

APPLICATION NO.	P21/V2373/HH
SITE	15 Fishermans Wharf, Abingdon, OX14 5RX
PARISH	ABINGDON
PROPOSAL	Remove rear conservatory and replace with a single-storey rear extension with a solid roof, and replace windows on front elevation enlarging the first-floor window.(Additional information and amended plans received 22 November 2021).
WARD MEMBER(S)	Samantha Bowring Neil Fawcett
APPLICANT OFFICER	Louise Budd Susannah Mangion

RECOMMENDATION

Planning permission subject to the following conditions:

Standard:

- 1. Commencement**
- 2. Approved plans**

Compliance:

- 3. Implement sustainable drainage and flood risk measures**
- 4. Materials – submit details**

Informative:

Contaminated land

1.0 INTRODUCTION AND PROPOSAL

- 1.1** The application has been called-in to Planning Committee at the discretion of the Planning Manager.
- 1.2** The application site comprises a mid-terrace home of brick and tile located in the Marina area of Abingdon, with an existing rear conservatory and enclosed rear garden. To the west and east are attached dwellings which have staggered front and rear elevations, with no 14 sitting further north and no 16 being further south. There are additional residential properties to the south side of North Quay. To the north and north-east is a communal garden area and the River Thames. Access to the parking area is taken from Fisherman's Wharf. The site lies within flood zone 2.

1.3 A site location plan is provided below:



1.4 This application seeks to erect a pitched roof single storey extension to the rear of the house. The existing conservatory would be removed. The application has been amended further to discussions with the applicant to reduce the depth of the extension from 4.155m to 3.5m. The extension would be 5m wide, extending across most of the width of the plot and is proposed to have a ridge height of 3.65m and an eaves height of 2.05m. The extension would have glazed bi-fold rear doors and rooflights to provide natural light. The extension is proposed to be of off-white render with tiles to match the existing. The bi-fold doors are proposed to be anthracite coloured aluminium. The applicant submitted amended details to remove reference to the colour of the

windows to the front elevation and the bi-fold doors which had previously been proposed as anthracite grey.

1.5 A flood risk assessment (FRA) was also submitted, which included a sustainable drainage scheme.

1.6 The application plans are attached at **Appendix 1**.

2.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

The full version of all representations that have been received can be seen on the application pages of the council’s website www.whitehorsedc.gov.uk

2.1

Abingdon Town Council	<p>Objects on the following grounds:</p> <p>Intrusive to dwellings at Fisherman’s Wharf and North Quay, and detracts from amenity. Not in-keeping with surroundings, particularly window design. Overdevelopment – significantly reduces amenity for occupants of 15 Fisherman’s Wharf by building on rear garden area.</p>
Drainage engineer	<p>Original comments: A Flood Risk Assessment is required and a surface water drainage system to be submitted.</p> <p>Revised comments: No objection as the Finished Floor Level (FFL) will lie above the 0.1% flood level and the extension would be satisfactorily drained.</p>
Contaminated Land	<p>No objection but requests an informative is added to any permission</p>
Local Residents – Objectors (7)	<p>Grounds for objection:</p> <p>Disproportionate to existing dwelling. Plans inaccurate and building higher than shown and occupies over 50% of rear garden. Would be built over shared drains/and man-hole cover access. Anthracite coloured windows out of keeping with character. Amended scheme remains too large and overbearing and will impact enjoyment of neighbour’s rear garden. Loss of light to immediate neighbour’s windows. Views of the extension would be inappropriate and out of keeping to area. Concerns about noise and traffic implications during construction. May give rise to increased number of occupants, increased vehicles and highway safety implications.</p>

Local Residents – Supporters (1)	Provides better living space for occupant. Design is sympathetic to its surrounding, but would not detract from amenity. Adequate external amenity space would be retained – property also benefits from communal riverside garden. Updated windows are often coloured not white and proposed windows would be good quality.
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3.0 **RELEVANT PLANNING HISTORY**

3.1 [P21/V3105/LDP](#) - Lawful development application to demolish the existing conservatory and erect a single storey extension. Received 2/11/2021.

[P93/V0540](#) - Approved (28/10/1993)
Erection of a conservatory.

[P89/V0234](#) - Approved (24/02/1990)
Retrospective application for a caravan to provide accommodation for nightwatchman/security guard.

[P86/V0110/RM](#) - Approved (04/08/1986)
Erection of 23 dwellings, garages and access: (Site area 0.61 hectares). (Plots 20-23 inclusive). (Plots 42-60 inclusive).

[P84/V0170/O](#) - Approved (19/04/1985)
Erection of 27 dwellings, public house, marina facilities together with access roads. site area approx 11.5 hectares.

[P80/V0440/O](#) - Approved (22/09/1980)
COU to public open space, land for boating club activities, mooring facilities, general provision shop, boat repair and workshop, toilets and shower block, car park and squash courts. (Site area approx 30 acres).

[P78/V0717/CC](#) - Approved (13/11/1978)
Extraction of gravel. (Site area 60 acres) Land at Sutton Wick, Abingdon.

[P77/V0059/O](#) - Approved (15/08/1977)
Change of use to public open space for boating club activities, wet and dry mooring facilities, chandlery, fuel and general provision shop, cafe, boat sales, boat repair and workshop, etc (see card) (Site area 30 acres approx).

[P76/V0123/O](#) - Approved (01/02/1977)
Change of use to public open space, land for boating club activities, wet and dry mooring, chandlery, shop, cafe, boat sales & repairs, wc, showers, office, slipway & squash courts.

[P71/V0478](#) - Approved (04/10/1971)
Provision of public open space, river walk land for boating club activities marina with wet and dry mooring facilities and public conveniences. Planning Application History

4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 The proposal does not fall within a category of development that would be subject to EIA.

5.0 **MAIN ISSUES**

5.1 The relevant planning considerations are the following

- Permitted development rights and the fall-back position
- Design and Character
- Residential Amenity
- Flood risk and drainage
- Access, parking and highway safety
- Other considerations - sewerage, CIL

5.2 **Permitted Development Rights and the Fall-Back Position**

Permitted development rights under Schedule 2, Part 1, Class A, allow for the enlargement, improvement or other alteration of a dwellinghouse. This would include the ability of the applicant to paint the windows a different colour as the dwelling is not listed, does not fall within an area covered by an Article 4 Direction and the dwelling has not had these permitted development rights removed.

5.3 The recent amendment has removed reference to making any change to the proposed window colour.

5.4 During the course of the processing of the planning application, the applicant has gained a lawful development certificate. This confirms it would be possible, using permitted development rights, to construct a single storey rear extension, similar to the extension proposed except that it would be 3m deep rather than 3.5m deep. The 3m deep extension allowed under permitted development represents a fall-back position.

5.5 On the question of fall-back, court decisions state that, to become a material planning consideration, the fall-back scenario must be a possibility that is “more than theoretical”. If this hurdle is passed, and officers consider that securing the lawful development certificate does make the fall-back a more-than-theoretical possibility, then the weight to be attached is a matter for the decision-maker. This revolves around how likely it is that the fall-back will be built if planning permission for the proposal is refused. Officers consider the applicant clearly wishes to provide additional internal living space which is more robust than the existing conservatory and would be useable all year round. The fall-back would provide almost as much space as the proposal. Therefore, officers consider it is likely the fall-back would be constructed if permission is not granted, and that appropriate weight should be attached to this possibility. Consequently, officers consider that, with regard to the current application, attention should be focussed on the difference in impact between the 3m (permitted development) fall-back extension and the 3.5m deep proposed extension.

5.6 **Design and Layout**

Policy CP37 of LPP1 seeks to achieve good quality design. The proposed extension would be of a traditional pitched roof form and materials and its scale would be such that it would be subservient to the main dwelling. The existing conservatory extends 2.6m from the rear of the dwelling and is slightly set-in from the boundaries. The proposed extension would occupy a greater area but over half of the rear garden area would remain free from built form. From public viewpoints on North Quay, the rear garden and rear elevation is viewed behind existing boundary treatments comprising vegetation, 1.8m high brick piers and fencing. Officers do not consider the appearance of the proposed extension would be harmful to the wider amenity of the local area.

5.7 **Residential Amenity**

Policy CP37 of LPP1 deals with levels of amenity for development proposals, while policy DP23 of LPP2 aims to control the impact of development on neighbours. Neighbouring residents and the Town Council have expressed concern about the loss of private outdoor amenity space should the extension be constructed. The proposed garden area currently extends to approximately 28 square metres and this would be reduced to approximately 21.5 square metres should the development be undertaken. However, the property benefits from an outlook over the River and floodplains beyond and enjoys the use of an attractive communal garden area to the front of the dwelling. The garden would still be usable for sitting out, and the fall-back position outlined above would result in a space only marginally larger. As such, officers do not consider the reduction of private rear amenity space to be harmful to the future amenity of occupants of the dwelling. The proposed use of bi-fold doors will enable the occupant of the dwelling to enjoy the retained rear garden from within the home.

5.8 With regard to impact on neighbour amenity, Design Guide advice at principle DG110 indicates single storey rear extensions on terraced dwellings should not normally exceed 3 metres due to the potential for impact on neighbouring residents with regard to loss of amenity.

5.9 The neighbouring resident at no. 16 has drawn attention to the staggered relationship of the rear elevation of the dwellings in the terrace and, as a result, considers the proposed extension would be harmful to amenity. However, officers note the eaves height of the proposed extension would be limited to 2.05m high and the ridge, set over 2m from each boundary, would be only 3.65m high. Given the relatively low, sloping roof, officers consider the main impact of the extension on neighbours will be from the eaves height. In fact, the eaves height will only be slightly higher than a boundary wall or fence of 2m height that could be reasonably expected to be erected under permitted development rights. As such, officers consider the extension would not give rise to a materially greater impact on neighbours when compared with boundary treatment works that could be undertaken as permitted development.

5.10 **Flood Risk and Drainage**

Policy CP42 of LPP1 deals with flood risk. The proposed development would be householder development to replace the existing rear conservatory. The proposed floor levels are no lower than the existing.

5.11 The Council's data shows the site to be within flood zone 2. However, the Environment Agency has advised with regard to the properties at North Quay and Fisherman's Wharf, these areas were shown as having a 1 in 1000 or greater chance of flooding during any year. This was based on historical data from prior to the Marina development. During the development, land was raised to protect new housing from flooding and properties were removed from the 1 in 1000 area.

5.12 The Council's drainage engineer had no objection to the development, subject to the proposed finished floor level and the drainage of the development in accordance with sustainable drainage principles.

5.13 **Traffic, Parking and Highway Safety**

Policy CP35 of LPP1 and policy DP16 of LPP2 cover parking and access for developments. Local residents have expressed concern about the impact of construction on the local highways. However, the proposed development is small-scale and would not give rise to any greater impact during construction than were the permitted development scheme to be implemented.

5.14 The proposed development does not give rise to any additional bedrooms and as such, there are not anticipated to be any increased number of occupants of the dwelling and there are no resultant traffic, parking or highway safety implications. Officers do not consider the scale of the proposed development would warrant the imposition of a condition regarding a construction traffic management plan.

5.15 **Sewerage**

Concerns have been raised by local residents regarding the proposed extension covering the manhole cover which provide access to the shared sewerage system. The agent has advised the extension would extends over the drain run, but the planned works are designed to bridge over the main drain run and a new access is proposed to be placed in the garden. The manhole cover would be capped, vented and a new rodding access will be provided and the works would not interrupt the normal sewer line.

5.16 The Council's Building Control team has advised this matter would be covered by the building regulations process. If a drain in within 3 metres of proposed works, a Thames Water Build Over Agreement would be required.

5.17 As it is covered by separate legislation and control, building over or in the vicinity of a sewer is not considered to be a material planning consideration. The grant of planning permission would not exempt the applicant from meeting obligations in respect of the requirements of other legislation.

5.18 **Community Infrastructure Levy**

The council adopted the Community Infrastructure Levy Charging Schedule on 1 November 2017. However, the proposal is not CIL liable as would create less than 100 square metres of additional residential floorspace.

6.0 **CONCLUSION**

- 6.1 The proposal brings into consideration a fall-back position whereby a similar single storey extension of 3m depth could be constructed under permitted development rights. Officers consider that considerable weight should be given to this fall-back position. Officers consider the simple form and appearance of the proposed development would not be out of keeping with the character of the area and adequate retained amenity space would be available for occupants of the dwelling. The proposed extension would not give rise to unacceptable harm to the amenity of neighbours, having regard to development that could be undertaken within permitted development rights. The proposal is acceptable with regard to flood risk and drainage considerations. Therefore, officers consider that the proposal is in accordance with relevant policies of the development plan and with the NPPF.

The following planning policies have been taken into account:

Vale of White Horse Local Plan 2031 Part 1 (LPP1) Policies:

- CP01 - Presumption in Favour of Sustainable Development
- CP08 - Spatial Strategy for Abingdon-on-Thames and Oxford Fringe Sub-Area
- CP33 - Promoting Sustainable Transport and Accessibility
- CP35 - Promoting Public Transport, Cycling and Walking
- CP37 - Design and Local Distinctiveness
- CP40 - Sustainable Design and Construction
- CP42 - Flood Risk
- CP44 - Landscape

Vale of White Horse Local Plan 2031 Part 2 (LPP2) Policies:

- DP16 - Access
- DP23 - Impact of Development on Amenity
- DP30 - Watercourses

Neighbourhood Plan

The application is not within a neighbourhood plan area

Vale of White Horse Design Guide (2015)

National Planning Policy Framework, 2021

Planning Practise Guidance

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

Vale of White Horse District Council – Planning Committee – 13 January 2022

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

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