

Agenda

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East Area Planning Committee

Date: **Wednesday 2 September 2015**

Time: **6.00 pm**

Place: **The Old Library, Town Hall**

For any further information please contact:

Jennifer Thompson, Committee and Member Services Officer

Telephone: 01865 252275

Email: democraticservices@oxford.gov.uk

As a matter of courtesy, if you intend to record the meeting please let the Contact Officer know how you wish to do this before the start of the meeting.

East Area Planning Committee

Membership

Chair	Councillor Roy Darke	Headington Hill and Northway;
Vice-Chair	Councillor Van Coulter	Barton and Sandhills;
	Councillor Mohammed Altaf-Khan	Headington;
	Councillor Farida Anwar	Headington Hill and Northway;
	Councillor Ruthi Brandt	Carfax;
	Councillor Mary Clarkson	Marston;
	Councillor David Henwood	Cowley;
	Councillor Sian Taylor	Northfield Brook;
	Councillor Ruth Wilkinson	Headington;

The quorum for this meeting is five members. Substitutes are permitted

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AGENDA

	Pages
1 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS	
2 DECLARATIONS OF INTEREST	
3 3 DAVID NICHOLLS CLOSE:15/02061/FUL	9 - 22
Site address: 3 David Nicholls Close.	
Proposal: Increase in ridge height of garage roof. (Retrospective). Conversion of garage into 1 x 1-bed annexe (Use Class C3)	
Officer recommendation: to approve the application subject to the following conditions	
<ol style="list-style-type: none">1. Development begun within time limit.2. Develop in accordance with approved plans.3. Materials – matching.4. Restricted use.5. Sustainability design/construction.	
4 75 CRANMER ROAD OX4 2QB: 15/02146/CPU	23 - 28
Site Address: 75 Cranmer Road Oxford OX4 2QB Appendix 1	
Proposal: Application to certify that the proposed conversion of garage to habitable space ancillary to the main house is lawful.	
Officer recommendation: That the proposed development is lawful and that the certificate should be granted.	
5 MINUTES	29 - 32
Minutes from the meeting of 5 August 2015	
Recommendation: That the minutes of the meeting held on 5 August 2015 are approved as a true and accurate record.	
6 FORTHCOMING APPLICATIONS	
Items for consideration by the committee at future meetings are listed for information. They are not for discussion at this meeting.	
<ul style="list-style-type: none">• Land East of Warren Crescent: 13/01555/CT3• 8 Jersey Road: 15/00192/FUL• Land adj to 147 Oxford Road, Old Marston: 15/00210/FUL• 36, 38 and 40 London Road and 2 Latimer Road:15/00858/FUL• Ashlar House adj 2 Glanville Road: 15/00955/FUL• 19 Arlington Drive, Old Marston: 15/01221/FUL• 38 St Leonard's Road OX3 8AB: 15/01872/FUL• Brasenose Farm Cottage: 15/01247/CT3• 17 Between Towns Road 15/02245/OUT	

- 14 Holyoake Road: 15/02096/FUL
- Blewitt Court Oxford Rd Littlemore15/02171/FUL

7 DATES OF FUTURE MEETINGS

The Committee will meet on the following dates:

7 October 2015
4 November 2015
2 December 2015
6 January 2016
3 February 2016
2 March 2016
6 April 2016

DECLARING INTERESTS

General duty

You must declare any disclosable pecuniary interests when the meeting reaches the item on the agenda headed "Declarations of Interest" or as soon as it becomes apparent to you.

What is a disclosable pecuniary interest?

Disclosable pecuniary interests relate to your* employment; sponsorship (ie payment for expenses incurred by you in carrying out your duties as a councillor or towards your election expenses); contracts; land in the Council's area; licenses for land in the Council's area; corporate tenancies; and securities. These declarations must be recorded in each councillor's Register of Interests which is publicly available on the Council's website.

Declaring an interest

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest.

If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

Members' Code of Conduct and public perception

Even if you do not have a disclosable pecuniary interest in a matter, the Members' Code of Conduct says that a member "must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself" and that "you must not place yourself in situations where your honesty and integrity may be questioned". What this means is that the matter of interests must be viewed within the context of the Code as a whole and regard should continue to be paid to the perception of the public.

*Disclosable pecuniary interests that must be declared are not only those of the member her or himself but also those member's spouse, civil partner or person they are living with as husband or wife or as if they were civil partners.

CODE OF PRACTICE FOR DEALING WITH PLANNING APPLICATIONS AT AREA PLANNING COMMITTEES AND PLANNING REVIEW COMMITTEE

Planning controls the development and use of land in the public interest. Applications must be determined in accordance with the Council's adopted policies, unless material planning considerations indicate otherwise. The Committee must be conducted in an orderly, fair and impartial manner.

The following minimum standards of practice will be followed.

1. All Members will have pre-read the officers' report. Members are also encouraged to view any supporting material and to visit the site if they feel that would be helpful.
2. At the meeting the Chair will draw attention to this code of practice. The Chair will also explain who is entitled to vote.
3. The sequence for each application discussed at Committee shall be as follows:-
 - (a) the Planning Officer will introduce it with a short presentation;
 - (b) any objectors may speak for up to 5 minutes in total;
 - (c) any supporters may speak for up to 5 minutes in total;
 - (d) speaking times may be extended by the Chair, provided that equal time is given to both sides. Any non-voting City Councillors and/or Parish and County Councillors who may wish to speak for or against the application will have to do so as part of the two 5-minute slots mentioned above;
 - (e) voting members of the Committee may raise questions (which shall be directed via the Chair to the lead officer presenting the application, who may pass them to other relevant Officers and/or other speakers); and
 - (f) voting members will debate and determine the application.
4. Preparation of Planning Policy documents – Public Meetings

At public meetings Councillors should be careful to be neutral and to listen to all points of view. They should take care to express themselves with respect to all present including officers. They should never say anything that could be taken to mean they have already made up their mind before an application is determined.
5. Public requests to speak

Members of the public wishing to speak must notify the Democratic Services Officer before the meeting starts giving their name, the application/agenda item they wish to speak on and whether they are objecting to or supporting the application. Notifications can be made via e-mail or telephone, to the Democratic Services Officer (whose details are on the front of the Committee agenda) or given in person before the meeting starts.
6. Written statements from the public

Members of the public and councillors can send the Democratic Services Officer written statements to circulate to committee members, and the planning officer prior to the meeting. Statements are accepted and circulated by noon, two working days before the start of the meeting. Material received from the public at the meeting will not be accepted or circulated, as Councillors are unable to view proper consideration to the new information and officers may not be able to check for accuracy or provide considered advice on any material consideration arising.
7. Exhibiting model and displays at the meeting

Applicants or members of the public can exhibit models or displays at the meeting as long as they notify the Democratic Services Officer of their intention at least 24 hours before the start of the meeting so that members can be notified.

8. Recording meetings

Members of the public and press can record the proceedings of any public meeting of the Council. If you do wish to record the meeting, please notify the Committee clerk prior to the meeting so that they can inform the Chair and direct you to the best plan to record. You are not allowed to disturb the meeting and the Chair will stop the meeting if they feel a recording is disruptive.

The Council asks those recording the meeting:

- Not to edit the recording in a way that could lead to misinterpretation of the proceedings. This includes not editing an image or views expressed in a way that may ridicule, or show a lack of respect towards those being recorded.
- To avoid recording members of the public present unless they are addressing the meeting.

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9. Meeting Etiquette

All representations should be heard in silence and without interruption. The Chair will not permit disruptive behaviour. Members of the public are reminded that if the meeting is not allowed to proceed in an orderly manner then the Chair will withdraw the opportunity to address the Committee. The Committee is a meeting held in public, not a public meeting.

10. Members should not:

- (a) rely on considerations which are not material planning considerations in law;
- (b) question the personal integrity or professionalism of officers in public;
- (c) proceed to a vote if minded to determine an application against officer's recommendation until the reasons for that decision have been formulated; or
- (d) seek to re-design, or negotiate amendments to, an application. The Committee must determine applications as they stand and may impose appropriate conditions.

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East Area Planning Committee

2 September 2015

Application Number: 15/02061/FUL

Decision Due by: 9th September 2015

Proposal: Increase in ridge height of garage roof. (Retrospective).
Conversion of garage into 1 x 1-bed annexe (Use Class C3)

Site Address: 3 David Nicholls Close. Site plan at **Appendix 1**

Ward: Littlemore Ward

Agent: JPPC Chartered Town
Planners

Applicant: Mr David Henwood

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

1 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.

2 The Council considers that the proposal, subject to the conditions imposed, would accord with the special character and appearance of the conservation area. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity.

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

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Materials - matching
- 4 Restricted use
- 5 Sustainability design/construction

Main Local Plan Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals

CP6 - Efficient Use of Land & Density

CP8 - Design Development to Relate to its Context

CP10 - Siting Development to Meet Functional Needs

Core Strategy

CS9 - Energy and natural resources

CS10 - Waste and recycling

CS18 - Urban design, town character, historic environment

Sites and Housing Plan

MP1 - Model Policy

HP2 - Accessible and Adaptable Homes

HP9 - Design, Character and Context

HP11 - Low Carbon Homes

HP12 - Indoor Space

HP13 - Outdoor Space

HP14 - Privacy and Daylight

HP15 - Residential cycle parking

HP16 - Residential car parking

Other Material Considerations:

National Planning Policy Framework

This application is in or affecting the Littlemore Conservation Area.

Planning Practice Guidance

Relevant Site History:

Planning:

00/00724/NFH - Alterations to existing garage. Additional windows to front elevation, raising the roof to ridge height of 7.30m and the provision of a 1st floor for use as games room, sensory room and storage.. REF 11th July 2000.

02/00010/FUL - Alterations to existing garage including the introduction of additional windows to front elevation, raising the roof to a ridge height of 5.75 m and provision of a 1st floor.WDN 19th March 2002.

02/01542/FUL - Retention of existing garage, including first floor, with ridge height of 5.75 metres incorporating windows at first floor to front elevation, roof lights to rear elevation and false chimney as owl nesting box.. REF 14th October 2002.

90/00497/PN - Partial demolition of school as shown on drawings nos. L.12, L,14 and A02.. PER 13th February 1991.

90/00626/PN - Conversion of existing lodge to residential use and construction of 10 detached dwellings and garages. Construction of new type 4 access road off Sandford Road and closure of existing school access..PER 28th June 1990.

90/00627/PN - Change of use of lodge from office use to residential use. Construction of new type 4 access road off Sandford Road and closure of existing school access..PER 18th June 1991.

95/01437/NF - Land at Sandford Road - 11x2 storey dwellings, (5x4 bed with garages/parking spaces, 5x4 bed with detached double garages/parking space, 1x3 bed with detached double garage/parking spaces). Access road (closure of existing access) & footpath.PER 21st November 1995.

99/00126/NF - Extension at side and rear of existing garage..PER 10th March 1999.

99/00928/NFH - Extension at side & rear of garage, raise walls of existing structure & provide new roof to provide storage in roof space & domestic workshop on ground floor. (Amendment to application 99/126/NF).PER 16th September 1999.

04/01550/FUL - Erection of canopy and insertion of windows at first floor level to front elevation. (Ammended Plan). REF 30th September 2004.

05/02177/FUL - Erection of canopy. Alterations to window.(Amended plans). REF 19th December 2005.

06/01569/VAR - Velux rooflight to rear elevation of garage (variation of condition 4 of planning permission 99/00126/NF). PER 22nd September 2006.

06/02014/VAR - Velux rooflights to rear elevation of garage (variation of condition 4 of planning permission 99/00126/NF) and erection of canopy to front..PER 11th December 2006.

07/00561/VAR - Insertion of two rear first floor windows (variation of condition 4 of planning permission 99/00126/NF) (Amended plan). REF 4th May 2007.

08/00357/VAR - Four (in total) velux roof lights in rear elevation of garage (variation of condition 4 of planning permission 99/00126/NF). PER 7th May 2008.

08/00980/FUL - Retention of first floor window and screen to garage.. REF 10th July 2008.

08/01935/CEU - Application for a Lawful Development Certificate for the retention of 1st floor North facing window..PER 27th October 2008.

08/02327/CEU - Application for a Lawful Development Certificate for the retention of a first floor north facing window..PER 24th December 2008.

09/00019/CEU - Application for a lawful development certificate for the retention of a first floor north facing window..PER 27th February 2009.

09/00729/FUL - Erection of canopy..PER 3rd June 2009.

09/02797/FUL - Erection of car port.. REF 20th May 2010.

10/01412/FUL - Two storey front extension (amended description and plans).. REF 17th December 2010.

11/00394/FUL - Increase in ridge height of roof of garage to 5.85m. (Retrospective). REF 21st April 2011.

12/01722/CEU - Certificate of lawfulness to certify that the ridge height at 5.9m is lawful. REF 28th August 2012.

12/02105/FUL - Change of use of garage to 1-bedroom dwelling (class C3). (Amended plans). REF 10th October 2012.

Appeals

00/00724/NFH 00/00022/REFUSE - Alterations to existing garage. Additional windows to front elevation, raising the roof to ridge height of 7.30m and the provision of a 1st floor for use as games room, sensory room and storage.. DISMISSED 1st January 2001.

02/01542/FUL 03/00013/REFUSE - Retention of existing garage, including first floor, with ridge height of 5.75 metres incorporating windows at first floor to front elevation, roof lights to rear elevation and false chimney as owl nesting box..DISMISSED26th June 2003.

04/01550/FUL 04/00101/REFUSE - Erection of canopy and insertion of windows at first floor level to front elevation. (Amended Plan).DISMISSED27th June 2005.

058/02177/FUL 06/00019/REFUSE - Erection of canopy. Alterations to window. (Amended plans). ALC 19th June 2006.

07/00561/VAR 07/00044/REFUSE - Insertion of two rear first floor windows (variation of condition 4 of planning permission 99/00126/NF) (Amended plan). DISMISSED11th December 2007.

08/00980/FUL 08/00081/REFUSE - Retention of first floor window and screen to garage.. AWD 10th November 2008.

09/02797/FUL 10/00051/REFUSE - Erection of car port..DISMISSED18th August 2010.

10/01412/FUL 11/00017/REFUSE - Two storey front extension (amended description and plans)..DISMISSED7th July 2011.

12/02105/FUL 13/00005/REFUSE - Change of use of garage to 1-bedroom dwelling (class C3). (Amended plans). DISMISSED 1st July 2013.

Representations Received:

13 Boswell Road: Support this development; will enable a Disabled man to live a supported life and enhance his quality of life and enable him to become more independent; alteration will have no impact on the neighbours or surrounding area; increased ridge height has no impact on any of his neighbours visual amenity.

Statutory and Internal Consultees:

No comments received

Issues:

- Principle/Loss of Garage
- Design
- Residential Amenity
- Sustainability
- Ridge Height (Including Background)

Officers Assessment:

Site Description

1. The application site comprises a detached two storey red brick garage building within David Nicholls Close associated with number 3. The building has a double garage, front porch with an adjoining room and a further room upstairs within the roof space.
2. Late 20th/early 21st century development has taken place along Sandford Road within Littlemore in the form of David Nicholls Close and the Speedwell School site. David Nicholls Close provides driveway access to Lawn Upton School and has now been developed with detached houses. A semblance of open character has been retained despite the development due to the set back position of the houses and their open front gardens. The houses do not impact upon the appearance of the main road as they are mainly tucked away behind Lawn Upton Lodge and the curve of the road prevents clear views along the close from the main road.

Proposal

3. The application is seeking permission to convert the garage to an annex to provide ancillary living accommodate to the main dwelling. This will involve the loss of one of the garage parking bays which is to be replaced with a window. Planning permission is required for the conversion of the garage due to condition 11 of 95/01437/NF which requires the garages to be reserved for the occupants of the house and shall not be used for any

other purpose without the prior written consent of the Local Planning Authority. The application is also seeking to regularise the increase in height of the ridgeline.

Assessment

Principle/Loss of Garage

4. As a result of the proposal one car parking space within the garage will be lost. However there is ample off street car parking to the front of the garage therefore its loss is considered acceptable. It has been the Councils position all along, reiterated with the refusal of application ref.: 12/02105/FUL and subsequent dismissed appeal that the conversion of the garage to a separate unit of accommodation is not acceptable. However as ancillary accommodation to the main dwelling it is considered acceptable as it will have access to all the facilities contained within the main dwelling e.g. its amenity space. A condition is suggested to restrict the use to ancillary accommodation for family members only and once that use is no longer required the building reverts back to its original use as a garage/workshop and other incidental uses to the main dwelling.

Design

5. The application site lies within Littlemore Conservation area therefore policy HE7 of the Oxford Local Plan 2001-2016 applies. This states that planning permission will only be granted for development that preserves or enhances the special character and appearance of the conservation area or their setting.
6. As the proposal seeks a change of use with only very minor external alterations i.e. change of garage door to a window which matches the current windows, officers are satisfied that the alterations would preserve the interests of the conservation area.
7. The proposal is also therefore considered acceptable in terms of policy CS18 of the Core Strategy 2026, CP1, CP6 and CP10 of the Oxford Local Plan 2001-2016 and HP9 of the Sites and Housing Plan 2011-2026 in that it respects the character and appearance of the area and creates an appropriate visual relationship with the form, grain, scale, and details of the site and the surrounding area.

Residential Amenity

8. As a separate unit of accommodation the conversion of the garage was not considered acceptable due to internal living arrangements, lack of amenity space and the inability to provide adequate and sensibly located cycle parking.
9. As ancillary accommodation the conversion of the garage provides acceptable accommodated as it will be restricted to family members who

will have access to the main dwelling and its amenity space and cycle parking. Internally the current proposed plans show a sensory room in the car parking space, in the refused scheme it was a dining room. Sensory rooms are quite specialised with very different requirements to a dining room therefore the use of the space as a sensory room is considered acceptable.

Sustainability

10. Policy CS9 of the Core Strategy sets out a commitment to optimising energy efficiency through a series of measures including the utilisation of technologies that achieve Zero Carbon developments. There is now a wide acceptance that sustainability considerations need to be factored into the planning of new developments. New developments, including conversions and refurbishments, will be expected to achieve high environmental standards.
11. Policy HP11 of the Site and Housing Plan states all development proposals must submit an energy statement to show how energy efficiencies have been incorporated into the development. This has not been submitted with the application. However details can be sought via a condition.

Ridge Height (Including Background)

12. Following the granting of planning permission in 1995 for the development now known as David Nicholls Close the property, 3 David Nicholls Close, was constructed with a detached double garage measuring 5.39m x 5.39m in size and a height of 4.1m to the ridge.
13. The garage was extended to the rear and side following the granting of planning permission under ref.: 99/00126/NF. This increased its size to 7.0m x 8.7m although the roof did not go any higher; a new roof structure was introduced with a shallower pitch.
14. A second application to alter the garage was approved under ref.: 99/00928/NFH. The footprint remained the same but the roof was effectively raised both at the eaves and the ridge level. A dispute arose over the dimensions of the garage due to discrepancies between the drawings, the covering text and further information.
15. Whilst there has been some confusion in the past over the approved dimensions of the garage the Council gave planning permission under ref.: 99/00928/NFH to increase the height of the eaves of the garage (originally 2.26m) by 1.65m to 4.27m; and to increase the roof height to 5.75m at the ridge.
16. Application ref.: 00/00724/NFH sought planning permission to raise the roof height of the garage to 7.30m along with other alterations. This was refused for the following reason:

The proposed increase in the height of the roof would result in a building which is too large, out of scale with the existing dwellings in David Nicholls Close and would therefore be detrimental to the visual amenity of the locality and would neither preserve nor enhance the appearance of this part of the Littlemore Conservation Area.

17. The reason for refusal was subject to an appeal which was subsequently dismissed. In his decision the Inspector said the garage as altered appears to be almost as large as the houses and is dominated on the ground floor by four door openings. As it stands, there is no doubt in my (Inspectors) mind that it does not relate sympathetically to the parent dwelling or to the rest of the small housing estate. He also considered it to have an unacceptable overbearing impact on No. 3 Lanham Way due to its mass and proximity.
18. As a result of the appeal being dismissed an enforcement notice was served on 22nd May 2001 (effective date 26th June 2001) which required the garage to be restored to the dimensions and height approved in planning permission reference 99/00928/NFH, namely 5.75m above existing ground level. The enforcement notice was complied with on 17th June 2002. This enforcement notice still stands in its entirety.
19. In 2002 another application was submitted, ref.: 02/01542/FUL, in relation to the building and its roof along with other alterations. Again this was refused for the following reason:

The design of the proposed development is considered to be out of keeping and detrimental to the visual amenities and character of the locality and would neither preserve nor enhance the Littlemore Conservation Area to which it relates.

20. Again the reason for refusal was subject to an appeal which was subsequently dismissed. The appeal was dismissed on two grounds. The first was procedural matters and the second concerned the effect of the development. In relation specifically to the roof the Inspector measured the ridge height from established ground level adjacent to the building, which he considered to be the appropriate base level, and was agreed with by the appellant and the council. The height agreed was 5.90m. Therefore the Inspector concluded that the description of the development "retention of existing garage...with ridge height of 5.75m" was contradictory when the existing building had a greater ridge height. Along with other matters the Inspector concluded that the application subject to the appeal was not capable of proper determination. An application not capable of proper determination is not legally valid.
21. However he acknowledged that the Council made a decision based on the description therefore he considered the effects of the development. The Inspector decided the building looked out of scale, over-large and dominant and its design did not reflect the form of the nearby houses and garages. Para 11 of the decision notice states:

“Two elements in the visual impact of the building are its eaves height and its shallow roof pitch, which make the building look out of proportion and not in keeping with the adjacent house, or with other nearby buildings. Despite a requirement in an enforcement notice issued by the City Council in May 2001 to restore the garage.....to the dimensions approved in a 1999 planning permission (99/00928/NFH), the eaves height is about 4.7m, well over even a generous interpretation of the 1999 permission. The roof pitch appears to be significantly less than the 35 degrees specified in a detailed cross section drawing which was part of the 1999 permission”.

22. The Inspector concluded that the general aims of the policies are that development should be of a scale and type appropriate to its surroundings (especially in a conservation area) and should not have an unacceptable environmental impact. He considered the development conflicted with these aims.
23. A further application was submitted, ref.: 11/00394/FUL, seeking to retain the ridge height at 5.85m. A site inspection took place on 20.04.2011 where Officers measured the height of the ridge from ground level. The height was 6.02m. This is 0.17m higher than the “retained” ridge height and 0.27m higher than the approved ridge height of 5.75m under 00928/NFH.
24. The applicant disputed the position of ground level and said it should be taken from a ground level which was half a brick width below the DCP. This is alleged to be the ground level agreed in 2002 in respect of the enforcement notice. Taking a measurement from this alternative ground level the height to the ridge was agreed to be 5.92m. This is 0.07m higher than the “retained” ridge height and 0.17m higher than the approved ridge height of 5.75 under 00928/NFH.
25. In the context of The Town and Country Planning (General Permitted Development) England Order 2015 Article 2(2) the height of a building or of plant or machinery shall be construed as a reference to its height when measured from ground level; and for the purposes of this paragraph “ground level” means the level of the surface of the ground immediately adjacent to the building or plant or machinery in question or, where the level of the surface of the ground on which it is situated or is to be situated is not uniform, the level of the highest part of the surface of the ground adjacent to it.
26. As a result of the measurements taken the applicant removed the ridge tile along the entire length of the roof to bring the ridge line down to meet the “retained” height of 5.85m as depicted in the submitted drawings. Despite a request for amended plans showing the roof including the ridge tiles the applicant said he would at a later date, once this application had been determined, submit a further application to reinstate the ridge tiles thus raising the roof by a further 0.07m or 0.17m depending where you measure ground level. This would then bring the ridgeline back to the height measured by Officers be it 6.02m or 5.92m depending on ground level.

27. It was concluded, on the 2011 application, that wherever the height of the roof is measured from it was not disputed that the ridge had been raised. From its humble beginnings as a modest detached double garage (figure 1) the building has been altered beyond recognition (figure 2). It has been increased in height, width and depth. It is now a large building that is considered to be out of scale with the existing dwellings in David Nicholls Close. It is acknowledged that the increase in height of the ridge is small however the building has been altered to such an extent that any more alterations would render it wholly unacceptable in scale, mass and bulk to the detriment of the visual amenity of the locality and would therefore neither preserve or enhance the appearance of this part of the Littlemore Conservation Area.



Figure 1: original garage



Figure 2: existing garage

28. In 2012, ref.: 12/01722/CEU, a certificate of lawfulness to certify that the ridge height at 5.9m is lawful was submitted and subsequently refused for the following reason:

The raising of the ridge of the garage building to a height of 5.90m contravenes the requirements of an Enforcement Notice ref: 01/00922/E, issued on 22nd May 2001. This notice requires the height of the ridge of the garage building to be restored to the dimensions and height approved in planning permission ref: 99/00928/NFH namely 5.75m above existing ground level.

29. An appeal was submitted however the Planning Inspectorate (PINS) would not determine the appeal for the following reason:

It appears that there is an effective enforcement notice in place which, under sections 191(2) and 285(1) of the Town and Country Planning Act 1990, prevents a lawful development certificate from being granted. For this reason, we (PINS) will take no further action on your appeal.

30. In May 2012, reiterated in November 2012, the Council informed the applicant that whilst the Council does not condone the raising of the roof, it will take no further action provided that no additional alterations are made to the roof because it does not consider it expedient or in the public interest to do so.

31. Given it is not considered expedient to enforce against the unauthorised raising of the roof officers consider that there is no good reason to refuse to regularise the situation and approve the current height of 8.85m as shown on the drawing entitled "Proposed Views" (side elevations) submitted as part of this application. A condition can be added to prevent any further raising of the roof.

Conclusion:

32. Members are recommended to approve the application subject to the conditions suggested.

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:

Contact Officer: Lisa Green

Extension: 2614

Date: 19th August 2015

Appendix 1

15/02061/FUL - 3 David Nicholls Close



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Ordnance Survey 100019348

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East Area Planning Committee

2nd September 2015

Application Number: 15/02146/CPU

Decision Due by: 8th September 2015

Proposal: Application to certify that the proposed conversion of garage to habitable space ancillary to the main house is lawful.

Site Address: 75 Cranmer Road Oxford OX4 2QB **Appendix 1**

Ward: Lye Valley Ward

Agent: Mr Marc Joines

Applicant: Mr James Mcdowell

This application is required to be brought before committee as the applicant is related to a member of the council staff.

Recommendation:

That the proposed development is lawful and that the certificate should be granted.

Reason for Approval:

The proposal has been examined and it is concluded that it is development permitted by Class A, of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and does not, therefore require planning permission to be obtained from the local planning authority provided that the proposal is carried out as described (ancillary habitable space within existing C3 residential use) and is within the curtilage of this property.

Legislation:

Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class A.

Principal Planning Policies:

Not relevant

The Application:

The application is for a certificate of lawfulness of proposed use to certify that the

proposed conversion of an existing detached garage into habitable space ancillary to the main dwelling-house is lawful.

The planning merits of this application do not fall to be considered as part this assessment for a certificate of lawfulness, the only matter to be considered is whether the proposal is lawful or whether in fact it amounts to development that requires planning permission.

Officers Assessment:

Site and Surroundings

1. The application property is a typical two storey, semi-detached residential dwelling in the residential area of Cowley. The current use of the property remains as originally built - C3 residential use.
2. The property has a hipped roof, bay window to the front ground floor and a medium sized front garden with drive to the side that leads down to an existing garage and there is a dropped kerb to the front of the property. The existing garage may have been built as part of the original or developed sometime in the 1950s and is within the C3 dwelling-house use.
3. The existing garage is a detached incidental out-building, set back from and to the side of the main house within the rear garden curtilage area. It measures 2.5m in height, with a footprint measuring 10.03m long x 3.24m wide.

The Proposal

4. The proposal to alter the garage from an incidental garage building to ancillary residential habitable space will not involve a change of use as the entire property will remain in Use class C3 residential use.
5. As an ancillary residential building to the main dwelling house this proposed alteration would not include use as a separate self-contained dwelling unit that could be occupied as a separate household. The application is for use of the garage as ancillary habitable space to the main dwelling-house and will include a living room, and a bedroom with an en-suite shower room and WC.
6. In cases where there are no planning conditions requiring that garages be retained for vehicle storage use, it is common practice, particularly in cases where the garage is built integral to the dwelling-house, for a garage to be incorporated into the ground floor space of the dwelling-house. The fact that in this case the garage is detached does not alter that fact that it is part of the C3 planning unit and therefore given that there are no restrictive planning conditions on its use, it is lawful to be used as ancillary habitable space.
7. In a situation where a garage at a dwelling house is converted to form an

additional room or rooms there is no material change of use. One type of residential use of floor space within the same planning unit is simply being replaced by another: Section 55(2)(d) of the 1990 Act specifically allows the use of any buildings or other land within the curtilage of a dwelling house for any purpose incidental to the enjoyment of the dwelling house as such.

Material alterations

8. The application proposes making some material alterations to the external appearance of the garage that amount to operational development, namely the replacement of the garage doors with glazed French doors, the insertion of two new windows in the rear elevation, and the replacement of the existing windows in the side elevation facing the garden with two slightly larger windows and a new doorway.
9. These proposed material alterations to the external appearance of the garage all fall well within the limits and conditions of “permitted development” as set down in Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 and therefore the operational development falls within the limits of permitted development. The drawings submitted indicate that the external materials to be used would be of a similar appearance to those used in the construction of the exterior of the existing dwelling-house, namely UPVC windows, brick walls and tiled roof and therefore will meet the conditions of the class that require materials to be of a similar appearance.

Conclusion:

The proposed development is lawful and the certificate should be issued.

Contact Officer: Nadina Ranson

Extension: 2308

Date: 18th August 2015

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Appendix 1

15/02146/CPU - 75 Cranmer Road

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MINUTES OF THE EAST AREA PLANNING COMMITTEE

Wednesday 5 August 2015



COUNCILLORS PRESENT: Councillors Darke (Chair), Coulter (Vice-Chair), Altaf-Khan, Anwar, Brandt, Henwood, Wilkinson, Clack and Tanner.

OFFICERS PRESENT: Michael Morgan (Law and Governance), Murray Hancock (City Development), Andrew Murdoch (Principal Planner) and Catherine Phythian (Committee Services Officer)

28. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillor Clarkson (substitute Councillor Tanner) and Councillor Taylor (substitute Councillor Clack).

29. DECLARATIONS OF INTEREST

There were no declarations of interest.

30. 474 COWLEY ROAD: 15/00930/OUT

The Committee considered a report detailing a planning application for the demolition of existing timber yard buildings and 2 x 1 bed flats. Outline planning application (seeking details of access, appearance, layout and scale) for the redevelopment of the site to erect a 60 bed care home on three floors, with provision of 20 car parking spaces, cycle parking, bin storage and ancillary works. Conversion and restoration of 2 bedsits to street frontage to form single 1 bed house. (Amended plans) (Additional Information) at 474 Cowley Road.

Cllr Malik (ward councillor for Cowley Marsh) spoke in support of the application.

The Committee asked questions of the planning officer concerning the landscaping, boundary treatment and sustainability aspects of the application. He confirmed that, as this was an outline planning application, the issues raised by the Committee would be addressed by the conditions imposed and in the reserved matters report.

The Committee resolved to approve application with the following conditions:

1. Time limits for commencement.
2. Reserved matters.

3. Development in accordance with submitted plans.
4. Materials.
5. Architectural detailing.
6. Obscure glazing to end windows.
7. Landscape implementation.
8. Tree protection.
9. Landscape management plan.
10. Boundary treatment.
11. External lighting.
12. Natural Resource Impact Analysis
13. Construction travel plan.
14. Construction environmental management plan.
15. Travel Plan
16. Surface water drainage scheme.
17. Provision of fire hydrant.
18. Ground contamination.
19. Unexpected contamination.
20. Petrol / oil interceptors.
21. Cooking smells.
22. Habitat creation.
23. Repeat ecological survey.
24. Details of employment training.
25. Public art.

31. 162-164 HOLLOW WAY:15/01643/FUL

The Committee considered a report detailing an application for planning permission for the demolition of the existing single storey commercial unit, the erection of 1No. two storey building to create 16 x 1-bed student study rooms and erection of 1No. two storey building to create 1 x 1-bed warden flat and 1 x 3-bed postgraduate flat and the provision of amenity space, refuse store and covered parking for 22No. bicycles at 162-164 Hollow Way, Oxford.

In response to questions from the Committee the planning officer explained that although this was a speculative development with no named institution identified as the end user the conditions imposed would limit use to academic institutions with full-time students.

The Committee resolved to approve application with the following conditions:

1. Development begun within time limit
2. Develop in accordance with approved plans
3. Samples
4. Boundary details before commencement
5. bikes and bins
6. Contaminated Land
7. Fire hydrants
8. Window restriction
9. No cars

10. Day to day management
11. Full time students
12. Student accommodation only
13. Sustainability measure
14. Travel Information Pack
15. Drainage
16. Construction Traffic Management Plan
17. Biodiversity enhancements

32. BEENHAMS COTTAGE, RAILWAY LANE: 14/02550/FUL AND 14/01485/FUL

The Committee considered a report detailing two planning applications for Beenhams Cottage, Railway Lane, Oxford for the

1. erection of a part single, part two storey side and rear extension. Erection of first floor front extension. Formation of 1 no. front and 2 no. rear dormers and new vehicular access onto Railway Lane (Amended plans) (14/02550/FUL);
2. formation of vehicular entrance with boundary wall, pillars and gates (14/01485/FUL)

As members of Littlemore Parish Council Cllrs Henwood and Tanner stated that they were taking an unbiased view on the matter.

The planning officer reported that after consideration of the second application (14/01485/FUL) the Highways Authority had withdrawn its objections.

Richard Evers, the applicant, spoke in support of the applications.

The Committee resolved to approve application 14/02550/FUL with the following conditions:

1. Development begun within time limit
2. Develop in accordance with approved plans
3. Samples materials in Conservation Area
4. Specific exclusion approved plans the new vehicular access, HP-00-D16,
5. Design - no additions to dwelling
6. Amenity - windows to side
7. Amenity - no balcony
8. Sustainable drainage
9. Landscape plan required
10. Landscape carry out by completion
11. Landscape hard surface design - tree roots
12. Landscape underground services - tree roots
13. Tree Protection Plan (TPP) 2
14. Arboricultural Method Statement (AMS) 1

The Committee resolved to approve application 14/01485/FUL with the following conditions:

1. Development begun within time limit
2. Develop in accordance with approved plans
3. Sample materials in Conservation Area
4. Highway safety
5. Landscape plan required
6. Tree Protection Plan (TPP) 2
7. Arboricultural Method Statement (AMS) 2
8. Sustainable drainage

33. 6 FEILDEN GROVE (NO.1) TREE PRESERVATION ORDER, 2015

The Committee considered a report concerning an ash tree in a rear garden of 6 Feilden Grove, in the Headington Hill Conservation Area, which had been made the subject of a provisional Tree Preservation Order (TPO) to prevent tree surgery work as notified under a Sec. 211 Conservation Area tree work notice.

The Committee resolved to confirm the Oxford City Council – 6 Feilden Grove (No.1) Tree Preservation Order, 2015 without modification.

34. PLANNING APPEALS

The Committee noted the reports on planning appeals received and determined during June and July 2015.

35. MINUTES

The Committee resolved to approve the minutes of the meeting of 1 July 2015 as a true and accurate record.

36. FORTHCOMING APPLICATIONS

The Committee noted the list of forthcoming applications.

37. DATES OF FUTURE MEETINGS

The Committee noted that the next meeting would be held on 2 September 2015.

The meeting started at 6.00 pm and ended at 7.15 pm