

Case Officer: Sarah Greenall

Recommendation:

Applicant: Mr John Preston

Proposal: First floor side extension to provide ancillary accommodation plus French doors to side elevation

Expiry Date: 17 September 2019

Extension of Time: No

1. APPLICATION SITE AND LOCALITY

- 1.1. The application relates to a two-storey detached dwelling located within the village of Wendlebury. The property is constructed from buff brick with hanging tiles on the front elevation under a plain tiled roof with white uPVC windows and doors. There is a large driveway to the front of the dwelling with space for at least 3 cars to comfortably park. The surrounding area comprises of mostly detached dwellings of a similar original design, with a timber yard directly south of the site.
- 1.2. The building has been extended to the rear in the past at single storey, which also oversails the side elevation. The garden area immediately around the house is limited and is split in two by the later rear elevation in two modest areas. Further to the west there is a much larger garden serving the property, extending some 65m from the original dwelling.
- 1.3. There is a garage/carport to the side of the existing dwelling
- 1.4. The building is not listed and is not situated within a designated conservation area, however to the north of the site there is the Grade II listed Park Farmhouse and Park Farm Cottage. There are no further site constraints directly relevant to this application.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The applicant seeks planning permission for a first-floor side extension to provide ancillary accommodation and the addition of french doors to the western side elevation.
- 2.2. Concerns were raised during the application process on the impact to the residents of the property backing onto the site to the east and the impact on the street scene from a full height addition. A reduction of 2-3m in the depth of the first-floor element was sought with a greater emphasis on subservience. New designs were received with just a reduction in the depth of the new element by 0.6m from 4.6m to 4.0m. This does at least represent a lessening of the impact to the neighbouring property to the east of the site and has been accepted for the purposes of this assessment.
- 2.3. The proposals are for a two-storey side extension that would be 6.9m in height and 4.0m in depth from the existing side elevation of the dwelling. This would require that the existing garage in this location was removed. The design is at full height and depth (front to rear) as the existing dwelling with materials to match the existing.
- 2.4. A carport would be retained on the ground floor and extended beyond the present dimensions. On the first floor would be two rooms and a bathroom accessed by a new stairway and without direct access from the host 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>
00/02035/F	Single storey extension to side and rear

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 was **22 August 2019**, 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:

- *The application does not show materials to be used in the proposed works, the distance between the extension and the boundary or any trees.*
- *Concern over the impact on the mature fir trees on the property adjacent to the site.*

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. WENDLEBURY PARISH COUNCIL: No objections

OTHER CONSULTEES

6.3. CDC BUILDING CONTROL: No objections

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
- Other matters

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 Design Guide (2007) states that extensions *'should normally be set in by at least 1 metre from the side boundary and should also be set back from the front elevation and have a lower roof line so they are clearly secondary to the original building'*.

8.5. The proposals are for a full height and depth extension to the side at two stories. Whilst this would be slightly less than half the width of the original dwelling the lack of subservience in the design would result in a very large principal elevation facing the street. The dwellings in the rest of the street scene and built at the same time are relatively modest in scale where they face the street – with two designs predominating – either gable onto the street or perpendicular to it. The overly large proposals before me would result in a design which would dominate both the original host dwelling and would sit uncomfortably in the street scene.

8.6. The dwelling has already been extended in the past to the rear and side. This is apparent if not prominent in the street scene. It adds to the bulk of the building in its present form and would serve to reinforce the overtly large nature of the proposed extension.

- 8.7. The proposals are therefore considered to adversely impact on the visual amenity of the area and therefore would fail to accord with saved Policy C28 of the Cherwell Local Plan 1996, Policy ESD15 of the CLP 2011-2031 Part 1 and government guidance within the National Planning Policy Framework.

Residential Amenity

- 8.8. 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*.
- 8.9. 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.
- 8.10. The proposals are to the far side of the dwelling to the immediate neighbouring dwelling to the west and north, No.15, which is forwards of No.13 and perpendicular to it – the principal elevation faces the site obliquely. For these reasons there would be little or no impact upon the amenity of the residents of No.15 as a result of the proposals.
- 8.11. To the east of the site No.5 St Giles Close backs onto the site of the proposed extension. There is currently a gap of 15m between the rear of No.5 and the first floor of the original dwelling at No.13. The depth of the garden of No.5 is 10m and so a 4.0m extension to the side of No.13 would come to roughly 11m from the rear of the dwelling.
- 8.12. The design guide 2007 recommends a minimum gap of 14m in such relationships – between a windowless elevation and a neighbouring habitable room. Added to the perceived massing that would be apparent from such a relationship the fact that it is to the west of the modest garden space enjoyed by the residents of No.5 such an enlargement would block a significant proportion of afternoon and early evening sunlight reaching much of the garden.
- 8.13. In mitigation of these identified harms is the mature foliage afforded by the fir trees in the garden of No.5 along the boundary. Whilst it is acknowledged that this would ease the issue of massing to some degree, the height of the two-storey element would still be apparent above the foliage and would still block light to the garden. Also, it might be that a future occupant of No.5 might choose to remove the firs – they are not protected and are unlikely to given protection (their wellbeing could also be compromised by the proposed extension).
- 8.14. With a two-storey windowless elevation 11m from the rear elevation of No.5 and to the west of the garden space; the harm to the amenity of the residents would be considerable and therefore I consider that the proposal fails to accord with Government guidance contained with the NPPF and saved Policy C30 of the Cherwell Local Plan 1996 and Policy ESD15 of the CLP 2011-2031 Part 1 that seek standards of amenity and privacy acceptable to the Local Planning Authority.

Highway Safety/Parking Provision

- 8.15. 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.*

- 8.16. The proposal would have limited effect on the existing parking provision, with at least two full spaces and the garage remaining. The level of parking retained is therefore considered to be commensurate for a dwelling of this size in this location. The proposal is therefore considered not to cause demonstrable harm in terms of highway safety.

Other matters

- 8.17. The proposals are to be for a separate, attached ancillary accommodation. This could lead to the creation of a new planning unit and this report has not assessed the harms or benefits of such a possibility. It is considered that should the application have been acceptable in terms of design and amenity then it would have been possible through the use of conditions to secure ancillary use of the proposed extension.
- 8.18. The neighbouring resident has commented to say that the materials were not specified – however they are indeed specified in the application form itself and would be to match the existing materials like for like.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. The proposal fails to comply with the relevant Development Plan policies and guidance listed at section 7 of this report because of the harm identified to the residents of No.5 St Giles Close and the harm to the character of the area due to the massing and incongruous form of the proposed development. There are no other material considerations that outweigh this conflict and the harm caused, and therefore permission should be refused.

10. RECOMMENDATION

That permission is refused, for the following reason(s):

1. The proposed development, by virtue of its design would result in an overly large and incongruous form of development, lacking subservience that would fail to sympathetically integrate into the surrounding built environment or to respect the scale of the host dwelling. The proposal would thus be contrary Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and C30 of the Cherwell Local Plan 1996, and Government guidance contained within the National Planning Policy Framework.
2. The proposed development, by virtue of its form, scale, massing and siting, would fail to safeguard the living conditions neighbouring residents and result in an imposing and overbearing form of development in respect the residents of No.5 St Giles Close. The proposed development would result in a significant loss of outlook to these neighbouring residents. The scheme is therefore contrary to 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: John Gale

DATE: 19.03.20

Checked By: Paul Ihringer

DATE: 19/3/20
