

## East Area Planning Committee

2nd December 2015

**Application Number:** 15/02614/FUL & 15/02615/LBC

**Decision Due by:** 30th October 2015

**Proposal:** Insertion of 1No roof light into east-facing roof slope. Erection of trellis above, and espalier frames behind, existing boundary wall forming south-east boundary. Demolition of existing stone wall to west boundary. Erection of stone boundary wall incorporating 3No gates to west boundary. (Amended plans and description) (Part retrospective)

**Site Address:** Lawn Upton House 27 Lawn Upton Close Oxford  
Oxfordshire

**Ward:** Littlemore Ward

**Agent:** Mr Neil Clarke

**Applicant:** Mrs Soraya Moreira

**Application called in** by Councillors Henwood, supported by Cllrs Fry, Taylor and Clarkson over concerns that the removal of stone walls and the use of modern materials would neither improve nor enhance views, and would deter from the Grade II listed building's visual amenity.

---

### **Recommendation:**

APPLICATION **15/02614/FUL** BE APPROVED

For the following reasons:

- 1 The proposal is acceptable in design terms, would preserve the character and appearance of the Littlemore Conservation Area and would not harm the amenity of neighbouring properties. The proposal therefore accords with policies CP1, CP6, CP8, CP10, HE3 and HE7, of the Oxford Local Plan, HP9 and HP14 of the Sites and Housing Plan and CS12 and CS18 of the Core Strategy.
- 2 The Council considers that the proposal, subject to the conditions imposed, would accord with 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.
- 3 The Council considers that the proposal, subject to the conditions imposed, would accord with the special character, setting, features of special architectural or historic interest of the listed building. It has taken into

consideration all other material matters, including matters raised in response to consultation and publicity.

- 4 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 Sample panel
- 4 External walls - mortar as approved
- 5 Roof light
- 6 Proposed gates and trellis

**APPLICATION 15/02615/LBC BE APPROVED**

For the following reasons:

- 1 The Council considers that the proposal, subject to the conditions imposed, would accord with the special character, setting, features of special architectural or historic interest of the listed building. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity.
- 2 The City Council has given considerable weight and importance to the desirability of preserving or enhancing designated heritage assets and their settings, including the listed building(s) and/or conservation area. It considers that any harm that would result from the proposed development is justified by the residential amenity benefits that would result and that the proposal is considered to comply with policies contained within the adopted Oxford Local Plan, the adopted Oxford Core Strategy, the adopted Sites and Housing Plan and National Planning policy and guidance.

subject to the following conditions, which have been imposed for the reasons stated:-

- 1 Commencement of works LB/CAC consent
- 2 LBC approved plans
- 3 Sample panel

- 4 External walls - mortar as approved
- 5 Roof light
- 6 Proposed gates and trellis

### **Main Local Plan Policies:**

#### **Oxford Local Plan 2001-2016**

- CP1** - Development Proposals
- CP6** - Efficient Use of Land & Density
- CP8** - Design Developmt to Relate to its Context
- CP10** - Siting Developmnt to Meet Functionl Needs
- HE3** - Listed Buildings and Their Setting
- HE7** - Conservation Areas

#### **Core Strategy**

- CS12\_** - Biodiversity
- CS18\_** - Urb design, town character, historic env

#### **Sites and Housing Plan**

- HP9\_** - Design, Character and Context
- HP14\_** - Privacy and Daylight

#### **Other Material Considerations:**

National Planning Policy Framework

This application is in or affecting the Littlemore Conservation Area. The development is affecting a Grade II Listed Building.

Planning Practice Guidance

#### **Relevant Site History:**

04/02282/FUL - Change of use of Lawn Upton House from school offices and flat to 3 houses. Change of use from disused Garden House to 1 house. Change of use from stables/chapel/learning resource building to one house with pitched roof over existing single storey building. Boundary walls, gates and free standing bin store. 9 car parking spaces (see application no. 04/02293/FUL for 18 flats and access in grounds).(Amended Plans). PER 15th February 2005.

04/02292/LBC - Listed Building Consent for 1) Removal of timber sheds and modern external steel fire-escape. 2) Pitched roof over single storey building part of stables/chapel/resource building. 3) Alterations to Lawn Upton House, Garden House and stables/chapel to form 4 houses/1 flat. 4) boundary walls and gates. PER 15th February 2005.

10/00235/EXT - Renewal of planning permission 04/02282/FUL (Change of use of Lawn Upton House from school offices and flat to 3 houses. Change of use from disused Garden House to 1 house. Change of use from stables/chapel/learning resource building to one house with pitched roof over existing single storey building. Boundary walls, gates and free standing bin store. 9 car parking spaces.. PER 22nd April 2010.

10/00236/EXT - Renewal of Listed Building Consent 04/02292/LBC ( 1) Removal of timber sheds and modern external steel fire-escape. 2) Pitched roof over single storey building part of stables/chapel/resource building. 3) Alterations to Lawn Upton House, Garden House and stables/chapel to form 4 houses/1 flat. 4) boundary walls and gate). PER 22nd April 2010.

10/00235/CND - Details submitted in compliance with conditions 2 (landscape plan), 5 (hardstandings), 6 (tree protection), 7 (method statement), 8 (stone wall) and 9 (cycle parking) of planning permission 10/00235/EXT. PER 9th April 2013.

15/02615/LBC - Insertion of 1No roof light into east-facing roof slope. Erection of railings above, and espalier frames behind, existing boundary wall forming south-east boundary. Demolition of existing stone wall to west boundary. Erection of stone boundary wall incorporating 2No gates to west boundary. (Amended plans and description 29.10.15). PDE.

#### **Representations Received:**

None

#### **Statutory Consultees:**

Littlemore Parish Council: no comments received

#### **Issues:**

Principle

Design, impact on listed building & conservation area, possible loss of historic fabric

Residential amenity

Biodiversity

#### **Officers Assessment:**

##### Site description

1. Lawn Upton House is a grade II listed building the 'list' description is as follows;

*House in Gothic style C1846; built for Charles Crawley (Crawley Coat of Arms over oriel window). 2 storeys H plan, the wings on the north side added by W Herschel in the later C19. Coursed, squared limestone rubble with freestone dressings. Tiled roof with coped gables and multiform ashlar ridge stacks. Coped, gabled dormers. Casement windows with mullions and glazing bars.*

*1st floor oriel window to south wing. Octagonal staircase turret in corner between main range and south wing. Arched doorway with panelled door. The site has associations with John Henry Newman who proposed to found a monastic house here before his conversion to Rome in 1845.*

2. The property is located within and contributes to the character and appearance of the Littlemore conservation area, designated on 11<sup>th</sup> December 1995.
3. Formerly used as a school, permission was given in 2005 for the conversion of the buildings for residential use. The permissions were renewed and the conversion finally completed last year. Lawn Upton House is the reinstatement of the original 1846 building, excluding the attached later north wing which is a separate residential property.

### Proposal

4. Planning permission and listed building consent are sought for the insertion of a roof light, and for the enclosure of the property's boundary by means of timber trellis, espalier frames, new stone wall and three timber gates.
5. It was originally proposed to add cast iron trellis type railings and a gothic style cast iron gate to enclose this space. It was considered that the proposed railings and gate would dominate views of the listed building and so amended plans were sought to remove these elements. A simpler low stone wall and low timber gates were proposed instead and amended plans submitted. It was also noted during site visits that espalier frames had been erected which require planning permission. These were added to the amended plans.
6. It should be noted that on an additional site visit made by officers late in the application process, a further espalier frame and fence panel were noted to have been erected in the south-west corner of the plot. This is being investigated separately by the planning department.

### Principle

7. It is understood that the reason for the enclosure of the site is to clearly delineate the property's private space. The design and access statement states that the works are:

*to provide my client with clarity and security of site curtilage. The current arrangement is ambiguous and has led to instances where my client's private garden is being accessed by unauthorized individuals and used as an amenity area.*

8. At present, the lack of enclosure means that the path along the south of the site is being used by the general public and compromising the privacy of the occupiers. The proposal for the enclosure therefore accords, in principle, with policy HP9 of the Sites and Housing Plan in that the landscaping and boundary treatments would clearly define private and public space, and would comply with policy HP14 in providing reasonable privacy.

### Design, impact on listed building & conservation area, possible loss of historic fabric

9. The insertion of the roof light, subject to a condition that it be a metal-framed conservation-type roof light that would fit flush with the roof slope, is not considered to detract from the appearance of the roof slope due to its small size. It would therefore be considered to preserve the appearance of the conservation area and of the listed building.
10. The stone wall with a height of 1200mm to the west elevation is considered to be in character with the house and village setting of the building in terms of its simple form and natural materials. Sample panels would be required to be approved by condition should permission be granted. The existing low stone front wall, which is 300-400mm high with slightly larger stone piers, has been poorly repaired and does not appear to be of any historical significance. The demolition of the existing wall and its replacement with a stone rubble wall with stone coping and a simple wooden gate is considered acceptable from the listed building and conservation area aspects.
11. To the south of the formal front garden is a lawned area and a stone path giving access to the enclosed rear garden. Only a little further to the south is a gravel path which is the public footpath; apparently there has been confusion as to which is the public footpath with strangers walking along the paved path to the rear garden by mistake. The owners wish to enclose this space to prevent members of the public accessing their private space. A 1200mm high stone wall, in the same style as that proposed to replace the low stone wall along the front elevation, is therefore proposed on the road frontage with a wooden gate providing access to the paved path to the rear garden. The southern boundary will be planted with a hedge to provide enclosure.
12. The rear garden is enclosed with a 1200mm stone wall constructed as part of the conversion completed last year. It is proposed to add a timber trellis on top of this wall to provide a more private and secure rear garden, the proposed trellis is considered acceptable from the listed building and conservation area aspects. Tall espalier frames (around 3.5m high) have been erected and trees planted inside the boundary walls which will eventually provide attractive vegetation which will give more privacy to the rear garden. Due to the height of the timber frames, these require planning permission. They are considered acceptable in design terms and in terms of their impact on the conservation area due to them being of natural materials that would preserve the area's character and not detract from the listed building's appearance.
13. The installation of a log burning stove in the main entrance hall, included in the proposed drawings, is considered acceptable from the listed building aspect.

### Residential amenity

14. The only significant impact on neighbouring amenity is the erection of the espalier frames and timber trellis to the east elevation which would impact the ground-floor south-facing window of the adjacent property in the north wing. Due to the

long distance of six metres between the centre of this window and the proposed trellis and espalier frames, there is not considered to be an overbearing impact or harmful loss of light to this window.

### Biodiversity

15. It is considered that there is not sufficient reasonable likelihood of bats being affected by the development (installation of conservation rooflight) to trigger a bat survey. However their presence cannot be discounted entirely and a small risk remains. In order to account for this it is recommended that an informative is applied to the decision so that the applicant can take appropriate measures should they or evidence of their presence be discovered during works.

### **Conclusion:**

16. Overall, the proposal seeks to ensure that the alterations proposed to the listed building are the minimum necessary, designed to respect the architectural qualities of the building and spatial qualities of the space whilst improving the living standards, amenities, security and privacy of the building and make it more suitable to modern living standards.

17. In terms of listed building consent, the proposed external and internal alterations are considered to be sympathetic to the character and appearance of the listed building and the conservation area, and would not harm the architectural or historic special interest of the listed building. Conditions will be used to ensure specific works will be appropriate in design and materials, and that detailing and finishes will be appropriate to the character and appearance of the listed building and conservation area. The proposals are in accordance with local and national planning policy and guidance.

18. In planning terms, the principle of development and the design of the proposal are acceptable. The development would preserve the character and appearance of the Littlemore Conservation Area and would not harm the amenity of neighbouring properties. The proposal therefore accords with policies CP1, CP6, CP8, CP10, HE3 and HE7, of the Oxford Local Plan, HP9 and HP14 of the Sites and Housing Plan and CS12 and CS18 of the Core Strategy.

19. Officers therefore recommend that members approve both 15/02614/FUL and 15/02615/LBC.

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

**Background Papers:** 15/02614/FUL, 15/02615/LBC

**Contact Officer:** Nadia Robinson (15/02614/FUL), Julia Foster (15/02615/LBC)

**Extension:** 2697

**Date:** 18th November 2015