

East Area Planning Committee

13th May 2013

Application Number: 12/03245/FUL

Decision Due by: 25th February 2013

Proposal: Demolition of existing single storey outbuildings. Erection of 1 x single storey, 1 bedroom detached dwelling with provision for parking, cycle and bin storage to the rear of 1 and 2 Collinwood Close

Site Address: Land To The Rear Of 1 - 2 Collinwood Close, Oxford (**site plan: appendix 1**)

Ward: Quarry And Risinghurst Ward

Agent: Mr David Rhys

Applicant: Mr Neil Gorton

Application called-in by Councillors Sinclair, Clarkson, Price, and Lygo on grounds that this is a backland development in the close. There has already been significant concern over other developments nearby by and that this would result in further erosion of green space.

Recommendation:

The East Area Planning Committee is recommended to approve planning permission for the following reasons:

- 1 The proposed development would make an efficient use of previously developed land, and be designed in a manner whereby the level of development suits the sites capacity and creates an appropriate visual relationship with the built form and grain of the surrounding area, and safeguards the residential amenities of the adjacent residential properties. The existing photographic studio may have some local significance, judged against the City Council's Heritage Assets criteria but this would not outweigh the potential benefits from bringing this underused and overgrown site back into residential use and as such no objection would be raised to its loss. The dwelling would have a good standard of internal and external environment which adequately provides for the living conditions of the future occupants of the dwelling. The development would not have an adverse impact upon highway safety, flood risk, or biodiversity and any such impact could be appropriately mitigated by suitable conditions. The proposal would therefore accord with the aims of the National Planning Policy Framework, Oxford Core Strategy 2026, Oxford Local Plan 2001-2016 and Sites and Housing Plan 2011-2026.

- 2 In considering the application, officers have had specific regard to the comments of third parties and statutory bodies in relation to the application. However officers consider that these comments have not raised any material considerations that would warrant refusal of the applications, and any harm identified could be successfully mitigated by appropriately worded conditions.

- 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 Material Samples
- 4 Details of means of enclosure
- 5 Details of refuse and cycle storage
- 6 Landscape plan required
- 7 Landscape carry out by completion
- 8 Landscape underground services - tree roots
- 9 Tree Protection Plan (TPP) 1
- 10 Arboricultural Method Statement (AMS) 1
- 11 Historic record of existing outbuildings
- 12 Details of parking area and pedestrian access
- 13 Sustainable Urban Drainage Scheme
- 14 Details of Sustainability Measures
- 15 Design - no additions to dwelling

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
- CP11** - Landscape Design
- NE15** - Loss of Trees and Hedgerows

Core Strategy

- CS2_** - Previously developed and greenfield land
- CS18_** - Urban design, town character, historic environment
- CS23_** - Mix of housing
- CS12_** - Biodiversity
- CS11_** - Flooding

Sites and Housing Plan

- MP1** - Model Policy

HP2_ - Accessible and Adaptable Homes
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

Relevant Site History:

11/02773/FUL - Demolition of existing buildings, erection of single storey, one bedroom dwelling, provision of one parking space, bin and cycle store and private amenity space: Withdrawn

Representations Received:

4 Collinwood Close

- Strongly oppose the development
- The close is over-crowded with 2 extra houses built recently
- There are only 2 street lights (with one never working) therefore lighting is poor
- There is an issue with flooding at the bottom of our gardens
- The development will remove privacy from our garden
- A bungalow should not be built between two gardens
- Children play in the close but the recent developments have created parking issues and added cars making it less safe
- Emergency vehicles would struggle to access the development
- Established trees would be ruined

39 Downside Road

- Objects to the proposal
- The overriding concern is this is garden grabbing and building on residential gardens has a significant impact upon the character of the area
- The site is part of the garden of 1 and 2 Collinwood Close and is not a separate site
- This will set a precedent in the area
- The properties have covenants preventing garden land being developed
- Access to the site will be via a shared drive and pedestrian walkway which makes access difficult especially for emergency vehicles
- The building is surrounded by residential gardens who will be impacted by the development
- The development is only one-storey because a two-storey building would be refused permission but a floor could be added at a later date.
- The site will likely be further developed
- The outbuildings are only a collection of sheds and a garage

- These buildings were used as a photographic studio by a moderately famous Oxford photographer and English Heritage cleared the sheds and displays his work. They have been unused for 30-40 years
- The site attracts birds and other wildlife including slow worms.
- The site has been cleared and we have already lost some of our green skyline and will likely lose further trees
- The proposal would not be sustainable development as it is not a brownfield site as it is part of a residential garden and will not enhance our environment.
- The use of the site will reduce security to the rear of our gardens
- It will not provide any active frontage given its location
- The existing property will not receive sufficient levels of natural light and ventilation
- The proposal will increase the amount of 1 bed properties in the area, which increases parking pressures

35 Downside Road

- Support comments of 39 Downside Road and Parish Council
- The proposed development will cause drainage problems in our rear garden which already experiences flooding
- As rental properties there will be an adverse impact upon the area from the transient nature of the property with potential for noise, parking/access problems and general disregard for the area
- The proposal will place additional traffic loads on the area
- It will set a precedent for the area.
- The development will directly overlook our property in a way that was not envisaged when the original buildings were built

Statutory Consultees:

Risinghurst & Sandhills Parish Council

- Objection
- Turning the outbuildings and garages into habitable dwellings sets a precedent that the structure of the estate was not built for. This has been proven with the conversions of houses into flats, and has increased traffic that sees many parking issues.
- The overloaded sewer system is already at capacity
- This represents an overdevelopment of the area
- The estate has a clay seam running through it that has been causing flooding problems.

Oxfordshire County Council Highways Authority: No objection

Oxfordshire County Council Drainage: The proposal should provide a sustainable urban drainage, soakaways, porous parking area or green roof.

Thames Water Utilities Limited: No objection to the proposal

Officers Assessment:

Site Location and Description

1. The site is located on the southern side of Collinwood Close, which is a cul-de-sac in the Quarry and Risinghurst Neighbourhood Area. It is bordered by residential properties of Collinwood Close, Collinwood Road, and Downside Road to the north, east, and south respectively (**appendix 1**)
2. The application site is a plot of land to the rear of 1 and 2 Collinwood Road. The site was formerly used as a photographic studio although this use has long since ceased. The site comprises a number of small scale single storey outbuildings which were used as a studio and dark rooms. It is accessed via the rear garden of 1 Collinwood Close

Proposal

3. Planning permission is sought for the demolition of the existing redundant single-storey outbuildings and the erection of a single storey building to provide a 1 bedroom detached dwelling, and the creation of an off-street parking space, refuse and cycle storage to the side of 1 Collinwood Close, and a pedestrian access to the plot at the rear.
4. Officers consider that the principle determining issues with regards to the proposal are as follows:
 - Principle of Development
 - Balance of Dwellings
 - Demolition of Existing Outbuildings
 - Form and Appearance
 - Impact upon Adjoining Properties
 - Residential Uses
 - Highway Matters
 - Tree Matters
 - Biodiversity
 - Flooding / drainage
 - Sustainability

Principle of Development

5. The National Planning Policy Framework [NPPF] encourages the effective use of land by reusing land that has been previously developed, provided that it is not of high environmental value. This is supported by Policy CS2 of the Oxford Core Strategy 2026. The NPPF defines previously developed land as land which was occupied by a permanent structure, including the curtilage of the developed land.
6. The parcel of land is set to the rear of 1 and 2 Collinwood Close, but does not form part of their rear gardens. During the consultation process concerns have been raised that the development would result in the loss of green space or private residential garden from the area. However, this is currently an underused

plot which is separated from any residential garden and therefore the redevelopment would result in no material loss of open space or residential garden land. Moreover the site would constitute previously developed land as defined by the NPPF. The principle of redeveloping the site for residential use would accord with the NPPF and Policy CS2 of the adopted Oxford Core Strategy 2026.

Balance of Dwellings

7. Policy CS23 of the Oxford Core Strategy 2026 requires residential development to deliver a balanced mix of housing to meet future household need 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 (BoDSPD) identifies the site as being located within the Quarry and Risinghurst Neighbourhood Area, where a reasonable proportion of new family dwellings are required within residential schemes.
8. The proposed development would introduce a single one bedroom dwellinghouse into the neighbourhood area. In doing so, it would not result in the net loss of any family dwelling and therefore officers consider that the proposal would accord with Policy CS23 of the Oxford Core Strategy 2026 and the BoDSPD.

Demolition of Existing Outbuildings

9. The site is not within a conservation area, and the outbuildings are not statutorily listed. The buildings are not included on the City's Register of Heritage Assets. The outbuildings are in a state of disrepair, but are not of any particular architectural merit and as such there would be no particular objection to their loss.
10. The consultation process has identified that the outbuildings were used as a photographic studio by J W Thomas, a commercial photographer active in Oxford between 1946 and 1999. His work, documenting the historic architecture of Oxford was exhibited nationally and was used to promote the Oxford Historic Buildings Fund, for which the University awarded him the honorary degree of MA. The Centre for Oxfordshire Studies and English Heritage have collections of his work in their archives. Although J W Thomas would be a locally notable individual, the legacy of his body of work would be regarded as having the greater significance. The buildings comprise relatively rudimentary timber built sheds and a small single-storey dark room/studio building, of mid-20th century construction, with horizontal sliding glazed doors to the front, equivalent in size to a domestic detached garage. The existing photographic studio may have some local significance, judged against the City Council's Heritage Assets criteria but this would not outweigh the potential benefits from bringing this underused and overgrown site back into residential use. As such the association with JW Thomas would not be sufficient to warrant the retention of the buildings. Notwithstanding this, the potential harm through loss of the significance of the building could be minimised by requiring the preparation of a booklet emphasising

the importance of J W Thomas' work and surviving archive including a basic photographic survey of the studio building prior to its demolition. This could be secured by condition to a brief agreed with the Local Planning Authority.

Form and Appearance

11. Policy CS18 of the Oxford Core Strategy 2026 requires development to demonstrate a high-quality urban design that responds to the site and its surroundings; create a strong sense of place; attractive public realm; and provide high quality architecture. Policy HP9 of the Sites and Housing Plan states that the form, layout, and density of the scheme should make an efficient use of land whilst respecting site context; and exploit opportunities to make a positive contribution to local character and distinctiveness, and maintain natural surveillance of the public realm. This is supported by Policy CP8 of the Oxford Local Plan 2001-2016.
12. Collinwood Close and the surrounding area is characterised by two-storey semi-detached properties with hipped roofs and rendered finish which are set back from the road by small front gardens and have reasonable sized private gardens to the rear. The rear gardens of properties add to the sense of spaciousness between properties. The site is a backland plot and therefore any development would need to respond appropriately to this context. The proposed building would be single storey with a hipped roof measuring approximately 11.5m (l) x 5.8m (w) x 3.2m (h). The size and scale of the building would respond to the backland location and have a limited impact upon the sense of spaciousness that exists to the rear of the adjoining properties. The hipped roof has a shallow pitch to reduce its scale and give a sense of subservience to the primary dwellings within the residential block. The new dwelling would have a similar visual impact as the existing buildings on plot, appearing as outbuildings to the main residential properties of which there are many examples scattered throughout the rear gardens of the adjoining properties. In terms of design the building will have a more traditional appearance with a rendered finish to match the prevailing character of the area and a sedum green roof.
13. As such officers consider that the proposed dwellinghouse would be of a size, scale, and design that would suit the capacity of this backland location and be well integrated into the context of the site and surrounding residential area in accordance with Policy CS18 of the Oxford Core Strategy 2026, Policy HP9 of the Sites and Housing Plan, and Policy CP1 and CP8 of the Oxford Local Plan 2001-2016.

Impact upon Adjoining Property

14. The Council seeks to safeguard the amenities of properties surrounding any proposed development. Policy HP14 of the Sites and Housing Plan states that residential development should provide reasonable privacy and daylight for the occupants of existing and new homes. In making any assessment the following factors will be considered; whether the degree of overlooking to and from neighbouring properties or gardens resulting from development will compromise privacy of existing or new homes; the orientation of windows in existing and new

dwellings in respect of access to daylight, sunlight and solar gain, and that existing and proposed walls hedges, trees and fences help protect privacy and also do not create an overbearing impact. This is also supported through Policy CP10.

15. The proposed dwellinghouse would be of a size and scale that would not have an adverse impact upon the residential amenities of the adjoining Collinwood Close, Collinwood Road, and Downside Road properties in terms of loss of light, privacy, or overbearing impact.
16. During the consultation process concerns have been raised that the building will remove privacy from the rear gardens of the adjoining properties particularly 4 Collinwood Close; 35 and 39 Downside Road. The building is of a small scale with the shallow roof just above the boundary fence line, and as such none of the windows would overlook the habitable rooms or rear gardens of these properties. The introduction of the residential use would reflect the prevailing character of the area and the activity arising from this use would be no different to the normal back to back relationships of other residential properties that exist throughout the area.
17. The proposed dwelling would be accessed by a pathway that runs from Collinwood Close along the north-eastern boundary of the site. The single-storey outbuilding that sits within the rear garden of 1 and 2 Collinwood Close would be removed. The pathway would not result in a significant loss of amenity space for 1 and 2 Collinwood Close. Furthermore the access would not create any privacy or amenity issues for the adjoining Collinwood Road properties as it would be gated at the parking area to the front of Collinwood Close. A condition should be attached requiring details of the access arrangements and lighting to this pathway.
18. Officers consider that the proposed development has been designed in a manner that would safeguard the residential amenities of the properties surrounding the site and would accord with Policies CP1, and CP10 of the Oxford Local Plan 2001-2016, and Policy HP14 of the Sites and Housing Plan.

Residential Uses

19. The proposed dwelling would have a good standard of internal environment for a one bedroom dwelling that would accord with Policy HP12 of the Sites and Housing Plan.
20. The dwelling would have a private garden that would surround the building with the main open area approximately 16m in length and 10m wide. This would be of more than adequate size for a one bedroom dwelling and although there would be a number of mature trees within the garden it would receive sufficient levels of natural sunlight and daylight. There would also be sufficient space for each of the units to be provided with suitable refuse and cycle storage which could be in an accessible and practical location whether that is located to the front or rear of the property. The location and size of the storage could be dealt with by condition. As such officers consider that the proposal would satisfy Policy CP10

of the Oxford Local Plan 2001-2016, and Policy HP10 (b) and HP13 of the Sites and Housing Plan.

Highway Matters

21. The Local Highways Authority consider that the provision of a 1 bedroom residential dwelling is not likely to generate a level of traffic which would create undue risks to highway safety on Collinwood Close, bearing in mind the existing situation on this residential cul-de-sac in terms of traffic and parking.
22. The area is served by a local Post Office and Shops which are in close proximity to the development site. There are bus services to the estate however the distance to a full range of shops and facilities makes car ownership likely in this location. The provision of a single off-street parking space for the dwelling is acceptable in this location. The proposed car parking space would provide a practical and usable off-street car parking. The Local Highways Authority have no highway safety concerns with the access and egress onto Collinwood Close, as suitable vehicular and pedestrian visibility is provided to the left for egress onto Collinwood Close. The visibility to the right is below standard as this land is outside of the control of the applicant but this does not create undue risks to highway safety.
23. The provision of the covered bin storage for the proposed development and also 1 and 2 Collinwood Close is likely to make access to the proposed parking space difficult. Where the applicant has control of nos. 1 and 2 Collinwood Close it is recommended that bin storage for the existing dwellings should be provided in an alternative location. This is to ensure ease of access to the proposed car parking space for the new proposed dwelling. This could be secured by condition.
24. Therefore officers consider that the proposed development is not considered to create undue highway safety concerns with respect to traffic generation and parking on Collinwood Close in accordance with Policies CP1 and CP10 of the Oxford Local Plan 2001-2016 and Policies HP15 and HP16 of the Sites and Housing Plan.

Tree Matters

25. A Tree Survey has been included with the application. Officers would concur with the assessment of the quality and value of existing trees within this survey.
26. It is not proposed to remove any of the trees from the site, but building works will need to be undertaken within the root protection area of the retained trees and therefore it may be necessary to remove some of the trees as the project progresses through the construction phase. The removal of trees from the site would not have a significant impact upon public amenity and any impact on private amenity in views surrounding from the properties surrounding the site would be adequately mitigated by planting new trees. As such officers consider that the proposal would not conflict with Policy NE15 of the Oxford Local Plan, subject to conditions requiring a landscape plan, underground services plan, tree protection plan and arboricultural method statement to be provided.

Biodiversity

27. The proposed development would not have an impact upon local ecology. The existing outbuildings are not likely to be used by bats because of their construction and condition. The trees within the sites do not have any crevices suitable for bat roosts and most are non-native species and have limited biodiversity value.
28. During the consultation process concerns have been raised that slow worms have been found in the local area and may use the site. Having regards to these matters officers consider that the site is unlikely to provide an important habitat for any local population of slow worms. Slow worms need heat and sunlight to bask in to get their body temperature up before moving around and feeding. They are an under reported but relatively common species, that may be present in nearby gardens and areas of shorter vegetation, but they are unlikely to use the proposed site. Therefore it would not be reasonable to ask for a slow worm survey on the site. The proposed development would tidy up this overgrown site and establish an area of garden with shorter vegetation and sunnier patches, which are likely to be more attractive to slow worms than the current situation allows. In order to ensure that the applicant is aware of their responsibilities in relation to wildlife protection an appropriate informative should be added to any permission.
29. Therefore the proposal would not conflict with Policy CS12 of the Oxford Core Strategy 2026. The use of native species in any landscaping would compensate for the loss of any of the existing trees in terms of biodiversity.

Flooding / Sustainable Drainage

30. The site has not been identified as being within a flood zone according to the Oxford City Council Strategic Flood Risk Assessment. As such there is no requirement for a flood risk assessment to be included within the application and the proposed development would not give rise to any flood risk.
31. In terms of surface water drainage and the existing sewerage network, Thames Water has raised no objection to the proposal. The Oxfordshire County Council Drainage Team have recommended that any development is conditional upon a sustainable urban drainage system, soak away, porous parking area, and green roof being provided to ensure that appropriate drainage methods are provided to avoid any impact from potential increase in surface water. While representations have been made with respect to localised flooding that is experienced within the area, it is considered that any such impact from the proposed development could be resolved by an appropriate sustainable urban drainage system being employed.

Sustainability

32. The design and access statement indicates that the dwelling has been designed to achieve Level 4 of the Code for Sustainable Homes. It will include the sourcing

of all materials locally where possible and the use of energy efficient fittings and appliances. The roof will also be a green sedum. A condition should be attached which requires further details of the methods to be employed within the building design in order to achieve such a rating.

Conclusion:

33. 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 Sites and Housing Plan and 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 approve planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Contact Officer: Andrew Murdoch

Extension: 2228

Date: 26th April 2013

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