

East Area Planning Committee

4th December 2012

Application Number: 12/01990/FUL

Decision Due by: 5th October 2012

Proposal: Erection of 2 x 2 bedroom dwellings (Class C3) to the rear of the existing property with associated parking for the existing and proposed dwellings. (Amended plans)

Site Address: 110 Oliver Road Oxford. Site plan at **Appendix 1**

Ward: Lye Valley Ward

Agent: N/A

Applicant: Mr S Khanam

Application Called in – by Councillors – Kennedy, Tanner, Price, van Nooijen, Clarkson and Lloyd-Shogbesan
for the following reasons – overdevelopment of the site

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposed development would make an efficient use of an appropriate site within a residential area. It has been designed in a manner whereby the level of development suits the sites capacity and creates an appropriate visual relationship with the surrounding area. The proposal would not have a detrimental impact upon the residential amenities of the neighbouring property. The proposed units would have a good standard of internal and external environment which adequately provide for the living conditions of future occupants of each unit. The development would therefore accord with the relevant policies of the development plan and would not constitute an overdevelopment of the site.
- 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.
- 3 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report,

that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.

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 Samples
- 4 Design - no additions to dwelling
- 5 Amenity no additional windows side and rear,
- 6 Suspected contamination - Risk assess
- 7 Sustainability design/construction
- 8 SUDS/surface water
- 9 Cycle parking details required
- 10 Car parking spaces sizes
- 11 Vision splays
- 12 Pedestrian awareness vision splays

Main Local Plan Policies:

Oxford Local Plan 2001-2016 (OLP)

- CP1** - Development Proposals
- CP6** - Efficient Use of Land & Density
- CP8** - Design Development to Relate to its Context
- CP10** - Siting Development to Meet Functional Needs
- CP11** - Landscape Design
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities
- HS19** - Privacy & Amenity
- HS20** - Local Residential Environment
- HS21** - Private Open Space

Core Strategy (OCS)

- CS2_** - Previously developed and greenfield land
- CS9_** - Energy and natural resources
- CS18_** - Urban design, town character, historic environment

CS22_ - Level of housing growth

CS23_ - Mix of housing

Sites and Housing Plan – Submission (SHP)

HP9_ - Design, Character and Context

HP10_ - Developing on residential gardens

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

Balance of Dwellings Supplementary Planning Document Jan 2008

Parking Standards, Transport Assessments and travel Plans Supplementary Planning Document Feb 2007

Relevant Site History:

05/00842/OUT - Outline application for the erection of a dwelling in the rear garden of 110 Oliver Road, Cowley. Relocation of existing garage and construction of new access (All matters reserved). PER 27th June 2005.

08/01118/OUT - Outline application for 2-storey side extension for use as 2 flats. REF 14th August 2008.

Land to the Rear of 97 And 99 Oliver Road

07/02539/FUL - Erection of two storey building for use as 4 (1 bed) flats. Parking for 4 cars on frontage. REF 19th December 2007. Allowed on appeal 12th June 2008.

Representations Received:

95 Oliver Road: increase in traffic movement using a designated cycle way, parking outside properties could cause a hazard to cyclists.

108 Oliver Road: access, effect on adjoining properties, effect on traffic, on-street parking, parking provision, party fence, hazard to cyclists.

Statutory and Internal Consultees:

Drainage Team Manager Oxfordshire County Council: no details of soakaways, no increase in surface water run-off should enter the existing highway, and hardstanding should be SUDs compliant.

Thames Water Utilities Limited: No objection

Oxford Civic Society: side return onto a designated cycle way, concerns about

increase in traffic and parking which could be a hazard to cyclists.

Highways Authority: no objection subject to conditions (see below)

Issues:

Principle
Balance of Dwellings
Design
Residential Amenity
Highway Issues
Cycle Parking
Sustainability
Other

Officers Assessment:

Site description

1. The application site comprises the rear garden of a detached, two storey house at the eastern end of Oliver Road in Cowley at the corner with the access road running parallel to the Eastern Bypass Road. There is an existing vehicular access to the site, from the access road, leading to a single detached garage.

Proposal

2. The application is seeking permission for the erection of 2x2 bed houses with associated car parking.

Principle

3. NPPF requires LPAs to reconsider the development of garden areas, whilst policy CS2 of the OCS resists development on large areas of greenfield land. Policy HP10 of the emerging SHP is designed to strike a balance between the contribution of gardens to local character, and the need to ensure that suitable land can be used for well-designed residential development. The policy therefore indicates that development can continue to come forward on appropriate sites in residential areas. The proposal would not be considered to be inappropriate on this site as it is in keeping with other developments of a similar nature within the immediate vicinity e.g. land to the Rear of 97 and 99 Oliver Road and land to the rear of 133 Fern Hill Road.

Balance of Dwellings

4. Policy CS23 of the Oxford Core Strategy 2026 requires residential development to deliver a balanced mix of housing to meet the projected future household need, both within each site and across Oxford as a whole. The mix of housing relates to the size, type and tenure of dwellings to provide for a range of households. The Balance of Dwellings Supplementary Planning

Document (BoDS) sets out the appropriate housing mixes for each Neighbourhood Area within the City.

5. The site lies within an amber area where pressure is considerable, so the Council needs to safeguard family dwellings and achieve a higher proportion of new family dwellings as part of the mix for new developments. For new residential developments of between 1 – 3 units, there should be no loss of an existing family dwelling.
6. The application site is located in the rear garden of 110 Oliver Road therefore there is no loss of an existing family dwelling and as the proposal is for less than 3 units no specific mix of new housing is required.

Design

7. The proposed dwellings are to be constructed in red brick with a tiled roof. A condition can be added to seek samples to ascertain the nature of the materials. The proposed new dwellings will not have a significant impact on the existing street scene of Oliver Road since they will be sited within the rear garden of 110 and will not be visually prominent from the street. The new dwellings will face towards the eastern by-pass and this is where the main impact will be. The dwelling within the rear garden of 133 Fern Hill Road also faces towards the eastern by-pass. The dwellings, whilst two storey, are low level with dormers in the front roof slope and roof lights in the rear.
8. The proposal is therefore considered to form an appropriate visual relationship with the dwelling and its surroundings and would make appropriate use of the land available in accordance with policy CS18 of the OCS, CP1, CP6, CP8 and CP10 of the OLP, HP9 of the SHP.

Residential Amenity

9. Policy HS20 of the OLP and HP12 of the SHP require good quality internal living accommodation, with policy HP12 stipulating that any single family dwelling which provides less than 75m² floor space will not be granted permission, where a family home is described as a self contained house (or bungalow) of 2 or more bedrooms, or a self contained flat either with 3 or more bedrooms or otherwise deemed likely to encourage occupation by a family including children.
10. The proposed two units are over of the required 75m² and therefore in compliance with HS20 and HP12. The rooms and corridors are able to accommodate furniture and household equipment that would be expected in that part of the home, and allow for convenient circulation and access.
11. Policy HS20 of the OLP requires new dwellings to have access to private amenity space and HP13 of the SHP requires amenity space of adequate size and proportions for the size of house proposed. Whilst the proposal uses a significant part of the rear amenity space of 110 Oliver Road there remains a 10m length rear garden for Oliver Road along with a considerable sized side

garden which is considered acceptable. An amenity space of 53m² is allocated to each proposed dwelling which is considered acceptable given the size and proportion of the new units. A condition is suggested to remove permitted development rights to the new units to protect the level of amenity space.

12. Policies HS19 and CP10 of the OLP and HP14 of the SHP require the siting of new development to protect the privacy of the proposed or existing neighbouring, residential properties and proposals will be assessed in terms of potential for overlooking into habitable rooms or private open space. There are no windows in the rear elevation at first floor level thus there is no potential for overlooking or loss of privacy to the rear garden of 108 Oliver Road. A condition can be added to prevent any additional windows being inserted to protect the privacy of the neighbouring properties.
13. Policy HS19 of the OLP and HP14 of the SHP set out guidelines for assessing development in terms of whether it will allow adequate sunlight and daylight to reach the habitable rooms of neighbouring dwellings. This policy refers to the 45/25-degree code of practice, detailed in Appendix 6 of the OLP and Appendix 7 of the SHP. There are no side windows to habitable rooms at 135 Fernhill Road which will be affected by the proposal.
14. Policy HS19 also allows the local Planning Authority to assess proposals in terms of sense of enclosure or being of an overbearing nature. The proposed units are located centrally towards the front of the plot. Either side are car parking spaces which bring it away from the common boundaries. Therefore the proposal is not considered to be overbearing on the neighbouring properties.

Highway Issues

15. To the rear of the development site there is an existing vehicular access onto the cycleway. This is a vehicular access for off-street parking including a garage for the existing property.
16. The vehicular access to the proposal is via Fern Hill Road as there is a gate across the cycleway which prohibits vehicular access from Oliver Road. There are existing properties which are accessed via the cycleway.
17. There is a separate footway adjacent to the cycleway from a point to the south of Fern Hill Road to a point north of Oliver Road. This is a continuation of a shared footway and cycleway which links the Oxford Business Park, Oxford Retail Park to residential areas and industrial estates. The cycleway leads to subways which enable access across the A4142 Eastern Bypass and links residential areas with industrial estates to the south. There are no parking restrictions in operation along the cycleway and there is evidence of parking adjacent to the cycleway and on the footway. The cycleway contains directional signage for the A4142 Eastern Bypass and access for servicing vehicles is difficult.

18. Further information was provided by the applicant and the proposal as submitted provides acceptable visibility splays and pedestrian awareness vision splays; and acceptable off-street parking provision including resident and visitor parking for both of the new dwellings.
19. On the basis of the information provided and the existing developments there are no highway concerns with the proposal as submitted as acceptable visibility splays and pedestrian awareness vision splays and additional off-street parking are to be provided.

Cycle Parking

20. Policy TR4 of the OLP states that planning permission will only be granted for development that provides good access and facilities for pedestrians and for cyclists and complies with the minimum cycle parking standards shown in Appendix 4. According to the Parking Standards SPD secure, and preferably sheltered, cycle parking should be integrated in the design of residential developments. The minimum requirement for residential dwellings is two spaces per residential unit. This is reiterated in policy HP15 of the SHP which requires houses and flats of up to 2 bedrooms to have at least 2 spaces per dwelling. Cycle parking provision is shown for both units however there are no details. A condition can be added to seek details.

Sustainability

21. The site lies in a sustainable location within easy access of shops, services and public transport links and the proposal would constitute a sustainable form of development that would make more efficient use of an existing site.
22. How sustainable design and construction methods will be incorporated into the building and how energy efficiency has been optimised through design and utilising technology that helps achieve Zero Carbon Development can be secured by a condition.

Other Issues

23. The application has been considered with respect to contaminated land and a condition is recommended requiring a phased risk assessment. This is due to the sensitive nature of the proposed development i.e. residential properties with gardens. Whilst the site is not known to be contaminated it is important that the developer demonstrates that the site is suitable for use. As a minimum a desk study and documented site walkover are required to ensure that there are no sources of contamination on or near the site and that the site is suitable for its proposed use.
24. Party wall matters are a civil matter and not a concern for the planning system.

Conclusion:

25. The proposal is considered to be acceptable in terms of the relevant policies of the Oxford Core Strategy 2026; Oxford Local Plan 2001-2016; and the emerging Sites and Housing Plan. Therefore officer's recommendation to the Members of the East Area Planning Committee is to approve the development.

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:

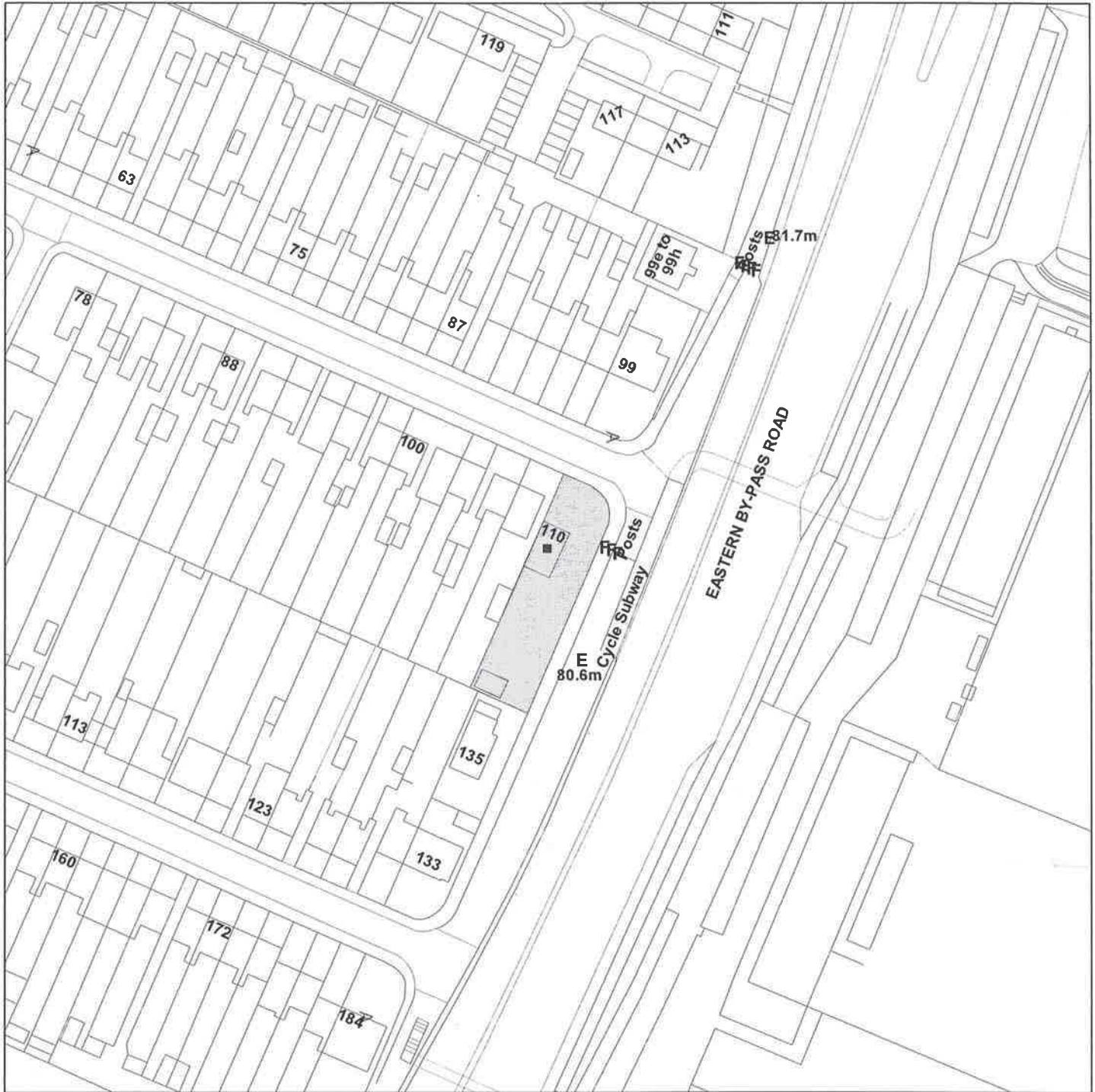
Contact Officer: Lisa Green

Extension: 2614

Date: 22nd November 2012

Appendix 1

12/01990/FUL



Scale : 1:1250



Organisation	Not Set
Department	Not Set
Comments	110 Oliver Road
Date	23 November 2012
SLA Number	LA100019348

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Ordnance Survey 100019348.

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