

East Area Planning Committee

-2nd March 2016

Application Number: 15/03117/FUL

Decision Due by: 22nd December 2015

Proposal: Demolition of 11 garages. Erection of 1 x 2bed dwellinghouse (Use Class C3). Provision of private amenity space, car parking, bin and cycle storage.

Site Address: Garages To The Rear Of 1 3 5 7 And 9 Coppock Close
Oxford Oxfordshire
(Site location - Appendix 1)

Ward: Quarry And Risinghurst Ward

Agent: Mr Andrew Banks

Applicant: Mr & Mrs P Noble

This application is being sent to East Area Planning Committee because of strong local interest.

Recommendation:

APPLICATION BE REFUSED

For the Following Reasons:-

- 1 The proposal is unacceptable as it would create poor quality residential accommodation to the detriment of the amenities of the future occupiers. In particular the restricted site area and awkward shape together with the proximity of the oversailing quarry wall would result in habitable rooms and private amenity space with a poor outlook and limited levels of natural light, whilst also experiencing noise and disturbance from manoeuvring vehicles entering the site from the access road and would thus fail to provide good quality internal and external space for the future occupiers. Therefore the proposal would fail to create acceptable living conditions for the future occupiers of the dwellings, contrary to Policies CP1 and CP10 of the adopted Oxford Local Plan 2001-2016, and Policies HP12, HP13, and HP14 of the Sites and Housing Plan.

Main Local Plan Policies:

Oxford Local Plan 2001-2016 (OLP)

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

HE7 - Conservation Areas
NE15 - Loss of Trees and Hedgerows
NE16 - Protected Trees
TR3 - Car Parking Standards
TR4 - Pedestrian & Cycle Facilities

Core Strategy

CS20_ - Cultural and community development
CS12_ - Biodiversity
CS18_ - Urban design, town character, historic environment
CS23_ - Mix of housing

Sites and Housing Plan

MP1 - Model Policy
HP2_ - Accessible and Adaptable Homes
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

This application is in or affecting the Headington Quarry Conservation Area.

Planning Practice Guidance

Relevant Site History:

62/12076/A_H - 15 garages for private cars. PER 8th May 1962.

11/00636/OUT - Outline application with all matters reserved for the demolition of existing block of 11 garages, erection of two storey building to provide 2 x 1-bedroom flats and 2 x 2-bedroom flats, provision of car and cycle parking, bin store and amenity space: REF

11/03287/OUT - Outline application with all matters reserved for the demolition of existing block of 11 garages. Erection of 3x single storey one bedroom bungalows.. REF 9th March 2012.

12/01903/CAT - Fell sycamore tree in the Headington Quarry Conservation area.. RNO 30th August 2012.

12/03053/OUT - Demolition of eleven garages. Erection of 2 x single storey, one

bedroom detached dwellings with provision of private amenity space, 2 parking spaces and cycle and bin storage.. REF 26th February 2013.

Representations Received:

Objections have been received from the following addresses:

3 and 7 Coppock Close
2A Quarry High Street
1 Quarry Hollow
7A Trinity Road

These can be summarised as follows:

- Unsuitability of site for residential development – too small
- Increase in parking pressures
- Impact on adjacent occupiers
- Building too large and creates a sense of enclosure
- Detrimental to Highway Safety and difficulty of access.
- Instability of quarry wall – unsafe
- Increased pressure on drainage and other services
- Accommodation and garden of proposed dwelling would be dark and gloomy

It should be noted that although there were no letters of support, several of the letters of comment state that the current proposals are an improvement on previous schemes on this site.

Statutory and Internal Consultees:

Oxford City Council Environmental Development – No objection but suggests SUDS Condition

Oxford City Council Environmental Health – No objection but recommends phased risk assessment.

Local Highway Authority – Holding objection pending further details (now provided)

Natural England: No comments

Officers Assessment:

Site Location and Description:

1. The application site is located to the rear of houses on the south-western side of Coppock Close, and is bordered to the north and east by the rear gardens of these properties, with the allotments and quarry wall to the south and south west. There is a further garage block to the south – this block would remain. The site lies within the Headington Quarry Conservation Area and close to the Magdalen Quarry Site of Special Scientific Interest.
2. The site comprises an area of land that accommodates a block of 11 single

storey garages, which along with the adjacent garage block (itself outside of the appeal site) are accessed by a short single track road leading from Coppock Close.

Proposal:

3. The current proposal is for the demolition of the existing block of 11 garages, and erection of one single storey two bedroom bungalow.
4. The submitted site plan provides details of the point of access, approximate layout of the development, scale and layout of the dwellings, and also parking spaces. The current plans are an amended form of those originally proposed which seek to address concerns about highway safety, provide a swept path analysis and also reduce the number of bedrooms from 3 to 2. These amended plans have not been the subject of further consultation, because although they are considered an improvement on the original submission, they do not overcome all of the issues of concern to officers.

Background

5. A number of previous applications for new dwellings have been refused on this site and where appealed, these refusals have been upheld at appeal. Refusals have tended to be on the grounds of visual impact on the Conservation Area, loss of residential amenity for surrounding occupiers and low quality space (both inside and outside) to the proposed dwellings.
6. The most recent application, 12/03053/OUT, was for two detached dwellings with pitched roofs and was refused for the following reasons:
 7. *The size, scale, siting and design of the proposed development would represent an inappropriate form of backland development that would introduce an incongruent element to the rear of the Coppock Close properties that would be out-of-keeping with the area and fail to preserve the significance of the Headington Quarry Conservation Area. This would be contrary to Policy CS18 of the Oxford Core Strategy 2026, and Policies CP1, CP6, CP8, CP9, CP10 and HE7 of the adopted Oxford Local Plan 2001-2016 and Policy HP9 of the Sites and Housing Development Plan*
 8. *The overall size, scale, and siting of the proposed development would create a sense of enclosure that would have an unduly oppressive and overbearing impact upon the rear gardens of 5, 7, 9 and 11 Coppock Close. As a result the proposal would fail to safeguard the residential amenities of these adjoining properties and be contrary to Policy CP10 of the Oxford Local Plan 2001-2016, and Policy HP14 of the Sites and Housing Development Plan*
 9. *That the proposed dwellings would fail to provide good quality accommodation for the future occupiers of the dwellings. This would be because their siting in close proximity to the quarry wall and orientation would mean that the dwellings would have a poor outlook and receive limited levels of natural light into the habitable rooms, whilst also experiencing noise*

and disturbance from manoeuvring vehicles entering the site from the access road. Furthermore the proposed gardens for the dwellings would have limited amenity value as they would be small enclosed spaces given their proximity to the quarry wall, the dwellings themselves and their means of enclosure, whilst their orientation would also restrict the amount of natural light received in this spaces which has a further impact upon their overall quality. Therefore the proposal would fail to create adequate living conditions for the future occupiers of the dwellings, contrary to Policies CP1 and CP10 of the adopted Oxford Local Plan 2001-2016, and Policies HP12, HP13, and HP14 of the Sites and Housing Plan.

10. This refusal was upheld at appeal, with the inspector noting that “Whilst the development would result in harm, this would be less than substantial harm to the Headington Quarry Conservation Area”. The Inspector also found that there would be no unacceptable impact on the living conditions of surrounding properties, but that the dwellings would have unacceptably poor living conditions as regards outlook and garden/amenity space. This appeal decision is a material consideration for the determination of any future application.
11. The current scheme, for one 3-bedroom now amended to 2-bedroom home seeks to address the previous reasons for refusal.
12. Written Pre-Application advice was provided last year by Oxford City Council under application 15/00484/PAC. As pointed out in the current design and access statement, this stated that “the proposal to provide an additional three bedroom house is therefore, in principle, welcome”, however it also went on to say that there were “significant concerns about aspects of the scheme as currently proposed” and made it clear that the bulk of those concerns related “to the living standards that would be experienced by occupants of the new dwelling and the effect on adjacent occupiers”, as well as stating: “The limiting factors are likely to relate to the built form of the scheme, and whether the available land is capable of providing an additional dwelling in a way that will provide an adequate level of amenity for the occupants of the house without having an unacceptable effect on the surrounding area and the occupants of the proposed and existing dwellings.”

Principle of Development:

13. National Planning Policy Framework encourages the effective use of land by reusing land that has been previously developed, provided that it is not of high environmental value. This is supported by Policy CS2 of the Oxford Core Strategy 2026. As defined by the NPPF the application site would be considered previously developed land. Therefore officers consider that the principle of redeveloping the site for residential use would accord with the above-mentioned policies. The new dwelling would contribute to meeting the chronic need for housing in Oxford and would be welcome on this basis.
14. The garages are not an attractive feature of the conservation area, and as such there would be no objection to their removal.

Balance of Dwellings

15. Policy CS23 of the Oxford Core Strategy 2026 seeks to ensure that residential development delivers a balanced mix of housing to meet projected future household need, both within each site and across Oxford as a whole. The Balance of Dwellings Supplementary Planning Document (BoDSPD) sets out the appropriate housing mixes for each Neighbourhood Area within the City. The application site is situated within the Quarry and Risinghurst Neighbourhood Area, which is an area where there is a need to achieve a reasonable proportion of new family dwellings as part of the mix for new developments.
16. The BoDSPD has no prescribed mix for residential schemes involving 1-3 units, provided they do not result in the net loss of a family unit. The scheme would not result in the loss of a family unit and therefore there would be no objection to the principle of providing a 2-bedroom unit under Policy CS23 of the Local Plan and the BoSPD.

Visual impact in a Conservation Area

17. Policy CS18 of the Oxford Core Strategy 2026 requires development to demonstrate high-quality urban design through responding appropriately to the site and surroundings; creating a strong sense of place; contributing to an attractive public realm; and providing high quality architecture. Policy CP1 of the Local Plan requires new development to enhance the quality of the environment, with Policy CP8 emphasising the need for 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. In addition, Policy HP9 of the Sites and Housing Plan states that residential development should respond to the character of the area, including its built and natural features, and that the form, layout, and density of the scheme make efficient use of the land while respecting the site context and heritage assets; exploits opportunities to sustain and enhance the significance of heritage assets, and makes a positive contribution to local character and distinctiveness; landscaping and boundary treatments make a positive contribution which integrates with the development and maintains natural surveillance of the public realm.
18. Policy HE7 of the OLP states that planning permission will only be granted for development that preserves or enhances the special character and appearance of the conservation area or its setting. Policy CS18 of the Core Strategy requires that developments demonstrate high quality urban design that respects the unique townscape and character in different areas of Oxford.
19. The site is within the Headington Quarry Conservation Area. The NPPF requires proposals to be based upon an informed analysis of the significance of any heritage asset affected and expects applicants to understand the impact of any proposal upon the asset with the objective being to preserve

that significance. The design and access statement provides little assessment of the site and effectively none of the site's contextual relationship within the conservation area in order to understand the significance of this area as a heritage asset.

20. In considering a previous appeal for the site, the Inspector concluded that the Headington Quarry Conservation Area is mainly a residential area that has developed in and around the redundant quarry workings. This has resulted in buildings being built at different levels and in some places there are sharp changes in level denoting the sides of the disused quarries. Older and more recent developments are intermingled and there is no distinctive architectural style. In the vicinity of the site, houses are accessed by narrow winding roads and there are alleyways and footpaths leading around the area. The Inspector goes on to state that the principle feature of the site is a high vertical wall at the rear of the garages that indicate the edge of the old quarry but that there are clear public views of this wall above the garage roofs. The draft Headington Quarry Conservation Area Appraisal also recognises that this is a unique suburb, developed upon former quarries, with an organic layout.
21. The site is a backland location to the rear of the existing two-storey dwellings that form Coppock Close. It already has the sense of a relatively constrained and cramped site, particularly in the area designated for the cottages due to the awkward shape of the site, and its proximity to the quarry wall. These constraints are significant, particularly for a scheme which seeks to insert further development into this area.
22. A similar backland site on the opposite side of Coppock Close (94/01743/NFH) has previously been granted permission for a house with a pitched roof. That house is however sited in a manner that better respects the linear development pattern of Coppock Close and on a less visible site.
23. Previous schemes on the current site have been refused because their size, scale, siting and design would represent an inappropriate form of backland development that would introduce an incongruent element to the rear of the Coppock Close properties that would be out-of-keeping with these properties and fail to preserve the significance of the Headington Quarry Conservation Area.
24. In comparison to previous applications, the current proposal now proposes 1 flat roofed bungalow which would be set back towards the quarry wall with a height of 2.9m substantially less than previous schemes. The quarry wall would remain clearly visible and the visual impact would be little more than the existing garages. Where visible from the public areas of Coppock Close, the result may represent an improvement on the current situation, would preserve if not enhance the special character and appearance of the Conservation Area the proposal accords with the aims of Policies CP1, CP8 and HE7 of the OLP, Policy CS18 of the Core Strategy and Policy HP9 of the SHP.

Impact upon adjoining properties

25. The Council seeks to safeguard the amenities of properties surrounding proposed development as new development can block light, have an overbearing effect and overlook adjoining properties. Policy HP14 of the Sites and Housing Plan states that development should protect the privacy or amenity of existing residential properties, specifically in terms of potential for overlooking into habitable rooms, sense of enclosure, overbearing impact and sunlight and daylight standards. This is also supported through Policy CP10 of the Oxford Local Plan 2001-2016.
26. The residential properties of 1-11 Coppock Close are in close proximity to the application site, with their rear elevations and gardens facing the quarry wall. There is already a sense of enclosure to the rear as a result of the change in land levels, although the rear elevations are still set some distance from the wall.
27. With a proposed height of 2.9m, the current proposals would not materially increase this sense of enclosure, would not be experienced as overbearing or overshadowing and will not result in an unacceptable increase in overlooking.
28. There would therefore be no material loss of residential amenity to adjacent occupiers and the proposal complies with Policy CP10 of the Oxford Local Plan 2001-2016 and Policy HP14 of the Sites and Housing Plan.
29. NB. During the consultation process, concerns have been raised that the footpath to the south of the site would enable overlooking of the proposed dwellings. This is an existing situation, with the footpath allowing some overlooking of the area to the rear of the Coppock Close properties and any overlooking of the proposed properties would be limited and not a material reason to refuse permission.

Residential Amenities

30. Policy HP12 of the Sites and Housing DPD states that new dwellings should provide good-quality living accommodation for their intended use. It states that dwellings should have their own lockable entrance, kitchen and bathroom, with space provided to allow reasonable furnishing, circulation, use of household facilities, adequate storage space. It goes on to state that any single dwelling should not be provided with inadequate ceiling height, lack of natural lighting or ventilation, or have a restricted outlook.
31. Central Government's Nationally Described Space Standard requires that a two bedroom single storey dwelling, capable of accommodating 4 persons should have a minimum floor space of 70 square metres with 2 square metres of built in storage.
32. The proposal is for a 2-bedroom dwelling, with a gross internal floorspace in excess of 100 square metres, comfortably in excess of the minimum

standard of 70 square metres sought by the space standards. The rooms would allow for reasonable furnishing, circulation, and household facilities. There would be a bare minimum of just over 2 square metres of built in storage area within the footprint, but this could be addressed by freestanding furniture.

33. However, as with the previously refused scheme (11/03287/OUT) the position of the accommodation within the site and its proximity to the quarry wall, would result in a poor outlook and the properties would receive inadequate levels of natural light into the properties which would have an impact upon the overall quality of the accommodation. The applicant considers that as the properties sit on a north west / south east axis that they will receive sufficient light and that the removal of the sycamore on the bank has allowed more light.
34. In considering the previous appeal (APP/G3110/A/11/2155293) the Inspector recognised that the ground floor flats within that scheme would have windows that face the access road and turning area for the flats and the remaining block of lock up garages. This resulted in a poor outlook and the occupiers of those flats would experience noise and disturbance from manoeuvring vehicles. In many respects, these effects would remain, and therefore the conclusions of the Inspector would apply in this case.
35. Policy HP13 of the Sites and Housing Plan recognises that permission will only be granted for new dwellings that have direct and convenient access to an area of private open space. It goes on to state that the following criteria will be material in assessing the quality of such space. The location and context of the development, in relation to the layout of the existing residential plots, and proximity to public open space; the orientation of the outdoor area in relation to the sun; the degree to which enclosure and overlooking impact upon the proposed new dwellings; and the overall shape, access to and usability of the whole space to be provided.
36. In the appeal for the previously refused scheme, the Inspector acknowledged that the proximity of the quarry wall and other buildings limited the amenity value of the external spaces of the flats. This concern would also apply to the proposed development. The overall size of the external spaces would normally be considered sufficient for dwellings of this size, but the quality of these spaces would be reduced significantly by the proximity of the quarry wall, their orientation and also means of enclosure. As such officers consider that the proposed areas of amenity space would be of a quality insufficient to meet the needs of a family dwelling contrary to Policy CP10 of the Local Plan and Policy HP13 of the Sites and Housing Plan.
37. There would be suitable space to enable refuse and cycle storage for the occupants and for these to be collected without any undue disturbance on local residents. These details could be secured by condition, were the application to be otherwise acceptable.

Highway Matters

38. Policy CP1 states that permission will only be granted for development that is acceptable in terms of access, parking, and highway safety.
39. The site is peripheral in relation to the city centre and district areas, and so car ownership is considered more likely and visitors are more likely to arrive by car. The proposal would provide 2 off-street parking spaces, which would be acceptable as a minimum under Policy HP16 of the Sites and Housing Plan.
40. The Local Highway Authority has recommended a holding objection pending further information including a swept path analysis which has now been provided by the applicant.
41. The proposal would result in the loss of the private garages from the site. These garages are in a poor condition and are not well-utilised. The applicant has confirmed that they are not well used. It should be noted that none of the previous applications have been refused on the grounds of loss of parking.
42. The vehicular access to the site would be via the existing access which is an unmade single track road. If the application were to be otherwise acceptable, a condition could be imposed too ensure the access road surfacing be improved as part of the development.
43. The proposed new dwelling will create traffic movements, including those for deliveries and servicing. Having regards to the existing use of the site for vehicular parking and therefore access into the site, the potential intensification of traffic movements has been reviewed. It is considered that the traffic generated from the new proposed dwellings is not likely to create undue risks to safety on the private access road and on the public highway for vehicular traffic and pedestrians. It is duly noted that refuse collection and other services will be from Coppock Close, without the need for access along the service road. The provision of suitable vehicle and pedestrian visibility splays to provide safe egress onto Coppock Close are outside the control of the applicant, but this is an existing access to a number of garages and as such the intensification of the access is likely to be low in comparison to the use that could currently exist.
44. The applicant has provided vehicle tracking to demonstrate the ease and safety of access and egress from proposed parking spaces for new residents and that the proposed site layout would enable vehicles to egress the site in forward gear. Fully compliant visibility splays onto the lane have not been provided, but the situation is similar to the existing garages and the access onto the highway is unchanged. Officers have also had regard to the width of the proposed spaces, both of which are in excess of 2.5 by 5 metres, although the front space is offset somewhat by the side wall of the dwelling. Whilst this appears awkward, it will also encourage users of the space to reverse into the space, and thus exit the space (and the lane) in a forward gear.

45. When considering the appeal for 4 flats and a much larger building, the Inspector concluded that the proposal would not unacceptably prejudice conditions on the highway. Therefore in light of this and the assessment above, officers consider that the proposal would not be likely to create additional risks to safety on the private access road and Coppock Close and that such matters of access, and parking layout would be dealt with through any reserved matters application.

Trees / Biodiversity

46. The proposed dwellings would be sited in close proximity to the quarry wall that separates the allotments and the rear gardens of Coppock Close. This high wall around Coppock Close includes the quarry wall and it appears that this could come across at least half of the rear of the garages. The wall is covered by dense ivy in places. This quarry wall is identified within the Oxford Core Strategy as having geological features of interests, showing different strata to the nearby geological SSSI. Ideally it would be beneficial for the cliff to be exposed with the vegetation removed, and for access to the wall maintained.
47. It is likely that the ivy on the quarry wall is used by bats for temporary use roosts, and for nesting birds. It is not clear if the development will affect the ivy, and it would probably only be during the construction period. In the event that permission was granted these issues could be dealt with by appropriate conditions requiring an ecological and geological watching brief.
48. The quarry wall would also not be worked on as part of any development, although care would need to be taken as part of any construction and this would be dealt with through conditions where a full measured survey would be necessary (see below).
49. NB. The sycamore tree referred to in previous refusal/s has now been removed under application 12/01903/CAT.

Other matters

50. Officers concerns have also been raised with regards to the stability and maintenance of the Quarry Wall, particularly since an area of the wall elsewhere in Coppock Close has recently collapsed. If the application were to be approved, any grant of permission should be subject to a condition requiring that the quarry wall be subject to a full and detailed structural survey and for any necessary stabilisation works being carried out.
51. During the consultation process concerns have been raised by local residents, that the proposal will create access problems both pedestrian and vehicular to their rear gardens and also to the garages which they have a legal right of way to by covenants. The applicant has submitted a red line drawing to state that they own the whole area to the rear of these properties. The issue of whether rights of way are impinged would not constitute a

planning matter for the determination of this application as they are civil matters.

52. Similarly issues of impact upon the Sewer System would need to be dealt with by conditions of any approval.

53. The Oxford City Council Environmental Health department have recommended that any planning permission be subject to a condition requiring a phased risk assessment to consider any potential contaminants in the land which would impact upon public health. This could be conditioned.

Conclusion:

54. In view of the above it is recommended that the application is refused.

Human Rights Act 1998

Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to refuse this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

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.

Background Papers: 15/03117/FUL

Contact Officer: Tim Hunter

Extension: 2154

Date: 22nd February 2016