

**Case Officer:** Lewis Knox

**Recommendation:** Approve

**Applicant:** Mr and Mrs Penrice

**Proposal:** Proposed first floor extension over existing garage / kitchen and a new front porch canopy

**Expiry Date:** 30 July 2020

**Extension of Time:** No

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

- 1.1. The application site comprises a two storey detached dwelling located in a residential area of Bodicote to the south of Banbury. The main dwelling at the site is constructed from facing brick with brown uPVC windows and doors under a concrete tile roof. The site is located on the southern side of The Rydes and is accessed from the southern side of the main highway along the street, onto an area of hardstanding which leads to the attached garage which has previously been partially converted to living space. Also to the front is a grass front garden.
- 1.2. Access to the rear can be achieved along the eastern elevation of the dwelling through a side gate. To the rear is a grass garden with some patio. The site shares boundaries with neighbours to the south and west with a mixture of fencing and vegetation along the boundary lines.
- 1.3. The building is not listed and is not located within a designated conservation area. There are no other site constraints which are relevant to this application.

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

- 2.1. The applicant seeks planning permission for the erection of a first floor extension over existing garage and the erection of a new front porch canopy.

## **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 July 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. **Oxfordshire County Council Highways** – Raised no objections
- 6.4. **Cherwell District Council Environmental Protection** – No comments

## **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 over the existing garage would be readily visible from the public domain and would therefore have a significant impact on the character and appearance of the streetscene.
- 8.5. The Rydes is populated by relatively large detached dwellings of similar design and scale and a large proportion have an attached garage to one side of the dwelling; due to this design there are a large number of other examples of extensions over garages in the locality, most notably at the neighbouring dwelling to the west of the application site. Given the number of other examples in the streetscene it is not considered that the development would add an alien feature to the locality.
- 8.6. The proposed first floor extension would be subservient to the original dwelling with the ridge line stepped down and the front elevation set back, this is a welcome detail and allows the extension to appear secondary to the main dwelling as well as reducing any dominating impacts on the streetscene.
- 8.7. The overall design of the first floor extension would be in keeping with the application site and the surrounding neighbours. The extension would feature a small front gabled dormer which would match the gable character within the vicinity of the site, particularly the neighbouring dwelling to the south of the application site.
- 8.8. All proposed materials are to match those currently existing at the site and the other dwellings within The Rydes. This is an important detail as the area has a very strong red-brick character and any other materials would negatively impact on the streetscene.
- 8.9. The proposed canopy porch would be a minor addition to the front of the dwelling and would not negatively impact on the character of the streetscene.
- 8.10. It is considered that the development would not have any negative impact on the character and appearance of the streetscene and would have a size, scale and design which would respect the original dwelling at the application site and the surrounding properties. It is therefore considered to accord with Policy ESD15 of the CLP 2031 Part 1 and Saved Policies C28 and C30 of the CLP 1996 and is acceptable in this respect.

## 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 proposed first floor extension would run close to the boundary with the neighbouring property to the west and given that the application property is set back from the neighbouring dwelling to the west there would be some impact on the residential amenity of the closest first floor window to this dwelling.
- 8.14. The extension would have roughly the same width as the existing dwelling and so would not protrude further than the existing rear elevation at the site but would be significantly closer to the neighbouring dwelling to this side. The extension would extend approximately 3.0m beyond the rear of the neighbouring dwelling and so will have some impact.
- 8.15. Given the orientation of the application dwelling to the east of the impacted neighbour, it is not considered that the development would result in a harmful loss of light to the nearest habitable room. There would be some loss in the early hours of daylight however with this room being south facing a sufficient amount of light will still reach the room.
- 8.16. The outlook from this window is currently the built form of the application dwelling and the estate beyond. Whilst this built form would be closer to the window and more visible it is not considered that the development would result in a demonstrable loss of outlook from this window.
- 8.17. The development would be somewhat overbearing on the area of back garden immediately below the extension. However, given the size of the gardens it is not considered to be any more harmful than the existing garage and would not have an increased impact on the neighbouring garden in terms of depth of built form along the boundary as the extension would be less deep than the ground floor footprint.
- 8.18. It is noted that the neighbours did not raise any objections to this proposal in terms of impact on residential amenity.
- 8.19. There are no windows proposed which would face west towards the neighbouring dwelling and would not impact on privacy in this respect.
- 8.20. Overall; on balance; it is considered that the development would not have a significant impact on the residential amenity of the neighbouring dwelling to the west of the application site and would therefore accord with Policy ESD15 of the CLP 2031 Part 1 in this respect.

#### Highway Safety/Parking Provision

- 8.21. 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.*

8.22. Despite an increase in the number of bedrooms at the dwelling it is considered that the amount of off-street parking provision available at the site would be sufficient for a dwelling of this increased size. No parking provision would be lost as a result of the development. Oxfordshire County Council Highways raised no objections to the proposals as they would be unlikely to negatively impact on the safety of the local highway network.

8.23. It is considered that the development would accord with Policy ESD15 of the CLP 2031 Part 1 in respect of its impact on the safety of the local highways network and is therefore 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: Project No. 20.1248.P Drawing number: 200

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.

Case Officer: Lewis Knox

DATE: 28.07.2020

Checked By: Paul Ihringer

DATE: 30/7/20

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