

East Area Planning Committee

1st July 2015

Application Number: 15/01082/FUL

Decision Due by: 9th June 2015

Proposal: Erection of 1 x 3-bed dwellinghouse (Use Class C3).
Provision of private amenity space, bin and cycle store.

Site Address: 238 Headington Road Oxford, Site Plan **Appendix 1**

Ward: Churchill Ward

Agent: Mr David Padmore

Applicant: Ms Shirley Gleeson

Call in: The application has been called in to committee by Councillors Brown, Price, Fry and Lygo because the applicant wants the application to be determined by Committee.

Recommendation: East Area Planning Committee is recommended to refuse the application for the following reason:

- 1 The proposed dwelling, by reason of its overall height, bulk and massing and in particular that of the two storey side element, together with the extent of development including the number of bedrooms, provision of amenity space, parking and turning area, bins and cycle storage within a constrained plot size, would amount to overdevelopment of the site and result in a poor relationship to the existing property which is inappropriate to the site's context, it would appear cramped and overly dominant within the street scene, to the detriment of the character and appearance of the existing dwelling and street scene, and contrary to Policies CP1, CP6, CP8, CP9 and CP10 of the Oxford Local Plan, Policy HP9 and HP10 of the Sites and Housing Plan and CS18 of the Core Strategy.

Main Local Plan Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals

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

CS18 - Urban design, town character, historic environment

CS19 - Community safety

CS23 - Mix of housing

Sites and Housing Plan

MP1 - Model Policy

HP2_ - Accessible and Adaptable Homes

HP9_ - Design, Character and Context

HP10_ - Developing on residential gardens

HP11_ - Low Carbon Homes

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

Planning Practice Guidance

Relevant Site History:

89/00064/NF - Two storey side and single storey front and rear extensions (Amended Plans). PER 4th April 1989.

91/00574/NF - Detached garage. PER 27th November 1991.

14/00190/FUL - Erection of 1 x 3-bed dwelling (Use Class C3). Provision of cycle parking, bin storage and amenity space.. PER 2nd June 2014.

14/00190/VAR - Variation of condition 6 (Tree Protection Plan) of planning permission 14/00190/FUL (1x 3 bed dwelling and cycle parking, bin and amenity provision) to allow removal of tree T4 and replacment with alternative tree.. PER 14th November 2014.

14/00190/NMA - Non-material amendment to planning permission 14/00190/FUL to allow insertion of 2 no. windows to ground and first floor south-east elevation. PER 16th October 2014.

14/00190/CND - Details submitted in compliance with conditions 3 (windows), 4 (samples), 5 (arboricultural method statement), 6 (tree protection plan), 7 (landscape plan), 9 (landscape hard surface design), 10 (cycle parking), 11 (bin storage), 12 (SUD's), 16 (boundary details) of planning permission 14/00190/FUL. PER 9th December 2014.

14/03416/FUL - Erection of 1 x 3-bed dwelling (Use Class C3). Provision of cycle parking, bin storage and amenity space.. REF 10th February 2015.

Representations Received:

Comments can be summarised as:

- Design of the house acceptable;
- In keeping with the area;
- Another family home;
- Screened by hedge;

- Window at first floor in west elevation would allow surveillance onto car parking area;
- Adequate amenity space for bins, bicycles, parking, with good sized private garden and larger side garden; not cramped;
- This new application remains for the most part unchanged from the application that was refused;
- Despite changes to the roof profile it still has no single story elements, and a large bulky double story bedroom extension;
- Still constitute an overdevelopment of a small compact plot with a bulky imposing result;
- It would impact on the street view and be contrary to the general positioning of nearby properties being well set back from their boundaries;
- The original application 14/00190/FUL approved with single story elements would have a lesser impact on the surrounding properties and be less overwhelming within this small plot, this would indicate that it is more appropriate for this site;
- Neighbour led to believe that the dwelling was never intended to be on a larger scale but as retirement accommodation for the existing owner and not an extension of the bed and breakfast business that currently operates from 238 Headington Road.

Statutory and Internal Consultees:

Highways Authority: After investigation and reviewing the supplied documents, the Highway Authority has no objection subject to conditions excluding eligibility for residents parking permits, SUDs, no surface water to be discharged onto the highway and vision splays required.

Environmental Development: The application has been reviewed in respect of contaminated land and the sensitive development. The questionnaire does not reveal any potentially contaminative former land use or use of the site that raises any issues. The development involves the creation of a new residential dwelling. Residential dwellings are considered to be sensitive uses. Land use maps do not show any sources of contamination on the site and the risk of any significant contamination being present on the site is low. However, it is the developer's responsibility to ensure that the site is suitable for the proposed use. Therefore, it is recommended that an informative is placed on any planning permission regarding unexpected contamination.

Officers Assessment:

Site Description, Background and Proposal:

1. No.238 Headington Road lies on the corner of Headington Road and Brookside, directly on the junction with Headley Way and the London Road and is one of a pair of semi-detached houses facing onto Headington Road. It also has a rear access onto Valencia Road to the rear. It is highly visible from the Headington/ London Road and partially visible from Valencia Road in between the garages and houses on that street. The area is mainly characterised by residential properties, set back from the road frontage with car parking and rear private

gardens. Opposite on Headington/ London Road is the White Horse Pub and Headington Girls School. It is not within the Conservation Area.

2. This is the fourth application for a new dwelling on the side garden of this house submitted by this applicant. The first application (14/00190/FUL) was granted permission for a two storey gable fronted house with single storey side element, after a considerable negotiation process during the application process to remove the first floor of the two storey side element as submitted. The Officers delegated report stated as follows:

On initial assessment of the proposed plans it was considered that the new dwelling represented overdevelopment of the site due to the size and shape of the dwelling, taking into account the site constraints and need to provide adequate private amenity space both in and outdoors. The plans have subsequently been revised to show a reduced massing with a single storey side element. It is considered that the proposal, whilst still large, has a better relationship to No.238 Headington Road and views within the street scene. The proportion of built to open space within the plot is on balance acceptable and the building respects the building line as it turns the corner onto Brookside.

3. In November 2014 this permission was varied under the second application 14/00190/VAR to vary the tree condition to allow one tree to be removed. All the relevant conditions to this permission have been complied with and therefore this development could commence.
4. The third application (14/03416/FUL refers) was refused for a two storey gable fronted dwelling with a two storey side element (outrigger), the Officer's delegated report is attached at **Appendix 2**. The difference between the approved schemes above and this application was the lowering of the eaves and ridge height and addition of the first floor above the single storey side element, making it a two storey outrigger and thus the increase in the size and extent of development from a 2 bed unit to a 3 bed unit.
5. Unsurprisingly, given the Officers comments above and negotiation on the first application 14/00190/FUL, it was considered that the overall size of the dwelling (height, bulk and massing) and in particular that of the additional first floor above the approved single storey side element of this proposal would make the new dwelling appear large and cramped in the street scene within its limited plot. Furthermore the increase in the scale of development with the additional bedroom would turn a modest proposal into overdevelopment. It was therefore refused for the following reason:

The proposed dwelling, by reason of its overall height, bulk and massing and in particular that of the two storey side element, together with the extent of development including the provision of amenity space, parking and turning area, bins and cycle storage within a constrained plot size, would amount to overdevelopment of the site and result in a poor relationship to the existing property which is inappropriate to the site's context, it would appear cramped and overly dominant within the street scene, to the detriment of the character

and appearance of the existing dwelling and street scene, and contrary to Policies CP1, CP6, CP8, CP9 and CP10 of the Oxford Local Plan, Policy HP9 and HP10 of the Sites and Housing Plan and CS18 of the Core Strategy.

6. In this current application the Applicant has sort to address the above reason for refusal by altering the roofscape of the main part of the dwelling from a gable at the front and rear to hipped roofs. The overall ridge height again is lower than approved under 14/00190/FUL (approx. 55cm) but in fact slightly higher than the previous refusal by 8cm. It is still a two storey house with a two storey sided outrigger, garden, car parking, bins and cycle storage and would involve the demolition of the existing garage.
7. The Officer's previous delegated report (**appendix 2**) still stands and to avoid repetition it is therefore only proposed to assess the changes in respect of the refused scheme.

Issues:

8. Officers consider the main issues in determining this application are:
 - Design and appearance
 - Overdevelopment
 - Residential Amenities
 - Impact on Neighbours
 - Parking
 - Trees

Design and Appearance:

9. The National Planning Policy Framework (NPPF) seeks to ensure all development is sustainable (economically, socially and environmentally) and that there is a presumption in favour of sustainable development if it is in accordance with the development plan, unless material considerations dictate otherwise. It encourages the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.
10. Policy HP10 of the Site and Housing Plan (SHP) states that permission will be granted where new dwellings on residential gardens provided that they respond to the character and appearance of the area, taking into account the views from streets, footpaths and the wider residential and public environment; the size of plot to be developed is of an appropriate size and shape to accommodate the proposal, taking into account the scale, layout and spacing of existing and surrounding buildings, and the minimum requirements for living conditions set out in Policies HP12 (indoor space), HP13 (outdoor space) and HP14 (impact on neighbours); and any loss of biodiversity must be mitigated.
11. Policy CS18 of the Core Strategy (CS) states that planning permission will only be granted for development that demonstrates high quality urban design. This is reiterated in saved policies CP1 and CP8 of the Oxford Local Plan (OLP) and SHP policy HP9. Policies CP1, CP8 and CP10 of the OLP 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. Policies CP6, CP8 and CP10 seek and to ensure development makes best and efficient use of land whilst relating it appropriately to its siting and context. This is taken forward by Policy HP9 of the Site and Housing Plan 2013 (SHP) which ensures that residential development responds to the overall character of the area; including its built and natural form. CP10 of the OLP also seeks to ensure new development provides adequate garden, parking, bins storage whilst also protective neighbouring amenities.

12. The change of the roofscape to hipped roofs would in some ways improve the appearance in that the dwelling so that it would appear more proportionate and reflect the architectural roof style of other houses along that edge of the Headington Road. However, it is considered that this does not overcome the key issue in terms of overall height, bulk and massing of the dwelling as a whole and appearance in the street scene. It is important to note that the main view of the dwelling would be from Headington Road onto the west side elevation and the two storey side outrigger as the plot turns the corner into Brookside.
13. It is still considered that given the openness of views into the site and the siting of the dwelling, that the two storey side element would visually close the gap at first floor between the existing house and the approved house. Whilst the change in the roofscape would improve the architectural relationship to the existing building and reduce size of the roof, it is still considered that dwelling would appear overlarge with in its awkward and restricted plot. The two storey side element would be most prominent in public views due to siting and plot orientation and serve to make the new dwelling appear overlarge and cramped when viewed in the street scene, to the detriment of the character and appearance of the area.
14. The proposed development is therefore considered contrary to Policies CP1, CP8, CP10 of the OLP, CS18 of the CS and HP9 of the SHP.

Overdevelopment:

15. The NPPF and the local development Framework seek to make best use of land and Policy CP6 states that development proposals should make the best use of site capacity but in a manner that would be compatible with both the site itself and the surrounding area. HP10 of the OLP is specific to developing on residential gardens and states that the size of plot to be developed must be of an appropriate size and shape to accommodate the proposal, taking into account the scale, layout and spacing of existing and surrounding buildings. CP10 requires development to meet its functional needs as set out above without harming the street scene.
16. Of relevance also is SHP policy HP13 which states that new houses of 2 or more bedrooms must provide a private garden, of adequate size and proportions for the size of house proposed, with adequate space for children to play in, and for family activities.

17. The plot is an awkward shape and the proposal has limited amenity space, much taken up by car parking and turning area; the rear garden area is wide and narrow in depth across the back of the house. The additional first floor of the side element would turn a modest two bedroom house into a larger 3 bed family house with in a constrained plot. It is considered that the size and shape of the plot is not appropriate to accommodate this size of dwelling taking into account the relevant car parking and turning area, bins, cycle storage and adequate amenity area required for children to play, family activities and associated paraphernalia (tables/ chairs/ clothes drying/ sheds etc). As such the proposal is not appropriate to its site and context and amounts to overdevelopment of the site contrary to Policies CP1, CP6 and CP10 of the OLP and HP10 and HP13 of the SHP.

Residential Amenities, Impact on Neighbours, Parking & Trees:

18. Please see Officers' delegated report in **appendix 2**. However, with regard to the condition required by the Highways Authority for vision spays for the access. This is an existing access onto a very quiet side Road and it is considered therefore, if approval were recommended, unreasonable to require new vision spays in this case.

Conclusion:

19. The proposed development would appear out of scale within its plot size and have a poor relationship to the existing dwelling. It would appear visually dominant by virtue of the side element of the development from open views into the site and cramped in the street scene. As such it would amount to overdevelopment of the site which is inappropriate to the site's context, to the detriment of the character and appearance of the existing dwelling and street scene and contrary to the development plan. East Area Planning Committee is recommended to refuse the application.

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

Background Papers: 15/1082/FUL, 14/00190/FUL, 14/00190/VAR 14/03416/FUL

Contact Officer: Felicity Byrne

Extension: 2159

Date: 15th June 2015