

Case Officer: Lewis Knox

Recommendation: Approve

Applicant: Mr & Mrs John Shipley

Proposal: Relocation of existing timber outbuilding and erection of single and two storey extension to side and rear of existing dwelling

Expiry Date: 22 April 2020

Extension of Time: No

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site comprises a two storey semi-detached dwelling located in a residential area of Bodicote to the south of Banbury. The main dwelling at the site is constructed from facing red brick to the front elevation with hardwood windows and doors, under a slate roof. There is a small bay window and incorporated canopy porch to the front elevation of the dwelling.
- 1.2. The semi-detached pair of dwellings are largely mirrored down the middle save for the porch at the application dwelling. The rear garden is long and narrow which features predominantly grass areas with some patio and a number of outbuildings to the side and rear.
- 1.3. The application dwelling is not a listed building. The dwelling is located within the setting of the designated Bodicote Conservation Area. There are no other planning constraints relevant to this application.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The applicant seeks planning permission for the erection of a two storey side and rear extension, and the relocation of an existing timber outbuilding.
- 2.2. The side element of the extension would be to the eastern elevation of the application dwelling and would have an overall width of 2.3m, height to ridge of 7.2m falling to 5.2m at the eaves. The extension would extend beyond the existing rear elevation of the application dwelling with a depth of 9.97m. The extension beyond the rear elevation would be 2.9m in depth.
- 2.3. The timber outbuilding would be relocated from the eastern side of the dwelling to the rear, along the boundary with the neighbour to the east.

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 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

25 March 2020, 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.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

6.2. **Bodicote Parish Council** – No comments received

OTHER CONSULTEES

6.3. **Cherwell District Council Ecology** – 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 extension would be to the side of the application dwelling would be readily visible from the public domain and would have a significant impact on the character and appearance of the streetscene.
- 8.5. East Street is a relative mishmash of house types with no coherent form. The application dwelling and associated semi-detached neighbour are the only example of these types of dwelling in this locality and in principle a modest change to the appearance would not detrimentally alter the character and appearance of the area.
- 8.6. The proposed side extension would be relatively minor in its scale in comparison to the original dwelling and would be well within the standard guidelines for side extensions for residential dwellings; whereby a side extension should result in more than a 50% increase in overall width.
- 8.7. The submitted plans show subservience to the main dwelling with the proposed ridge line being set down from the ridge line of the original dwelling as well as the front elevation of the extension set back from the front of the application dwelling. These are welcome details and allow the extension to not appear overly dominant within the streetscene and allows the original dwelling to be read when viewed from the public domain.
- 8.8. The extensions beyond the rear elevation would not be visible from the public domain and would not have a significant impact on the character of the area. The relocation of the existing timber building would make the structure less visible than at present.
- 8.9. The proposed materials are to match the existing dwelling and attached neighbour and so the existing character and appearance of the locality would be retained.
- 8.10. Overall it is considered that the development would accord with Policy ESD15 of the CLP2031 Part 1 and saved Policies C28 and C30 of the CLP 1996 and is therefore acceptable in respect to its impact on the visual amenity of the area.

Residential Amenity

- 8.11. 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.*

- 8.12. 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.
- 8.13. The neighbouring property to the eastern side is set on a slightly lower level than the application site and so there would be a potential of overbearing as a result of the proposed development.
- 8.14. The dwelling at the eastern property is set to the eastern side of the plot and is set back behind the rear elevation of the application dwelling, there is also an attached single storey garage to the western side of the neighbouring dwelling. Given this relationship between the dwellings it is not considered that there would be a significant overbearing impact on the neighbouring dwelling despite the difference in land levels. The development would be next to the front driveway on the neighbouring property and would overbear on any significant habitable space.
- 8.15. The element of the extension which would extend beyond the rear elevation of the application dwelling would be in line with the lower lying neighbour to the eastern side. There is one window on the western elevation which would face toward the development. The separation distance would only be approximately 8.0m. However, it is considered that there would only be a loss of light to this window in the late evening and would not sufficiently impact to warrant a refusal of the application on this basis.
- 8.16. The facing window to the eastern elevation would serve a bedroom and could result in a loss of privacy to the neighbouring dwelling given the small separation distance. It is considered necessary and reasonable to impose a condition on any permission to require this window to be fixed shut and obscurely glazed. This bedroom would also be served by a window on the western elevation and so sufficient light to the room would be retained. The lack of objection from the affected neighbour has been given some weight in this assessment.
- 8.17. The element of the extension which would be closest to the attached neighbour to the west would be flat roofed and single storey and so would not impact on the amenity of the first floor windows. The single storey element would be less than 3.0m in depth and would have a similar impact to a single storey extension which could be achieved through permitted development. It is not considered that this element would detrimentally impact on the amenity of the attached neighbour.
- 8.18. The two storey element of the rear extension would be sufficiently away from the boundary with the attached neighbour and so would not conflict with the 45 degree rule to the upper floor windows and so would not impact in terms of loss of light, loss of outlook or overbearing. This element would include a western facing window which would face towards the boundary with the attached neighbour; it would be set off of the boundary by 4.0m with the single storey element between, it is considered that there would be some view into the neighbouring garden however the angle of view and the extent of the garden which would be visible would be minimal. It is not considered that this opening would significantly impact on the levels of privacy between the neighbouring dwellings.
- 8.19. The other proposed openings would either face the rear of the garden at the application site or across the highway along East Street and so would not face any other neighbour and not impact on the levels of privacy.

- 8.20. The relocation of the existing outbuilding would be towards the rear of the application dwelling and would be set behind an outbuilding at the neighbouring dwelling. Given its small scale and positioning it is not considered that it would have any impact on the residential amenity within the locality in terms of loss of light, loss of outlook or overbearing.
- 8.21. Overall; on balance, it is considered that the development would not detrimentally impact on the residential amenity of any near neighbours and would accord with Policy ESD15 of the CLP 2031 Part 1 and I acceptable in this respect.

Highway Safety/Parking Provision

- 8.22. 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.*
- 8.23. The proposed development would see an additional 2 bedrooms added to the dwelling increasing the overall number from 2 to 4. The dwelling benefits from a relatively large driveway which could accommodate two vehicles which would be a sufficient level of off-street parking for a dwelling of this size. On-street parking is prevalent along East Street but not in this location.
- 8.24. Overall it is not considered that the development would cause detrimental harm to the levels of highway safety in the locality sufficient enough to warrant a refusal of the application on this basis.

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: Drawing No. 2069/01 and 2069/03A

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 window in the second floor eastern elevation shall be obscure glazed, using manufactured obscure glass that is impenetrable to sight, (not an applied

adhesive film) before the extension is first occupied and shall be permanently retained as such thereafter. The window shall also be non-opening, unless those parts which can be opened are more than 1.7m above the floor of the room in which it is installed and shall be permanently retained as such thereafter.

Reason: To ensure that the amenities of the occupants of the neighbouring properties are not adversely affected by loss of privacy in accordance with Policy ESD15 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.

Case Officer: Lewis Knox

DATE: 22.04.2020

Checked By: Paul Ihringer

DATE: 22/4/20
