

East Area Planning Committee

14th August 2012

Application Number: 1. 12/01340/FUL
2. 12/01341/CAC

Decision Due by: 1st August 2012

Proposal: 1. Erection of reconstructed stone wall to create new access and construction of 2 detached houses (2x3 beds). Erection of garage for 32 Quarry High Street. Erection of 2 storey rear extension for 28 Quarry High Street
2. Demolition of outbuildings and part stone wall

Site Address: 28 Quarry High Street, Oxford [Appendix 1]

Ward: Quarry And Risinghurst Ward

Agent: Mr Huw Mellor

Applicant: Malcolm Griffiths
Renovations

Applications called in by Councillors Sinclair, Baxter, Clarkson, Rowley, Coulter, Clack and Curren on grounds that the site has a long history of planning applications and appeals.

Recommendation:

12/01340/FUL

Reasons for Approval

- 1 The proposal forms an appropriate visual relationship with the site and its surroundings and would preserve the special character and appearance of the Headington Quarry Conservation Area. No objection has been received from Oxfordshire County Council as Local Highway Authority in terms of the impact of the proposal on highway safety and it is considered that the proposal complies with adopted policies contained in both the Oxford Local Plan 2001 - 2016 and the Core Strategy 2026.
- 2 Letters of objection have been received from a number of local residents and the comments made have been carefully noted. However it is considered that the points raised, either individually or cumulatively, do not form sustainable reasons for refusing planning permission for the proposal and that the imposition of planning conditions will ensure that the proposal preserves the character of the area and does not impact upon highway safety.

- 3 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

Conditions

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples in Conservation Area
- 4 Sample panel erected on site
- 5 Use of existing stone in new frontage walls
- 6 Amenity no additional windows rear,
- 7 Design - no additions to new dwellings
- 8 Landscape plan required
- 9 Landscape carry out by completion
- 10 Boundary details before commencement
- 11 New boundary wall
- 12 Highway specifications
- 13 Ancillary highway works
- 14 Construction Travel Plan
- 15 Permeable parking and driveway areas
- 16 Contaminated Land - Desktop study etc.
- 17 Cycle parking details required
- 18 Sustainability design/construction
- 19 Ecology - mitigation measures
- 20 Provision of bat boxes
- 21 Details of drainage scheme to be agreed

12/01341/CAC

Reasons for Approval

1. The proposal to demolish part of the existing walls on the site would form an appropriate visual relationship with the site and the surrounding area and would preserve the character and appearance of the Headington Quarry Conservation Area. The proposal therefore complies with adopted policies contained within both the Oxford Local Plan 2001 – 2016 and the Oxford Core Strategy 2026.
2. 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.

Conditions

1. Commencement of works – Conservation Area Consent
2. Materials resulting from the works of demolition to be incorporated into the new walls
3. Photographic record prior to demolition

Principal Planning Policies

Oxford Local Plan 2001-2016

- CP1** - Development Proposals
- CP6** - Efficient Use of Land & Density
- CP8** - Design Development to Relate to its Context
- CP9** - Creating Successful New Places
- CP10** - Siting Development to Meet Functional Needs
- CP11** - Landscape Design
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities
- NE15** - Loss of Trees and Hedgerows
- HE7** - Conservation Areas
- HS19** - Privacy & Amenity
- HS21** - Private Open Space

Oxford Core Strategy 2026

- CS2_** - Previously developed and greenfield land
- CS9_** - Energy and natural resources
- CS10_** - Waste and recycling
- CS11_** - Flooding
- CS12_** - Biodiversity
- CS18_** - Urban design, town character, historic environment
- CS23_** - Mix of housing

Sites and Housing Plan - Submission

- HP9_** - Design, Character and Context
- HP10_** - Developing on Residential Gardens
- HP11_** - Low Carbon Homes
- HP14_** - Privacy and Daylight
- HP15_** - Residential cycle parking
- HP16_** - Residential car parking

Other Material Considerations:

National Planning Policy Framework [NPPF]

These applications is in or affecting the Headington Quarry Conservation Area.

Relevant Site History:

07/01210/FUL and 07/01209/CAC: Partial demolition of existing front boundary wall and erection of building to rear of 26/28 Quarry High Street to provide 8 x 2 bedroom flats and erection of replacement garage to 32 Quarry High Street.
Refused

10/02130/FUL and 10/02313/CAC: Demolition of existing garage and sheds and part of stone wall to create a new access. Erection of 6 dwellings [2 x 3 bed, 2 x 2

bed and 2 x 1 bed]. Creation of associated private driveway, parking and new garage for 32 Quarry High Street. Street and bin collection point. Refused and dismissed on appeal. A copy of the appeal decision is attached at Appendix 2.

Public Consultation

Statutory Consultees

Highway Authority: No objection subject to the following conditions:

- Development to be SUDS compliant
- Permeable parking areas and driveway
- Provision of secure and sheltered cycle parking
- Approval of a Construction Travel Plan
- Provision of visibility splays and relocation of boundary wall
- No discharge of surface water onto the public highway
- Highway works to be carried out in strict accordance with LHA standards and specifications

Thames Water: No objection on grounds of surface water or sewerage infrastructure.

Third Party Comments:

15 letters of objection from local residents. The main points raised can be summarised as follows:

- Previous applications for the redevelopment of the site have been refused and the latest was dismissed on appeal
- Although only two houses are now proposed, they take up the same ground area as the previously proposed six dwellings
- Loss of stone walls
- Loss of on street parking spaces
- Loss of garden land which would be detrimental to the open character of the site and the Conservation Area
- The development would be visible from the public domain
- Loss of privacy to dwellings in Cooper Place
- Increased risk to highway safety
- The application does not assess the proposals against the approved Headington Quarry Conservation Area appraisal
- The required visibility splays and the lowering of the wall to 0.9 metres will appear contrived and out of keeping
- There are important details missing from the application especially scaled measurements
- The proposal constitutes 'garden grabbing'
- Loss of trees
- The access should be smaller as it is only serving two dwellings
- Quarry High Street is a 'rat run' for vehicles leaving the ring road
- The current proposal is an improvement on the previous scheme but it does not provide the type of houses that are affordable and needed
- The proposed renovation of number 28 is to be welcomed
- Impact on ecology
- The historic side wall is not appropriate to be used as part of a new garage
- The proposed buildings are negative and invasive

Officers Assessment:

Site Description

1. The application site extends to 0.16 hectares and lies on the south side of Quarry High Street. It comprises the former rear gardens areas of 26 and 28 Quarry High Street, a pair of semi-detached cottages. The application site area includes number 28 Quarry High Street which it is proposed to renovate and extend as part of the proposal together with an existing flat roofed garage which serves number 32 Quarry High Street. There is an existing vehicle access and dropped kerb onto Quarry High Street serving this garage.
2. The site lies within the Headington Quarry Conservation Area designated because of its 'hills and holes' left by quarrying which took place from the middle of the 14th century to the late 18th century. This has left behind a very distinctive landscape and street pattern with twisting lanes criss-crossed with footpaths. It is an organic layout with dramatic changes in levels and the housing is predominantly small, stone cottages dating from the 18th century.
3. The existing semi-detached cottages are small, artisan houses built in brick with slate roofs. To the rear the site slopes away into a 'hole' that is 2 – 3 metres below the level of the street and forms a green space comprising mature trees and shrubs which is currently overgrown.
4. The site is bounded by residential dwellings and there are considerable differences in land levels throughout the site. To the east of the site, number 34 Quarry High Street is set up by approximately 1 metre. Coopers Place lies to the south of the site and the rear gardens of these properties form the southern boundary of the site. These gardens lie some 2.4 metres higher than the site. Coopers Alley runs along the western boundary of the site and lies up to 2 metres above the level of part of the site and beyond this lies 24a Quarry High Street which is also at a higher level than the site.

The Proposal

5. The applications seek conservation area consent and planning permission for the demolition of the existing garage and part of the walls on the site; the reconstruction of the frontage stone wall to create a new vehicular access; the erection of 2 x 3 bedroom detached dwellings; the creation of a driveway and the provision of 7 car parking spaces to serve the new dwellings and number 28 and the erection of a replacement garage to serve number 32 and act as a bin collection point.
6. The new dwellings would be erected using facing brick and stonework with natural slate roofs. They would have private garden areas together

with areas of stone paving and timber decking. The proposed extension to number 28 would be erected using matching bricks and tiles.

7. The new dwellings would have a maximum width of 13.8 metres, a maximum depth of 7 metres and a maximum height of 6.8 metres. Both new dwellings are proposed to be dug into the site to lessen their impact on neighbouring dwellings.
8. The application is accompanied by a design and access statement, a heritage and planning statement, an aboriginal impact assessment, a habitat survey, a public sewer report and a traffic speed check.
9. Officers consider the principle determining issues in these cases to be:
 - Principle of development
 - The 2011 appeal decision
 - Loss of garden land
 - Impact in the Conservation Area
 - Impact on neighbours
 - Sustainability
 - Ecology and trees
 - Highways and parking

Principle of Development

10. Policy CP6 of the adopted Oxford Local Plan states that planning permission will only be granted where development proposals make maximum and appropriate use of land. It goes on to say that development proposals must make best use of site capacity in a manner compatible with both the site itself and the surrounding area.
11. The National Planning Policy Framework [NPPF] was approved in March of this year and largely carries forward existing planning policies and protections in a significantly more streamlined and accessible form. The NPPF introduces the presumption in favour of sustainable development and although it does not provide a definition, the five issues that are clearly emphasised are easy job creation, biodiversity/nature gains, improving design, improving people's living, working, travel and leisure conditions and widening the choice of high quality homes.
12. The site is not previously developed land as it is garden land. However it is surrounded by residential development on all sides and is part of the built up area of Oxford. Officers therefore take the view that the principle of a sympathetic development on the site is acceptable.

The 2011 Appeal Decision

13. The previous scheme for 6 cottage style dwellings was refused by the Council for 4 reasons as follows:

- The restricted nature of the access including visibility splays and the narrow width of Quarry High Street which experiences on street parking
 - The loss of the existing stone walls on the site
 - Loss of open green space that would detract from the character and appearance of the conservation area and be contrary to advice in Annexe B to PPS3
 - Lack of evidence regarding the capacity of the public sewers in the local area
14. The Inspector considers the above issues in his decision letter [copy at appendix 2]. As regards traffic and parking, he concludes that *“the additional traffic movement at the site would not constitute a danger to pedestrian or highway safety”*. Members are advised that the current proposal includes details of an identical new access and vision splays as those considered by the Inspector and found to be acceptable.
15. As regards the loss of the existing stone walls, the Inspector accepts that some stone walls would be demolished and that they are an important feature in the conservation area. However he goes on to say that the prominent frontage wall would be rebuilt close to the existing position, reusing existing stones so *“there would be little change in the character or appearance”*. The Inspector concludes that *“subject to conditions requiring the new walls, the demolition would **not** fail to preserve or enhance the character or appearance of the conservation area”*.
16. As regards the drainage issues, the Inspector concludes that *“sufficient evidence has been provided to demonstrate that a suitable scheme could be required by condition which would not be likely to exacerbate the drainage problems”*.
17. The remaining issue is the loss of garden land and, whilst the Inspector is not persuaded that the exclusion of garden land from the definition of previously developed land would, of itself, make the proposal contrary to the aims of PPS3, he does go on to conclude that the size and massing of 6 new cottages, together with parking and driveways, would amount to such an extensive built intrusion that it would clearly be detrimental to the green and open character of the garden site. The Inspector also refers to the site being visible from some adjoining properties with further glimpsed views from the alleyway and the highway and considers that the hard surfaced driveway and parking areas would appear visually intrusive. In paragraph 9 of the appeal decision, the Inspector concludes that *“the large scale net loss of garden land would cause substantial and visible harm to the open character of this significant site and would therefore fail to preserve or enhance the character or appearance of the Conservation Area”*.

Loss of garden land

18. Whilst Annexe B to PPS3 relating to ‘garden grabbing’ has now been superseded by the NPPF, this does include a provision for local

authorities to set local policies to resist inappropriate development of garden areas. Policy HP 10 of the Sites and Housing Plan states that planning permission will be granted for new dwellings on residential garden land provided that the proposal responds to the character and appearance of the area, the size of the plot is appropriate for the proposal and there are no biodiversity issues.

19. The current proposal has been the subject of pre-application discussions and the design of the proposed houses has evolved from contemporary to more traditional. The applicant has sought to overcome the Inspector's concerns regarding the loss of garden land by reducing the number of dwellings to two and siting them towards the rear of the site where the ground level is considerably lower. He has also sought to retain an uninterrupted, open view through the site, between the two new dwellings which would be sited some 11 metres apart. The hard surfaced driveway and parking areas that the Inspector did not support have been replaced by a gravel driveway in the current scheme with grassed parking spaces. A replacement garage is proposed which would have a height of 2.7 metres and would utilise the existing stone wall.
20. Concerns have been raised by local residents that, although the number of new dwellings has been reduced to two, the total floor area proposed and the extent of the parking and driveway areas are similar to the previously refused scheme and that the current proposal should be refused on grounds that the loss of the garden land would detract from the character and appearance of the area. Officers have carefully considered this point of view. It is accepted that the proposed dwellings are large with spacious living accommodation; however given the lower level of the rear of the site, the retention of an open wedge of land between the two houses, the generous garden areas and the relatively modest height of the new dwellings, officers do not consider that the proposed houses would appear unacceptably intrusive in the street scene or that the proposal would result in the wholesale loss of an open, green space. Furthermore the considerably softer treatment of the driveway and the parking areas would help to assimilate the development into its surroundings such that it would appear sympathetic and in keeping with the local area.

Impact in the Conservation Area

21. Conservation principles, policy and practice seek to preserve the value of heritage assets. With the issuing of the NPPF, the Government has re-affirmed its aim that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations. The NPPF also states that in determining planning applications, local authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities and the desirability of new development making

a positive contribution to local character and distinctiveness.

22. The NPPF also sets out the potential heritage benefits that could weigh in favour of a scheme as follows:

- it sustains or enhances the significance of a heritage asset and the contribution of its setting
- it removes or reduces risks to a heritage asset
- it secures the optimum viable use of a heritage asset in support of its long term occupation
- it makes a positive contribution to economic vitality and sustainable communities
- it is an appropriate design for its context and makes a positive contribution to the appearance, character, quality and local distinctiveness of the historic environment
- it better reveals the significance of a heritage asset and therefore enhances our enjoyment of it and the sense of place.

23. In relation to development affecting a designated heritage asset, the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be lost or harmed through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

24. Policy CP1 of the Oxford Local Plan states that planning permission will only be granted for development that shows a high standard of design, that respects the character and appearance of the area and uses materials of a quality appropriate to the nature of the development, the site and its surroundings. Policy HE7 states that planning permission will only be granted for development that preserves or enhances the special character and appearance of conservation areas and their setting.

25. The proposed dwellings have a traditional and simple form and would 'nestle' in the former quarry. They would be erected using traditional bricks, stone, natural slate and timber cladding and would not appear prominent in public views. The proposals are supported by information that explains the applicant's understanding of the historical context and significance of the site and this has been used to inform the development of the design and layout of the proposal.

26. The site lies within the Headington Quarry Conservation Area. Quarry High Street is characterised by a variety of buildings from the 19th and 20th centuries which give it a sense of continuity, helped by the simple palette of materials and the simple vernacular form of the buildings. Boundary walls are a strong feature of the area and in Quarry High Street they help to frame the street and enclose alleyways off it with trees behind providing contrasting shape and colour. The character of the village, which

continued to expand well into the 20th century, is one of an 'organic' and evolved grid where vernacular forms of the 18th and 19th centuries are interspersed with more recent developments. The undulating landscape and survival of boundary walls and hedges create an intimacy and enclosure with unexpected views across hollows and dips and it is considered that the application site contributes to this character.

27. The proposal involves developing land that was last used as gardens. Evidence from historic maps show that the site has previously had buildings on it and it is considered that there is scope for developing the site in a way that respects the key characteristics of the area. Concern has been expressed about the principle of development and the loss of 'long gardens' which are a characteristic part of Headington Quarry. However the site is not one of these long gardens but instead derives from earlier quarrying activities in the area and not from the 19th century subdivision of plots exhibited elsewhere.
28. The views into the site would be more open with the removal of the existing garage and would help to integrate the site as part of the street network of the area. The views would be different from the existing and would comprise the upper floor and roof of the end elevation of one of the dwellings, boundary walls softened by new landscaping and framed behind tree canopies. The change in view is not considered to be harmful.
29. The proposal is not considered to have an unacceptable, harmful impact on the significance of the heritage asset. The development does not involve the harmful loss of the entire green space and has been designed and laid out based on an understanding of the heritage significance of the area and the characteristics and setting of the context. Whilst this represents change, it is considered that the proposals satisfy national and local policy guidance on the management of historic areas.

Impact on neighbours

30. Policy HS19 of the Oxford Local Plan states that planning permission will only be granted for development that adequately provides both for the protection and/or the creation of the privacy or amenity of the occupiers of the proposed and existing, neighbouring, residential properties.
31. The site is bounded by 4 – 8 Coopers Place to the south, the gardens of 26 and 28 Quarry High Street to the north, Coopers Alley to the west and the extended garden of 30 Quarry High Street to the east.
32. 4 – 8 Coopers Place to the south are in an elevated position and their back gardens are screened from the site by a 2.7 metre high wall. The two proposed dwellings would be sited between 9 – 13 metres from the boundary of the site with the Coopers Place development and the intervening land would be private garden area. The window to window distances would be between 16 – 20 metres and this, together with the significant difference in ground level whereby the new houses would be

substantially lower than Coopers Place, is considered to be acceptable in terms of the relationship between the two proposed dwellings and the Coopers Place development.

33. The gardens of 26 and 28 Quarry High Street to the north would be bounded by the new driveway and the rear of one of the new dwellings which would be sited 3.5 metres from the joint boundary with number 26. The rear elevation has one ground floor window and one rooflight and therefore there would be no overlooking of the private garden area serving number 26. Furthermore the new dwelling would be set into the site and its maximum height would be 6.4 metres. Officers consider this relationship to be acceptable.
34. The other new dwelling would be sited between 2.5 – 3.5 metres from the joint boundary with the garden area serving number 34 Quarry High Street and would have its rear elevation facing towards that property. This rear elevation would only have one ground floor window and one rooflight and therefore would not result in any overlooking of the garden of number 34. The new dwelling would be sited some considerable distance from the existing house [number 34] and would not appear overbearing in the outlook from this dwelling.
35. The scheme includes a proposed extension to number 28 Quarry High Street, an existing semi-detached cottage. The extension would be part two storey and part single storey and officers are satisfied that it would appear in keeping with the existing dwelling and would not adversely impact upon the amenities enjoyed by the occupiers of number 26 Quarry High Street.

Sustainability

36. The design and access statement accompanying the planning application includes the following details:
 - Natural materials will be used, sourced locally where possible
 - Waste material taken from the site will be kept to a minimum by the use of slab foundations [this will also mean that no deep foundations are needed close to number 34 for the new garage which has been raised as a concern]
 - The roof is to be vaulted internally to provide volume in the rooms
 - Glulam timber beams will be used which act as a carbon sink as proposed to steel RSJ's which are the opposite
 - The dwellings will be insulated above current standards and sealed to prevent heat loss
 - Water saving outlets and cisterns will be used
 - A ground source heat pump will provide underfloor heating and hot water which is probably the greenest long term energy saving solution.

Ecology and Trees

37. The applications are accompanied by a Habitat Survey and an Arboricultural Impact Assessment. Whilst collectively the existing trees and other plants provide broad visual amenity benefits to the surrounding urban environment and help to reinforce the rural character of the Headington Quarry Conservation Area, there are no trees present on the site that are so important in terms of their amenity value that they should be regarded as a significant constraint on the layout of any development.
38. However in the design and access statement the applicant states that the green nature of the site and the importance of the general ecology of the whole site needs careful consideration. The statement goes on to say that where possible all existing trees will be retained and the old fruit trees at the top of the site will be replaced with new fruit trees. The quarry will be planted with native species including trees and sections of hedging which will provide wildlife corridors along the boundaries. A condition is recommended to require a landscape plan prior to the commencement of any development.
39. In terms of ecology, the Habitat Survey makes the following conclusions:
- There are no priority habitats on the site
 - The proposal will clear the site of semi-natural habitats which have developed from garden beds and shrubberies – their ecological value is considered to be low
 - The bat survey concluded that bats are not currently using the cottage or other buildings. Nevertheless a condition is recommended which would require the installation of bat boxes on the new dwellings
 - No evidence of reptiles has been found
 - Disturbance to nesting birds can usually be avoided by carrying out works outside the bird nesting season [March to August inclusive]
 - Any work that does cause nest disturbance would cease until nesting has finished.

Highways and parking

40. Oxfordshire County Council as Local Highway Authority is not raising any objection to the application subject to the imposition of a number of conditions and informatives. The new access proposed, which involves re-aligning the stone wall, is identical to the access proposed in the previous application which was refused and dismissed on appeal. However the Inspector did not object to the access details and did not consider that the then proposal for 6 dwellings would constitute a danger to pedestrians or highway safety.
41. The current proposal is for two dwellings together with a total of 7 car parking spaces to include two spaces to serve number 28 Quarry High Street. No car parking is proposed in the front garden of this property [this was proposed in the previous refused scheme and the Inspector specifically objected to it on grounds of visual amenity]. The car parking would be located behind the new garage and bin store and in between the

two new houses. Officers take the view that the car parking, which would appear as grass but be constructed using a recycled, porous, plastic, grid system, would not appear prominent in public views and that the vehicle movements associated with the new development would not impact upon pedestrian or highway safety.

Conclusion:

40. The proposal forms an appropriate visual relationship with the site and its surroundings and would preserve the special character and appearance of the Headington Quarry Conservation Area. No objection has been received from Oxfordshire County Council as Local Highway Authority in terms of the impact of the proposal on highway safety and it is considered that the proposal complies with adopted policies contained in the Oxford Local Plan 2001 – 2016 and the Core Strategy 2026.

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:

07/01209/CAC
07/01210/FUL
10/02130/FUL
10/02313/CAC

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Extension: 2445

Date: 31st July 2012

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