

Agenda Item 3

East Area Planning Committee

5th March 2014

Application Number: 13/03221/VAR

Decision Due by: 28th January 2014

Proposal: Variation of condition 2 (approved plans) of planning permission 13/00469/FUL to raise the roof height in order to relocate bedroom 3 into the loft space. (Amended Description)

Site Address: The Bungalow 35 Barton Road (site plan at **Appendix 1**)

Ward: Barton And Sandhills

Agent: N/A

Applicant: S Khanam

Application Called in – by Councillors -Cllr Rowley and supported by Cllrs Price, Fry and Kennedy for the following reasons –revised application does not address the problems identified in the previously refused application; there are also parking problems in the area and an extra bedroom will lead to extra pressures

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.
- 2 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 Boundary details before commencement
- 5 Landscape plan required
- 6 Landscape carry out by completion
- 7 Variation of Road Traffic Order Barton Road,
- 8 Construction Travel Plan
- 9 Sustainability design/construction
- 10 Parking to be SUDS compliant
- 11 Vision Splays
- 12 Obscure glazing to bathroom windows
- 13 Bin and cycle stores
- 14 Design - no additions to dwelling
- 15 C3 family dwelling only
- 16 Revised 2nd floor window design

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

Core Strategy

CS2_ - Previously developed and greenfield land

CS9_ - Energy and natural resources

CS10_ - Waste and recycling

CS11_ - Flooding

CS18_ - Urban design, town character, historic env

West End Area Action Plan

Barton AAP – Submission Document

Sites and Housing Plan

HP9_ - Design, Character and Context

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:

77/00211/A_H - Election of garage and provision of access. PER 21st April 1977.

07/01030/FUL - Demolition of existing bungalow and erection of 2x3 bed semi-detached dwellings. WDN 2nd July 2007.

07/01693/FUL - Demolition of existing bungalow and erection of 2x3 bed semi-detached dwellings. PER 13th September 2007.

09/00536/FUL - Demolition of existing bungalow. Erection of two storey building to provide 1x3 bed dwelling house, 1x2 bed flat and 1x1 bed flat. PER 6th May 2009.

12/02139/FUL - Demolition of existing bungalow and erection of 1 x 3 bed dwelling house, 1 x 2 bed flat and 1 x bed flat.. PER 15th October 2012.

13/00469/FUL - Demolition of existing bungalow. Erection of 2x3 bed dwelling houses (Class C3).Provision of vehicle and cycle parking, bin storage and amenity space.PER 17th April 2013.

13/01870/VAR - Variation of condition 2 (approved plans) of planning permission 13/00469/FUL to alter the roof space in order to accommodate 1 x additional bedroom in each dwelling. REF 27th August 2013.

Also of relevance:

Cricket Ground, Barton Road

13/00631/FUL - Erection of 30 residential units (8 x 4 bed houses, 17 x 3 bed houses, 2 x 2 bed flats and 3 x1 bed flats) together with access road, 51 car parking spaces, 60 cycle parking spaces, public open space and landscaping. (Amended Plans).PER 18th October 2013.

Representations Received:

37 Barton Road: do not agree with the increase in height; all windows at the rear of the property were required to be frosted/opaque so that they could not overlook neighbours this should be adhered to.

Statutory and Internal Consultees:

No comments received.

Issues:

Impact on neighbours/Residential Amenity

Officers Assessment:

Site Description

1. The application site comprises a detached, brick built bungalow which is located on a prominent corner plot at the junction of Barton Road and Blackthorne Close. The bungalow is a single storey, 2 bedroom dwelling which has front and rear gardens, a brick/stone boundary wall and access off Blackthorne Close which leads to a detached garage building.
2. The nearest neighbouring property is number 1a Blackthorne Close which is also a bungalow which was built on part of the original site area of the application site. The remaining dwellings in the vicinity of the site, apart from the bungalow opposite the site at number 37 Barton Road, are generally two storey dwellings.

Proposal

3. The application seeks permission for a two storey building to provide 2 x 3 bedroom houses. The building footprint would be identical to the 2013 extant planning permission (13/00469/FUL) for the erection of 2 x 3 bedroom houses. However the applicant now wishes to incorporate the third bedroom of each unit in the loft space making it a more spacious bedroom. As a result the height of the building will rise from 7.6m [approved] to 8.4m [proposed] an increase in height of 800mm. A total of 4 rooflights are proposed to serve these two bedrooms and these would all be located on the rear elevation along with a new window in each gable end.
4. In all other respects the proposal is the same as the approved scheme with two car parking spaces serving each dwelling (this meets the maximum requirements), cycle parking and bin storage for each dwelling and private rear gardens. All of which remain acceptable.
5. A similar application has recently been refused for the raising of the roof (13/01870/VAR) to allow for a fourth bedroom, for each unit, in the roof space. It was proposed to raise the roof to 9m an increase in height of 1.4m. This

application was refused for two reasons:

1. Having regard to the height and bulk of the proposed building and to its proximity to the boundary with number 1a Blackthorne Close which is a detached bungalow, the proposal would appear unacceptably overbearing in the outlook from the house and garden at number 1a and in this way would detract from the standard of residential amenities enjoyed by its occupiers. The proposal would therefore be contrary to policy HP14 of the adopted Sites and Housing Plan 2012.
 2. The proposal is for the erection of 2 x 4 bedroom dwellings which would have rear gardens that are considered to be too small to serve for the outdoor needs of a family [8 x 6 metres]. In this way the proposal would be contrary to policy HP13 of the adopted Sites and Housing Plan which states that private gardens serving new family dwellings should at least be proportionate to the original building footprint.
6. This current application differs in that there remain three bedrooms and not four and the height will be 8.4m and not 9m

Assessment

Impact on Neighbours/Residential Amenity

7. Policy HP14 of the adopted Sites and Housing Plan seeks to ensure that new development does not unacceptably impact on the standard of residential amenities enjoyed by the occupiers of neighbouring residential properties. In this case the only property potentially affected by the proposal is number 1a Blackthorne Close which is a detached bungalow that sides onto the application site.
8. The new building would be located 6 metres from the joint boundary with number 1a. Whilst it is unlikely that the proposed building would affect the amount of sunlight and daylight entering the windows of this adjacent bungalow, officers did have concerns over the increase in height to 9m and its proximity to the garden boundary, in that the new building would appear unacceptably overbearing in the outlook from the bungalow and its private garden area.
9. The reduction in proposed height to 8.4m (an increase of 800mm on the approved scheme) is considered to be more acceptable and will have minimal impact on 1a. The now proposed height is the same as the development approved on the land adjoining the site (the cricket ground) and therefore will be in keeping with the new street scene.
10. The rear garden of 1a faces directly south and therefore, whilst there may be some degree of overshadowing of the garden area in the morning, it is considered to be minimal and the property will receive adequate sunlight/daylight.

11. The conditions placed on the approved scheme will be carried forward onto this scheme including that requiring the rear first floor bathroom windows to be obscure to prevent overlooking.
12. The size of the proposed rear gardens are the same as those approved in the extant permission [3 bedrooms]. The officer report for the extant permission states that the gardens would be smaller than the house footprint and therefore contrary to the Sites and Housing Plan but goes on to say that the dwellings are modest and that there is a recreation ground close by. As a result of this current application this situation will not change as the houses remain as three beds.
13. Policy HP12 of the Sites and Housing Plan requires rooms to receive adequate natural light to allow proper use and enjoyment of rooms within each dwelling. The bedroom created in the loft spaces are served by a rooflight and a small window in the gable end. This is not considered adequate enough for these rooms therefore a condition can be added to seek an increase in the size of the windows. An increase in the size of the windows is not considered to have a detrimental impact on the neighbouring properties – the north gable will face over the cricket ground development where the house closest will have a blank gable wall and the south gable will face onto Blackthorn Close

Conclusion:

14. Officers are minded to recommend committee approve the application subject to conditions.

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: None

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Date: 21st January 2014

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