

Case Officer: Tomaz Akhter

Recommendation: Approve

Applicant: Mr & Mrs O'Hare

Proposal: Single storey rear extension and increase in size of the garage including first floor side extension

Expiry Date: 26 April 2023

1. Description of Proposed Development

The applicant seeks planning permission for the approval of a single storey rear extension and increase in size of the garage including first floor side extension

2. Relevant Planning History and Pre-Application Discussions

The following Planning History and Pre-Application discussions are considered relevant to the current proposal.

3. Response to Publicity

This application has been publicised by way of a Site Notice displayed near the site, expiring **4 May 2023** and by letters sent to properties adjoining the application site that the Council has been able to identify from its records. The overall final date for comments was **4 May 2023**.

The following comments have been raised by third parties:

13 Bunkers Hill

Raising the height of the garage as proposed will create an effectively continuous high roofline across this and the neighbouring property (600m is negligible subordination); this will block access for swifts to the swift brick on the end wall of No. 3 as the birds need room to swoop upward to nest sites. Swift bricks should be included in the front and rear elevations of the proposed garage extension to provide alternative sites for the birds. The village has a sizeable summer population of swifts which will benefit from increase nesting options. The birds use the front and rear elevations of the existing terraced properties for nest sites, so the aspects appear acceptable to them.

4. Response to Consultation

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.

Shipton on Cherwell Parish Council – No objections

Highways – No objection

5. Relevant Policy and Guidance

Cherwell Local Plan 2011-2031 Part 1 - (CLP 2031 Part 1)

- PSD1 – Presumption in favour of Sustainable Development
When considering development proposals, the Council will take a proactive approach to reflect the presumption in favour of sustainable development contained in the National Planning Policy Framework. Planning applications that accord with the policies in the Development Plan will be approved without delay unless material considerations indicate otherwise. *See page 36 of the CLP 2031 Part 1 for full details.*
- ESD15 - The Character of the Built and Historic Environment.
New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high-quality design. Where development is in the vicinity of the District's distinctive natural or historic assets, delivering high quality design that compliments the asset will be essential. *See page 117 of the CLP 2031 Part 1 for full details.*

Cherwell Local Plan 1996 (saved policies) – (CLP 1996)

- C28 – Layout, Design and External Appearance of New Development
New development required to have standards of layout, design and external appearance sympathetic to the character of the urban or rural context of that development. *See page 120 of the CLP 1996 for full details.*
- C30 – Design of New Residential Development
Development should be compatible to the scale of the existing dwelling, its curtilage and the character of the street scene. Development should also provide acceptable standards of amenity and privacy. *See page 120 of the CLP 1996 for full details.*

Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Residential Design Guide (2018)
- CDC Home Extensions and Alterations Design Guide (2007)

6. Appraisal

Design and impact on character of the area

The first floor extension would be to the side of the application dwelling and would be readily visible from the public domain and would have a significant impact on the character and appearance of the street scene.

The dwellings along this row of Field View Lane are relatively linear and are largely unaltered to the front and side since their initial construction. The proposed extension would significantly impact on the linear nature of the street scene.

The Cherwell District Council Home Extensions and Alterations Design Guide (2007) states that extensions at the side of houses will normally only be acceptable if they do not fill the gap between neighbouring buildings, which would create a terracing effect. It is noted that the existing gap would remain between 3 and 4 Field View Lane.

Whilst it would still be a relatively close relationship between 3 and 4 Field View Lane, it is considered, on balance, not to be so harmful as to warrant a refusal on grounds of visual amenity.

The plans also the proposal would be set down from the existing ridge line and set back from the principal elevation this shows subservience between the original ridge line and the proposed extension and would adhere to the guidance within the Cherwell District Council Home Extensions and Alterations Design Guide (2007).

The proposed rear extension depth is considered modest and proportionate to the existing dwelling. This ensures the extension is subservient to the dwelling and the original house remains the dominant element of the property. Although flat roofed extensions are considered to normally represent poor design, the location to the rear of the property means that the extension would be largely obscured from the public realm and would have no impact on the character of the area.

Conclusion: Acceptable

Residential amenity

The proposed first floor extension would not extend any further than the existing rear elevation of the dwelling and as such would not conflict with the 45 degree rule to the nearest habitable windows of the neighbouring property to the south.

The proposal would be set away from the shared boundary with No. 3. The neighbour No. 3 benefits from one window openings on the side elevation facing No. 4, on the ground floor. From planning history, 20/01755/DISC, Field View Lane are newly built dwellings and are built the in similar design and layout. Therefore No. 3 and No. 4 would have the same layout. It is concluded that the window on the ground floor serves the kitchen. The kitchen also, benefits from an opening to the rear garden, with bi folding doors, which provides natural light and would not harm No. 3 amenities. As such, the extension would have an impact on this window, but the harm would not be so significant to warrant a refusal. It is perhaps noteworthy that these neighbours have not objected to this application.

The new openings in the extension would either face towards the rear of the garden at the application site or across the highway along Field View lane and as such would not impact on the levels of privacy in the locality.

The rear extension is set off the west facing elevation. The development also, is set off from the shared boundary with No. 3 and No. 5 and the relatively modest depth of the extension is not considered significant to prevent harm to either neighbour through overshadowing, overdominance and visual intrusion.

Conclusion: Acceptable

Highway safety

The proposed development would result in the addition of further bedrooms at the dwelling from three to four. However, it is not considered that the development would result in any harm to the parking levels within the locality. The Highways officer has also raised no issues with the proposal.

Conclusion: Acceptable

Ecology

The neighbour questions the potential loss/inaccessibility of swift bricks which they state have been inserted into the original build. Having checked the discharge of condition in respect of ecology for the original development, there was no requirement for swift bricks (although the Council's Ecologist would have preferred

to have seen them inserted). So, until the legislation changes and to retain consistency in respect of the Council's approach for similar such development, it would be unreasonable to require additional mitigation.

7. Planning Balance and Conclusion

The appraisal above, which is informed by the policy and guidance set out in section 5, does not identify any material planning issues which compromise the acceptability of this application. The proposal is therefore considered to be sustainable development and, in accordance with Paragraph 11 of the NPPF, planning permission should therefore be granted.

The proposal would be an acceptable addition to the existing dwelling, would respect the character and appearance of the area, would not adversely affect residential amenity and there is satisfactory parking provision.

8. 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: 168 001; 168 002; 168 10; and 168 11.

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: Tomaz Akhter

DATE: 10/05/2023

Checked By: Paul Ihringer

DATE: 11/5/23
