

TITLE: **Planning Support Statement**
CLIENT: Craig Goodsell
LOCATION: 21 Charles Street, Oxford, OX4 3AU
ISSUED: Thursday, 07 December 2023

Table of Contents

1. Introduction	3
2. Site Description	4
3. Planning History	5
4. Planning Policy	6
National Planning Policy Framework 2023 (NPPF)	6
Sustainable Development	6
Decision Making	7
Sustainable Transport	7
Well Designed Places	7
National Planning Practice Guidance (NPPG)	8
The Development Plan	8
5. Material Planning Considerations	9
Decision Making	9
Fallback Position	9
Consideration of Adopted policy	12
Impact on the Character and Appearance of the Area	12
Impact on Amenity	13
6. Conclusion	14
Appendix 1 - Site & Surrounding Photos	15

1. Introduction

- 1.1. This Planning Support Statement (PSS) has been prepared on behalf of the applicant, Craig Goodsell in respect of 'the site', comprising 21 Charles Street, Oxford, OX4 3AU. The application proposes;
 - Erection of new rear dormer window (revised application)
- 1.2. This application follows the refusal of a similar scheme, which has now been revised to address the previous reasons for refusal. This Planning Support Statement is authored by Charles Raven, a Principal Planner at Axiom Planning and reviewed by Daniel Gender-Sherry, Director of Planning.
- 1.3. Charles is a Chartered Town Planner with over 20 years of experience in both Local Authority and private practice, holding an RTPI¹ accredited BSc degree in City and Regional Planning and an RTPI accredited Diploma in Town Planning.
- 1.4. The main purposes of this planning statement are to:
 - Describe the site and surrounding area, along with any notable land designations.
 - Set out the full planning policy context in relation to the proposed development.
 - Detail, in policy terms, the extent to which the development accords with the requirements of each identified relevant Local Plan Policy.
 - Provide an overall, objective and professional conclusion on whether the proposed development has the appropriate attributes to warrant being granted planning permission.

Documents included within this Planning Application

- Location Plan
- Existing Plans
- Proposed Plans - incorporating permitted development fallback
- Design and Access Statement
- Planning Support Statement

¹ Royal Town Planning Institute

2. Site Description

- 2.1. The application site comprises 21 Charles Street, Oxford, which is a traditional two-storey mid-terraced dwelling. The property has previously been extended with single-storey rear extensions and a rear dormer window. It has an original two-storey outrigger to the rear.
- 2.2. This revised application seeks to provide an additional dormer extension over the existing outrigger, linking to the current dormer window, in order to provide a room for a study, and to free up existing internal accommodation to cater for the applicant's growing family.



3. Planning History

3.1. Inspection of Oxford City Council’s online planning database has revealed the following relevant site planning history;

Application Number	Description	Decision
23/00460/FUL	Formation of 1 no dormer extension to rear roofslope	Refused
15/00046/NMA2	Non-material amendment to planning permission 15/00046/FUL to allow external walls to be finished in render to match the existing extension and additional rooflight.	Approved
15/00046/FUL	Erection of rear single storey extension and replacement of existing rear window with door. Insertion of 1 no. side rooflight. (Amended plans)	Approved

3.2. Consideration of the site’s planning history has helped inform these revised proposals.

4. Planning Policy

NATIONAL PLANNING POLICY FRAMEWORK 2023 (NPPF)

- 4.1. In July 2023, the Government published an updated National Planning Policy Framework (NPPF). This provides an overarching framework for the production of local policy documents and the consideration of development proposals.
- 4.2. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise (NPPF, paragraph 2).
- 4.3. The policies in the Framework are material considerations which should be taken into account in dealing with applications from the day of its publication (NPPF, paragraph 218).

SUSTAINABLE DEVELOPMENT

- 4.4. Paragraph 7 of the NPPF which, as already stated, is a material consideration in planning decisions (NPPF, paragraph 2) states that the purpose of the planning system is to contribute to the achievement of sustainable development.
- 4.5. Sustainable development is at the heart of the NPPF. There was no specific definition of sustainable development within the original 2012 NPPF but its Ministerial Foreword stated that it concerned making economic, environmental and social progress for this and future generations. These comments were formalised in paragraph 8 of the 2019 NPPF. The subsequent versions strengthen the wording in relation to the environmental objective which is now, “to protect and enhance our natural, built and historic environment”.
- 4.6. Paragraph 10 of the NPPF states that at its heart is a presumption in favour of sustainable development. Paragraph 11 states that for decision taking this means,

“approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. The application of policies in this Framework” (the NPPF)” that protect areas or assets of particular importance provide a clear reason for refusing the development proposed; or
 - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.

DECISION MAKING

- 4.7. Local planning authorities should approach decision-taking in a positive and creative way (NPPF, paragraph 38). They should use “the full range of planning tools available” and “work proactively with applicants to secure developments that will improve economic, social and environmental conditions of the area. Decision makers at every level should seek to approve applications for sustainable development where possible” (NPPF, paragraph 38).
- 4.8. Decisions on applications should be made as quickly as possible and within the statutory timescales unless a longer period has been agreed by the applicants in writing (NPPF, paragraph 47).
- 4.9. Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions (NPPF, paragraph 55).
- 4.10. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification and the applicant's written consent is first obtained (NPPF, paragraph 56).

SUSTAINABLE TRANSPORT

- 4.11. Paragraph 110 of the NPPF states that in considering development proposals it should be ensured that, “appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location and that safe and suitable access to the site can be achieved for all users...”.
- 4.12. Paragraph 111 states that “development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.

WELL DESIGNED PLACES

- 4.13. Paragraph 126 of the NPPF states, “the creation of high quality beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.
- 4.14. Paragraph 134 states “significant weight should be given to:
 - a) Development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or

- b) Outstanding or innovative design which promote high levels of sustainability, or help to raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings”.

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

4.15. The Department for Communities and Local Government operates the National Planning Practice Guidance (NPPG). The following section of the NPPG has been assessed in relation to this application:

- Design: Process and Tools

THE DEVELOPMENT PLAN

4.16. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that development be determined in accordance with the Development Plan unless material considerations indicate otherwise. Section 70(2) of the Town and Country Planning Act 1990 states that in the determination of applications, the authority shall have regard to:

- The provisions of the development plan, so far as material to the application
- Any local finance considerations, so far as material to the application
- Any other material consideration.

4.17. In the Oxford City Council area, the adopted Development Plan consists of:

- Oxford Local Plan 2036 (adopted June 2020)

4.18. Other material policy considerations will arise from the following documents;

- National Planning Policy Framework
- National Planning Practice Guidance

4.19. Policies considered material to this appraisal are identified below;

Oxford Local Plan 2036

Policy	Page No.	Description
Policy S1	9	Sustainable Development
Policy H14	55	Privacy, Daylight and Sunlight
Policy RE1	60	Sustainable Design and Construction
Policy RE7	69	Managing the Impact of Development
Policy DH1	88	High Quality Design and Placemaking

5. Material Planning Considerations

DECISION MAKING

5.1. The determination of an application for planning permission is to be made in accordance with the development plan, unless material considerations indicate otherwise. Section 70(2) TCPA 1990 provides that the decision-maker shall have regard to the provisions of the development plan, so far as material to the application. Section 38(6) of the Planning and Compulsory Purchase Act 2004 ('PCPA 2004') provides:

'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise'.

5.2. The NPPF is a material consideration for these purposes, but it is policy not statute, and does not displace the statutory presumption in favour of the development plan: see NPPF paragraphs 2 and 12. It must be exercised consistently with the statutory scheme giving primacy to the development plan, and not displace or distort it: *Suffolk Coastal DC v Hopkins Homes Ltd*¹.

FALLBACK POSITION

5.3. The existing dormer window has a volume of 25m³. The existing property retains its full permitted development rights, meaning that under Schedule 2 Part 1 Class B of the General Permitted Development Order 2015 (as amended), there is scope to provide a further roof addition up to a volume of 15m³, so long as all relevant parameters are complied with. The following table should be read in conjunction with drawing numbers 20.101, 20.201 and 20.202, which demonstrate the genuine and implementable fallback position permissible as permitted development. For clarification, the extent of the existing dormer is shaded red whilst that additional permissible under permitted development is shaded green.

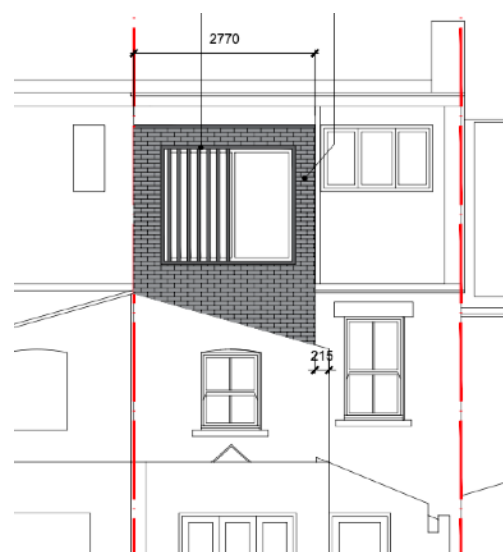
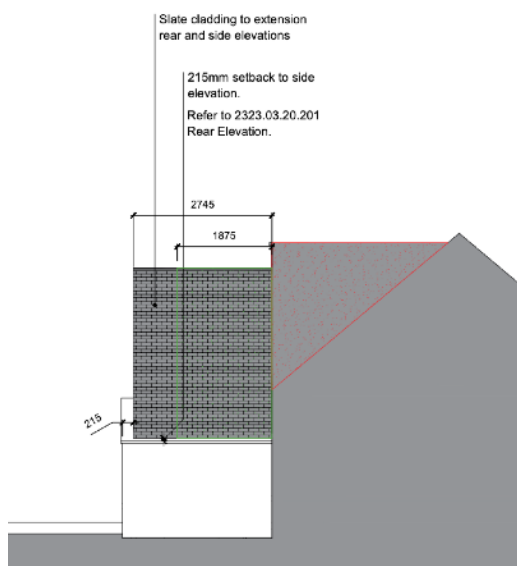
Permitted Development	The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.
Development is not permitted by Class B if -	
B.1 (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);	The existing dwellinghouse was not granted use as a dwellinghouse by any of these Classes and benefits from full permitted development rights.

¹ [2017] UKSC 37, per Lord Carnwath at [21]

(b) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;	As indicated on drawing number 20.202, no part of the dormer window would exceed the height of the highest part of the existing roof.
(c) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;	It is confirmed that no part of the dormer would extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway.
(d) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than— (i) 40 cubic metres in the case of a terrace house, or (ii) 50 cubic metres in any other case;	As indicated on drawing numbers 20.101 and 20.202, the cubic content of the resulting roof space, even taking previous roof additions into consideration, would not exceed the cubic content of the original roof space by more than 40 cubic metres.
(e) it would consist of or include— (i) the construction or provision of a verandah, balcony or raised platform, or (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe;	The development would not consist of the construction or provision of a verandah, balcony or raised platform, or the installation, alteration or replacement of a chimney, flue or soil and vent pipe.
(f) the dwellinghouse is on article 2(3) land;	The dwellinghouse is not on article 2(3) land.
(g) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses);	The dwellinghouse was not built under Part 20 of the Schedule.
(h) the existing dwellinghouse has been enlarged in reliance on the permission granted by Class AA (enlargement of a dwellinghouse by construction of additional storeys).	The existing dwellinghouse has not been enlarged through permission granted by Class AA.
Conditions	
B.2 (a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;	The proposed use of slate would ensure the materials used in the exterior work would match those of the existing dwellinghouse.

<p>(b) the enlargement must be constructed so that—</p> <p>(i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension—</p> <p>(aa) the eaves of the original roof are maintained or reinstated; and</p> <p>(bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and</p> <p>(ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and</p>	<p>The eaves of the original roof are maintained.</p> <p>The edge of the enlargements closest to the eaves of the original roof are not less than 0.2m from the eaves (see drawings 20.201 and 20.202).</p> <p>No part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse (see drawings 20.201 and 20.202).</p>
<p>(c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be—</p> <p>(i) obscure-glazed, and</p> <p>(ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.</p>	<p>There are not any new proposed windows in the side elevation the dwellinghouse.</p>

5.4. For clarity, the below drawings clearly demonstrate the scale of built form permissible under the property's permitted development (PD) rights. The height of the PD dormer would be the same as that currently proposed, set back 215mm from the eaves level of the existing outrigger.



5.5. The above table, in conjunction with the submitted drawings, clearly demonstrates a genuine and implementable fallback position that the applicant could achieve under permitted development. Given that all other elements of the works would be the same, it is only the impact of the additional depth of the extension that should be considered under this application. This constitutes a significant material consideration in the assessment of this application.

CONSIDERATION OF ADOPTED POLICY

IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA

- 5.6. **Policy DH1** of the Oxford City Plan (OLP) states that planning permission will only be granted for development of high quality design that creates or enhances local distinctiveness. The preamble to the policy comments that all new development should be informed and inspired by the unique characteristics of the site and its setting, and these considerations should go beyond the red line of the application site to adopt a truly placemaking approach.
- 5.7. The previous case officer commented that there are a number of existing dormers above outriggers within the local area and that in principle, a dormer that reflected such previous development would not be out of character with the surrounding area. The principle of the development has therefore previously been considered acceptable.
- 5.8. The reasons for refusal of the previous scheme, together with the comments contained within the case officers report have been fully considered and the identified issues addressed. The main issue related to the finish of the proposed dormer and considered the use of zinc as incompatible with the prevailing character of the area. The current proposals entail the use of a slate finish to match the appearance of the existing dormer window, and that of the majority of surrounding dwellings and other dormer window extensions. This would result in a complementary visual relationship to both the existing roof, dormer window, and surrounding dwellings, and would be in keeping with the character and appearance of the area.
- 5.9. In addition, the scale of the proposed dormer has been reduced. This allows the retention of the characteristic roof profile of the existing outrigger, retaining the symmetrical pitched roof with the adjoining dwelling. The reduced scale also provides relief on its flank elevation meaning the dormer does not appear as top-heavy as the previously refused scheme. The setback from both the rear and side of the outrigger, together with the matching slate finish, results in an appropriate addition that reflects the prevailing character and finish of existing dormer extensions and will easily be assimilated into the urban landscape.
- 5.10. The windows serving the existing dormer window will be retained in situ as a subservient opening when compared to the previously proposed full-height windows. Whilst the window

to the proposed dormer prides a contemporary twist, given the range of different window openings visible within the immediate area (provided in Appendix 1), together with the traditional slate finish of the extension, it is considered to provide an enhancement to the overall design. It should be noted that whilst the revised appearance and reduced scale of the dormer are considered to be entirely in keeping with the character and appearance of the area, the development would not be visible from the public realm.

- 5.11. The level of built form achievable under permitted development is a significant material consideration, in essence, the current proposal is merely seeking a nominal 870mm increase in the depth of dormer window when compared to the implementable fallback position. It is contended that this minimal additional depth would not have any harmful material impact on the character or appearance of the area.
- 5.12. Given the points discussed, it is considered that the revised proposals have successfully addressed the previous reasons for refusal and now result in a development that is entirely in keeping with the character and appearance of the area, and in full compliance with Policy DH1 of the OLP.

IMPACT ON AMENITY

- 5.13. **Policies H14** and **RE7** of the OLP have been fully considered as part of the development of this revised scheme. Drawing number 20.101 clearly indicates that the proposed dormer window would not impinge the 45 degree light splays from either of the nearest neighbouring windows serving habitable rooms. This indicates that the development would not result in any unacceptable loss of light to those windows. The siting and separation distances would ensure that there would be no overshadowing or overbearing impacts on the living conditions of the adjoining occupiers.
- 5.14. There are not any windows proposed in the flank elevations of the proposed dormer extension. The proposed rear facing upper floor window essentially replaces an existing window within the current dormer window and would not result in any additional overlooking that could be considered harmful. The case officer confirmed that the previous development would not have any harmful impact on residential amenity, given that there has not been any material change in circumstances, together with the reduced scale of built form, there is no reason to come to a different opinion here.
- 5.15. It is therefore considered that the development would not result in any harm to the living conditions of neighbouring occupiers and is in full compliance with the aim of Policies H14 and RE7 of the OLP.

6. Conclusion

- 6.1. This Planning Statement has been prepared on behalf of Craig Goodsell in respect of 'the site' at 21 Charles Street, Oxford. The application proposes;
 - Erection of new rear dormer window (revised application)
- 6.2. This revised application follows the refusal of a similar development. All identified areas of concern have been highlighted and successfully addressed. In addition, the extent of built form achievable under the property's permitted development rights has been demonstrated and is a material consideration in the assessment of this application.
- 6.3. It has been demonstrated that the development fully accords with the development plan and that there are not any other material planning considerations which would indicate that the development should not be supported. The Local Planning Authority is therefore invited to grant planning permission.
- 6.4. If the Local Planning Authority requires any further clarification on any points raised, or if there are any issues that arise during the consideration of this application which would preclude the granting of planning permission, we would be grateful if we could be made aware and given the opportunity to respond prior to determination.
- 6.5. This concludes the Planning Support Statement.

Appendix 1 - Site & Surrounding Photos





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