

**Application Number:** 09/02079/FUL

**Decision Due by:** 14th January 2010

**Proposal:** Two-storey side extension.

**Site Address:** 1 Nicholas Avenue Oxford (Site map at Appendix 1)

**Ward:** Marston Ward

**Agent:** Mr Benham

**Applicant:** Mr Pain And McCabe

**Application Called in –** by Councillors - Hazell, Price, Tanner, Clarkson for the following reasons – Concerns over amenity space and overdevelopment of the site.

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**Recommendation:**

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposal is considered acceptable in terms of its design and impact on the existing dwellings and the surrounding area. In addition, the proposal would not unduly impact on the amenities of neighbouring occupiers, and there are no parking or highway objections. On the basis of the above the proposal complies with policies CP1, CP6, CP7, CP8, CP9, CP10, TR3, TR4, HS19, HS20 and HS21 of the Oxford Local Plan 2001-2016.
- 2 Officers were mindful of the objections raised on the grounds of potential for conversion to flats, inadequate parking and the impact on the character of the estate and over-development of the site. There are no highway objections regarding the proposed parking layout, and the proposal is not considered to be detrimental to the character of the estate nor is it considered to be an overdevelopment of the site. Conditions have been imposed to remove permitted development rights from the resultant building.
- 3 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

subject to the following conditions, which have been imposed for the reasons stated:-

- 1 Development begun within time limit
- 2 Materials
- 3 Amenity no additional windows
- 4 Removal of permitted development rights

**Main Local Plan Policies:**

**Oxford Local Plan 2001-2016**

**CP1** - Development Proposals

**CP6** - Efficient Use of Land & Density

**CP7** - Urban Design

**CP8** - Design Development to Relate to its Context

**CP9** - Creating Successful New Places

**CP10** - Siting Development to Meet Functional Needs

**TR3** - Car Parking Standards

**TR4** - Pedestrian & Cycle Facilities

**HS19** - Privacy & Amenity

**HS20** - Local Residential Environment

**HS21** - Private Open Space

**Other Material Considerations:**

- PPS1: Delivering Sustainable Development
- PPS3: Housing
- Appeal Decision for 07/01073/FUL and 08/00859/FUL

**Relevant Site History:**

03/02000/FUL: Subdivision of rear gardens and erection of 2x1 bedroom flats in 2 storey unit with 2 on plot parking spaces accessed from Rippington Drive (6, 8 and 10 Rippington Drive): Refused - Allowed on appeal

05/01824/FUL: Conversion of loft space to form a studio flat (retrospective) (Site of 6, 8 and 10 Rippington Drive): Refused

05/02374/FUL: Conversion of loft space to form a studio flat (retrospective): Approved

07/00410/FUL: Two-storey side/rear extension to no. 1 Nicholas Avenue, and two-storey rear extension to No. 3 Nicholas Avenue. Conversion of extended building to provide 8 flats (3x1 bed, 5x2 bed), including accommodation in roofspace: Withdrawn

07/01073/FUL: Two storey side/rear extensions and conversion into 6x1 bed flats with 6 associated car parking spaces, bin/cycle storage to rear: Refused and subsequent appeal dismissed.

08/00859/FUL: Erection of new 2-storey dwelling to side. Refused and subsequent appeal dismissed.

09/00289/FUL: Erection of 1 x 2 bedroom dwelling and parking. Withdrawn

### **Representations Received:**

1 letter of objection received making the following comments

- Concerned that applicant intends to convert into flats
- Inadequate parking provided / parking pressure in the area
- Character of the estate is changing from the number of extensions that have been approved.

### **Statutory and Internal Consultees:**

Marston Parish Council, Oxford Preservation Trust Marston Area, Old Marston Residents' Association, New Marston (South) Residents' Association, New Marston (South) Residents' Association: No comments.

Old Marston Parish Council: over-development of the site, impact of additional cars on the highway.

Oxfordshire County Council Highways Authority: No objections.

### **Sustainability:**

The application site is located within an existing residential area close to local services and amenities and public transport links.

### **Site Location and Description:**

The application site is situated on the western side of Nicholas Avenue at the junction with Rippington Drive. The site comprises a two-storey semi-detached property, with a small front garden used for parking and private garden to the side and rear. The application dwelling is accessed from Rippington Drive.

The existing house has not previously been extended. However the rear garden has been subdivided following the approval of planning application 03/2000/FUL on appeal. This application was for a two-storey building to the west (rear) of the application site for 2x1 bed flats. Following this, application 05/02374/FUL retrospectively sought to convert the loft space to form a studio flat. This was approved and the 3 resulting flats are accessed from Rippington Drive and there are 3 parking spaces on the front of the plot.

### **Proposal**

It is proposed to construct a two storey side extension to the original house. The extension is to contain a lounge diner on the ground floor and two bedrooms with a shower and WC on the first floor.

## Site History

The current proposal follows a number of previous applications for various extensions to the dwelling. These proposals consisted of the following applications. 07/00410/FUL sought the addition of a two-storey side and rear extension to no. 1 Nicholas Avenue, and two- storey rear extension to No. 3 Nicholas Avenue. It proposed the conversion of extended building to provide 8 flats (3x1 bed, 5x2 bed), including accommodation in the roofspace. This application was withdrawn as it was considered to be an overdevelopment of the site that couldn't adequately accommodate the level of parking required which would lead to highway safety problems. In addition the scale and design of the extensions were considered to be unsympathetic. It would have resulted in a loss of privacy to existing and proposed residents and there would have not be enough room to provide adequate amenity space.

Application 07/01073/FUL was also for a two storey side and rear extension to No. 1 and 2 storey rear extension to No. 3 but reduced the number of one bed flats proposed to 6. This application was refused as it was considered to be an overdevelopment of the site due to the large extension proposed, the level of hardstanding and number of units. Reasons for refusal stated that the scale was unsympathetic with its neighbours and the street scene and that it failed to provide an adequate level and standard of private amenity space. In addition the proposed parking was not adequate for the development and that it would lead to increased parking on the highway which would be detrimental to road safety. The applicant appealed against the refusal but the appeal was dismissed as the inspector considered that the proposal would be an overdevelopment of the site which would be detrimental to the character and amenity of the area. In addition it was considered that there would be loss of privacy and amenity to residents.

Application 08/00859/FUL was for the erection of a new 2-storey dwelling to side. The proposed dwelling was the same depth as 1 Nicholas Avenue but set back from the front of the existing house by 0.5 metres and therefore the rear elevation projected by 0.5 metres. On the ground floor, a single storey dining room was proposed to increase the footprint of the house. Vehicular access was via the main existing access from Rippington Drive. The application was refused as it was considered that there was insufficient private amenity space for the proposed or existing dwelling. The applicant had failed to demonstrate that there would be an adequate level of off street parking and that if it was provided its use and provision would affect the living conditions of future occupants.

The applicant appealed against this decision but the appeal was dismissed on the grounds that the resulting amenity space for the proposed house would be unacceptably small as a result of the need to provide a rear access to No. 1 from Rippington Drive and because of the projection of the dining room into the amenity space.

Application 09/00289/FUL sought the erection of 1 x 2 bedroom dwelling. Parking spaces were provided outside the site, on the other side of the flats located at the end of the garden. The application was withdrawn.

## **Officer's Assessment**

### **Design**

1. Officers consider the determining issues in this case to be design and residential amenity.
2. Policies CP1 and CP8 of the OLP state that planning permission will only be granted for development that respects the character and appearance of the area and which creates an appropriate visual relationship with the scale, materials and details of the surrounding area. Policy CP8 requires that new and extended buildings should relate to their setting. Policies CP6 and CP7 emphasise the importance of making the best use of land and demonstrating good urban design.
3. The two storey extension is proposed to be used as a lounge/diner on the ground floor. On the first floor are two bedrooms with separate toilet and shower rooms. The bedrooms will be accessed via the staircase in the existing house and a door will be formed through to the extension from the existing end (south) elevation. The proposed extension will be set back from the front elevation of the existing house by 0.5 metres. The rear elevation will be level with the rear elevation of the existing house. The ridge will be set down from the existing house by 0.3 metres. The extension is 5 metres wide, extending out into the side garden and will be 1.2 metres from the side boundary. The proposed extension is subservient to the original house and the design is similar to that of the existing and it is therefore considered to form an appropriate visual relationship with the form, grain and scale of the surrounding area.
4. The southern side of Rippington Drive has an established building line with the houses being set back from the road behind small (5 metre deep) front gardens. On the northern side of Rippington Drive the building line has become less defined, having been altered by extensions elsewhere in the street including opposite the application site at No. 2 Nicholas Avenue. Whilst the proposal does extend into its side garden there is enough space to accommodate this and it is considered that the openness of the street will not be compromised. Taking this into consideration along with the existing extension at No. 2 Nicholas Avenue, it is not considered that the proposal will adversely affect the visual amenity of the area. In the appeal decision for 07/01073/FUL, the Inspector observed that other corner properties had already been extended in this way and saw no objection to the two storey extension element of the proposal in visual terms. Concern has been raised that the proposal will result in an overdevelopment of the site. However it is considered that there is enough space on site to accommodate the proposed extension.

### **Residential Amenity**

5. Policies CP10 and HS19 of the OLP require that outdoor needs are properly accommodated. Whilst the extension builds on the side garden

area, the rear garden which has a depth of approximately 9 metres and width of 12 metres is not affected and as such an adequate level of private amenity space for a single family dwelling is retained.

6. Policies HS19 and CP10 of the OLP require the siting of new development such that the privacy of the proposed or existing neighbouring properties are protected. Windows in the proposed extension face to front and rear as in the existing house and as such it is not considered that residential amenity will be compromised. Two windows are proposed in the ground floor side elevation but these will not impact on neighbour's privacy.
7. Policy CP1 and TR3 require that proposals provide an appropriate level of car parking. As the proposal is now only to extend the house, parking can be accommodated on site in the existing off road spaces at the front of the house. As such there are no objections from the Highways Authority.

### **Other Issues**

8. Objections have been raised stating that it is proposed to convert the building subject of this application into flats. Officers are only able to assess the current application on its merits. The planning history, including the appeal history of this site has shown that the site is not suitable to accommodate flats. Should the applicant wish to convert the resultant building to flats, any such proposal would need a planning application which would be subject to local plan policies and considered on its merits accordingly. Should permission be granted, conditions can be attached to remove permitted development rights from the site so that any further alterations can be considered by Planning Officers.

### **Conclusion:**

9. For the reasons given and taking into account all other matters raised, Officers conclude that the application is considered acceptable and accords with all relevant policies within the Oxford Local Plan 2001-2016. North East Area Committee is therefore recommended to approve the application for the amendments to the two storey rear extension.

### **Human Rights Act 1998**

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance

with the general interest. The interference is therefore justifiable and proportionate.

### **Section 17 of the Crime and Disorder Act 1998**

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

### **Background Papers:**

09/02079/FUL

**Contact Officer:** Mary Rowe

**Extension:** 2160

**Date:** 5 January 2010

# Appendix 1

09/02079/FUL 1 Nicholas Avenue



Scale : 1:1250



Organisation	Not Set
Department	Not Set
Comments	
Date	06 January 2010
SLA Number	Not Set

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