

**Case Officer:** Lewis Knox

**Recommendation:** Approve

**Applicant:** Mr & Mrs P Taylor

**Proposal:** Single/two storey rear extension

**Expiry Date:** 30 March 2020

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## **1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site consists of a large detached dwelling located in a relatively modern residential close located in the eastern end of Bodicote to the south of Banbury. The main dwelling at the site is constructed from facing red-brick, with white uPVC windows and doors under a plain tile roof. There are hanging tiles to the front facing gable.
- 1.2. The site benefits from a private gravelled driveway off the western side of White Horses Close which leads to a detached garage to the eastern side of the dwelling. The site benefits from a front garden with a path leading to the front door. Access to the rear can be achieved between the dwelling and the garage, the rear is a large grass garden with patio. The dwelling has previously benefitted from a conservatory to the eastern side of the rear elevation. The site shares boundaries with neighbours to the north, east and west.
- 1.3. The application dwelling is not a listed building and is not located within a designate conservation area. There are several TPO trees to the front and rear. There are no other site constraints relevant to this application.

## **2. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 2.1. The applicant seeks planning permission for the erection of a part single storey part two storey rear extension.

## **3. RELEVANT PLANNING HISTORY**

- 3.1. There is no planning history directly relevant to the proposal

## **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 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 **6 March 2020**, although comments received after this date and before finalising this report have also been taken into account.
- 5.2. The comments raised by third parties are summarised as follows:

- Questions were raised about the accuracy of the description of development which was subsequently amended. No comments were made in relation to the development itself.

5.3. 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. **Bodicote Parish Council** – Raised no objections

### OTHER CONSULTEES

6.3. **Cherwell District Council Arboriculture** – No comments received.

## **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)
- Cherwell Residential Design Guide (2018)
- Cherwell Council Home Extensions and Alterations Design Guide (2007)

## **8. APPRAISAL**

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

- Design, and impact on the character of the area
- Residential amenity

- Highway safety/parking provision

### Design and Impact on the Character of the Area

- 8.2. Paragraph 124 of the NPPF states that: *'Good design is a key aspect of sustainable development'* and that it *'creates better places in which to live and work'*. This is reflected in Policy ESD15 of the CLP 2031 Part 1, which states that new development proposals should: *be designed to improve the quality and appearance of an area and the way it functions...contribute positively to an area's character and identity by creating or reinforcing local distinctiveness...(and) respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings.*
- 8.3. Saved Policies C28 and C30 of the CLP 1996 reinforce this, with Policy C30(ii) stating: *that any proposal to extend an existing dwelling (should be) compatible with the scale of the existing dwelling, its curtilage and the character of the streetscene.*
- 8.4. The proposed part two storey part single storey extension would be located to the rear elevation of the application dwelling and would therefore not be readily visible from the public domain and would therefore not have any significant impact on the character and appearance of the streetscene.
- 8.5. The majority of the other neighbouring dwellings which were built as part of this residential development we constructed with a projecting gable to the rear elevations. The application dwelling does not currently benefit from this design. The proposed extension would see a two storey gable end to the western side of the rear elevation which would mirror the neighbouring dwelling. It is considered that this element would continue the established character which is set in the locality.
- 8.6. The development would also see a minor single storey extension across the width of the rear elevation. Whilst none of the other dwellings within White Horse Close have benefitted from such an extension; the development would be typical of a residential dwelling such as this and would not appear out of keeping within the immediate vicinity. This would also replace the existing conservatory at the dwelling.
- 8.7. The materials proposed are brick and tiles which would match those which already exist at the site and so the character of the dwelling and surrounding area would be retained and this is considered to be acceptable.
- 8.8. Overall it is considered that the proposed development would adhere to Policy ESD15 of the CLP 2031 Part 1 and saved Policies C28 and C30 of the CLP 1996 in terms of its impact on the visual amenity of the local area and is therefore considered to be acceptable in this respect.

### Residential Amenity

- 8.9. Paragraph 127 of the NPPF includes, as a core planning principle, a requirement that planning should have *a high standard of amenity for all existing and future users*. This is reflected in Policy ESD15 of the CLP 2031 Part 1, which states that new development proposals should: *consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space.*
- 8.10. The Council's Home Extensions and Alterations Design Guide (2007) provides informal guidance on how the Council will assess proposed extensions to houses, including guidance on assessing the impact on neighbours. This includes assessing

whether a proposed extension would extend beyond a line drawn at a 45° angle, as measured horizontally from the mid-point of the nearest habitable room window.

- 8.11. The proposed two storey element would be in close proximity to the shared boundary with the detached neighbour to the west and would be close to the dwelling at the neighbouring site.
- 8.12. The proposed two storey element would match the height of the application dwelling but would only have a minor depth of approximately 2.25m and would not extend beyond the rear gable projection on the neighbouring property. It is therefore considered that the development would not conflict with the 45 degree rule from the nearest neighbouring habitable window and would therefore not impact on the amenity of the neighbouring occupants in terms of loss of light, loss of outlook or overbearing.
- 8.13. The proposed single storey element would have the same depth and would not be in close proximity to any near neighbour and as such would not impact on the amenity in terms of loss of light, loss of outlook or overbearing.
- 8.14. The majority of newly proposed openings would face towards the rear of the garden at the site and would not directly face any opening to a nearby neighbour and would therefore not impact on the levels of privacy in the locality. There is one side window on the eastern elevation but this would not directly face the neighbouring dwelling to this side and would have a similar impact on privacy as the existing conservatory and so there would be no impact beyond the existing situation.
- 8.15. It is considered that the proposed development would not conflict with Policy ESD15 of the CLP 2031 Part 1 and is therefore acceptable in terms of its impact on the residential amenity of nearby properties.

#### Highway Safety/Parking Provision

- 8.16. Policy ESD15 of the CLP 2031 Part 1 states, amongst other matters, that new development proposals should: *be designed to deliver high quality safe...places to live and work in*. This is consistent with Paragraph 110 of the NPPF which states that: *developments should create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles*.
- 8.17. The proposed development would not see an increase in the number of bedrooms at the property and as such would not result in an intensification of the use at the site beyond the existing situation. It is considered that the existing off-street parking provision at the site is sufficient for a dwelling of this size. It is therefore considered that the development would not impact on the levels of highway safety in the locality and is acceptable in this respect.

#### TPO Trees

- 8.18. There are trees which are subject to Tree Preservation Orders within the site boundary, and the proposed development would extend towards the TPO trees at the rear of the site. The part of the proposed extension which would be closest to these trees is the single storey element to the eastern side. As this element of the extension would not extend as deep as the existing conservatory on this part of the site, it is considered that there would be less impact on the TPO'd trees than the current situation and is considered acceptable in this respect.

## 9. PLANNING BALANCE AND CONCLUSION

- 9.1. For the reasons set out in this report, the proposal complies with the relevant Development Plan policies and guidance listed at section 7 of this report, and so is considered to be sustainable development. In accordance with Paragraph 11 of the NPPF, permission should therefore be granted.

## 10. RECOMMENDATION

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 conditions attached to this permission, the development shall be carried out strictly in accordance with the information contained within the application form and the following approved plans: P/19/238/001 and P/19/238/003

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.

3. The materials to be used for the external walls and roof of the development hereby permitted 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 building materials used in the locality and to comply with Policy ESD15 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.

Case Officer: Lewis Knox

DATE: 26.03.2020

Checked By: Paul Ihringer

DATE: 30/3/20

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