

West Area Planning Committee

13th October 2015

Application Number: 15/02206/FUL

Decision Due by: 21st October 2015

Proposal: Erection of two storey garden annexe.

Site Address: 60 Walton Street, Oxford (**site plan: appendix 1**)

Ward: Jericho and Osney

Agent: Mr and Mrs Bernard and **Applicant:** Mr Paul De Villiers
Jacinta Ross and Evans

Application Called in by Councillors Cook, Fry, Clarkson and Price on the basis that the applicant has an opportunity to present the planning merits of the case to the planning committee

Recommendation:

The West Area Planning Committee is recommended to refuse planning permission for the following reasons:

Reasons for Refusal

- 1 The proposed annexe is of an unacceptable scale and form at a visually prominent location which will result in an inappropriate addition to the streetscene at this location, which could be further exacerbated by the impact on a tree in the rear garden of the neighbouring property to the south east that adds significant amenity value to the streetscene. As a result, the proposal will have detrimental impact on the character and appearance of the conservation area at this location. In this respect, the proposal does not comply with policies CP1, CP8 and HE7 of the Oxford Local Plan, policy CS18 of the Core Strategy and policy HP9 of the Sites and Housing Plan.
- 2 The proposed annexe is of a large footprint which represents over-development of the rear garden area, and will leave insufficient private amenity space for future occupiers of the property. Consequently, the proposal does not comply with the relevant provision of policy CP10 of the Oxford Local Plan.
- 3 The window at first floor level of the proposed annexe will create a feel of being overlooking for occupiers of the neighbouring property to the south east. The proposal is therefore contrary to policy HP14 of the Sites and Housing Plan and policy CP10 of the Oxford Local Plan.

Main Local Plan Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals

CP8 - Design Development to Relate to its Context

CP10 - Siting Development to Meet Functional Needs

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

Other Material Considerations:

This application is in the Jericho and Osney Conservation Area.

National Planning Policy Framework

Planning Practice Guidance

Relevant Site History:

03/01474/FUL: Alterations at roof level, by raising ridge to roof and construction of dormer window to rear. Conservatory at rear, Approved

Representations Received:

Letters have been received from the following addresses, and the comments are summarised below

- 59 Walton Street, 30A Jericho Street

- Structure is significant and very careful consideration should be given to impact on streetscene

- The impact on the privacy has yet to be tested as the Grantham House development is unoccupied.

- Concern over the impact on daylight afforded to the lower ground floor, kitchen and ground floor windows of 59 Walton Street.

- Proposal will dramatically reduce the amount of external space and exacerbate the imbalance between internal accommodation and external amenity space.

- Building of this size with separate entrance into the office indicates a potential use that could be solely domestic with potential to become a commercial use.

- The shower and separate entrance are indicators that the applicant's true

intention may be for this annex to function as a separate one bedroom dwelling.

- Quality design in a conservation area should seek to respond to and enhance the setting of existing buildings not simply to mimic them, thereby presenting a false and confused architectural legacy.
- The design ambition for the proposal appears at best to aim to be inoffensive.
- The garden elevation has an oddly proportioned double casement and modern rooflight.
- The proposal is an attempt to overdevelop an already constrained site to the detriment of the neighbouring property and the wider local environment.
- The tree at 59 Walton Street makes a significant contribution to the greening of the locality and is a significant mature feature of the garden
- The size of the tree at 59 Walton Street has been misrepresented.
- Description of the tree and its condition appears to play down its significance and make an unqualified statement regarding its condition.
- No root protection area, arboricultural report, or tree protection method statement is included in the application
- The tree has also become critical to the privacy of the garden of No.59 after the development of Grantham House to the west of the property

Statutory Consultees:

No responses from statutory consultees.

Officers Assessment:

Site Location and Description:

1. The site is located on the south west side of Walton Street at its junction with Cranham Street. The site is within the Jericho and Osney Conservation Area (**site plan: appendix 1**)

Proposal

2. Planning permission is sought for the erection of a two storey annexe with a pitched roof in the rear garden of the property.
3. Officers consider that the principle determining issues with regards to the proposal are as follows: scale, form, appearance and impact on the conservation area; and impact upon adjoining properties.

Scale, Form, Appearance and Impact on the Conservation Area

4. Policy CS18 of the Oxford Core Strategy 2026 requires development to respond appropriately to the site and surroundings; creating a strong sense of place; contributing to an attractive public realm; and providing high quality architecture. The Local Plan requires new development to enhance the quality of the environment, with Policy CP1 central to this purpose. Policy CP8 requires development to relate to its context with the siting, massing and design creating an appropriate visual relationship with the form, grain and scale of the surrounding area. Policy HE7 of the Local Plan states that new development in conservation areas should preserve or enhance the special character and appearance of the conservation area or its setting.
5. The proposed annexe, in terms of its footprint, is of a scale which is not subservient to the main house and covers an unacceptable proportion of the garden area, leaving limited usable, private amenity space to the rear of the property for future occupants, which is not an efficient use of land. The design and access statement states that a justification for the scale of the annexe is that surrounding buildings are of a greater height. However, the fact that surrounding buildings are of a greater height is not a justification for over-development of a residential garden. In relation to scale in terms of height, the proposed annexe will be an inappropriate addition to the streetscene due to the fact that it is proposed to be sited in a visually prominent location with the property being located on a corner plot. Although the surrounding buildings located on Cranham Street are of a larger scale, the proposed annexe will read unusually within the streetscene as an outbuilding of an excessively bulky and incongruous form that gives the appearance that the vast majority of the garden area has been developed.
6. The scale and form of the proposed annexe coupled with the fact it will be inappropriate addition to the streetscene, the proposed annexe will have a detrimental impact on the character and appearance of the conservation area at this location. The proposed outbuilding would also not conform to the spatial pattern of development, in that residential properties are not characterised by large scale outbuildings in rear gardens.
7. Overall, in its scale, form and appearance, the proposed annexe does not form an appropriate visual relationship with the site and the surrounding area will have a detrimental impact on the character and appearance of the conservation. The proposal does not accord with policies CP1, CP8, CP10, HE7 of the Oxford Local Plan, policy CS18 of the Core Strategy and policy HP9 of the Sites and Housing Plan.

Trees

8. The design and access statement asserts that an existing Hawthorn shrub/tree 'appears to be at the end of its natural life'. No evidence has been provided to substantiate this claim; ostensibly the tree appears to provide a positive landscape feature to the streetscene. In the absence of such evidence the tree in question is a material consideration in the determination of this application.
9. The hawthorn bush/tree provides significant amenity value to the streetscene

from both Walton Street and Cranham Street. If this tree were to be lost as a result of the construction of the proposed annex, this would have a detrimental impact on the streetscene and the appearance of the conservation area at this location.

Impact upon Adjoining Properties

10. Sites and Housing Plan Policy HP14 states that permission will only be granted for development that protects the privacy and amenity of proposed and existing residential properties, and will be assessed in terms of potential for overlooking into habitable rooms, sense of enclosure, overbearing impact and sunlight and daylight standards. This is also supported through Local Plan Policy CP10.
11. In respect of neighbouring privacy, the first floor level window will look immediately look down into the garden of 60 Walton Street. If sightlines are drawn at 45 degrees from the window there will be a degree of overlooking into the garden of 59 Walton Street, which is partly screened by vegetation. The dormer with balcony of 59 Walton Street looks down into the application site already and the annexe would cause mutual overlooking between gardens. However, the location to the rear would generate a feel of being overlooked for current and future occupiers with a window facing back towards properties Walton Street at first floor level, unlike the dormer and balcony which are set back and not within the immediate outlook of 60 Walton Street. There will be overlooking of 59 and 60 Walton Street caused by the balcony on the north east facing elevation of Grantham House but this does not justify the erection of inappropriate development as a screening measure.
12. In respect of overshadowing, the gable of the two storey element of the proposed annexe will face onto the shed of the neighbouring property, which is not usable amenity space. Overall, unreasonable harm will not be caused to neighbouring amenity in respect of overshadowing.
13. Concern has been raised in representation regarding the size of the annexe and its potential for intensifying commercial activity and use as an unauthorised dwelling. The application submitted must be judged on its merits alone and any potential, future intentions of the owners cannot be considered.

Conclusion

14. The proposal is considered to be unacceptable in terms of the relevant policies of the Oxford Core Strategy 2026, Oxford Local Plan 2001-2016, and Sites and Housing Plan 2026 and therefore officer's recommendation to the Members of the West Area Planning Committee is to refuse the development.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to refuse 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 refuse planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Contact Officer: Matthew Watson

Extension: 2160

Date: 29th September 2015