

West Area Planning Committee

24th September 2014

Application Number: 14/01515/FUL

Decision Due by: 18th August 2014

Proposal: Erection of garden outbuilding (retrospective)

Site Address: 9 White House Road, site plan at **Appendix A**

Ward: Hinksey Park

Agent: Mr Robert Pope

Applicant: Mr Souren Ramdoo

Recommendation:

To confirm that planning permission would have been granted had the Committee previously determined the planning application.

Background

1 A decision notice was issued in the mistaken belief that Committee had considered the planning application in August 2014. The purpose of this report is to seek the Committee's views as the planning merits of the proposal.

The merits of the planning application

2 The officers' report that was intended to be heard by the committee is attached at **Appendix A**. The merits of the proposal are set out in full in the report. However, to summarise, the application seeks the retention of a garden outbuilding to be used as a store and workshop at the back of and in connection with a guesthouse within a residential street. The building replaces some timber sheds that the owner considered to be no longer functional. The report explains that the building is not dissimilar to any other domestic workshop and store, where the activities that would be likely to be carried out in the building would amount to purposes associated with the maintenance of the property and other domestic activities. The building has a flat roof; it is subservient to the host property and does not result in any adverse impact upon the amenities of the neighbouring residential properties.

3 The report summarises the objections and concerns of neighbours, which relate primarily to the intended use of the building and secondly to the fact that an application for another garden building was refused in 2011. Taking these in turn, the use of the building is controlled by a planning condition that was imposed on the planning permission. This condition prevents the adaptation or use of the approved garden store and workshop, for any other purpose, including for living purposes; that is considered to be an appropriate

and sufficient control in this case. Provided that the building is used for these purposes, (with any use of the workshop required to be only in connection with the guesthouse) the concerns of the neighbours will not be realised. If the building does in fact come to be used as additional guest/living accommodation, then the Council will be able to take enforcement action. It is also worth pointing out that the building has not been designed to be used for any other purpose and would not be suitable for any other purpose without alterations.

- 4 The concern from neighbours in relation to the previous refusal for a different garden outbuilding is understandable. There is also an expectation that the relevant planning permission should be obtained prior to carrying out development. Concerns about unauthorised development are also likely to be compounded, when the unauthorised development occurs whilst planning permission has seemingly been refused for a similar form of development. However, notwithstanding these concerns, the Council has a duty to ensure that each planning decision is made on its own merits. The fact that a previous application has been refused is not a reason to justify refusal on any future applications. The Council deals with many sites where one and in some cases, many applications, are refused before an acceptable scheme is approved.
- 5 The appended officer's report explains that the building, which has been erected, is significantly lower than the proposed outbuilding that was refused planning permission under delegated powers in 2011. It also occupies a much smaller footprint. Officer's considered the previously refused scheme to be unacceptable. In relation to the current outbuilding officers consider that it does not cause an unacceptable and material degree of harm in terms of its bulk, scale and height. The building is not considered to be overbearing, it does not cause material loss of light to neighbouring gardens and the size of the remaining garden is considered acceptable to service the guesthouse. For these reasons officers consider the outbuilding replacing the former sheds, does not have a material adverse impact on the neighbouring properties, and subject to the restrictive condition on its use, its retention is acceptable in planning terms.

Conclusion

- 6 On the basis of the above, officers remain of the clear view that there are no planning grounds for resisting the development that has been carried out because there is no significant harm that has resulted. The form, scale and bulk of the building are acceptable and the potential use is controlled by condition that the Council can enforce if the building is used for guest accommodation. Therefore it is recommended that the Committee confirm that planning permission would have been granted had it previously determined the planning application.

Background Papers: 11/01173/FUL

Contact Officer: Martin Armstrong

Extension: 2703

Date: 16th September 2014

Appendix A

West Area Planning Committee

12th August 2014

Application Number: 14/01515/FUL

Decision Due by: 18th August 2014

Proposal: Erection of garden outbuilding (retrospective)

Site Address: 9 White House Road, **Appendix 1**

Ward: Hinksey Park

Agent: Mr Robert Pope

Applicant: Mr Souren Ramdoo

Application called in – This application is brought to committee by officers following specific concerns raised by Local ward Councillors, at the investigation stage.

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposal is considered to form an appropriate visual relationship
- 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.

subject to the following conditions, which have been imposed for the reasons stated:-

- 1 Development begun within time limit
- 2 Complete in accordance with the approved plans- no alteration
- 3 Use as store only and for no other purpose

Main Local Plan Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals
CP8 - Design Development to Relate to its Context
CP10 - Siting Development to Meet Functional Needs
CP19 - Nuisance
TA4 - Tourist Accommodation

Core Strategy

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

Relevant Site History:

13/00213/FUL- Erection of conservatory to the side elevation- Permitted 25.4.13

12/00602/FUL- Erection of new pitched roof over existing single storey extension and new mono pitched roof to create a new covered walk way. (amended plans)
Split decision issued 26.7.12

11/01173/FUL- Erection of 1st floor rear extension, alterations to roof of existing rear extension of guest house, erection of garden building. Refused 26.7.11

Representations Received:

Third Parties:

Seven neighbour comments have been received; comments summarised as,

- Concerns of the amount of development on site
- Effect on the adjoining properties
- Effect on character of the area
- Flood risk increase and drainage issues
- Height of development
- Impact on ecology and biodiversity
- Noise and disturbance
- Similar to previously refused scheme- yet has proceeded anyway.
- Concern over the potential future use of the outbuilding for accommodation

Officers Assessment:

Site Description and Proposal

1. The application site comprises of a three storey terraced property situated on the south side of White House Road which is just south of Oxford City

centre. The property is in use as a guesthouse offering short stay accommodation to tourists and visitors.

2. This application is seeking retrospective planning permission for the erection of a garden outbuilding/store in the rear garden of the premises. The garden is 'split' by a brick wall about 2/3rds of the way into the rear garden which results in separating the formal lawn and garden area from the area behind the wall where the outbuilding has been constructed. The outbuilding has therefore utilised the existing brick boundary wall to the west and north to form the walls of the building and a new wall has been constructed on the east elevation to 'fill-in' the gap and create the enclosed space.
3. If the property were in use as dwelling the out building would be deemed 'permitted development' by virtue of Part 1, Class E of the General (Permitted Development) Order due to its positioning and dimensions. However as the property is in use as a Guest House it does not benefit from the same permitted development rights as a dwellinghouse.

Design

4. The outbuilding has a footprint of 24.8m² and measures 6.7m by 3.7m. The outbuilding has a flat roof and rises to a height of 2.4m from the adjacent ground level. The building is divided into two rooms each with an external door. One is shown to be a workshop area and the other a store room.
5. The outbuilding has a felt roof with white uPVC fascia. The walls are to be finished in a sandstone coloured render. The windows and doors are also PVC framed but in an 'oak' affect colour.
6. Policy CP1 of the Oxford Local Plan 2001-2016 and Policy CS 18 of the Core Strategy state that planning permission will only be granted for proposals that show a high standard of design and use materials appropriate to the nature of the development site and surroundings. The layout and density of the scheme must also respect the site context and respond appropriately to the site and surroundings.
7. The outbuilding is modest in size and in form simple and appropriate to the context for its proposed use. As a guest house the property has a need for secure and dry storage space, for example spare linen or items of furniture etc..
8. There are concerns that the outbuilding has been constructed with disregard to the previous refusal of application 11/01173/FUL. The outbuilding proposed by that application was larger, with a 'L' shaped roof plan for a covered walkway raising to a height of 4.5m. The building in this application rises to only 2.4m and is of a much simpler form and scale. As indicated above, if the property were in use as a dwelling this outbuilding would be considered 'permitted development' due to its size and

positioning and would not require planning permission.

9. The building only protrudes marginally higher than the boundary wall and is sited such as to have a minimal impact on visual amenity. The outbuilding is not visible from the street scene, and it is considered that the store is of a design and scale appropriate to its form and function and is therefore compliant with policies CP1 and CP8 of the Oxford Local Plan 2001-2016.

Impact on Neighbouring Amenity

10. Policies HP.14 of the Sites and Housing Plan and CP.10 of the Oxford Local Plan require the siting of new development to protect the privacy and amenities of both the proposed or existing neighbouring, residential properties in terms of any potential loss of light, outlook or privacy currently enjoyed.
11. The orientation and siting of the outbuilding is such that it does not result in any harmful effect on privacy. The two windows are opposite the blank boundary wall and there is therefore no opportunity for any overlooking.
12. The store is situated at the rear of the garden beyond a brick archway with the footpath in front of it leading to the rear access alleyway behind the row of terraces. The white fascia is visible above the height of the wall but this is not considered to adversely affect the outlook of any neighbouring properties to any harmful extent given the distances from the rear of the properties to the end of the garden.
13. The public comments received indicate there is a concern that the store may be used as extra accommodation in relation to the guest house which may cause noise and disturbance. The application has not been submitted for that use and the building is of a form fit only for use as a store. However in the interests of protecting amenities of neighbouring properties it is suggested that a planning condition is imposed to restrict the use of the building to a store only and for no other use without further consent from the Local Planning Authority.
14. The proposal is not considered to result in any harmful impacts on neighbouring residential amenities in terms of any loss of light, privacy or outlook and is therefore compliant with policy HP14 of the Sites and Housing Development Plan Document.

Provision for Tourist Accommodation:

15. Policy TA.4 of the Oxford Local Plan states that the aim is to retain the existing stock of guest houses and to support further short term accommodation provision in suitable locations.
16. The provision of the store will help with the running of the guest house by providing a workshop for cleaning and repair equipment as well as storage for

spare furniture and supplies which will free up space within the guest house. The proposal is therefore also considered to support the policy aims of Policy TA 4 of the Oxford Local Plan.

Conclusion:

17. The proposal is considered to form an appropriate visual relationship to the site's surroundings and context and is of a size and scale appropriate to the proposed use. The outbuilding does not result in any adverse impacts on neighbouring residential amenities and is not visually intrusive. Taking into account all of the representations received during the consultation period and the applicants desire for the additional storage space, the proposal is considered to comply with policies CP1, CP8, CP10 and TA4 of the Oxford Local Plan and Policy HP14 of the Sites and Housing Plan and Andis supported accordingly

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 officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers: 11/01173/FUL

Contact Officer: Hannah Wiseman

Extension: 2241

Date: 1st August 2014

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