

East Area Planning Committee

3rd February 2016

Application Number: 15/03583/FUL

Decision Due by: 11th February 2016

Proposal: Demolition of existing garage. Erection of two storey extension to south elevation to create 2 x 1 bedroom dwellings (Use Class C3).

Site Address: 82 Normandy Crescent Oxford Oxfordshire OX4 2TN

Ward: Lye Valley Ward

Agent: Mr Jim Driscoll

Applicant: Mr Mohammed Saddiq

Application called in: by Councillors Lloyd-Shogbesan, Price, Fry and Rowley for the following reasons: Parking provision, environmental impact and overdevelopment

Recommendation:

The East Area Planning Committee is recommended to approve planning permission for the following reasons:

Reasons for Approval

- 1 The proposed demolition of the garage and erection of 2 x 1 bedroom dwellings is considered to be acceptable in terms of the design, living conditions and impact on neighbouring amenity. The overall layout of the site, including the access and car parking provision is considered acceptable, having had regard to the alterations to the layout proposed for the retained dwellinghouse at 82 Normandy Crescent. Adequate arrangements are provided in terms of outdoor amenity areas. In reaching this view, there has been regard to the comments and objections received. The development is considered to comply with adopted planning policies, specifically Policy CP1, CP6, CP8, CP10 and CP11 of the Oxford Local Plan 2001-2016, Policy CS2, CS11, CS12, CS18 and CS23 of the Oxford Core Strategy (2011) and Policy HP2, HP9, HP10, HP12, HP13, HP14, HP15 and HP16 of the Sites and Housing Plan. Any material harm arising from the development can be adequately dealt with by the conditions as set out below.

Conditions

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Materials
- 4 Parking area
- 5 Landscaping

- 6 Refuse and Recycling Storage
- 7 Cycle parking
- 8 PD Rights Removed
- 9 SUDs
- 10 Boundary Treatments
- 11 Visibility splays

Main Local Plan Policies

Oxford Local Plan 2001-2016

- CP1** - Development Proposals
- CP6** - Efficient Use of Land & Density
- CP8** - Design Development to Relate to its Context
- CP10** - Siting Development to Meet Functional Needs
- CP11** - Landscape Design
- CP19** - Nuisance
- CP20** - Lighting
- CP21** - Noise

Core Strategy

- CS2_** - Previously developed and greenfield land
- CS9_** - Energy and natural resources
- CS10_** - Waste and recycling
- CS11_** - Flooding
- CS12_** - Biodiversity
- CS17_** - Infrastructure and developer contributions
- CS18_** - Urban design, town character, historic environment
- CS23_** - Mix of housing

Other Material Considerations:

National Planning Policy Framework
Planning Practice Guidance

Relevant Site History:

89/00740/NO - Outline application (seeking approval for siting only) for erection of 2 bedroom dwelling house and garage. New vehicular access to Normandy Crescent and new garage for 82 Normandy Crescent - REFUSED

15/01077/FUL - Change of use from dwelling house (Use Class C3) to large house in multiple occupation (Sue Generis). – WITHDRAWN

15/02578/FUL - Change of use from dwelling house (C3) to House in Multiple Occupation (Use Class C4). - APPROVED

Representations Received:

88, 90 and 100 Normandy Crescent. A response was also submitted that was signed

by the occupiers of 86, 84, 88, 90, 92, 94, 96, 98, 100, 102, 155, 157, 159, 163, 161, 165, objections:

- Access issues
- Effect on character of the area
- On street parking provision
- Parking provision on-site
- Effect on privacy
- Asbestos in property
- Concerns about waste and recycling
- Previous application for development was refused
- Impact on community

Statutory Consultees:

Oxford Civic Society: Conditions should be included relating to SUDs and vision splays.

Oxfordshire County Council Highways Authority: Initially objections were received in relation to the development. The concerns related to concerns about cycle parking provision and visibility splays. Following further consultation it was considered that both of these matters could be dealt with by condition. The amount of car parking provided for the one bedroom dwellings is considered acceptable. Also, the number of car parking spaces provided on-site (two spaces) is considered acceptable for the retain 4-5 bedroom HMO (82 Normandy Crescent).

Natural England: No comments

Issues:

- HMO
- Parking/access
- Impact on neighbours
- Surface water drainage and flooding

Site Description

1. 82 Normandy Crescent is a large four bedroom dwellinghouse that occupies a corner plot. This part of Normandy Crescent forms a cul-de-sac with the properties (82-157 Normandy Crescent) being situated around a central parking courtyard. The properties were developed in the late 1950s; each property benefits from a front garden of approximately 5m depth and a uniform appearance.
2. 82 Normandy Crescent was previously occupied as a family dwellinghouse (Use Class C3). Recently the property has been purchased by a new owner who has carried out some internal refurbishments as well as demolishing parts of the low stone wall at the front (that separates the front garden from the highway). None of the works that have currently been carried out at the property require planning permission. The application site is slightly wider than surrounding properties and there is an attached garage on the side elevation that faces onto the part of

Normandy Crescent that forms the access into the cul-de-sac. A recently approved planning permission has been granted to change the use of 82 Normandy Crescent to a five-bedroom HMO (Use Class C4).

Proposals

3. It is to demolish the existing garage at the rear of 82 Normandy Crescent and erect 2 x 1 bedroom dwellings. These dwellings would adjoin the existing dwelling, forming a terrace with No.s 82 and 84 Normandy Crescent.
4. The proposed dwellings would be approximately 7m in depth, which is the same as the existing dwellinghouse at 82 Normandy Crescent. Each of the one bedroom dwellings would be approximately 4.8m in width and have accommodation over two floors. The proposed dwellings would have the same eaves and ridge heights as the existing dwelling at 82 Normandy Crescent. Each of the proposed dwellings would have a small canopy-type porch. Materials are proposed to be provided that would largely match the existing dwellings in the area.
5. It is proposed for two parking spaces to be retained at the front of the site for the use of the occupiers of No. 82 Normandy Crescent. A new parking area is proposed at the rear of the site for the use of the occupiers of the new dwellings with one space each. Areas of the low wall around the site would be removed and dropped kerbs are proposed to enable access to the parking areas.
6. The proposed plans also show one on-street space within the shared parking area in front of 82 Normandy Crescent for the use of the occupiers of that property. It should be noted that this area lies outside of the application site and the ownership of the applicant. There is more discussion of this matter later in this report.

Assessment

Principle of Development

Policy CS2 and Principle

7. Policy CS2 of the Oxford Core Strategy (2011) together with the National Planning Policy Framework (National Planning Policy Framework) require that the majority of new development should take place on previously developed land. Officers recommend that some of the site is considered to be previously developed land as it is currently occupied by a garage. However, some of the application site may be regarded as residential garden land, which for the purposes of the NPPF cannot be regarded as previously developed land. Despite this, subject to design considerations and the impact of the development on neighbouring occupiers there are merits for developing residential garden land where it can reasonably be considered to make more efficient use of land This is an approach that is

broadly supported by Policy CP6 of the Oxford Local Plan 2001-2016. For these reasons, Officers recommend that the development is acceptable in principle.

Balance of Dwellings

8. Officers have considered the provision of housing on the entire site, including both the existing dwellinghouse at 82 Normandy Crescent and the two proposed dwellings. In the context of the Council's adopted planning policy, CS23 of the Core Strategy (2011) and the Balance of Dwellings Supplementary Planning Document (SPD) it is necessary to consider the retention of family dwellings. Officers consider that the retention of 82 Normandy Crescent as a four bedroom dwellinghouse would be acceptable in the context of this policy and there would not be a loss of a family dwelling as a result. It is important to note that for the purposes of this policy the fact that there is an extant approval for the change of use of the dwelling at 82 Normandy Crescent to an HMO does not mean that there would be a loss of a family dwelling.

HMO

9. Officers have had regard to the entire application site and the impact of the proposed development on the existing dwelling at 82 Normandy Crescent. Because there is an extant planning permission for the change of use of this dwelling into an HMO it is necessary to consider the impact of the proposed new dwellings on the functionality and acceptability of that property as an HMO. Officers consider that the loss of the garage and areas of side garden would not give rise to an unacceptable amount of facilities and amenity for the occupiers of that property in the context of Policy HP7 of the Sites and Housing Plan (2013). A wider discussion of the impact of the proposed development on access and car parking arrangements is considered later in this report.
10. The approved application (15/02578/FUL) for the change of use featured floor plans showing a five bedroom HMO (with a bedroom on the ground floor in addition to the four bedrooms at first floor). This application provides floor plans that omit the fifth bedroom at the ground floor. Officers recommend that the existing planning permission (15/02578/FUL) is still extant and the proposed development in this application does not make reference to changes to the HMO. Regardless of this, the occupation of the HMO would be restricted by licensing which would deal more closely with the internal layout of the dwelling and the availability of communal areas.

Design

Impact on Streetscene

11. The proposed development would form a continuation of the existing dwelling and would form a natural and visually harmonious addition to the

streetscene. Officers have had regard to the fact that the application site is a corner plot and the development would therefore be more prominent; closing the existing gap on the corner of the cul-de-sac. This would not give rise to visual harm and it is the view of Officers that this would not be visually obtrusive or harmful to the character of the area.

12. In reaching the above view, Officers have had regard to the existing building line, particularly considering the line of houses to the immediate east of the application site (78 and 80 Normandy Crescent). Officers consider that the proposed development would mean that the proposed dwellings would be forward of this line but this would not in itself be harmful or upset the natural pattern of development in the area.
13. The proposed height and depth of the dwellings would match the existing house at No. 82 Normandy Crescent and this would assist in ensuring that the development would form a harmonious addition to the streetscene.
14. The proposed development in its submitted form would be acceptable, though the plots that are provided for the new dwellings would be smaller than adjacent plots. As a result and given the visual prominence of the site, Officers have included a condition within the recommendation that would mean that occupiers of the proposed dwellings would not have the normal permitted development rights that are afforded to dwellinghouses (as set out in Part 1, Classes A, B, C, D and E of the Town and Country Planning (General Permitted Development) Order 2015)).

Materials

15. The proposed use of materials that would be similar to the existing dwellings within the area would be acceptable; this would also enable the development to make a visually acceptable addition to the streetscene. Officers have included a recommendation that a condition be included to ensure that samples are provided of the proposed materials to ensure the choice of materials are suitable and match accordingly.

Living Conditions

16. The proposed development involves the erection of 2 x 1 bedroom dwellings that would be identical in terms of their internal layout. Each of the one bedroom dwellings would have an internal floor area of approximately 41m². This would meet the internal floor area requirements of the Council's adopted planning policy, HP12 of the Site and Housing Plan (2013).
17. Officers have also considered the quality of internal environment that would be provided within the dwellings. It is considered that there would be an acceptable provision of natural daylight and ventilation within the dwellings.
18. Following on from the above, there has also been consideration of

Lifetime Homes Standards as required by Policy HP2 of the Sites and Housing Plan (2013). Officers recommend that the simple internal layout that is proposed and the close proximity of parking to the dwellings means that some of these standards would be met; the development is therefore acceptable in the context of these requirements.

Outdoor Space

19. Each of the proposed one-bedroom dwellings would benefit from its own small area of garden. These gardens would measure 3m and 9m respectively; the smaller garden for one of the dwellings results from the rear portion being occupied by the parking areas for both dwellings. Officers consider that these gardens would provide useful functional spaces for the dwellings; which are unlikely to be occupied as family houses. On this basis the development would meet the requirements of Policy HP13 of the Sites and Housing Plan (2013).
20. Details have been provided in relation to the boundary treatments to be provided on the application site. Officers have recommended that a condition be included to secure these prior to the first occupation of the dwellings.

Refuse, Recycling and Cycle Storage Provision

21. The submitted site plans show areas for refuse and recycling storage. Officers have recommended that a condition be included to ensure that these areas are available prior to the first occupation of the development if planning permission is granted.
22. No details have been provided in relation to cycle storage provision for the new dwellings but each dwelling (as well as 82 Normandy Crescent) would have a side or rear access so that they would be able to access their private garden spaces without going through the house. Cycle parking can therefore be provided in the rear garden and Officers recommend that this could be secured by condition.

Access and Parking

23. As previously described it is proposed to provide two on-site car parking spaces for No. 82 Normandy Crescent. This would be a net reduction of one car parking space. Officers have considered the acceptability of this reduction and on balance consider that the provision of two on site spaces for the HMO would be acceptable in the context of the Council's adopted planning policy, HP16 of the Sites and Housing Plan. Officers also consider that the proposed area for parking for the two new dwellings would be acceptable. Vision splays would be provided in accordance with the requirements of highway safety and secured by condition. Officers have included in the recommendation that the proposed parking area be completed prior to the first occupation of the dwellings. County Council

Highways Officers have provided advice about the proposed development and consider that this approach is acceptable in highway safety terms.

24. A number of responses and objections have been received by local residents. Some of these concerns relate specifically to the identification of a car parking space within the shared parking area in the cul-de-sac by the occupiers of 82 Normandy Crescent. A single parking space is identified in the submitted plans for this application for use by the occupiers of the HMO. Officers consider that this cannot be included in the on-site provision as it lies outside of the application site. It is worth noting that the concerns about the parking area were raised previously in relation to the application for the change of use of No. 82 Normandy Crescent to use as an HMO. Officers have now investigated this matter further; having been provided with additional plans that show the layout of the car parking area that was approved as part of a City Council scheme to provide additional residents parking (reference 03/01320/CT3). The approved plan of the scheme does not designate any of the 15 car parking spaces provided to any specific residents but the Officer report that dealt with the scheme does state that it relates to the properties 82-102 Normandy Crescent. The report also states that it would be for the use of the residents of 'Council owned flats in Normandy Crescent'. To the knowledge of Officers, there are no Council owned flats in Normandy Crescent but the dwellings were once owned by the Council. On this basis, it is considered that the shared parking area was provided for all residents of 82-102 Normandy Crescent. As a result, though the spaces within the shared parking area cannot and should not be considered part of the parking provision associated with this development, Officers would suggest that the occupiers of 82 Normandy Crescent could reasonably believe they would be entitled to park in the residents parking area on the same basis as other occupiers of 82-102 Normandy Crescent.
25. In the interests of clarifying the above matter more fully, a copy of the approved plan for the parking area and the committee report follow this report.

Impact on Neighbours

26. Officers have been mindful of the impact of the proposed change of use on occupiers of surrounding residential properties; Officers have also had regard to the objections and comments made in relation to the proposals.
27. The proposed development would not have a detrimental impact on light conditions for any surrounding properties. The proposed development complies with the 45/25 degree code as set out in Policy HP14 of the Sites and Housing Plan (2013).
28. The proposed development would not give rise to a loss of a privacy for any neighbouring occupiers. There are no side windows that would overlook neighbouring properties or private rear gardens. The length of the rear gardens (combined with the shared car parking area for the dwellings)

means that there would be no overlooking into the rear gardens or dwellings of properties to the east of the application site.

Asbestos

29. Concerns have been raised about the presence of asbestos in the property. This is a separate matter that is not normally dealt with in planning; there are specific requirements in terms of the removal and disposal of asbestos which are normally dealt with by Building Control and the Health and Safety Executive (HSE). Despite this, Officers have recommended an informative bringing this matter to the attention of the applicant in the interests of their safety, the safety of contractors and of future occupiers of the property.

Surface Water Drainage and Flooding

30. The site does not lie in area of high flood risk. Details have been provided relating to the management of surface water on the site, this includes the provision of rainwater goods and soakaways. Officers have included a condition in the recommendation that these be provided prior to first occupation. An element of the parking condition requires the use of permeable paving as shown on the submitted plans to ensure that there is no detrimental impact on surface water runoff as required by Policy CS11 of the Core Strategy (2011).

Conclusion

31. On the basis of the above, Officers recommend that the application be approved subject to conditions.

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:

03/01320/CT3

15/02578/FUL

15/03583/FUL

Contact Officer: Robert Fowler

Extension: 2104

Date: 22nd January 2016