

APPLICATION NO.	P21/S4038/HH
APPLICATION TYPE	HOUSEHOLDER
REGISTERED	28.9.2021
PARISH	WHEATLEY
WARD MEMBER(S)	Alexandrine Kantor
APPLICANT	Kate Carruthers
SITE	26 Ladder Hill, Wheatley, OX33 1SX
PROPOSAL	Rear and side extension. (As clarified by corrected proposed rear elevation received 19 October 2021 and by drawings received 22 November 2021, demonstrating an obscured glazed side facing window).
OFFICER	Roseanne Lillywhite

1.0 **INTRODUCTION AND PROPOSAL**

1.1 This application has been referred to the Planning Committee at the request of the Ward Member, Councillor Alexandrine Kantor. The planning reasons for the call-in are as follows;

- *the steepness of the hillside and the height of the adjacent wall make the extension extremely overbearing and will have an impact of the day to day living and enjoyment of the neighbours*

1.2 This report sets out the officer's recommendation that planning permission should be granted, having regard to the material planning considerations and the development plan.

1.3 Number 26 is a two-storey detached property fronting onto Ladder Hill which rises steeply from north to south; properties step up in line with the slope. To the rear of the property is a lean-to timber conservatory and to the north - east of the property there is a garage and storage shed, these being at a lower level than the main parts of the building. The attached garage is covered with a flat, felt roof and the store is a detached timber shed immediately to the rear of the garage.

The dwelling of 26 Ladder Hill is not within the Oxford Green Belt, but half of the rear garden is in the Oxford Green Belt.

A plan identifying the site is attached at **Appendix 1** to this report.

1.4 Planning permission is sought for the following;

- single storey lean-to side extension (replacing the storage shed)
- single storey flat-roof rear extension (replacing the conservatory)
- installation of a full-length side facing window to the existing elevation.

Reduced copies of the plans accompanying the application are attached as **Appendix 2** to this report. All the plans and representations can be viewed on the council's website www.southoxon.gov.uk under the planning application reference number.

1.5 Drawings submitted demonstrating the permitted development fall-back position are provided in **Appendix 3** to this report.

2.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

2.1 Wheatley Parish Council –

- Window on side facing 24 Ladder Hill’s dining room and bedroom window is overlooking and so needs to be obscured glass or reduced in height.
- Rear extension is overbearing and causes loss of light may be a reduced height in walls or a redesigned roof would help.

Neighbour at number 24 Ladder Hill –

- concerns regarding privacy and light to side facing door (front door)
- lack of detail on plans demonstrating their side facing windows and door
- object to the proposed side window facing towards their property and not-keeping with the style of the properties
- height and position of extensions

3.0 **RELEVANT PLANNING HISTORY**

3.1 No relevant planning history

4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 Not applicable

5.0 **POLICY & GUIDANCE**

5.1 **Development Plan Policies**

South Oxfordshire Local Plan 2035 (SOLP) Policies:

DES1 - Delivering High Quality Development

DES2 - Enhancing Local Character

DES6 - Residential Amenity

DES8 - Promoting Sustainable Design

H20 - Extensions to Dwellings

5.2 **Neighbourhood Plan**

Relevant policies taken from the Wheatley Neighbourhood Plan:

POLICY H1: Design and character principles

POLICY H2: Landscape character

5.3 **Supplementary Planning Guidance/Documents**

South Oxfordshire Design Guide 2016 (SODG 2016)

5.4 **National Planning Policy Framework and Planning Practice Guidance**

5.5 **Other Relevant Legislation**

Human Rights Act 1998

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

Equality Act 2010

In determining this planning application the Council has regard to its equalities obligations including its obligations under Section 149 of the Equality Act 2010.

6.0 **PLANNING CONSIDERATIONS**

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.

Development which is not in accordance with an up-to-date development plan should be refused unless material considerations indicate otherwise.

6.1 **The main considerations in the determination of this application are;**

- **Design and Scale and the impact of the proposal on the character of the existing property and compliance with relevant Neighbourhood Plan Policy**
- **Impact of the proposal on the amenities of neighbouring occupants**
- **Sustainable construction**

6.2 **Design and Scale and the impact of the proposal on the character of the existing property and compliance with relevant Neighbourhood Plan Policy**

The relevant development plan policies in this case are South Oxfordshire Local Plan (SOLP) Policies DES1, DES2, DES8 and H20, Wheatley Neighbourhood Plan. Policies H1 and H2 and the advice in the South Oxfordshire Design Guide (SODG).

6.3 Policy H20 sets out criteria for extensions and also relates to outbuildings within the curtilage of a residential property. Criterion (i) is not relevant in this case, because the dwelling is not located within The Oxford Green Belt. Criterion (ii) relates to parking which is not so relevant in this case with the proposal relating to single storey extensions with no increase in bedroom provision proposed. Existing parking to the front of the property and the current garage will be retained.

6.4 Criterion (iii) relates to amenity space for the occupants of the extended property and in this case, I am of the opinion there is adequate amenity space retained with the generously sized rear garden (over 340sqm of garden area retained – 100sqm required by standard). The proposed extensions are compliant with all 3 criteria of SOLP policy H20 and are acceptable in principle in my view.

6.5 Relevant design policies taken from the SOLP are DES1, which relates to delivering high quality development and DES2 which relates to enhancing local character. In my opinion the proposed extensions are acceptable forms of development and extension to the existing property. The proposed rear extension will be constructed in brick to match the existing property with a flat green roof including a roof light. The side lean-to extension will be clad in timber with zinc cladding. Both extensions will not be visible from public vantage points due to their siting within the plot and the fact that they are both single-storey. In addition, it is important to note that similar extensions could be constructed under permitted development rights in matching brick or outbuildings constructed in other materials such as cladding or brick. As such, I consider the proposals are compliant with design policies DES1 and DES2 of the South Oxfordshire Local Plan.

6.6 I consider the proposed single storey extensions are also compliant with the following policy objectives 05 (Protecting the landscape) and Objective 07 (Building design) from the Wheatley Neighbourhood Plan.

6.7 **Impact of the proposal on the amenities of neighbouring occupants**

SOLP policy DES6 requires that ‘*Development proposals should demonstrate that they will not result in significant adverse impacts on the amenity of neighbouring uses, when considering both individual and cumulative impacts, in relation to the following factors:*

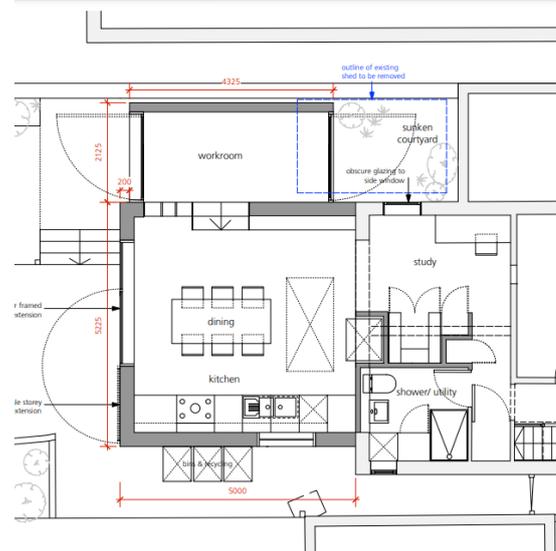
- i) loss of privacy, daylight or sunlight*
- ii) dominance or visual intrusion’*

6.8 Concerns have been raised from the occupants of number 24 Ladder Hill and the Wheatley Parish Council with regard to the impact of the proposals on the amenities of the occupants of number 24 Ladder Hill which is set lower due to the gradient on Ladder Hill. There are number of doors and windows on the side elevation facing 26 where the impact will be felt.

6.9 **Side elevation to 24**



Ground floor plan



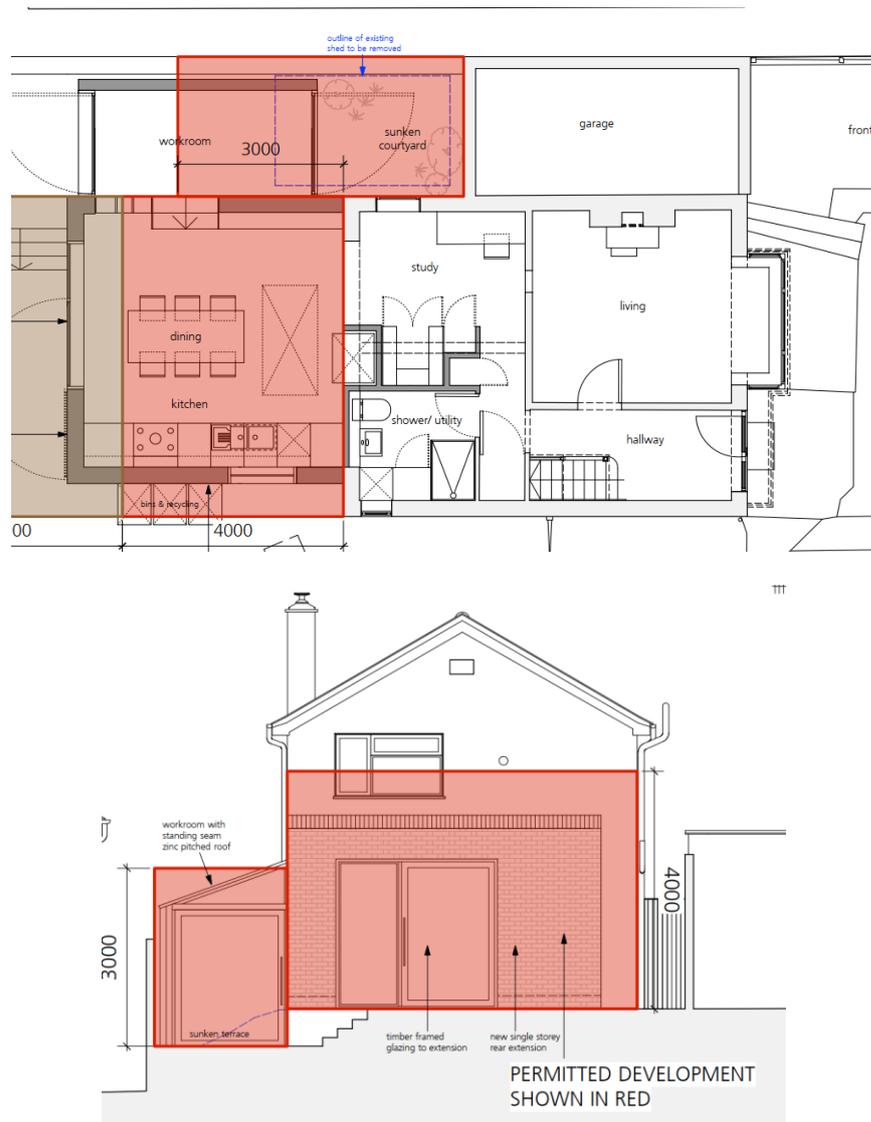
6.10 24 Ladder Hill, the lower neighbour projects further out at the rear than 26 and the proposed rear and side extensions do not project out any further than 24. The main concern is the impact on light reaching existing windows on the south elevation and to overlooking from the new window proposed in the north elevation of 26.

6.11 In relation to the new window in the north elevation, a condition has been recommended to ensure that the proposed side facing window (looking towards 24) within the existing building is obscured glazed and non-opening to ensure that there is no overlooking and in my view, this will satisfactorily address the concern about overlooking.

6.12 In relation to the impact on light to existing windows at 24, officers have considered the permitted development fall-back position for extensions to 26 Ladder Hill. In any consideration of impact, regard must be paid to what could be added as an extension without needing to make an application for planning permission.

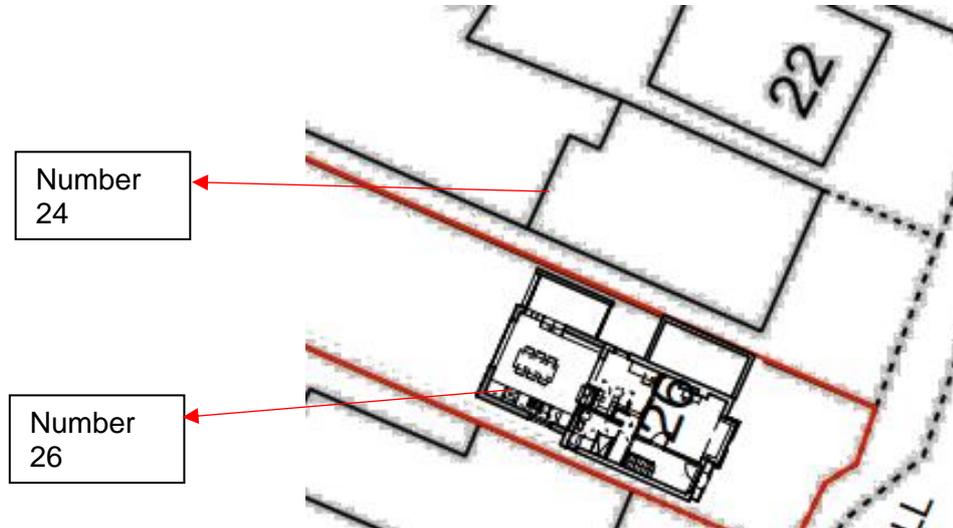
6.13 The agent has provided plans which demonstrate the permitted development fall-back position for both a rear extension and side extension to the existing property. The

plans below show what could be added shaded in red against what is proposed in this application.



- 6.14 The permitted development fall-back plans demonstrate what could be constructed under permitted development. As the property is detached an extension with a depth of 4 metres and overall height of 4 metres could be constructed without formal consent, a side extension attached to the existing property with an eaves height of 3 metres up to the boundary could also be constructed. Furthermore, outbuildings could be sited within the rear garden or to the side of the property which would have similar impact as the side extension. The change in levels of the properties is not taken into consideration under permitted development, with the measurement of height taken from the highest point of land. The height of permitted development extensions in particular show that the impact of what is proposed here would not be significantly different to the fall back position.
- 6.15 There is specific guidance within the South Oxfordshire Design Guide (SODG) to measure potential neighbour impact from rear extensions using the 45 degree rule. This is a 45 degree line taken from the mid section of a neighbours window on the rear elevation and if a proposed extension breaches this line then there is the potential for loss of light and over dominance.

- 6.16 However, in this case the proposed rear extension clearly does not breach this 45-degree rule, with the extension not extending beyond the rear wall of the neighbour at number 24 Ladder Hill. The extent of the proposed extensions at number 26 are demonstrated in the block plan (extract copied on the next page)



- 6.17 Given the fall-back position for extensions of a similar size, it is my view that the proposals would not be unneighbourly, in conjunction with the attached obscured glazing condition and they comply with specific design guidance within the SODG for rear extensions and Policy DES6 of the South Oxfordshire Local Plan.

6.18 **Sustainable Construction**

Policy DES8 of SOLP aims to promote sustainable design. In this case the opportunities to minimise carbon and energy impacts are limited because the extensions are to fixed points on an existing residential property. However, the proposed extensions are subject to Part L of the Building Regulations which sets standards for energy performance.

6.19 **CIL**

The council's CIL charging schedule applies to relevant proposals from 1 April 2016. CIL is a planning charge that local authorities can implement to help deliver infrastructure and to support the development of their area and is primarily calculated on the increase in footprint created as a result of the development.

In this case CIL would not be liable as any increase of floor space to the property is under 100 square metres.

7.0 **CONCLUSION**

- 7.1 Your officers recommend that planning permission is granted because the proposal seeks to extend an existing residential property with rear and side single storey extensions that are considered in-keeping with the existing property and would not harm the wider character of the street scene.

Neighbour and Parish Council comments have been considered with the request for an obscured glazed window to the north elevation, which would be conditioned to be retained as such.

In conjunction with the attached conditions the proposal accords with the Development Plan.

8.0 **RECOMMENDATION**

8.1 **That Planning Permission should be granted subject to the following conditions;**

1 : Commencement three years - Full Planning Permission

2 : Approved plans

3 : Materials as on plan

4 : Obscure glazing

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