

## East Area Planning Committee

2nd March 2016

**Application Number:** 15/03681/FUL

**Decision Due by:** 16th February 2016

**Proposal:** Erection of a part single, part two storey side extension to create 1 x 1 -bed dwellinghouse (Use Class C3). Provision of private amenity space, carparking, bin and cycle store.

**Site Address:** 70 Kestrel Crescent Oxford Oxfordshire OX4 6DZ

**Ward:** Northfield Brook Ward

**Agent:** Mr Stephen Ingram

**Applicant:** Mr Dan Su

**Application Called in –** by Councillors Taylour, Munkonge, Fry and Henwood due to Concerns about privacy and light issues for neighbours

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### **Recommendation:**

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

- 1 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.

### Conditions:

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Materials to match existing
- 4 Cycle Store
- 5 Refuse and Recycling Store
- 6 Parking
- 7 PD Rights

8 Boundary Treatments

9 SUDs

**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

**CP13** - Accessibility

**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

**Sites and Housing Plan**

**HP2\_** - Accessible and Adaptable Homes

**HP9\_** - Design, Character and Context

**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:**

None

**Representations Received:**

None

**Statutory and Internal Consultees:**

Blackbird Leys Parish Council: No comments received

Oxfordshire County Council Highways: No objections, subject to conditions requiring the parking to be provided in accordance with plans.

**Issues:**

- Principle
- Design
- Impact on neighbours
- Access/Parking
- Flooding and Surface Water Drainage

**Officers Assessment:****Site Description**

1. 70 Kestrel Crescent is a semi-detached three bedroom house in the Blackbird Leys area, the property is set back from the highway approximately 7.5m; with an area of front garden. There is adjoining garage (with an adjacent garage serving No. 68 Kestrel Crescent). In front of the garage is an existing car parking space. The garage at No. 70 Kestrel Crescent has been converted to a store, behind this store there is an existing utility area. There is a small conservatory has been erected at the rear of No. 70 Kestrel Crescent. No. 70 Kestrel Crescent benefits from a long rear garden of approximately 18m.
2. With the exception of the storage and utility areas, the existing dwelling at No. 70 Kestrel Crescent would remain largely unchanged by the proposals.
3. It is important to note that there is an irregular boundary between No. 70 and No. 68 Kestrel Crescent; specifically the curtilage of No. 70 extends behind part of the garage of No. 68 Kestrel Crescent. This is accurately reflected on the submitted plans.

**Proposed Development**

4. It is proposed to demolish the existing garage at the side of No. 70 Kestrel Crescent and erect a two storey one bedroom dwellinghouse. The dwellinghouse would have a slightly lower height to the ridge than the existing dwelling at No. 70 Kestrel Crescent and the first floor elevation would set in from the front elevation of the original dwellinghouse.
5. The materials proposed for the new dwellinghouse would match the existing.
6. The proposed dwelling would benefit from its own private outdoor rear garden with a length of approximately 10m. A small patio area would also be provided at the rear of the proposed dwellinghouse.
7. At the front of the new dwelling the existing single parking space would be retained to provide parking for that dwelling. A new replacement car parking space would be provided in the front garden of the existing

dwellinghouse for the occupiers of that property.

8. The proposals also include provision of refuse, recycling and cycle storage. A footpath to the front doors of both properties is proposed to provide access from the highway.

### **Principle of Development**

9. The proposed development would take place on land that is currently an existing garage and store; on this basis the development would take place on previously developed land. Policy CS2 of the Core Strategy (2011) together with the National Planning Policy Framework (NPPF) requires that the majority of new development should take place on previously developed land. On this basis the proposals would be acceptable in principle and supported by the Council's adopted planning policies.
10. In reaching the above view, Officers have been particularly mindful of the relationship between plots, the availability of garden land and the established layout of the surrounding residential development. These are requirements of Policy HP9 of the Sites and Housing Plan.
11. The proposed development would increase the efficiency of land use on the site and in the wider context of the Council's adopted policies it is considered that the development could be supported by Policy CP6 of the Oxford Local Plan 2001-2016.

### **Balance of Dwellings**

12. The proposed development relates to an existing family dwellinghouse; it is noted that the proposals would retain a family dwellinghouse on the site (the three bedroom unit) in addition to the one bedroom dwelling that is proposed. On this basis the proposals would meet the requirements of Policy CS23 of the Core Strategy (2011) and the Balance of Dwellings Supplementary Planning Document (SPD).

### **Design**

#### Appearance, Impact on Streetscene and Materials

13. The proposed development would be focused on the side elevation of the existing property; the proposed development would be in line with the host property and neighbouring dwellings and would therefore have a suitable relationship within the streetscene. The use of matching materials and similar fenestration mean that Officers consider that the proposed development harmonised with the surrounding built environment.

#### Permitted Development Rights

14. The proposed development would create an infill type property that could,

if extended have a greater material impact on surrounding properties. As a result, Officers have included a condition in the recommendation that removes permitted development rights for further additions to the dwellinghouses (as set out in Part 1, Classes A, B, C and D of Schedule 2 of the GPDO). Permitted development rights for outbuildings (Part 1, Class E of Schedule 2 of the GPDO) have not been removed because there is ample garden land and the impact of such developments would not likely give rise to an adverse impact in design terms.

#### Quantity and Quality of Indoor Space

15. Officers have had regard to the quantity and quality of indoor space that is proposed for the new dwelling. The proposed dwelling would have an internal floor area that meets requirements of Policy HP12 of the Sites and Housing Plan. Officers have also considered the provision of daylight and ventilation for the dwelling and consider this to be adequate.

#### Internal Layout – Policy HP2 of the Sites and Housing Plan

16. The layout of the proposed dwelling would be acceptable in the context of Policy HP2 of the Sites and Housing Plan. The proposals include a simple layout with level floor levels throughout the ground floor, a ground floor WC and the parking areas that relate closely and conveniently to the entrance of the dwelling.

#### Outdoor Amenity Space

17. The proposed garden area, with the rear garden being split for use by each of the dwellings is considered to be acceptable. The length of the rear gardens means that there would be ample private garden space. A condition has been included in the recommendation that would ensure the subdivision of the gardens and an appropriate boundary treatment is installed prior to first occupation.

#### Refuse and Recycling Stores

18. There are proposals to provide refuse and recycling stores at the front of the proposed dwelling. The proposals do not include a screened store, as a result, Officers have included a recommendation that details for a store be require by condition and the approved store is provided prior to first occupation.

### **Plans**

19. The originally submitted site plan (Drawing No. 3381Kest REV A) was revised because the scale was stated as 1:100 whereas in fact the plan was drawn at 1:200.
20. The plans were also modified to include changes to the parking layout; this followed concerns from the County Council Highways; more detail is provided in relation to this matter later in this report.

## **Impact on Neighbours**

### Impact on Outlook

21. The proposed development would not have an adverse impact in terms of being overbearing or obtrusive when viewed from neighbouring plots. The design of the dwellinghouse, being proposed to emulate surrounding properties would ensure that it was not alien to the character and appearance of the area.

### Impact on Privacy

22. The proposed development does not include any proposals for side windows that would lead to overlooking. The length of the rear gardens mean that the proposed windows at the rear of the dwellinghouse would not lead to overlooking to properties at the rear. It should be noted that there are no properties to the immediate rear of No. 70 Kestrel Crescent; behind the property is the Cowley branchline which runs at grade in this location.

### Impact on Light

23. Officers have carefully considered the impact of the proposed development on the light conditions for neighbouring residential occupiers. The proposed new dwelling would not project beyond the rear elevation of the existing property at the ground floor but would involve the introduction of some first floor elements to the side of the existing dwellinghouse.
24. The proposed development would not have a detrimental impact on light conditions for the existing dwelling. The proposals would involve the loss of a landing window at the first floor side elevation but this is considered to be acceptable. Officers have also considered the proposals would not contravene the 25/45 degree code as set out in Policy HP14 of the Sites and Housing Plan (2013) in relation to the rear windows of No. 70 Kestrel Crescent.
25. The proposals would have an impact on light conditions for No. 68 Kestrel Crescent. The existing garage at that property (which adjoins the existing garage at No. 70 Kestrel Crescent) will afford some separation between the house and the proposed dwelling. However, there are side windows at No. 68 Kestrel Crescent and the proposed development would have the potential to decrease light into these windows. There are two windows on this elevation, these serve a landing and bathroom, which are not main habitable rooms where the loss of light would have been unacceptable. On this basis, Officers recommend that the impact on neighbouring amenity of the proposed development would be acceptable.
26. No objections have been received from neighbouring occupiers.

## **Access and Parking**

### Access

27. The proposed dwelling would make use of the existing access for the car

parking serving the existing dwelling on the site. A proposed parking area is shown on the plans that would provide one car parking space for the existing dwelling.

#### Car Parking

28. The originally proposed plans showed two car parking spaces to serve the three bedroom dwelling and one car parking space to serve the proposed dwelling. Highway officers expressed concerns about the vision splays which led to Officers requesting amended plans. The amended plans provide only one car parking space for the three bedroom dwelling and one space for the proposed dwelling but they provide improved vision splays. Officers consider that the proposed parking area would be acceptable in highway safety terms.
29. Officers have considered the acceptability of the amount of proposed car parking on the site. Normally, for developments outside of the Transport Central Area we may typically expect three bedroom dwellings to provide two car parking spaces. However, the existing three bedroom property currently only has one car parking space and it is considered acceptable that this would be provided on a like for like basis. In reaching this view, Officers have taken into account the close proximity of the site to local services in Blackbird Leys Road/Cuddesdon Way and the close proximity of bus stops on Blackbird Leys Road that provide frequent services to Cowley Centre, the City Centre and Railway Stations. The proposals for a single space for the one bedroom dwelling would also be acceptable. On this basis, Officers recommend that the development would be acceptable in the context of Policy HP16 of the Sites and Housing Plan (2013).

#### Proposed Cycle Store

30. A proposed cycle store is included in the plans at the front elevation; this is because the rear gardens of the properties are not accessible. Officers have included a condition that would ensure that the cycle storage is provided in order that the development meets the requirements of Policy HP15 of the Sites and Housing Plan (2013).

### **Flooding and Surface Water Drainage**

31. The application site does not lie in an area of high flood risk.
32. Officers have considered the impact of the proposed development on surface water drainage. The proposed development includes proposals to use permeable paving in hard surfaced areas; Officers consider that this would be acceptable and would minimise the impact of the development on surface water drainage conditions. However, there are no specific proposals relating to drainage on the site and it is recommended that this be secured by condition.

### **Contaminated Land**

33. Officers have considered the ground conditions of the application site and recommend including an informative relating to ground contamination.

### **Biodiversity**

34. Officers have considered whether or not the existing site could be a habitat for protected species and recommend that this is unlikely. No specific measures have been included that relate to biodiversity enhancements; though the large majority of the existing garden has been retained.

### **Conclusion**

35. On the above basis, Officers recommend that the East Area Planning Committee resolve to grant planning permission for the development subject to the conditions as included above.

### **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:**

15/03681/FUL

**Contact Officer:** Robert Fowler

**Extension:** 2104

**Date:** 17th February 2016