

West Area Planning Committee

14th April 2015

Application Number: 14/03290/VAR

Decision Due by: 23rd January 2015

Proposal: Variation of condition 2 (approved plans) of planning permission 13/00180/FUL (single storey side and basement extensions) to allow alterations to side extension, basement, front lightwell and erection of glass box at rear.

Site Address: 5 Farndon Road & 19 Warnborough Road, **Appendix 1.**

Ward: North Ward

Agent: JPPC

Applicant: Mr Craig Burkinshaw

Application Called in – by Councillor Fry, supported by Councillors Price, Pressel and Upton for the following reasons:

Application to be heard in public and in the context of the City Council's draft North Oxford Victorian Suburb Conservation Area Appraisal and the Council's planning policies.

Recommendation: West Area Planning Committee is recommended to approve the application for the following reasons and subject to and including conditions listed below:

Reasons for Approval:

- 1 It is considered that the proposed amendments to the approved scheme are acceptable and would not detrimentally harm the character and appearance of the Conservation Area. 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 carefully considered all of the objections to the proposals and have found, that the detailed reasons set out in the officers report, that the objections do not outweigh the reasons for approval and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.
- 3 The Council considers that the proposal, subject to the conditions imposed,

accords with the policies of the development plan as summarised below and 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.

Conditions

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples of materials
- 4 Archaeology
- 5 Sustainable drainage
- 6 Landscaping
- 7 Landscaping implementation.
- 8 Wall
- 9 Trees

Main Local Plan Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals

CP8 - Design Development to Relate to its Context

HE7 - Conservation Areas

Core Strategy

CS18 - Urban design, town character, historic environment

Sites and Housing Plan

HP9 - Design, Character and Context

HP14- Privacy and Daylight

MP1 - Model policy

Other Material Considerations:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- 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.

- 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.
- 13/03355/FUL - Erection of single storey side extension, extensions at basement level. (Additional Information). REF 31st March 2014. Dismissed at appeal 16th July 2014. Appeal decision attached as **Appendix 2**.

Public Consultation:

Comments have been received from the following: 1,2, 3,4, 6, 14, 18, 19,21,22,23&25 Farndon Road; 32 Frenchay Road; 64&114 Kingston Road; 2, 40 & 51 Leckford Place (Walton Manor Residents Association); 34 Plantation Road; 19 Southmoor Road; 1, 7, 18D, 21, 23&31 Warnborough Road; St Margaret's Area Society; Cllr Upton and Eileen Pirie.

Summary of Main Comments received:

- Over development of the site.
- Effect on the conservation area.
- Works would cause a great deal of disturbance and inconvenience.
- Permanent loss of two mature trees.
- Pool added to this application.
- Disrupt utilities.
- Flooding/rain water.
- Too large for the future families.
- Parking difficulties.
- Not a variation application.
- Stability of land.
- Future use may be a business.
- Creates a worrying precedent.
- Loss of family dwelling by merging the two properties.
- Application as a whole is without merit.
- Noise and chemical pollution from the subterranean swimming pool.
- Flooding risk
- Similar to the approved,
- Better above ground.
- Garage frontage in line.
- Architectural respecting the area.
- Some movement and less area.
- No aesthetic objections to the plans.
- Removal of existing garage welcomed.
- Vertical wall further away.
- The extension replacing the garage is much more in tune with the architecture of the houses and the alignment of the detailing.

Oxford Civic Society: The proposed alterations to extension are detrimental to the design, and are inconsistent and not coordinated with the architecture of the house. The flat roof with no embellishment appears truncated, and at odds with other steeply

pitched roofs. The 'glass box' addition is not adequately represented on the elevation drawings, but its design at odds with the Victorian Gothic character. Alterations to the basement are not justified, extends it too far; the compensating small reduction along the length of the basement does not justify the greater extension of the shorter side. We object to this proposal on the grounds that it is out of keeping with the character of the property and the Conservation Area and it constitutes over-development, as has already been tested at appeal.

Oxford Architectural and Historic Society Victorian Group: The revised design of the side extension looks strangely truncated. The curved lightwell is most unpleasant and entirely out of character with the house.

Statutory Consultees:

No comments received.

Officers Assessment:

Site Description and Background

1. The application site lies within the North Oxford Victorian Suburb Conservation Area. The property is located on the junction of Farndon Road with Warnborough Road and comprises two houses which have previously been converted into a single dwelling house. The properties were originally a pair of three storey Victorian semis with basements. The gardens are mature with a low red brick wall fronting onto the highway. There have been a series of planning applications relating to the site. These are listed above.
2. The application seeks to vary the extant planning permission 13/00180/FUL by reducing the size of the basement, pulling it away from the eastern boundary by 0.5m and extending further south by 1.5m. This represents an overall reduction in size of approximately 2.7sq m, and removes the need to replace the boundary wall between 4 and 5 Farndon Road. The proposal indicates that the minimal extension to the rear will be constructed using glass. Other amendments to the extant permission are to the front lightwell which is amended in form; alterations to the steps into the lightwell; and removal of a single doorway and two sets of double doors which accessed the basement. A set of steps have been added to the northwest corner of the building. Overall there is a reduction in the size of the front lightwell of 3sq m.
3. Other amendments include the rear lightwell which has increased slightly in size by 3.1sq m; a single doorway which has replaced a window on the south west corner of the house; and a set of steps added to allow for rear access. In addition the 18m pool within the basement has been reduced in size to 12m and is relocated to the north side running east - west. This has moved the deeper excavation away from 4 Farndon Road. The accompanying plant room has been moved to the north-west corner of the basement. Finally the bay window to the front of the extension has been altered in design and height and a sliding roof light has been added to the extension.
4. Officers therefore consider the determining issues in this case to be:

- the policy context;
- built forms; and
- residential amenities.

Policy Context

5. In terms of the policy context within which applications of this sort fall to be determined, policies CS18 of the Core Strategy (CS) and Policies CP8 and CP9 of the Oxford Local Plan (OLP) collectively seek to inform the decision making process and building upon the requirement in the NPPF for good design. Without being overly prescriptive the policies emphasises the importance of new development fitting well within its context with high quality architecture and appropriate building height, design, massing and materials creating a sense of place and identity.
6. Policy CP8 of the OLP also states that all extended buildings should relate to their setting to strengthen, enhance and protect local character whilst respecting the building design. They should not necessarily replicate local characteristics and should not rule out innovative design.
7. In respect specifically of the historic environment, CS18 of the Core Strategy (CS) states that development must respond positively to the historic environment but not result in the loss or damage to important historic features or their settings. Policy HE7 of the OLP further adds that the special character and appearance of the conservation area should be preserved with Policy HE3 stating that planning permission will only be granted for development that respects the character of the surrounding of listed building and have due regard for their setting.
8. Also relevant is the NPPF published in March 2012 which reiterates the Government's commitment to the historic environment and its heritage assets which should be conserved and enjoyed for the quality of life they bring to this and future generations. It emphasises that the historic environment is a finite and irreplaceable resource and the conservation of heritage assets should take a high priority. Local Planning Authorities should take into account the desirability of sustaining and enhancing the significance of heritage assets in considering a proposal and also desirability of new development making a positive contribution to local character and distinctiveness.
9. At the heart of the NPPF is a presumption in favour of sustainable development which is stated to mean unless material considerations indicate otherwise, approving development proposals that accord with the development plan without delay. However, development that causes harm to a heritage asset or its setting should be avoided unless there is a public benefit to outweigh that harm.
10. 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.

Built Forms

11. A proposed variation to the approved plan is the provision of a square glass 'bay' on the rear of the proposed extension in lieu of the approved patio doors. The existing building is characterized by canted bays on its front, rear and side elevations and this proposed amendment represents a contemporary interpretation of the 19th century bay. Within the context of the approved extension this proposed variation would not make any significant difference to how the extension would be experienced in public views and is considered to be acceptable. As approved the north elevation of the side extension is shown to include a battlemented parapet to the bay window and ball finials to the main wall. This application shows the architectural details simplified to make the extension's presence as part of the ensemble and a little quieter.
12. These aspects of the proposed development would not be harmful to the character of the area, the rhythm of the building's architectural elements or the site's verdant qualities which is a key characteristic and defining feature of the North Oxford Victorian Suburb conservation area. Nor does it prevent glimpses through into the rear gardens, in accordance with Policy HP7 and HP14 of the SHP and CP8 of the OLP.
13. The Planning Inspector in his decision notice on the dismissed appeal (13/03355/FUL) commented on the proposed large basement of 363sq m, expressing some concern about the extent of it and the time it would take for the garden to re-establish its verdant qualities. Nevertheless he states in paragraph 9 of his decision notice:
"I fully recognize that the 'fall back' development and consent for landscape change with some approved removal exists via the extant permission, but to my mind, in virtually every regard, the current proposal would go a step too far beyond this. The local attributes of character would diminish with the case in hand."
14. The full text of the decision letter is attached as **Appendix 2** to this report.
15. The basement development as now proposed at 235.1sq m is similar but slightly smaller in area to that previously approved (237.8sq m) with the only visible indication of the change being the form of the proposed lightwell to the fronts. As such Officers are not raising objection to the extent of the basement works now proposed as part of the current variation planning application. In that regard it should also be noted that the lightwell to the south (rear) has already been approved under a condition to permission 13/00180/FUL.
16. On other matters the access steps and double doors to the front lightwell have been removed from the proposed plan thus reducing the impact of the development in this regard. The application proposes a crescent shaped lightwell and glass surround smaller in size than the extant permission by 3sq m. The glass balustrade is to be screened by hedging and the approved arrangement for the cycle and bin store allows for additional tree planting. The appreciable differences between the approved scheme and what is now proposed will be of benefit, allowing a greater sense of the openness and improving the verdant qualities of

the garden once the proposed landscaping is established.

17. There are other minor elements of detail, (modification to existing windows, simplifying decorative verge board details), that are proposed to be varied, but they have no further impacts over what has been approved

Residential Amenities

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 projects 1.9m 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 is a sliding roof light which has no impact as it cannot be seen behind the parapet wall. There are no other affected windows on the side elevation of 4 Farndon Road. In this respect the proposal is considered to comply with policy HS14 of the SHP.

Summary of Other Matters

20. Whilst some of the concerns of respondents to public consultation relate to landscaping issues, the landscaping requirements to planning permission 13/00180/FUL have previously been approved and cannot be overturned under this current variation application.
21. The internal layout of the basement is shown to be changed although this does not raise any planning issues, and in relation to concerns raised about the proposed pool it should be recognised that this was approved as part of the previous planning permission 13/00180/FUL.
22. On other matters the main access to the property is off Farndon Road where a driveway currently exists. The proposals retain the same width access opening and location onto Farndon Road. The details for the cycle and bin stores have already been approved under the conditions of the approved proposal
23. In relation to noise nuisance during the construction phase this is a matter that would reasonably be managed by Environmental Development controls and legislation, although an informative is proposed for the applicant to comply with the 'Considerate Contractors Scheme'.

Conclusion

24. Whilst it is recognised that these current proposals are of concern to the neighbouring residents officers consider that the application proposes an acceptable variation to a development already permitted. The proposed adjustment to the rear extension, lightwells and reduced floor area to the basement represent an improvement to the approved development overall and approval is therefore recommended.

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: Applications 11/00887/FUL, 11/02455/FUL, 11/02455/FUL, 13/00180/FUL, 13/03355/FUL.

Contact Officer: Jo Cooper

Extension: 2005

Date: 25th March 2014