, almost doubling the house footprint - over development of the site
- The loss of garage and some of the frontage area will reduce car parking space, always an issue with highway safety.
- There is already a problem with overspill parking from all of the residents at this address as they nearly always found parked on the pavement outside the house.
- If this development proceeds it will turn a nuisance into a major headache for the village.
- Detrimental effect on neighbouring properties - loss of privacy.
- Front extension obviously changes street scene to some degree
- Loss of light over shadowing

- 6.3 HETHE PARISH COUNCIL: Continue to **object** on the same grounds as previous - overlooking and loss of privacy, scale and dominance, parking issues, loss of outlook. Do not consider the second set of plans to have addressed the issues raised in the first submission.

STATUTORY CONSULTEES

- 6.4 None.

NON-STATUTORY CONSULTEES

- 6.5 CDC BUILDING CONTROL: Means of escape to be in accordance with approved Document B Volume 1 Section 5
- 6.6 CDC ENVIRONMENTAL HEALTH: No comments with regard to noise, contaminated land, air quality, odour or light.
- 6.7 OCC HIGHWAY AUTHORITY: **No objection.**

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)

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

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Hethe Conservation Area Appraisal Draft - 2018

8. APPRAISAL

8.1. The key issues for consideration in this case are:

- Principle of development
- Design, and impact on the character of the area, including the setting of the designated Conservation Area
- Residential amenity
- Highway safety
- Other matters

Principle of development

- 8.1. The proposed development would involve the extension and alteration of an existing dwelling, situated in a location that is predominantly residential in character, within the built-up limits of the village of Hethe. The resultant structure would continue to function as a single dwelling unit following the work. The principle of the proposed development is therefore considered acceptable as it complies with Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the NPPF.

Design, and impact on the character of the area, including the setting of the designated Conservation Area

- 8.2. Government guidance contained within the NPPF requires development to function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Development should be visually attractive, sympathetic to local character and history, and establish or maintain a strong sense of place. Permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.
- 8.3. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area.

- 8.4. Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 requires development to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards. Further, development proposals will be required to conserve, sustain and enhance designated and non-designated heritage assets including buildings, features, archaeology, conservation areas and their settings. Saved Policies C28 and C30 of the Cherwell Local Plan 1996 seek a standard of layout, design and external appearance, including the choice of external finish materials, that are sympathetic to the character of the context of the development.
- 8.5. Hethecote is an end terrace dwelling; the terrace forming one of a pair of terraced blocks each consisting of 4 dwellings, separated by one detached dwelling, 6a Hardwick Road. 6a Hardwick Road sits further forward than the terraced dwellings in the eastern most block containing the applicants' property.
- 8.6. Whilst the appearance of the two terraced blocks is similar, it is not considered that the character of these blocks is one of uniformity, or that they create a strong defined building line. Unusually, detached garages are positioned to the front of 4 of the 8 dwellings, one of which has been incorporated into a single storey front extension at 8a Hardwick Road (see 99/01016/F), and each of which straddle what would be the obvious boundaries between their adjacent neighbour.
- 8.7. The eastern most block, of which Hethecote forms a part, is set back from the edge of the pavement by around 10-15 metres, beyond a shared gravelled driveway and parking area interspersed with planting. In the case of Hethecote itself, the dwelling is largely concealed from view of the public domain when approaching from the west due to the forward positioning of adjacent 6a Hardwick Road, and partially obscured from view when approaching from the east due to the positioning of the detached garage at 4a Hardwick Road and surrounding mature planting. It is not considered that the existing dwelling is a prominent feature of the streetscene, that it has any historic significance, or that it plays a key role in forming the setting of the designated Hethe Conservation Area.
- 8.8. It is for the above reasons that Officers consider that the proposed extensions would not detract from the existing character of the streetscene, or result in additions that would draw undue attention to themselves as discordant additions to the area. The plot is narrow, but is of sufficient depth to both the front and rear to avoid the extensions appearing cramped, or representing an overdevelopment of the site. The two storey front extension would extend no further beyond the existing two storey gable to the front of adjacent 4a Hardwick Road, and would be of a similar appearance, albeit with a single storey extension at ground floor level. The single storey elements have been set off the shared boundary with 6a Hardwick Road by 20cm, and with the existing extension at 6a Hardwick Road also being set off the shared boundary by around the same distance, this will avoid the two structures appearing joined.
- 8.9. The construction materials are proposed to match those existing, and this will serve to ensure that the development is in-keeping with its host, and those in the vicinity of the site.
- 8.10. The potential inclusion of the site within the amended Hethe Conservation Area boundary has been raised as a result of consultation, although the only element currently proposed for inclusion is the stone boundary wall to the front of 2a Hardwick Road to the east. It is for the same reasoning as above that Officers do not consider that harm would be caused to the setting of either the current Conservation Area, or the proposed extended Conservation Area.

- 8.11. The proposal is considered to accord with Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the NPPF in terms of visual impact.

Residential amenity

- 8.12. Government guidance contained within the NPPF requires development to create places that are safe, inclusive and accessible, promoting health and well-being, and with a high standard of amenity for existing and future users. Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 requires all development to consider the amenity of both existing and future development. Saved Policy C30 of the Cherwell Local Plan 1996 seeks standards of amenity and privacy acceptable to the Local Planning Authority.
- 8.13. A number of concerns have been raised by neighbouring residents with regard to the impact upon amenity and privacy. However, it is considered that due to the separating distances, the only neighbours with the potential to be affected by the proposed development are 4a and 6a Hardwick Road to either side of the site. 4a Hardwick Road is the adjoining neighbour to the east, and 6a Hardwick Road is the detached neighbour to the west.
- 8.14. The two storey element of the proposed extension would not protrude any further beyond the existing gable frontage of 4a Hardwick Road and would not, therefore, affect any first floor openings within this elevation. At ground floor level, a lean-to porch projects from the frontage of 4a Hardwick Road, although both light and outlook to this area are already compromised by the positioning of the detached garage 1.4 metres to the south. The living room windows at 4a Hardwick Road are positioned adjacent to the porch, with the protruding porch and detached garage already obscuring outlook towards the site. The proposed single storey front extension would extend 40cm beyond the existing porch at 4a Hardwick Road and despite the taller height of the extension, given the separating distance to the living room windows and intervening porch at 4a Hardwick Road, it is not considered that amenity in terms of outlook, domination or overshadowing would be significantly impacted as a result of the development.
- 8.15. The existing conservatory extends 4.8 metres from the rear of Hethecote, with the end of the conservatory curving away from the boundary. The proposed rear extension would extend 4.5 metres from the rear of Hethecote, with a side elevation and eaves height of 2.55 metres. The wall of the extension would be set off the shared boundary by 40cm. A kitchen window on the rear elevation of 4a Hardwick Road is already restricted in terms of light and outlook, and with the set back of the extension from the shared boundary, it is not considered that the replacement structure would result in significant additional harm in terms of outlook, over-domination and overshadowing to that already experienced.
- 8.16. Concern has been raised over the proposed first floor opening in the front elevation, that due to the unconventional positioning of front boundaries, would result in some overlooking of the front garden/driveway area at 4a Hardwick Road from first floor level. However, an opening already exists here, and planning permission is not required to insert a clear glazed opening in the front elevation. In addition, the front garden is not a private area, being open to the street and users of the shared access. The proposed side facing rooflights to serve the loft conversion would not allow outlook into existing openings at 4a Hardwick Road.
- 8.17. As previously mentioned, due to the positioning of detached 6a Hardwick Road, the rear elevation of the original dwelling of this neighbouring property sits forward of the front elevation of Hethecote. 6a Hardwick Road has been extended beyond its

original form, with a two storey and a single storey extension to the rear, although a first floor bedroom window within the original element of the dwelling remains in its original position, the outlook from which is already compromised by the existing two storey projection at 6a Hardwick Road, and the existing structure at Hethecote. As the window faces towards the north-east, the sunlight reaching this window is also limited. At ground floor level, a lean-to structure with rooflights serving a utility room sits adjacent to the shared boundary with the site.

- 8.18. The proposed two storey front extension would project 2.1 metres beyond the existing front elevation of Hethecote. The depth of this element of the extension was reduced by 1.97 metres following Officer concern about the impact of the development in terms of overshadowing and an overbearing appearance, particularly when viewed from within the rear garden of 6a Hardwick Road.
- 8.19. The amended scheme would retain a distance of 3.6 metres between the front of the two storey extension and the original rear elevation of the dwelling (containing the bedroom window), and the two elements would sit almost in line with each other. The 45 degree line is already interrupted on both sides of this bedroom window by existing structures, and the two storey extension itself would be positioned so far forward as to not interrupt this line at all. Officers consider that following the reduction in depth to the two storey element, the proposal would not result in significant overshadowing or have an overbearing impact when viewed from the rear garden of 6a Hardwick Road.
- 8.20. The existing pitched roof garage at Hethecote sits adjacent to the shared boundary with 6a Hardwick Road and when combined with the two storey dwelling to which it is attached, currently appears overbearing from rear openings and the rear garden. It is considered that the proposed replacement lean-to extension would have a relatively neutral impact, indeed whilst extending further to the front it would have a reduced height adjacent to the boundary (2.4 metres to eaves). The side dormer is proposed in order to ensure compliance with building regulations. Although this would be positioned 2.4 metres from the shared boundary, and the two openings would not allow outlook directly into other openings at 6a Hardwick Road due to their positioning, and they would be obscurely glazed.
- 8.21. Two rooflights are proposed within the single storey side extension; although due to their high level direct outlook into openings at 6a Hardwick Road would not be possible. Concern has been raised that the occupants of 6a Hardwick Road would be able to look down into the rooflights, although this could easily be remedied, say through the introduction of blinds, if lack of privacy becomes an issue for the occupants of Hethecote.
- 8.22. The impact of noise and disturbance from open windows adjacent to the boundary is not expected to be above that normally associated with a residential dwelling. Light pollution from the rooflights would not be significant. An Environmental Health Officer has assessed the proposal and had no comments to make on the proposed arrangement with regard to light and noise pollution.
- 8.23. Officers note the land level difference, putting Hethecote at a lower level than 6a Hardwick Road, although it is considered that this difference would only reduce the impact in terms of amenity.
- 8.24. The single storey rear extension would be positioned a sufficient distance from 6a Hardwick Road to avoid any harm in terms of a loss of amenity or privacy.
- 8.25. To conclude, Officers do not consider that the development would result in significant harm to neighbouring properties in terms of a loss of amenity or privacy,

in accordance with Government guidance contained within the NPPF, Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C30 of the Cherwell Local Plan 1996.

Highway safety

- 8.26. Government guidance contained within the NPPF seeks to achieve safe and suitable access to sites for all users, and requires development to be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.27. The proposed development would involve an increase in the number of bedrooms at Hethecote from four (includes the study) to five bedrooms. The extension would also be constructed upon an area of driveway, thus having implications in terms of off-street parking. Whilst the Highway Authority has never objected to the proposal, the applicants have demonstrated that three off-street parking spaces could be provided upon the remaining driveway area. Officers consider this provision to be sufficient to serve a five bedroom dwelling, and do not consider that the development would result in harm to highway safety, in accordance with Government guidance contained within the NPPF.

Other matters

- 8.28. Concern has been raised regarding the future access to enable maintenance of the gutter at 6a Hardwick Road and potential encroachment of guttering, although this is a party wall matter that would need to be dealt with outside of the planning application process.
- 8.29. A point has been made regarding the potential requirement to reposition an oil tank, and the possible failure to comply with building regulations, although these are matters that the applicants would need to address outside of the current application, if necessary. The relocation of the oil tank may be permitted development (subject to dimensions and position) or may require an application for planning permission, when the impact upon amenity can then be fully assessed.
- 8.30. The temporary disturbance during construction, and the storage of construction materials, would need to be addressed by the applicants on the commencement of any works on site.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. Officers consider that the proposed extension would not result in significant harm to the visual amenities of the area, including the setting of the current and potentially revised Conservation Area, the amenity or privacy currently enjoyed by neighbouring properties or highway safety. It therefore accords with Government guidance contained within the National Planning Policy Framework, Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policies C28 and C30 of the Cherwell Local Plan 1996.

10. RECOMMENDATION

That permission is granted, subject to the following conditions:

Time Limit

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.

Approved Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Application form, Design and Access Statement, Drawing No's: 1034-2C, 1034-3H and 1034-4H all received 05 November 2018.

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

Materials to Match Existing

3. The materials to be used for the extensions 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 ESD 15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Obscure Glazed Opening

4. Prior to the first occupation of the development hereby approved, the high level first floor windows in the western facing side elevation of the dormer, and the first floor window in the rear north-eastern facing elevation of the dormer, shall be fixed shut and fully glazed with obscure glass (Level 3 or above), and retained as such thereafter.

Reason – To safeguard the privacy and amenities of the occupants of the neighbouring property and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Retain Off-Street Parking

5. The car parking provision shown on Drawing No. 1034-4H received 05 November 2018 hereby approved shall be retained for the parking of vehicles at all times.

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.

Planning Notes

Third Party Interests

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.

Construction Sites

2. The applicants' 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 applicants/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 Environmental Protection Team Leader for further advice on this matter.

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