

East Area Planning Committee

6th November 2012

**Application Number:** 1. 12/01765/FUL  
2. 12/01766/CAC

**Decision Due by:** 3rd September 2012

**Proposal:**

1. Partial demolition of existing house and demolition of existing garages and outbuildings. Erection of two storey side and rear extension. Provision of new access, car parking and turning area. Rebuilding of stone boundary wall fronting Old High Street. (Amended plans)
2. Partial demolition of existing house, boundary wall and demolition of existing garages and outbuildings

**Site Address:** 29 Old High Street Oxford [Appendix 1]

**Ward:** Headington Ward

**Agent:** N/A

**Applicant:** Mr John M Young

Applications called in by Councillors Rundle, Wilkinson, Mills, Brett, Van Nooijen, Kennedy and Coulter on grounds of the site's long planning history and the high level of public interest.

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## **Recommendation:**

12/01765/FUL

APPLICATION BE REFUSED

For the Following Reason:-

- 1 Having regard to the excessive size and bulk of the proposed extensions and to the proximity of the two storey side extension to the boundary of the site with 33 Old High Street, the proposal would appear prominent and intrusive in the street scene, would not appear subservient to the existing, historic building and would result in the loss of an important visual gap between numbers 29 and 33 Old High Street. In this way the proposal would unacceptably detract from the character of the existing building and would neither preserve nor enhance the special character and appearance of the Old Headington Conservation Area in which the site lies contrary to policies CP1, CP8, CP10 and HE7 of the adopted Oxford Local Plan 2001 – 2016 and policy CS18 of the adopted Core Strategy 2026.

12/01766/CAC

## APPLICATION BE REFUSED

For the Following Reason:

1. The site lies in the Old Headington Conservation Area and the proposal to part demolish the existing dwelling and the boundary wall and to fully demolish the existing garages and outbuildings would not be justified in the absence of an appropriate scheme to extend the property and would be contrary to government guidance contained in the National Planning Policy Framework.

### **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
- CP9** - Creating Successful New Places
- CP10** - Siting Development to Meet Functional Needs
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities
- HE7** - Conservation Areas
- NE15** - Loss of Trees and Hedgerows
- NE16** - Protected Trees
- HS19** - Privacy & Amenity
- HS21** - Private Open Space

#### **Core Strategy**

- CS2\_** - Previously developed and greenfield land
- CS9\_** - Energy and natural resources
- CS12\_** - Biodiversity
- CS18\_** - Urban design, town character, historic environment

#### **Sites and Housing Plan**

- HP9\_** - Design, Character and Context
- 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 Old Headington Conservation Area.

### **Relevant Site History:**

84/00321/NFH and 84/00322/LH: Change of use of dwelling to offices and erection of two storey wing on the north and south sides of the main building.

Refused

11/02325/OUT and 11/02326/CAC: Demolition of existing house, buildings and

structures. Erection of 5 x 3 storey terraced houses with integral garages, parking and bin stores. Alteration to vehicle access. Refused and dismissed on appeal.

On 30<sup>th</sup> July 2010 a notice under Section 215 of the Town and Country Planning Act 1990 [as amended by the Planning and Compensation Act 1991] was served on the applicant in respect of repair and maintenance work at 29 Old High Street. The applicant appealed the serving of this notice in both the Oxford Magistrates Court [March 2011] and the Oxford Crown Court [September 2011] but the notice was upheld in its entirety in both cases.

The Council made the decision not to seek prosecution for non-compliance with the section 215 notice pending the outcome of the appeals against the refusal of planning permission and conservation area consent for the demolition of the existing house and outbuildings and the erection of 5 new dwellings. The applicant has since been advised that following the outcome of the current application, the Council will expect the requirements of the notice, as upheld by the courts, to be carried out without any further delay.

### **Representations Received:**

3 letters received from the occupiers of numbers 20 and 33 Old High Street and Jeffcoat House, Larkins Lane [Planning Committee of the Friends of Old Headington]. The main comments can be summarised as follows:

- Proposals to renovate the main house and rebuild the boundary wall are to be welcomed
- The two storey addition to the north should not be linked to number 33 as this would disable an extractor fan which serves a bathroom and is needed
- The extensions would restrict light into rooms at the front and back of the house
- Proper architects plans with more detail should be provided
- Natural materials [stone, slate] should be used where possible
- All parking should be provided on site to avoid any worsening of parking congestion along Old High Street
- The loft space should not be converted or have rooflights
- Solar panels would optimise energy efficiency

### **Statutory and Internal Consultees:**

Oxford Civic Society: The proposal would allow the building to be sensitively converted into a 5 bedroom dwelling with adequate amenity space but without demolition of interesting elements of the Conservation Area. A welcome outcome.

Oxford Preservation Trust: No objection to the principle of extending the existing house but concerns that what is being proposed is not in keeping with the character of the house or the Old Headington Conservation Area and that it is too large and will dominate the existing dwelling.

The NPPF states that the deteriorated condition of any heritage asset through deliberate neglect should not influence planning decisions. The Council is encouraged to enter into active discussions with the applicant to find a more sensitive solution which allows the house to be extended and brought back into use but in a way that would appear sympathetic to the character of the building and the Conservation Area.

Oxfordshire County Council as Local Highway Authority: No objection subject to the imposition of conditions relating to the provision of parking spaces and the need to comply with the principles of sustainable urban drainage systems [SUDS] in the formation of new hardstandings.

**Issues:**

- Principle
- Form and Appearance in the Conservation Area
- Impact on Neighbours
- Highways and Parking
- Trees

**Officers Assessment:**

Site Location and Description

1. The application site extends to some 0.06 hectares and lies on the east side of Old High Street. The site lies within the Old Headington Conservation Area and backs onto a public car park which serves the local Waitrose supermarket and other shops that comprise the Headington District Shopping Centre.
2. The site currently accommodates a 19<sup>th</sup> century dwelling and its curtilage. The house is a two storey, substantial building with an L shaped range to the rear which abuts the side wall of the adjacent dwelling at 33 Old High Street. The house is unoccupied and in a poor state of repair.
3. The main house has rendered gable and rear elevations and a stone principal façade with a natural slate roof and there exists a red brick outbuilding which lies adjacent to Old High Street. The site is bounded to Old High Street by a natural stone wall which is approximately 1.5 metres high and in a poor state of repair. Works to this wall have recently been carried out involving the use of concrete blocks and the applicant has been made aware that these works are not acceptable and do not comply with the requirements of the Section 215 notice referred to above.
4. The site features a number of relatively substantial trees which are predominantly located along the south east boundary of the site, away from Old High Street and close to the rear garden of 23 Old High Street. The site lies in a predominantly residential area which is characterised by mainly detached and semi-detached properties of varying sizes and architectural styles.

The Proposal

5. The applications seek conservation area consent and planning permission for the partial demolition of the existing house and boundary wall together with the demolition of the existing garages and outbuildings and the erection of a two storey side and rear extension to provide a 5 bedroom dwelling with an integral garage and a new vehicle access.

6. The extension would be erected using manufactured stone blocks and slates with matching timber windows and doors. The extension would be set well back from Old High Street and would have a slightly lower roof height than the main house.
7. Two sets of revised plans have been submitted following discussions with the applicant which reduce the bulk of the new roof, pull the two storey side extension 0.6 metres away from the flank wall of 33 Old High Street and remove the proposed second vehicular access into the side garden of the property.

### Principle

8. There is no objection in principle to the erection of an extension to 29 Old High Street to provide more spacious accommodation commensurate with the generous proportions of the site. The site comprises an existing residential plot and the proposed extension would be erected largely at the side of the house where there are existing buildings and structures.
9. The National Planning Policy Framework [NPPF] was published in March 2012 and replaces all the Planning Policy Guidances and Planning Policy Statements that previously encompassed Government guidance in planning. The NPPF largely carries forward existing planning policies and protections but in a significantly more streamlined and accessible form. It also introduces a presumption in favour of sustainable development which complies with an up to date Development Plan.
10. The NPPF re-affirms 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. In relation to development affecting a designated heritage asset [e.g a conservation area] 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 harmed or lost 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”*.
11. The NPPF also states that *“Where a proposed development will lead to substantial harm or to total loss of significance of a designated heritage asset, Local Planning Authorities should refuse consent unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss”*.

### Form and Appearance in the Conservation Area

12. 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 CP6 states that development proposals should make the best use of site capacity but in a manner that would be compatible with both the site itself and the surrounding area. Policy CP8 suggests that the siting, massing and design of any new development should create an appropriate visual relationship with the form, grain, scale, materials and detailing of the surrounding area.

13. Policy HE7 of the Oxford Local Plan states that planning permission will only be granted for development that preserves or enhances the special character and appearance of conservation areas and their settings and policy CS18 of the Core Strategy emphasizes the importance of good urban design that contributes towards the provision of an attractive public realm.
14. Central to the City Council's standard advice on the erection of two storey side extensions is that they should appear as subservient additions to the main house and not overwhelm or over dominate the host building. The advice also suggests that, in the main, extensions should have lower roof heights in order to appear subordinate and as separate additions to the property.
15. The proposed two storey side extension would have a lower roof than the main house and the revisions to the roof form have resulted in a more sympathetic design. However the extension would have a width of some 10 metres fronting onto Old High Street [3.2 metres of this would be a replacement two storey building] and officers take the view that this bulk of new building would visually overwhelm the property, particularly its gable end which lies at right angles to Old High Street and has a width of only 5.3 metres.
16. It is also the case that the proposed extension would infill the current gap that exists between the two storey element of 29 Old High Street and the side wall of 33 Old High Street and which extends to some 8 metres. Officers accept that there is an existing single storey extension extension which stretches across the gap but this still allows views through the site above this building which has a height of some 4.2 metres. The proposed extension with a height of some 7 metres would infill this gap and detract from the character and appearance of this part of Old High Street and the wider conservation area. The Old Headington Conservation Area Appraisal sets out the area's positive characteristics which include the views and vistas around the village which are framed by buildings and greenery; the stone walls, the village character and survival of historic buildings and the green landscaped gardens of the larger houses and villas which are set back from the road.
17. It is accepted that the revised plans submitted do pull the proposed extension away from the flank wall of 33 Old High Street to leave a 0.6 metre gap between the two properties; however officers do not consider

that this very small gap would contribute in any way to the character of the street scene or overcome the fundamental issue of the loss of an important visual gap which contributes to the character of the development in the road.

18. As regards the details of the proposal, the plans submitted are basic in terms of their quality such that, should planning permission be granted, further details would be required by way of planning conditions. It is also considered that natural materials should be used for the proposals, rather than manufactured stone and slate as put forward by the applicant.

### Impact on Neighbours

19. 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 creation of the privacy or amenity of the occupiers of the proposed and existing neighbouring, residential properties.
20. The only property potentially affected by the proposal is 33 Old High Street which abuts the northern boundary of the site. Although an additional first floor window is proposed in the south elevation which faces towards the garden of 23 Old High Street, there would be a separation distance of 10.5 metres and there already exist three windows that face towards this garden area. It is therefore considered that this additional window would not unacceptably impact on the enjoyment of this garden.
21. There are no windows in the side wall of 33 Old High Street that would be adversely affected by the proposal. The proposed extension would project beyond the rear wall of 33 by some 1.6 metres and would not result in any loss of light to the rear facing windows at this adjoining dwelling. Given the modest rear projection of the proposed extension, it would not appear unacceptably overbearing in the outlook from number 33.
22. Whilst the proposal includes the provision of an additional 4 bedroom windows on the rear elevation of the proposed extension, all these windows would look towards the rear garden of 29 Old High Street and would not result in any direct overlooking of the small garden area serving 33 Old High Street. Similarly the additional first floor bedroom windows in the front elevation would not unacceptably overlook the front amenity space at number 33 given the garage and workshop structure which is located along the joint boundary.

### Highways and Parking

23. Oxfordshire County Council as Local Highway Authority are not raising an objection to the application. The revised plans show a single new vehicle access to replace the existing, an integral garage and a front parking area that could accommodate two cars. The originally proposed second vehicle access into the side garden area has now been removed from the proposals.

## Trees

24. The application is accompanied by an Arboricultural Assessment which sets out the condition of all the trees on the site and confirms that the existing Cypress tree [T2] should be removed for reasons of safety. Almost all of the established trees on the site are located along the rear boundary of the site and would not be affected by the proposals.
25. Officers have carefully considered the proposals, particularly in relation to T4, a mature beech tree which would be affected by construction work required to be undertaken within its Root Protection Area. In general, new structures should not be constructed within the RPA's of retained trees unless there is an overriding justification to do so. If however there is an overriding justification [supported by evidence] then technical solutions might be available to prevent or minimise damage to the tree roots.
26. The applicant has now submitted details of a proposed pile foundation that would be used within the RPA of the beech tree. Officers consider that a foundation system which uses mini-piles and beams could be used to minimise the harmful impacts on the roots of the adjacent trees as long as the system was flexible enough to allow piles to be located to avoid major structural roots, that beam piles are set above ground level and that a ventilated and irrigated void could be maintained beneath the floor slab. Such a requirement could be a condition of any planning permission.
27. Officers also have some concerns regarding the spatial relationship between the trees and the proposed extension, in particular the direct overhang of tree foliage that would exist above the roof of the existing house and the proposed extension. This may result in pressure from future occupiers of the property to heavily lop or even fell the trees; however the largest tree could be satisfactorily pruned to reduce the overhang and, on balance, officers take the view that the existing trees on the site are not so threatened by the proposal to warrant this being a reason to refuse the application.

### **Conclusion:**

That planning permission be refused.

## Human Rights Act 1998

Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to refuse this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.



### 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 refuse planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

#### **Background Papers:**

11/02325/OUT

11/02326/CAC

12/01765/FUL

12/01766/CAC

**Contact Officer:** Angela Fettiplace

**Extension:** 2445

**Date:** 23rd October 2012

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