

West Area Planning Committee

13th October 2015

Application Number: 15/01414/FUL

Decision Due by: 3rd July 2015

Proposal: Conversion of House in Multiple Occupation (Use Class C4) into 2 x 2-bed maisonette flats (Use Class C3). Erection of a part single, part two storey rear extension with first floor internal access stair and associated landscaping. Erection of side infill extension and replacement of front and rear dormer windows (Amended plans and description)

Site Address: 23 Stratfield Road
Appendix 1- Location Plan

Ward: Summertown Ward

Agent: Mr Phil Waind

Applicant: Mr Iain Dickson

Application Called in – by Councillors - Fooks, Gotch, Goddard and Wilkinson, for the following reasons – Effect on adjacent occupiers

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposal would make a more efficient use of land within an existing residential area which is sustainably located. The development is considered to form an acceptable visual relationship with the existing building and local area and will not have an unacceptable effect on the current and future occupants of adjacent properties. An acceptable level of accommodation, bin and bike storage and private amenity space would be provided and any remaining issues can be dealt with by condition to ensure the development accords with policies CP1, CP8 and CP10 of the Oxford Local Plan 2001 - 2016, CS11, CS18 and CS23 of the Oxford Core Strategy 2026 and HP2, HP7, HP9, HP10, HP12, HP13, HP14, HP15 and HP16 of the Sites and Housing Plan.
- 2 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal 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 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 Develop in accordance with approved plans
- 3 Samples, to include colour of render
- 4 No additional windows
- 5 Amenity - windows obscure glazed
- 6 Amenity - no balcony
- 7 Sustainable drainage
- 8 Cycle and bin stores
- 9 Landscape plan
- 10 Details excluded submit revised plans
- 11 Submission of further matters Method of preventing access to the flat roof(s)
- 12 Landscape plan required
- 13 Landscape carry out by completion
- 14 Boundary treatment

Main Local Plan Policies:

Oxford Local Plan 2001-2016 (OLP)

CP1 - Development Proposals

CP8 - Design Development to Relate to its Context

CP10 - Siting Development to Meet Functional Needs

Core Strategy

CS11_ - Flooding

CS18_ - Urban design, town character, historic environment

CS23_ - Mix of housing

Sites and Housing Plan (SHP)

MP1 - Model Policy

HP10 - Developing on residential gardens

HP2 - Accessible and Adaptable Homes

HP7 - Houses in Multiple Occupation

HP9 - Design, Character and Context

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

Balance of Dwellings SPD

Town and Country Planning (General Permitted Development) Order 2015 (GPDO).

Relevant Site History:

73/00028/A_H - Erection of 3 storey dwelling. PER 22nd February 1973.

Representations Received:

Letters of have been received from the following addresses:

19 Stratfield Road

21 Stratfield Road

27 Stratfield Road

28 Stratfield Road

29 Stratfield Road

30 Stratfield Road

31 Stratfield Road

These can be summarised as: Increase in overlooking from balcony, noise, loss of garden, loss of light, out of character, overdevelopment. Grey render out of keeping. House is unattractive already and development will make this worse. Change from HMO to flats will result in increased parking pressure. Flats out of character with the road.

Statutory and Internal Consultees

Oxford Civic Society: Application should be refused due to lack of information – concern that small terraced house could be converted to two flats.

Issues:

Mix of housing
Living Conditions and Internal Arrangement
Visual impact
Effect on adjacent occupiers
Flooding
Parking
Bin and Cycle Stores

Officers Assessment:Site Description and Background

1. 23 Stratfield Road is a terraced house, believed to have been built in the 1970s on a street otherwise characterised by Victorian and Edwardian terraces. Although the house fits in with the general run of properties down the street and reflects their bay fronted nature, it is uncharacteristic of the street. The presence of an undercroft opening to the ground floor exacerbates this effect.
2. The site is in a highly sustainable location, with excellent access to local facilities and bus routes at Summertown District Centre being some 500m away. The building itself is believed to have been in use as a Class C4 HMO for a considerable number of years and this is its current lawful use. However it has now fallen into a state of some disrepair.

Proposal

3. Permission is sought to incorporate an existing undercroft into the body of the building, extend somewhat to the rear and divide the house into two flats, both with access to an area of the rear garden. The building will also be refurbished, with new windows and dormers to replace existing, but to the same position and scale.
4. The current proposals are an amended version of that originally submitted, the plans having been revised on several occasions to remove balconies and an external staircase and to reduce the footprint of the ground floor rear extension, all in the interest of neighbour amenity. All changes have been subject to re-consultation, with the most recent consultation period being for a period of 10 days, expiring on the 11th October. This period is appropriate as the changes are minor in nature and will reduce the impact on adjacent occupiers. A summary of any further comments received will be brought to Committee as an addendum to this report.

Mix of Housing

5. Policy CS23 states that permission will only be granted for development that delivers a balanced mix of housing and the accompanying text and Balance of Dwellings SPD makes it clear that there is a balance to be struck between a

pressure for smaller dwellings to meet reduced household sizes and the need to address the fact that the proportion of family housing is falling.

6. Policy HP1 of the Sites and Housing Plan seeks to protect the supply of self-contained dwellings in Oxford and states that permission will not be granted for development that results in the net loss of one or more self-contained dwellings on site. In this case, there will be a net increase in the number of self-contained homes on the site and in any event, the supporting text makes it clear that HP1 will not apply to changes of use from an HMO to one or more self-contained (C3) homes. The proposal therefore complies with HP1.
7. The current application will result in the loss of a House in Multiple Occupation and replace it with two self-contained flats. This will complement the prevailing stock of terraced houses and add to the number and mix of dwellings in the area in accordance with Policy CS23.
8. The text of the SHP (Para A2.52) makes it clear that HMOs in C4 use are classified as dwellings, which have the potential (through Permitted Development rights granted by the GPDO) to be a family home and that therefore, any proposal to change the use of a C4 HMO into two or more separate dwellings must comply with the Balance of Dwellings (BODs) SPD.
9. The BODs SPD provides for different mixes of dwelling types for different area across Oxford, the application site being covered by Table 8: Mix for “amber” areas. This table states that for residential developments of 1-3 units, there must be no loss of ‘family units’. Whilst the existing house has the potential to become a single family dwelling, it currently has a long term established use as an HMO rather than a family house. There would therefore be no net loss of family units, and the application complies with the BODs SPD.

Living Conditions and Internal Arrangements

10. The SHP states that the standard of people’s homes, both inside and out is crucial in meeting people’s everyday needs and Policies HP12, and HP13 support this aim, with Policy HP2 having special regard to accessibility and adaptability for changing needs.
11. Each of the two bed flats have their own lockable entrance, kitchen and bathroom, measure in excess of 39 square metres and are provided with adequate light and space for furnishings and storage, in accordance with Policy HP12.
12. Both have access to an adequate area of outside private space with reasonable accessibility from the dwellings in accordance with Policy HP13.
13. The main entrance to the building is level and the lower flat has a ground floor bedroom and W/C, suitable for use by a wheelchair user. Both flats have adequate space to manoeuvre a wheelchair and minimum door openings of 740mm.

14. Overall, the flats as converted would have a reasonable level of adaptability, particularly to the lower flat.

Visual Impact

15. Oxford City Council requires that all new development should demonstrate high quality urban design where the siting, massing and design creates an appropriate visual relationship with the built form of the local area. The Local Development Plan provides policies to support this aim and CP1, CP8, CS18 and HP9 are key in this regard.
16. As already stated, the existing building is not typical of the street. However the infilling of the undercroft will better reflect the prevailing form of the surrounding terraced houses and the resultant form will represent an improvement on the current situation.
17. In terms of detail and materials, the grey render and somewhat utilitarian front door do not reflect the surrounding character. It is considered that these details can be addressed by way of Conditions to allow more sympathetic details to be agreed. The changes to the rear of the property are considered an appropriate response to the existing building and whilst not typical of the area, the visual impact will not be unacceptable and subject to a condition of planning permission to control the appearance of materials used in the build, the proposal complies with Policies CP1 and CP8 of the OLP, Policy CS18 of the Core Strategy and Policy HP9 of the SHP.

Effect on adjacent occupiers

18. Oxford City Council requires development proposals to safeguard the privacy and amenities of adjoining occupiers and policies CP1 and CP10 of the OLP and Policy HS14 of the SHP support this aim. Appendix 7 of the SHP sets out the 45 degree guidance, used to assess the effect of development on the windows of neighbouring properties.
19. The original submission included a rear balcony and external access stair to the upper flat. These would have led to an increase in overlooking and also increased loss of light to the adjacent dwellings. These elements have been removed from the current proposal.
20. The first floor extension complies with the 45 degree guidance of the SHP. The guidance indicates that the ground floor element will have an effect on an adjacent window and door at number 25. However the affected window does not appear to serve a habitable room, and whilst the kitchen does draw some light from the doorway, the main source of light is from a conventional window, which the guidance indicates is not materially affected.
21. With regard to number 21, the guidance indicates an effect on a rear facing window. This would previously have served a dining, or back room, although 21 has now been opened up to the front room and its bay window. The most recent changes to the proposals have reduced the height of the proposed

flank wall, moved it some 300mm back from its original position and reduced its depth. The proposals are not now considered overbearing or oppressive and the orientation of the properties means there will be no loss of direct sunlight, the only material impact being a loss of daylight and some loss of outlook.

22. Officers note that the ground floor element is materially less harmful than what could be constructed under Permitted Development rights granted by the GPDO, if this element were to be constructed in isolation. However, a decision must be made on the proposal as a whole. Whilst this decision must be made on balance, officers are of the opinion that the effect on the window at number 21 is not of a scale that would justify a refusal of planning permission.
23. Whilst there may be some increase in the perception of overlooking from the increase in glazing, the increase would not be unreasonable or unacceptable. It will however be necessary for any grant of planning permission to be conditional on the submission of further details to demonstrate that no external access to the flat roof areas will be possible, to limit the effect on adjacent occupiers and ensure the development complies with Policies CP1 and CP10 of the OLP and Policy HP14 of the SHP.

Flooding

24. Policy CS11 of the Core Strategy seeks to limit the effect of development on flood risk and expects all developments to incorporate sustainable drainage systems or techniques to limit or reduce surface water run-off.
25. The development will add to the level of non-porous surfaces on the site, resulting in an increased level of rain water run-off. However the increase is relatively modest and subject to a condition to ensure the development is carried out in accordance with the principles of Sustainable urban Drainage Systems, the proposals will not result in an unacceptable risk of flooding and comply with Policy CS11 of the Core Strategy.

Parking

26. At 1.8m wide, the undercroft does not provide a compliant parking space and there would be no loss of parking spaces. Whilst the site would now accommodate 2 self-contained flats, that would not necessarily lead to greater parking pressure than the existing HMO use. The Highway Authority has made no objection to the proposal.

Bin and bike stores

27. Policy HP13 of the SHP requires that dwellings be provided with safe, discrete and conveniently accessible storage of refuse and recycling. Policy HP15 requires secure cycle storage with level, unobstructed access to the street.
28. Dedicated bin and cycle storage areas are shown on the proposed plans allowing level access out to the road. However the layout does not appear to

be ideal, with the location of the bins obstructing two of the cycle spaces. Neither does the application explain how the storage will be enclosed

29. If permission is granted, it is considered reasonable and appropriate to impose conditions to secure an acceptable layout and enclosure of cycle and bin storage to ensure the needs of the new dwellings are successfully met and that the development complies with Policies HP13 and HP15 of the SHP.

Other Matters

30. Comments have been received relating to the loss of soft landscaping to the rear garden area and replacement with synthetic materials. These works appear to have been carried out already, without the need for planning permission and do not form part of this application. The allegation that the ground level has been raised has been passed to the Council's planning enforcement team.
31. Officers note the comments received with reference to a privacy screen at the rear, but would advise that this is not on the boundary of the plot, but between the lower flat's garden and the access from the upper floor flat to its own area of garden. It will therefore have little or no additional effect on the occupiers of adjacent dwellings.

Conclusion:

32. The proposal would make a more efficient use of land within an existing residential area which is sustainably located. The development is considered to form an acceptable visual relationship with the existing building and local area and will not have an unacceptable effect on the current and future occupants of adjacent properties. An acceptable level of accommodation, bin and bike storage and private amenity space would be provided and any remaining issues can be dealt with by condition to ensure the development accords with policies CP1, CP8 and CP10 of the Oxford Local Plan 2001 – 2016, CS11, CS18 and CS23 of the Oxford Core Strategy 2026 and HP2, HP7, HP9, HP10, HP12, HP13, HP14, HP15 and HP16 of the Sites and Housing Plan.

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: 15/01414/FUL

Contact Officer: Tim Hunter

Extension: 2154

Date: 2nd October 2015

Appendix 1

23 Stratfield Road

