

West Area Planning Committee

11th March 2014

Application Number: 13/03355/FUL

Decision Due by: 10th February 2014

Proposal: Erection of single storey side extension, extensions at basement level. (Additional Information)

Site Address: 5 Farndon Road and 19 Warnborough Road Site plan
Appendix 1

Ward: North

Agent: Berman GuedesStretton

Applicant: Mr Craig Burkinshaw

Application Called in – by Councillors – Fry, Pressel, Upton and Campbell for the following reasons – overdevelopment and to ensure that this sizable development involving two corner sites is heard before committee

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 The Council considers that the proposal, subject to the conditions imposed, would accord with the special character and appearance of the conservation area. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity.
- 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 in Conservation Area
- 4 Construction Traffic Management Plan
- 5 No weekend working/construction
- 6 Arch - Implementation of programme - Prehistoric and Roman remains,
- 7 Ground resurfacing - SUDS compliant
- 8 Landscape plan required
- 9 Landscape carried out after completion
- 10 Tree Protection Plan (TPP) 1
- 11 Arboricultural Method Statement (AMS) 1
- 12 Flat not to be used as separate unit

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
- HE2** - Archaeology
- HE7** - Conservation Areas
- NE15** - Loss of Trees and Hedgerows
- NE16** - Protected Trees
- CP19** - Nuisance
- CP21** - Noise

Core Strategy

- CS11_** - Flooding
- CS18_** - Urban design, town character, historic environment

Sites and Housing Plan

- HP9_** - Design, Character and Context
- HP14_** - Privacy and Daylight

Other Material Considerations:

National Planning Policy Framework (NPPF)

The application site falls within the North Oxford Victorian Suburb Conservation Area.

Relevant Site History:

- 70/22856/A H - Erection of garage for private car. PER 26th May 1970.
- 99/00973/CAT - Prune trees in the North Oxford Victorian Suburb Conservation Area. RNO 21st July 1999.
- 11/00887/FUL - Two storey extension to side, front and rear extension to basement and rebuild front porch. REF 25th May 2011. DISMISSED at appeal 14th December 2011

- 11/02455/FUL - Basement and single storey side extension. PER 21st November 2011.
- 11/02455/CND - Details submitted in compliance with conditions 3, 4, 6 and 7 of planning permission 11/02455/FUL. PCO.
- 13/00180/FUL - Erection of single storey side extension and creation of basement extension. PER 21st March 2013.
- 13/01364/FUL - Erection of single storey side extension, extensions at basement level and insertion of new window on Farndon Road elevation. Installation of gate on boundary fronting Farndon Road. WDN 11th July 2013.
- 13/00180/CND - Details submitted in accordance with conditions 3 (exterior materials), 4 (archaeology) and 9 (trees) of planning permission 13/00180/FUL. PER 13th November 2013.

Representations Received:

4 Farndon Road, 3 Oxford, 21 Farndon Road, 2 Farndon Road, 93 Kingston Road (St Margarets Area Society), 22 Warnborough Road, 25 Farndon Road, 14 Farndon Road, 22 Farndon Road, 18 Farndon Road, 18d Warnborough Road, 23 Warnborough Road, 19 Farndon Road, 21 Warnborough Road, 6 Farndon Road, 13 Warnborough Road, 23 Farndon Road, 9 Abbey Road,

Summary of Comments

- Access/Effect on traffic
 - Traffic and parking difficulties
 - A prohibition on Saturday working would be more in keeping with the residential environment in which this work is to be carried out
 - Traffic management, does nothing at all to reassure us about the noise, dirt and inconvenience that we would have to endure should this project go ahead
 - The reassurances about work on Saturdays are entirely unconvincing
- Amount of development on site
 - Granting permission to this large project in an area where there is already over-development would set a worrying precedent.
 - Gross overdevelopment of an inappropriate scale, excessive and inappropriate
 - This amalgamation of two houses with the enormous basement extension represents gross overdevelopment on a relatively small footprint.
 - Loss of family dwelling by merging the two properties
 - Three new consultants' reports submitted by the applicants in response to previous comments do not address the fundamental questions of over-development and incongruity with the Victorian design of the two semi-detached houses
- Effect on adjoining properties
 - Would involve excavation onto our property, the temporary loss of walls, flowerbeds and our shed / bike store

- Development being structurally dangerous in a street of houses with shallow foundations, and built on a gravel base
- The development is un-neighbourly projected to last for 15 months
- The drainage system in the current proposed plans seems undefined but is vitally important to surrounding properties
- Noise and disturbance
 - Works would cause a great deal of disturbance and inconvenience over a long period.
 - A detailed survey of potential noise pollution in the long-term be carried out as a requirement of planning permission
 - No tight controls have so far been put in place for not allowing any, never mind noisy, building works on Saturday mornings
 - The noise report clearly accepts that attenuation of the noise that would otherwise be produced by the equipment for venting the swimming pool will be required
- Effect on character of area
 - The proposed modern bay window on ground floor extension jars with Victorian gothic and should be redesigned to fit in with the character of the house and street
 - Permanent loss of two mature trees
 - The removal of several trees whose maintenance was a condition of the previous application seems unnecessary
 - The proposed landscaping project is horticulturally questionable because the basement guest suite extends almost to the perimeter of this side of the property leaving a root space where natural root growth may undermine the integrity - over time - of the proposed guest suite basement structure and indeed may not grow to maturity.
 - Extension is out of keeping with the architecture and spirit of the conservation area
 - Previously approved extension preferable
 - The proposed extension is designed to be a firm modern architectural statement.
- General dislike or support for proposal
 - No aesthetic objections to the plans
 - Removal of existing garage welcomed
- Effect on pollution
 - Concerned about the noise and chemical pollution resulting from the subterranean swimming pool
- Other
 - Local plan policies
 - Effect on existing community facilities
 - Flooding risk
 - Not enough info given on application
 - Local ecology, biodiversity
 - Architects and contractors experience in this scale and type of

- development should be investigated.
- The applicants be required to indemnify the council against potential damage directly as a result of the proposed works to public amenities in the street
- No part of the property, including gym/swimming pool be used commercially
- One bedroom in the proposed plans has no natural light will the council take view whether this is against building regulations
- May be simply the precursor to the creation of a small hotel, or other commercial property

Statutory and Internal Consultees:

Oxford Civic Society: Combining the two dwellings creates a single dwelling of enormous proportions in comparison with its neighbours; granting consent would set a precedent for such developments and the consequent changes in the character of the area; basement extension constitutes overdevelopment and would contribute to a change in the character of the property; basement would necessitates the removal of mature trees of varieties which would be irreplaceable; limited soil depth compromises the landscaping; no assessment on the impact on below ground hydrology; large number of traffic movements associated with the development; potential damage to residential streets; air pollution; the development has the effect of reducing the availability of residential accommodation.

Oxfordshire County Council Environmental Services: The extension is to be drained using SuDs methods so that the discharge from the development is not more than green field run off. Additional hardstanding or driveway is to be constructed of porous materials.

Oxford Architectural and Historic Society Victorian Group: We are aware that the principle of creating one house out of these two has been accepted, but we greatly regret it, as it is entirely out of character with the North Oxford Conservation Area, and sets a most unfortunate precedent; replacement of the windows on the western section of the north elevation is an unjustifiable alteration to the existing house; design of extension is unacceptable; loss of trees; this application cannot conceivably be said to enhance the Conservation Area. Rather, it shows a sad contempt for its character.

Oxford Preservation Trust: What is presented is on a scale not previously envisaged in the North Oxford Conservation Area around Farndon and Warnborough Roads and suggests a misunderstanding of what constitutes the character of the neighbourhood. In its disregard for the size and setting of the other houses in the area; inappropriate treatment of boundaries; out of proportion to its surroundings;

Highways Authority: This application should be granted but the suitable conditions

Determining Issues:

- Design
- Residential Amenity
- Trees

- Archaeology
- Contaminated Land
- Highway Issues
- Sustainability/Drainage
- Other
- Community Infrastructure Levy

Officers Assessment:

Site Description

1. The application site lies on the corner of Farndon Road and Warnborough Road and comprises two houses which have been converted into a single dwelling house (this in itself does not require planning permission). They were originally a pair of three storey Victorian semi's. To the front is a low red brick wall with mature planting behind.

Proposal

2. The application is seeking permission for a single storey side extension and a basement extension. The basement wraps around three sides of the dwelling and extends up to the southern boundary and will include light wells.
3. The property is to be re-modelled internally along with the reconfiguration of some of the windows. Both these operations do not require planning permission. The existing single garage will be removed. The existing porches are to be removed and re-instated once works have been completed.
4. The proposed materials are a palate of Oxford yellow brick, zinc and glazing and a condition can be added to seek samples to ensure quality and acceptability.
5. The main access to the property is off Farndon Road where a drive way currently exists. The proposals retain the same width access opening and location onto Farndon Road.
6. As part of the landscape works a small structure constructed from brick, timber and zinc is to be built to house the wheelie bins and a covered space for 3 bicycles.

Background

7. Planning permission was granted in 2011 (ref. 11/02455/FUL) for a side extension and for a basement under the frontage. At the time of this permission no.19 Warnborough Road was not in the same ownership so the proposals only related to no. 5 Farndon Road. The basement extension was 195m2 gross internal area.

8. Subsequently planning permission was granted on 21st March 2013 (ref. 13/00180/FUL) for a single storey side extension and creation of basement extension. The basement was 235m² gross internal area. This permission related to the combined property and remains extant.

Assessment

Design

9. Policy CS18 of the Core Strategy (CS) states planning permission will only be granted for development that demonstrates high quality urban design. This is reiterated in policies CP1 of the OLP and HP9 of the SHP.
10. Policy CP1 states that planning permission will only be granted for development that respects the character and appearance of the area and which uses materials of a quality appropriate to the nature of the development, the site and its surroundings. Policy HP 9 states planning permission will only be granted for residential development that responds to the overall character of the area, including its built and natural features and the form, layout and density of the scheme make efficient use of land whilst respecting the site context and heritage assets and the development exploits opportunities to sustain and enhance the significance of heritage assets, and makes a positive contribution to local character and distinctiveness
11. The proposal also lies within the North Oxford Victorian Suburb Conservation Area. Policy HE7 of the OLP states that planning permission will only be granted for development that preserves or enhances the special character and appearance of the conservation areas or their settings
12. The North Oxford Victorian Suburb Conservation Area Appraisal (Draft) describes the prevailing character as one of openness with gaps between the houses, providing glimpses through into the rear gardens, contributing to openness. Building on these gaps can be detrimental to the open character of the suburb.
13. Farndon Road is still dominated by its original large Victorian houses and has an open and spacious character, to which the gaps between the buildings make a significant contribution. Much of the gap between 5 Farndon Road and 4 Farndon Road to the east is occupied by a single storey flat roofed garage attached to the side of No. 5 by a screen wall.
14. The proposed extension would be single storey and would preserve the gap between no's 4 and 5 Farndon Road, allowing for views through to the rear gardens which is a key characteristic and defining feature of the North Oxford Victorian Suburb conservation area.
15. The proposed extension is contemporary in style rather than a pastiche style as previously approved under 13/00180/FUL. It is simple in form but continues the horizontal emphasis of the existing property and retains a bay window. A significant difference to the approved scheme is the roof which is

sloping and “saw toothed” in form. However it is predominantly hidden inside views due to its location between no. 4 and 5 Farndon Road. The proposed extension would be viewed as a new addition and part of the evolution of the property rather than as an imitation of the existing dwelling.

16. The basement by its very nature would not be visible within either the public or private domains once it is completed, and would not therefore have an impact on the setting of the conservation area. The only visible signs will be the light wells. At 363sq m the basement as now proposed is some 128sq m larger than that previously approved.
17. The main above ground elements of the proposal are the side extension and the bike/bin store which when compared to the plot as a whole are relatively small..

Residential Amenity

18. Policy HP14 of SHP states that planning permission will only be granted for new residential development that provides reasonable privacy and daylight for the occupants of both existing and new homes and that does not have an overbearing effect on existing homes. In respect of access to sunlight and daylight, the 45°/25° guidelines will be used, as illustrated in Appendix 7 of the SHP.
19. The proposed extension would not project out further beyond the existing rear building line of the dwelling, and would not give rise to issues of loss of light to windows on the rear elevation of no. 4 Farndon Road. There is a window at ground floor level on the side elevation of no. 4 Farndon Road. However this serves a hallway, not a habitable room. There are no other affected windows on the side elevation. In this respect the proposal is considered to comply with policy HS14 of the SHP.
20. There is a flat proposed within the basement. This is to be for guests only and has access to the rest of the property both internally and externally. A condition can be added to ensure it is not used as a separate unit of accommodation and is not rented or sold.

Trees

21. The proposal includes creation of a large basement level broadly similar in scale to that of the previous scheme. It is acknowledged that all the trees on the site, except the copper beech (T9) would be lost as a direct impact of the proposal. These and other trees and vegetation on the site cumulatively have a positive visual impact upon the existing street scene and to the character of the conservation area. However the general condition of the tree stock is not high. This is due to their advanced age, and their useful future life potential is therefore generally quite low, (e.g. the purple leaf plum with characteristic crown rot associated with old age).

22. Nevertheless the proposal represents a significant impact to existing landscape features and street scene in the short term. Acceptability of the scheme therefore relies upon the design and practical implementation of proposed landscape re-modeling providing adequate mitigation for this impact over the medium to long term. In response to previous concerns regarding the adequacy of soil volumes for replacement planting within proposed raised planters, the applicants have carried out significant additional research and have increased the total soil volume available. Similarly the applicants have followed officers' advice by researching the species selections, so as to be more appropriate for the vernacular of the North Oxford Conservation Area, and this detail is now considered to be acceptable.
23. The copper beech (T9) is obviously at potential risk from indirect (inadvertent) development impacts related to the constricted nature of the property as a construction site. The proposal now includes a Tree Protection Plan (TPP) demonstrating how T9 could be successfully retained during construction; and a services plan showing utility runs avoiding the tree's root protection area. This information provides evidence of a realistic prospect for adequate tree protection during construction, which can be secured through conditions if permission is granted.
24. The proposal involves the removal of most of the site's vegetation and this will have an immediate harmful effect on the appearance of the street scene. However the replacement planting proposed would be sufficient mitigation for this harm and offers potential net gains to the street scene in the medium to long term. Officers are therefore able to support the proposal in reference to tree and landscape policies within the Local Plan.

Archaeology

25. This site is of interest because of its location on the Oxford gravel terrace (Upper Thames second gravel terrace). Aerial photographs and evidence from archaeological excavations have demonstrated the presence of an extensive prehistoric ritual and agricultural landscape across the terrace, involving Neolithic/Bronze Age ritual and funerary monuments and Iron Age /Roman agricultural field systems and settlement. Evidence for burials of Neolithic and Roman date have been identified within a 250m radius of the application site.
26. The National Planning Policy Framework states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgment is required having regard to the scale of any harm or loss and the significance of the heritage asset. Where appropriate local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.
27. In this case, bearing in mind the scale of the proposed works, officers would

request that, in line with the advice in the NPPF, any consent granted for this development should be subject to a condition securing the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority as the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including Prehistoric and Roman remains. A condition is suggested accordingly.

Contaminated Land

28. Environmental Development officers have reviewed the application and have no comments or objections to the proposal on contamination grounds.

Highway Issues

29. After careful evaluation of the proposals and the noting the subsequent comments made by the local residents, the Highway Authority has recommended a Construction Traffic Management Plan (CTMP) as it is likely the proposal will result in a number of works vehicles attending the site including various other construction matters which the CTMP will cover.
30. A condition can be added to ensure no work/construction takes place at the weekends to protect the amenity of the neighbouring properties and this can also include time restrictions during the week.

Sustainability/Drainage

31. The property would be thermally upgraded and boilers replaced by more energy efficient units while under-floor heating utilising low temperature hot water would also be incorporated wherever practicable.
32. In addition the warm air within the pool hall would go through a heat recovery process, which recovers 95% of the heat. Heat exchange takes place between the warm moist out-going air and the cooler incoming fresh air as part of the integrated air handling system. There would be no odour to the exhaust air which would dissipate warm clean fresh air (i.e. non-toxic) into the atmosphere.
33. There is a requirement for a SUDS type drainage system to the car parking area and because this element is located on the roof of the basement the proposal is to collect rainwater in gullies but to then discharge it to the ground via a linear soakaway that runs along the perimeter of the basement construction. The rainwater system has been designed to collect in a rainwater collection tank that feeds the garden irrigation system.

Other Matters

34. Many of the issues raised by concerned neighbours fall within the remit of other legislation, in particular Building Control, such as the structure itself (a

consultant structural engineer would be employed for this type of development); excavations; fires safety; means of escape; resistance to moisture, tanking, membranes; acoustic separation; ventilation/plant; drainage; and boiler extraction.

35. The swimming pool water would primarily be cleaned using ultra violet light and filtration, in conjunction with a non-chlorine disinfectant to balance PH levels, creating an environment similar to swimming in a fresh water pool. The water would be circulated and would be odourless with no chemical smells.
36. Excavation into/on adjoining properties is a matter for resolution through the Part Wall Act.
37. Any noise, disturbance etc during the construction phase would be exercised via Environmental Development controls. It is recommended however that a condition be imposed prohibiting work on site at weekends and Bank Holidays. An informative can also be added to encourage compliance with the Considerate Contractors Scheme.

Community Infrastructure Levy

38. The Community Infrastructure Levy (CIL) is a standard charge on new development. The amount of CIL payable is calculated on the basis of the amount of floor space created by a development. CIL applies to developments of 100 square meters or more, or to new dwellings of any size. The reason that CIL has been introduced is to help fund the provision of infrastructure to support the growth of the city, for example transport improvements, additional school places and new or improved sports and leisure facilities. CIL is being brought in by councils across the country, although each local council has the ability to set the actual charges according to local circumstances.
39. The latest CIL regulations came into force on 24th February 2014 and now include exemptions including those building their own homes, extending existing ones or building residential annexes. Any householder who wishes to benefit from these new exemptions will need to submit a claim form to the City Council before commencing development, and we will have to grant the exemption if certain criteria are met.

Conclusion:

40. Whilst it is recognised that the application is both unusual and ambitious in its vision, upon its completion its impact on the immediate environment and on the conservation area is not such as to warrant refusal of planning permission. Moreover controls can be put in place to control any un-neighbourly impacts from construction work. Committee is recommended to approve the application accordingly, subject to the conditions listed.

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: 6th March 2014