

East Area Planning Committee:

7th April 2015

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Application Number: 14/03331/FUL

Decision Due by: 3rd February 2015

Proposal: Erection of 1 x 3-bed single storey dwelling to form staff accommodation. Conversion of existing residential accommodation to form additional guest house accommodation (Use Class C1).

Site Address: 228 London Road Headington Oxford OX3 9EG **Appendix 1**

Ward: Quarry And Risinghurst Ward

Agent: Peter Uzzell

Applicant: Ms Yan Ling Cheng

Recommendation:

APPLICATION BE REFUSED

For the Following Reasons:-

- 1 The proposed new dwelling and additional guest accommodation, as a result of the loss of residential accommodation within the existing building will lead to an increase in noise and disturbance to the adjacent residential properties, which would be detrimental to the residential amenities of those properties, due to the additional vehicle movements to the rear of the guest house building, and is contrary to policy TA4 of the Oxford Local Plan.
- 2 The proposed new dwelling represents an overdevelopment of the site resulting in inadequate outdoor space to serve the new dwelling, together with the extension of the parking area and additional traffic movements will be detrimental to the amenities of the adjoining properties due to the additional noise and disturbance which would be contrary to policies CP1, CP8, CP6 and CP10 of the Oxford Local Plan and policy HP13 of the Sites and Housing Plan.

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

CP10 - Siting Development to Meet Functional Needs

TA4 - Tourist Accommodation

NE15 – Loss of Trees and Hedgerows

Core Strategy

CS18_ - Urban design, town character, historic environment

CS32_ - Sustainable tourism

Sites and Housing Plan

MP1 - Model Policy

HP2_ - Accessible and Adaptable Homes

HP9_ - Design, Character and Context

HP12_ - Indoor Space

HP13_ - Outdoor Space

HP14_ - Privacy and Daylight

Other Material Considerations:

National Planning Policy Framework

Planning Practice Guidance

Relevant Site History:

83/00746/P - formation of room in roof space. PDV 16th September 1983.

93/00673/NO - Rear of 226-228 London Road - Demolition of existing garage. Outline application (seeking approval for siting and means of access) for a detached bungalow with garage and access from Ramsey Road. REF 18th August 1993.

93/01225/NF - Demolition of existing garage. Erection of single storey dwelling with 1 parking space for proposed dwelling and 1 parking space for 226 London Road using existing access from Ramsey Road (amended plans). DIS 26th January 1994.

12/00950/FUL - Erection of two storey rear extension. Conversion of house into guest house (6 bedrooms) and 3 bed house. Provision of 4 off street car parking spaces. PER 19th June 2012.

12/00950/CND - Details submitted in compliance with conditions 5 (landscaping), 7 (bin and cycle storage) and 12 (sustainable design) of planning permission 12/00950/FUL. PER 7th December 2012.

13/02747/PDC - PERMITTED DEVELOPMENT CHECK - Construction of pitched roof canopy above the front entrance door.. PRQ 25th October 2013.

Representations Received:

230 London Road objected as it would be overdevelopment; building in the back garden; an increase in cars; the original plans for the guest house said there would be a dwelling attached, not a store in the garden; the bungalow could be added to in the future to allow more guests/staff. The area is not suitable for large businesses.

226 London Road object as it will contravene policies CP1, CP6, CP7 and CP2. Quality of life has been compromised since the guest house opened, there is noise from vehicles and guests, use of our garden is affected by the car park, there is a camera overlooking our garden. The owners do not live on the site.

1A Ramsay Road The conversion to a guest house has caused annoyance to me as a neighbour, the back garden is a car park, frequently 7 or 8 cars there. The building in the rear garden is an eye sore, and has a security light shining into my sitting room. The owners do not live on the site.

1 Ramsay Road Object as there are more cars and larger gravel area than approved, causing nuisance to neighbours, the B&B on the corner of Ramsay Road has forecourt parking only. The small shed is now a permanent structure with domestic windows and blinds. The removal of trees and reduction of green space would constitute backland development and set an undesirable precedent.

Statutory and Internal Consultees:

Headington Action – No comments received

Headington Community Association – No comments received

St Anne's Road Residents Association – No comments received

Barton Community Association – No comments received

Highways Authority – The site lies within the Headington Northeast Controlled Parking Zone and is currently exempted from parking permit eligibility.

The proposed vehicular and cycle parking comply with standards and I therefore have no objection to the application as proposed

Issues:

Principle of development

Design and layout

Sustainability:

The site is within a sustainable location,

Officers Assessment:Site description and proposal

1. 228 London Road is a guest house which operates under the name of The Oxford Guest House. It was granted planning permission for the

conversion to a guest house and a three bedroom dwelling in 2012 (reference 12/00950/FUL). There is a parking area for guests within the forecourt to the front, and to the rear is gravel parking area, and a lawned area with an unauthorised store building. The properties either side of the site are detached dwellings, and there is another guest house on the corner of London Road and Ramsay Road in close proximity to the site.

2. The application is seeking permission to convert the three bedroom dwelling which is integral to the guest house to additional guest bedrooms, increasing the number of guest rooms from 6 to 9. A single storey dwelling is proposed to be built in the rear garden which will provide a three bedroom dwelling. There will be cycle parking and bin storage to serve the new bungalow, and additional guest parking is also proposed in the gravelled area between the guest house and the proposed dwelling.

Principle of the development

3. Policy TA4 of the Oxford Local Plan says that planning permission will be granted for development which maintains, strengthens and diversifies the range of short stay accommodation, subject to criteria, which include a location (amongst other places) on London Road; it is acceptable in terms of access, parking, highway safety, traffic generation, pedestrian and cycle movements; part of the dwelling is retained for residential use and it will not result in an unacceptable level of noise and disturbance to nearby residents. Whilst the site meets the criterion of the policy, the proposal includes an increase in the parking to the rear of the existing guest house. The approved site layout plan indicates that the area to the rear of the building will be used for two resident car spaces, and storage for 6 bicycles. The proposed site layout plan proposes 8 spaces, which include 2 for the new dwelling. An area of 252 square metres is gravelled and paved to provide the parking spaces. Whilst the Highways Authority has not raised any objection to the proposal on the grounds of Highway Safety, the development would result in a significant increase in the number of vehicle movements in the area between two residential gardens, increasing noise and disturbance to those properties. This represents a significant increase in the levels of noise and disturbance to the level of amenity experienced by those gardens. The nature of the use as a guest house is that visitors are likely to be leaving and arriving throughout the day, and this is a higher level of movements over and above the approved situation, which is for two resident spaces only. With an increase in the number of guest bedrooms, there would also be an increase in the vehicle and subsequent noise. This would be contrary to criterion b and d as the parking arrangements would lead to a parking situation which will result in an unacceptable loss of noise and disturbance to nearby residents and so would be contrary to policy TA4.
4. Policy TA4 also requires that part of the existing dwelling is retained for residential use. When the guest house use was permitted, an extension to

the building was granted to provide a three bedroom dwelling for the owner/manager of the guest house to live in. That dwelling has a completely separate entrance, and separate eating, sleeping, washing and cooking facilities to the guest house. There is a doorway between the guest dining room and family dining room to provide internal access on the ground floor only. The creation of a new dwelling to the rear will separate the link between the two buildings and uses, and the policy requires the accommodation to be provided within the building. When the guest house use was allowed, the extension was built to provide that level of linked accommodation. The separation by more than 20 metres of the proposed dwelling is not considered to be in accordance with the intention of the use as a guest house. The separation is such that the bungalow could be operated completely separately from the guest house. The application has been supported by information about the applicant's personal circumstances, setting out that for her family she wishes to live in separate accommodation. However, the dwelling that was permitted in 2012 is considered to provide family space with sufficient scope for it to be independent from the guests, and to provide private family life, and therefore the personal circumstances are not sufficient to overcome the objection to this application of separating the family accommodation from the guest house building. It has been suggested that a legal agreement is entered into, that the bungalow is not separated from the guest house. However given the additional noise and disturbance caused by the additional parking, and the completely independent nature of the bungalow from the guest house, this is not going to be able to overcome the objection in principle as the development is contrary to policy TA4 of the Oxford Local Plan.

Design and Layout

5. Policies CP1, CP8, CP9, and HP9 seek to ensure that new development is appropriate to its context and location and is suitably designed. This application as indicated above will increase the level and activity in the rear garden area. The additional noise and disturbance will be contrary to the requirements of policy CP1 which seeks to ensure that the amenities of adjoining occupiers is safeguarded, and policy CP6 which requires development to make appropriate use of land. Policy CP8 requires development to relate well to its context. Whilst the area is residential in nature, the siting of the bungalow is adjacent to the rear gardens of 3 houses, and together with the additional parking and vehicle movements will result in a change in the character and form of development in the area, introducing a material change in character which is detrimental to the amenity of neighbours, and where there is not an appropriate relationship with the surroundings.
6. Policy HP13 of the Sites and Housing Plan requires development to have direct and convenient access to an area of private open space to meet specific criteria. A dwelling of two or more bedrooms should have an area which is of adequate size and proportions for the dwelling proposed. This should be of an area which is at least equivalent to the building's footprint.

The dwelling has 92 square metres; the useable garden area is 71 square metres. In addition it is north facing, and will be shadowed by the bungalow, which also reduces its quality. However space can be provided for bins and cycles. The inadequate space around the building also gives a cramped appearance to the proposed development, especially as it is in close proximity to the parking area for the guesthouse, again reducing the outlook. The approved plan for the guesthouse indicated a much larger garden area, with only limited parking, which would have met the amenity needs of the staff accommodation. The proposal is therefore contrary to policy HP13 as inadequate outdoor space is provided.

Other

7. The third parties have made reference to the loss of the trees on the site. The trees are early mature, and as a group they are a moderately attractive feature within the existing site itself, but they have a low prominence to the wider public streetscene. Their loss would not result in a significant adverse impact on public amenity, and any impact would also be mitigated by the presence of a group of sycamore trees situated along the western boundary of the site; these are more prominent from the London Road and positioned in front of the ash group from this vantage point. Therefore the loss of the trees would not be a reason for refusing the application.

Conclusion:

8. The proposed dwelling, and increase in the number of guest rooms at the guesthouse is contrary to the policies of the local plan, and will have a detrimental impact on the amenities of neighbouring properties, and is recommended for refusal.

Human Rights Act 1998

Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to refuse this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

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

Background Papers:

14/03331/FUL

Contact Officer: Sian Cutts
Extension: 2186
Date: 25th March 2015

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