

Application Number: 14/03416/FUL

Decision Due by: 10th February 2015

Proposal: Erection of 1 x 3-bed dwelling (Use Class C3). Provision of cycle parking, bin storage and amenity space.

Site Address: 238 Headington Road Oxford Oxfordshire OX3 7PR

Ward: Churchill Ward

Agent: Home Design Studios

Applicant: Ms Shirley Gleeson

Recommendation:

APPLICATION BE REFUSED

For the Following Reasons:-

- 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 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 Developmt to Relate to its Context

CP9 - Creating Successful New Places

CP10 - Siting Developmnt to Meet Functionl Needs

Core Strategy

CS2_ - Previously developed and greenfield land

CS18_ - Urb design, town character, historic env

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:

14/00190/FUL: Erection of 1 x 3-bed dwelling (Use Class C3). Provision of cycle parking, bin storage and amenity space (amended plans) approved 02.06.2014

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 replacement with alternative tree. Approved 14.11.2014

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. Approved 16.10.2014

Representations Received:

None

Statutory and Internal Consultees:

Natural England: no objection. This application is in close proximity to the New Marston Meadows, Magdalen Quarry and Rock Edge Sites of Special Scientific Interest (SSSI's). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which these sites have been notified. We therefore advise your authority that these SSSI's do not represent a constraint in determining this application. We have not assessed this application and associated documents for impacts on protected species. This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes which could be secured by condition.

Issues:

- Design and Appearance
- Residential Amenities
- Impact on Neighbours
- Parking

- Trees

Officers Assessment:

Background:

In 2013 the Applicant submitted a pre-application in sketch form for demolition of the garage and erection of a 3bed house on the site. The Officers advised as follows:

“I note that you have previously requested our opinion on a similar development for a 3 bed house back in 2010. My colleague Lisa Green advised you that the principle of a dwelling in this location was acceptable. Since this time Planning Policy Statement 3 Housing has been replaced by the National Planning Policy Framework (NPPF). This 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. Our development plan that is relevant to this proposal currently consists of the Oxford Local Plan (saved policies), the newly adopted Sites and Housing Plan 2013 and the Core Strategy. The NPPF 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.

Whilst our development plan has changed with the adoption of the Site and Housing Plan (SHP), I am of the opinion that the principle of development of the garden area for a house still stands”. ...

“Notwithstanding it being acceptable in principle, I do have concerns about the layout and proposed design and appearance, which I mentioned at our meeting on site”. ...

“As I said on site, I do not think that the layout in the current form is acceptable. The house is pushed back into the site, with little rear private garden space and is surrounded by car parking. We would expect new development to turn the corner round onto Brookside from Headington Road, following through the building line. Whilst the shape of the plot is awkward, nonetheless the private garden area would be to the rear and I do not consider that new occupiers would use the front garden area, due to its proximity to the busy London Road, Headington Road, Headley way and Brookside. Lisa Green also gave you this advice and despite the policy changing I am still of the opinion that the proposed garden is inadequate for a 3 bed family dwelling.

I also consider the footprint of the building unacceptable. The overall size in relation to car parking area and garden is too large and convoluted in shape, which would lead to an awkward design. It also has a poor relationship to the existing dwelling and the grain of the area, which has a

strong building line with front car parking areas and rear gardens. I also consider that

In terms of actual design, I appreciate that the visualization sketch is only indicative of what the applicant would like. I have no objection to the style of the building; pitched roofs, chimneys, dormers, and whilst we are supportive of interesting and innovative design, I do not consider that the appearance would be acceptable, which is a direct result of the proposed footprint. It may be that the proposed ridge and eaves height would be acceptable, but further consideration would need to be given once a worked up design is submitted.

In conclusion therefore I advise you that the requirements to provide a form of development that responds to the surrounding built form with adequate garden, parking etc means that proposal is unacceptable and a 3 bed house too large for this site, and ultimately overdevelopment in its current form”.

In early 2014 the Applicant submitted an application for demolition of the garage and erection of a 3 bed house in the garden which comprised a house with a 2 storey side element with gable end to the side. During the process of that application Officers advised the Applicant that the proposed development was unacceptable due to the overall size and massing of the dwelling, and in particular the two storey element, both in relation to the impact on the existing house No.238 Headington Road and the street scene, the plot lying on a prominent corner which is highly visible from Headington Road. The Officers delegated report states 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. “

Removing the first floor element and therefore the third bedroom, resulted in a building of smaller height, bulk and massing and reduced the house to a two bed which was considered more appropriate to the site’s context and visually less intrusive. As a result the application was recommended approval and granted planning permission. It should be noted that the description was unfortunately not amended to reflect the amended plans i.e. as two bed house.

Proposed Development:

It is proposed to demolish the garage and erect a 3 bed house on the same foot print as previously approved, but with the full two storey side element (as submitted

originally under 14/00190/FUL).

Design and Appearance:

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. The NPPF states that whilst development should be looked upon favourably, development of poor design that fails to improve the character and quality of an area should be refused.

Policy HP10 of the Site and Housing Plan (SHP) states that permission will be granted for new dwellings on residential land provided that they respond to the character and appearance of the area, do not amount to overdevelopment of the plot and any loss of biodiversity must be mitigated.

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. 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. Policies CP6 and CP8 seek 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.

It is considered that the main difference between the approved house (and as amended under the NMA approval) is the first floor part of the two storey side element of the new house that provides the additional bedroom, and thus the overall increase in extent of development, i.e. a 2 bed unit to a 3 bed unit. It is noted that the scheme as proposed now has a slightly lower ridge height and eaves height than previously originally submitted under 14/00190/FUL, a difference of 47.8cm at ridge height and approximately 70cm lower at eaves.

The plot itself is an awkward corner of the existing corner plot on the junction of Headington Road and Brookside Road. It sits on the major junction of the Headington/ London Road and Headley Way and is therefore open to views from Headley Way and is very visible from all aspects of this large junction.

The two storey side element would visually close the gap at first floor between the existing house and the approved house. The steeper pitch of the roof and use of gable ends is at odds with the existing house which has a less steep and hipped-back roof which serves to emphasise the bulk and massing of the new house. As it the proposed building sits on the corner as the site turns into Brookside, the two storey side element would be most prominent in public views. This was

demonstrated in the submitted 3D street scene drawings under 14/00190/FUL but those drawings were not submitted under this application.

It is considered that, notwithstanding the slight amendment made to the height of the ridge and eaves of the two storey side element of the new house, the proposed development would appear as a large house within a small constrained plot. As such it would have a poor relationship to the existing house and the overall extent of development proposed i.e. a 3 bed dwelling, with a small garden and together with the provision of parking and cycle, bin storage required within a limited plot size, is overdevelopment and does not respect the sites context. It would appear not only cramped in relation to the existing house but also in the street scene. The plot is easily viewed from the main London Road and Brookside Road and as such the bulk and massing and height would be dominant and considered to be visually intrusive. It would therefore have a detrimental impact on the character and appearance of the existing dwelling and the street scene.

It should be noted that the extract in the Design and Access Statements of pre-app advice given by the Council on 2010 relates to a 3 bed house in a different location than proposed; as a side extension to the existing dwelling No.238 Headington Road. It was also given under different Local Development Framework and in any event superseded by the advice given in 2013 as set above.

It is considered that the large 3 bed house within the limited plot size on this prominent corner is 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.

Residential Amenities:

The building has been designed to Lifetime Homes Standards in accordance with Policy HP2 of the SHP.

SHP policy HP13 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, for exclusive use by occupants of that house. This is further expanded upon in the supporting text which states that the Council expects an area of private garden for each family house (2 beds or more) which is at least equivalent to the original building footprint. In assessing the outdoor area location and context, orientation, degree of enclosure, overlooking and overall shape, access to and usability are also material considerations. SHP Policy HP12 seeks to ensure that adequate good quality indoor and outdoor space is provided.

The proposed house has a ground floor area of approximately 64sqm. The proposed plans do not show any delineation of garden area or alternative surfacing treatment for the car parking. However, the previous application showed a rear private garden area of approximately 75sqm. It is therefore considered that an adequate garden equating to more than the ground floor footprint is achievable, although relatively small and awkward in shape for a house of this size, and therefore in accordance with Policy HP13.

Impact on Neighbours:

Policy HP14 of the SHP sets out guidelines for assessing development in terms of whether it will be of an overbearing nature, create a sense of enclosure, result in overlooking or overshadowing, or allow adequate sunlight and daylight to reach the habitable rooms of neighbouring dwellings.

In terms of overlooking and overbearing, normally a distance of approximately 20m back to back is needed to ensure no loss of privacy and overbearing effects are avoided. There are first floor windows in the rear elevation to the landing and bedroom 2 (which is now a high level window) and a roof light facing No.1 Valentia Road. No.1 has recently had a large garden building to the rear demolished following enforcement action. The distance between the two dwellings is approximately 17.3m. Whilst this is closer than the recommended guidance it is considered that the new dwelling would not be overbearing to the house or garden. The windows would not result in overlooking and loss of privacy. The garden to the rear of the proposed house is south facing and therefore there would be little impact of overshadowing to No.1 Valentia Road either.

In respect of the existing house No.238 Headington Road, the new dwelling would not appear overbearing or result in a loss of sun light/ day light. An adequate rear garden space is retained.

In respect of the adjoining house No.3 Valentia Road, the new dwelling would not appear overbearing or result in a loss of sun light/ day light to their rear garden. The bathroom window could be obscure glazing to prevent overlooking and the bedroom window is highlevel.

Trees:

There are existing trees along the front boundary and next door property, some of which are protected under a Tree Protection Order (T1, T2 and T3). Planning permission will not be granted for any proposal that destroys or involves major surgery to protected trees, or that results in a significant adverse effect upon public amenity. Any protected tree that is destroyed must be replaced by a tree, or trees, suitable for the location, as set out in OLP Policies CP1, CP11, NE15 and NE16. Furthermore, any development that does not show a high standard of design, including landscape treatment that respects the character and appearance of the area will be refused.

The protected trees are not impacted upon by the development. However, the storage of materials during construction should be avoided within the root protection zone. No Arboricultural Report was submitted with this application, however, the Arboricultural Report submitted with the previous application 14/00190/FUL identified two trees (T4 & T5) that front Brookside for removal. They were classed as category C trees of low quality and value but that could have another 10 to 20 years life expectancy. The Tree Officer has raised no objection to this application but recommends a Tree Protection Plan condition on any consent to protect the field maple which is 4m from the proposed building (T5).

It is considered that these trees are important within the street scene providing public amenity, even if of relatively low value. They could also live longer than 20 years and would also help the new dwelling integrate into the street scene. However T4 is wrapped around the electricity pole and its removal has subsequently been agreed by variation of the original approval (14/00190/VAR refers). The removal of T5 does not appear to be necessary or crucial to the construction of the dwelling and therefore given its public amenity benefit its removal was previously not accepted. The cycle parking is acceptable in the proposed location and careful protection and construction of it and the driveway and any revised hard landscaping in that area would enable their retention. No objection is raised under CP1 and NE15, NE16 of the OLP.

Car and Cycle Parking:

Car parking requirements for residential development are now set out in SHP Policy HP16, which for this small infill development would be will be considered on its merits. The amount and design of parking should respond to the character of the area, by reflecting the way in which residential parking is provided for existing neighbouring homes. Two car parking spaces is appropriate for a 2-3 bedroomed house in this location in accordance with the Policy. The Highways Authority has not commented on this application but raised no objection in relation to the previous applications 14/00190/FUL or VAR) but recommended the dwellings be excluded from the Controlled Parking Zone (CPZ). The parking provision in this sustainable location is considered satisfactory in accordance with HP16 of the SHP.

Cycle parking in the form of a cycle store is indicated on the plans beneath the existing field maple tree, T5. Tree spaces are required in accordance with Policy HP15. It should also be sheltered and secure. It may be possible to accommodate 3 cycles in this location in accordance with Policy HP15 of the SHP.

Conclusion: The proposed development 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. It is thus considered contrary to the development plan and refusal is recommended.

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

Background Papers: 14/03416/FUL, 14/00190/FUL, 14/00190/VAR & 14/00190/NMA

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Date: 5th February 2015

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