

**East Area Planning Committee**

11th May 2016

**Application Number:** 16/00842/FUL

**Decision Due by:** 25th May 2016

**Proposal:** Erection of garden outbuilding.

**Site Address:** 56 Kiln Lane, Oxford, (**site plan: appendix 1**)

**Ward:** Quarry And Risinghurst Ward

**Agent:** N/A

**Applicant:** Ms Jessica Jackson

The application is referred to the Planning Committee because the applicant is the wife of a Council employee. The Monitoring Officer has reviewed this report.

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## **Recommendation:**

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

- 1 The development will form an acceptable visual relationship with the existing building and local area and will not have an unacceptable effect on the current and future occupants of adjacent properties. The proposals therefore comply with Policies CP1, CP8 and CP10 of the adopted Oxford Local Plan 2001 - 2016, Policies CS11 and CS18 of the Core Strategy and Policies HP9 and HP14 of the Sites and Housing Plan.
- 2 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

## **Main Local Plan Policies:**

### **Oxford Local Plan 2001-2016 (OLP)**

CP1 - Development Proposals

CP8 - Design Development to Relate to its Context

CP10 - Siting Development to Meet Functional Needs

CP11 – Landscape Design

CP22 - Contamination

**Core Strategy**

CS18\_ - Urban design, town character, historic environment

**Sites and Housing Plan (SHP)**

MP1 - Model Policy

HP9 - Design, Character and Context

**Other Material Considerations:**

National Planning Policy Framework

Planning Practice Guidance

**Relevant Site History:**

02/00288/FUL - Single storey side / rear extension. Dormer to front elevation in connection with loft conversion: approved

86/00587/PN - Extension at side: approved

**Representations Received:**

Neighbour living at 2 Lewis Close objected on the following grounds:

- The building looks more like a cabin and would be approximately 10 feet high, allowing for the height of the existing slab
- Because the building would be close to the boundary fence it would have an oppressive and overbearing effect on the garden and on light
- The roof should be a lower pent roof

**Statutory and Internal Consultees:**

Local Highway Authority: No Comments

**Issues:**

The principle determining issues in this case are

- Visual impact
- Effect on adjacent occupiers
- Other matters

**Officers Assessment:**

**Site description and proposal**

1. 56 Kiln Lane is a detached house. There is a multi-stemmed Japanese Maple tree within the rear garden. Permission is sought to erect a pitched roof garden outbuilding finished in wood and measuring 5m long x 3m wide x 2.8m high on an existing concrete slab in the rear garden.

**Visual impact**

2. Oxford City Council requires that all new development should demonstrate high

quality urban design where the siting, massing and design creates an appropriate visual relationship with the built form of the local area.

3. The proposed development would not be visible from the public domain and the scale of the building is not disproportionate to the house. The proposal is not considered to be materially out of character with the existing house or local area, and therefore complies with Policies CP1 and CP8 of the OLP, Policy CS18 of the Core Strategy and Policy HP9 of the SHP.

### **Effect on adjacent occupiers**

4. Oxford City Council requires development proposals to safeguard the privacy and amenities of adjoining occupiers and policies CP1 and CP10 of the OLP and Policy HS14 of the SHP support this aim.
5. The application garden is bounded by screen fences and the concrete base is at a similar level to the adjoining gardens. In addition, the site is located some distance from the neighbours' houses and there are numerous trees nearby. It is considered therefore that the proposed outbuilding would not have an adverse impact on the light to any windows of nearby residents or any overbearing effect on neighbouring gardens. Hence the effect on adjacent occupiers will be acceptable and so the proposals comply with Policies CP1 and CP10 of the OLP and Policy HP14 of the SHP.

### **Other matters**

6. Policy CP22 of the Local Plan seek to control development on or near to land, which is suspected to be contaminated to ensure that there would be no threat to the health of future users or occupiers and no adverse impact on the quality of local surface water or groundwater. The application site lies within the footprint of a former brick works, and therefore it is recommended that an informative is placed on the planning permission.
7. The tree nearby would not be affected because the proposed outbuilding would be sited on an existing concrete pad. Accordingly it is considered that the application complies with Local Plan Policy CP11.
8. The site lies within the footprint of a former brick works site. It is recommended that any permission includes and informative that advised that any unexpected contamination found to be present should be notified to the council, and that any imported topsoil for the site has appropriate certification.

### **9. Conclusion:**

10. The development will form an acceptable visual relationship with the existing building and local area and will have an acceptable effect on the current and future occupants of adjacent properties. Any concerns over contamination can be addressed by attaching an informative. The proposals therefore comply with Policies CP1, CP8 and CP10 of the adopted Oxford Local Plan 2001 – 2016, Policies CS11 and CS18 of the Core Strategy and Policies HP9 and HP14 of the

Sites and Housing Plan.

**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: 16/00842/FUL**

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