

West Area Planning Committee

25th May 2016

- Application No:** 15/03586/FUL;
- Decision Due by:** 08.02.2016; Agreed Extension till 01.06.2016;
- Proposal:** Demolition of existing dwellinghouse. Erection of 1 x 5 bedroom dwellinghouse (Use Class C3). Provision of private amenity space, car parking and bin and cycle store.(Amended plans);
- Site Address:** 31 Charlbury Road, Oxford, OX2 6UU (site plan: Appendix 1);
- Ward:** St Margarets Ward;
- Agent:** Mr. Mark Wright (Shared Vision Ltd) **Applicant:** Mr. Anthony. Crean
- Application Call in:** By Councillor Wade, supported by Councillors Goddard, Fooks and Gant for the following reasons - previous planning history, the sheer bulk of the proposed new building on a sensitive corner, impact on the conservation area.

Recommendation:

The West Area Planning Committee is recommended to resolve to grant planning permission subject to conditions for the following reasons:

1. Reasons for Approval:

- 1.1. The proposed extension is considered acceptable in design terms, and would not cause unacceptable levels of harm to the amenities of the neighbouring properties. The proposal would continue to preserve the character and appearance of the North Oxford Victorian Suburb Conservation Area. The proposed development would therefore accord with the relevant policies 'CP1, CP6, CP8, CP10 and HE7' of the 'Oxford Local Plan' 2001-2016, and policies 'HP9 and HP14' of the 'Sites and Housing Plan' 2026, and 'Policy CS18' of the 'Oxford Core Strategy' 2026.
- 1.2. 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.

1.3. Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.

2. Conditions:

1. Development begun within time limit;
2. Develop in accordance with approved plans;
3. Development in accordance with specified materials;
4. Detailing to match existing;
- 5 Landscape plan required
- 6 Landscape hard surface design - tree roots;
- 7 Landscape underground services - tree roots;
- 8 Tree Protection Plan (TPP) 1;
- 9 Arboricultural Method Statement (AMS) 1;
- 10 Cycle and bin storage;

3. Principle Policies;

3.1. This application has been assessed against the following policies:

National

National Planning Policy framework 2012 (paragraphs 57, 61, 69, 109, 131-132, 186-187, 196-197, and 203-206);
National Planning Policy Guidance

Oxford City Council's 'Local Plan' 2005 (as amended 2013)

CP.1 - Development proposals;
CP.6 - Efficient use of land and density;
CP.8 - Design development to relate to its context;
CP.10 - Siting development to meet functional needs;
CP.11 - Landscape design;
CP.22 - Contaminated Land;
NE15 - Loss of Trees and Hedgerows;
NE16 - Protected Trees;
HE7 - Conservation Areas;

Oxford City Council's 'Core Strategy' 2011

CS18 - Urban design, townscape character and the historic environment;

Oxford City Council's 'Sites and Housing Plan' 2013

MP1 - Model policy;
HP2 - Accessible and adaptable homes;
HP9 - Design, character and context;
HP10 - Developing on residential gardens;

HP12 - Indoor space;
HP13 - Outdoor space;
HP14 - Privacy and daylight;
HP15 - Residential cycle parking;
HP16 - Residential car parking;

Oxford City Council's Supplementary Planning Documents
High Quality Design 2015;

Oxford City Council's Technical Advice Notes
Accessible Homes 2013;

Other Material Considerations
North Oxford Victorian Suburb Conservation Area;
Planning Practice Guidance;

- 3.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan and relevant supplementary documents unless material considerations indicate otherwise.

4. Relevant Site History:

- 4.1. A planning history search exercise has been carried out, applications that are considered of material relevance with this submission have been summarised below:
- 10/03324/FUL - Demolition of house and outbuildings. Erection of two storey house (with accommodation in roof space) and garden studio building. REF 31st January 2011.
 - 10/03324/CND - Details submitted in compliance with conditions 3 (samples), 4 (landscaping), 5 (landscaping) and 6 (car and cycle parking) of planning permission 10/03324/FUL granted on appeal. PER 31st July 2014.
 - 10/03330/CAC - Demolition of house and outbuildings. REF 31st January 2011.
 - 11/00358/FUL - Formation of new vehicular access off North boundary and erection of double gates. PER 25th March 2011.
 - 12/01019/FUL - Erection of two storey side extension following demolition of existing outbuildings. PER 16th July 2012.
 - 12/02851/FUL - Erection of a three storey extension following removal of existing extension. PER 18th December 2012.

- 14/02491/CPU - Application to certify that proposed development is lawful.
PER 29th October 2014.

5. Comment;

5.1. Five letters of objection were received during the public consultation period, with three observations, comments from a material planning perspective are summarised as follows:

- Amount of development onsite;
- Impact on Conservation Area;
- Design (excessive glazing);
- Loss of the original dwelling;

5.2. Three letters of observation were received during the public consultation period, comments from a material planning perspective are summarised as follows:

- Impact on Conservation Area;
- Design (preferred);

5.3. One letter of support received during the public consultation period, comments from a material planning perspective are summarised as follows:

- Amount of development onsite (appropriate);
- Design (better suited);
- Prior approval already granted;

5.4. Moreton Road Neighbourhood Association, no comments received during the drafting of this report.

5.5. Linton Road Neighbourhood Association, objection, Conservation Area consent has expired, proposal extends too far towards the northern and southern boundaries, the rear elevation is out of keeping with the front of the house and the previous design was allowed as it reflected the bend in the road.

5.6. North Oxford Association, no comments received during the drafting of this report.

5.7. Cunliffe Close Residents' Association, no comments received during the drafting of this report.

6. Consultation:

6.1. Oxford County Council Highway Department, no objection subject to the imposition of condition providing cycle storage.

- 6.2. Victorian Group of the Oxfordshire Architectural and Historical Society, objecting to the proposal. Conservation Area Consent is likely to have expired; house is too big and clumsy, does not enhance the Conservation Area and does not correspond with what an Inspector previously approved.

7. Site Description and Surrounding Area:

- 7.1. In terms of its local context, the application site falls within the North Oxford Victorian Suburb Conservation Area.
- 7.2. In terms of its immediate context, 31 Charlbury Road is a two storey pink rendered dwelling with accommodation in the roofspace which sits on a corner plot on Charlbury Road. The site has previously been given planning permission and conservation area consent for the demolition of the existing dwelling and erection of a replacement dwelling. There is no longer a requirement for separate conservation area consent and demolition in a conservation area is covered by the planning application. This application seeks a replacement dwelling which rebuilds the existing dwelling with extensions to the sides and rear.

8. Proposed Development:

- 8.1. Permission is sought for the demolition of an existing dwellinghouse and the erection of a 5.No. bedroom dwellinghouse (Use Class C3) to include provision of private amenity space, car parking and bin and cycle store.

9. Main Issues:

- 9.1. Officers consider that the determining issues with regards to the proposal are as follows;
- Design;
 - Impact on the North Oxford Victorian Suburb Conservation Area;
 - Residential Amenity (Indoor Space/Outdoor Space);
 - Arboriculture;
 - Highways/Parking and Cycle Storage;
 - Lifetime Homes;
 - Contaminated Land;

10. Principle of Development;

- 10.1. In terms of national policy, extracts from paragraph 17 and 111 from the '*National Planning Policy Framework*' 2012, makes reference to development on previously developed land, extracts from the document part state that development should:

“encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value”.

10.2. Additionally, ‘Policy CP.6’ from the Oxford City Council’s ‘Local Plan’ 2005 (as amended 2013) makes reference to efficient use of land, extracts from the policy in part state:

“Planning permission will only be granted where development proposals make maximum and appropriate use of land. Development proposals must make best use of sites capacity, in a manner compatible with both the site itself and the surrounding area...”

10.3. The resultant development would maximise the use of the existing site and officers regard that ‘Policy CP6’ of the ‘Oxford Local Plan’ 2001-2016 would support in principle the proposed development on this basis. Officers therefore consider that the general principle of development in the area proposed would accord with the aims of both national and local planning policies by maximising the potential of the site.

10.4. It has been established in recent planning history at appeal that whilst the existing dwelling is a pleasant building it is not noteworthy and therefore can be demolished providing a replacement dwelling is proposed. A Certificate of Lawfulness was granted on 29th October 2014 to confirm that there had been a lawful commencement of application 10/03324/FUL for a replacement dwelling which was allowed on appeal. This permission is therefore extant. There is no longer a requirement for Conservation Area Consent as this has been abolished.

11. Design/Impact on the Conservation Area:

11.1. In terms of national policy, extracts from para 9 of the ‘National Planning Policy Framework’ 2012, emphasises the pursuit of sustainable development through seeking positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life, including (but not limited to):

“replacing poor design with better design; and

improving the conditions in which people live, work, travel and take leisure; and widening the choice of high quality homes.”

11.2. Paragraphs 132, 134 and 135 from the document then goes onto state:

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be”

“Where a development proposal will lead to less than substantial harm to the

Significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”

.....In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

- 11.3. Whilst this proposal results in the loss of the original dwelling, it proposes to rebuild it with added extensions which respect the character and appearance of the original dwellinghouse. The dwelling sits on a large plot and as concluded in the previous appeal decision, this with the set back from the plot frontage and the mature planting on the site these factors offset the scale of the dwelling.
- 11.4. In comparison to the previous approval on the site, this development does not extend as far to the rear, retains the existing building line and therefore retains a large set back from the streetscene Whilst it is wider than the approved dwelling, this increase in width is marginal. Side extensions to the existing dwelling have also been previously approved on this site.
- 11.5. Comments have been raised that the previous dwelling was only approved as a larger dwelling as it respected the curve in the streetscene. It is recognised that the Inspector did comment on this but did not suggest that this was the only instance that a larger dwelling could be accommodated on this site. It is felt that if the enlargements were proposed as extensions to the existing dwelling house, they would not be resisted. The area is characterised by large dwellings on substantial plots and the proposal would therefore retain the grain of development in the surrounding area.
- 11.6. There were concerns over the complexity of the design of the rear elevation which was addressed through the receipt of amended plans. The rear of the original elevation is more complex in terms of scale and number of windows; however it was felt that the proposed rear elevation was overly complex and needed to be addressed given the visibility of the rear of the property due to the corner plot. It was felt that the rear wing would appear more subservient to the principle building if the ridge height were to be set lower. The proposed oriel window appeared an overly dominant and ornate feature which would conflict with the architectural character of the building, appearing an incongruous addition and this was thus reduced in scale. The proposed flat roofed rear roof extension in between the two gables also appeared an incongruous addition and out of keeping with the architectural character of the building. Also the glazed doors and balcony at roof level were of an overly large proportion which conflicted with the traditional window hierarchy of the building. A subservient gable therefore replaced this feature with a more traditional window.
- 11.7. The proposal is therefore now considered to comply with policies CP1, CP6, CP8 and HE7 of the Oxford Local Plan, CS18 of the ‘Core Strategy’ and HP9 of the ‘Sites and Housing Plan’.

12. Residential Amenity (Indoor/Outdoor Space):

- 12.1. The proposed rear facing fenestration is sited 20 metres from the boundary with 31a Charlbury Road to the rear which is considered a reasonable distance and does not directly face into any windows of this property. Since the only side facing windows face over Charlbury Road or are in the form of high level rooflights the proposal is not considered to result in increased detrimental overlooking of neighbouring properties.
- 12.2. Although the property is increased in width due to the distance to neighbouring properties the proposal retains adequate gaps between dwellings due to the generous size of plots in the area and is not considered to have a detrimental impact on the amenity of neighbouring occupiers in terms of loss of light, overbearing impact or loss of outlook.
- 12.3. The proposal is therefore considered to comply with policies CP10 of the Oxford Local Plan and HP14 of the '*Sites and Housing Plan*'.
- 12.4. The new dwelling has its own entrance, kitchen and bathroom and is considered to provide more than adequate internal space for a five bedroom dwelling. The new dwelling also benefits from adequate light and outlook over the proposed garden space.
- 12.5. The development provides an adequately sized private garden space which is greater than the footprint of the host dwellinghouse. The garden also accommodates bin storage for the property. The proposal therefore complies with policies HP12 and HP13 of the '*Sites and Housing Plan*'.

13. Arboriculture:

- 13.1. The impact on neighbouring trees to the site was largely resolved under the previous planning approval. However, compared with the previously approved proposals, the building now proposed encroaches significantly more closely towards the trees that stand along the boundary of the neighbouring property to the south. Concern was therefore raised that the development under consideration could therefore result in a greater harmful impact on these trees, which are important to the appearance and character of the NOVS conservation area and public amenity. A BS5837:2012 Tree Report and Arboricultural Impact Assessment was therefore requested and receiving justifying the encroachment within the RPAs of retained trees on neighbouring land and where the proposed building encroaches within the Root Protection Area of retained trees it was demonstrated that the tree can remain viable and that the area lost to encroachment can be compensated for elsewhere, contiguous with its RPA and proposed a series of mitigation measures to improve the soil environment that is used by the trees for growth.
- 13.2. The proposal is therefore now considered acceptable subject to conditions to protect tree roots during construction. The proposal is therefore considered to comply with policies CP11, NE15 and NE16 of the '*Oxford Local Plan*'.

14. Highways/Parking and Cycle Storage:

- 14.1. The proposal has been reviewed by the Local Highway Authority. They note that the on-site parking provision for the development is adequate and no change is proposed to the existing access arrangements. Therefore the County Council do not object to the application subject to three bicycle storage spaces being provided. Bicycle storage is provided to the rear of the garage, a condition is recommended to ensure that this space is retained for the storage of bicycles in the future.
- 14.2. The proposal is therefore considered to comply with policy CP1 of the Local Plan, CS13 of the Core Strategy and policies HP15 and HP16 of the *Sites and Housing Plan*'.

15. Lifetime Homes:

- 15.1. The proposal is considered to comply with the Lifetime Homes standards. The proposed dwelling has adequate access to the property, adequate doorways and circulation space, a bathroom at ground floor and the home could be adapted in the future.
- 15.2. The proposed dwelling therefore complies with policy HP2 of the *Sites and Housing Plan*'.

16. Contaminated Land:

- 16.1. The proposal has been considered with respect to contaminated land and has the sensitive development contamination questionnaire submitted with the application has been reviewed. The development involves the creation of residential dwellings. Residential dwellings are considered to be sensitive uses. The risk of any significant contamination being present on the site is low. However, it is the developer's responsibility to ensure that the site is suitable for the proposed use. Therefore, an informative is recommended regarding unexpected contamination.
- 16.2. The proposal is therefore considered to comply with policy CP22 of the *'Oxford Local Plan*'.

17. Conclusion:

- 17.1. Having regard to the material considerations and all other matters raised, the Local Planning Authority considers the proposal is consistent with the provisions of the development plan, and that the balance of considerations therefore weighs in favour for granting of planning permission. Officers therefore recommend that members approve planning permission subject to condition.

18. Recommendation

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

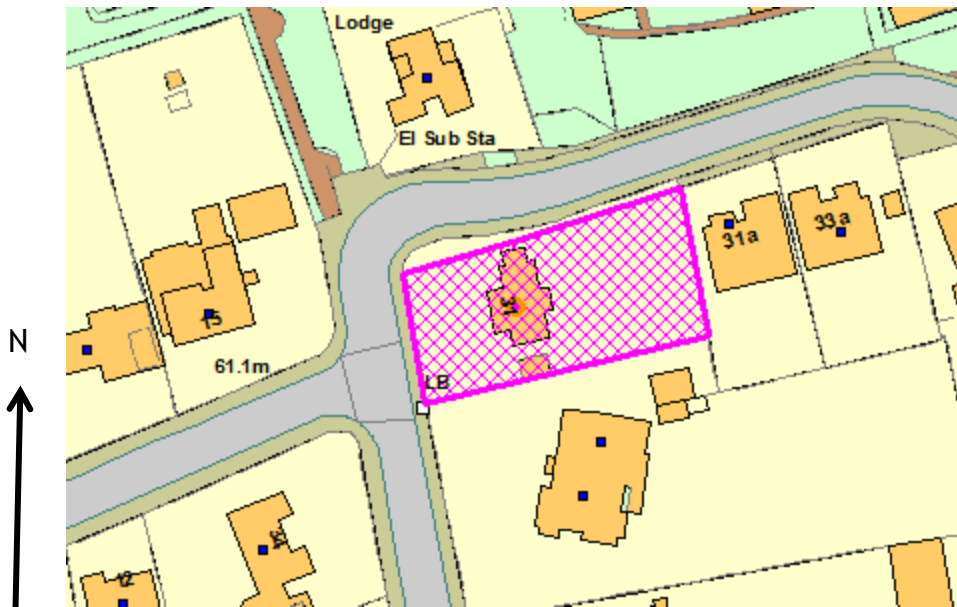
Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers: 15/03586/FUL

Contact Officer: Sarah Orchard

Date: 9th May 2016

Appendix 1: Site Plan: 15/03586/FUL - 31 Charlbury Road



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Ordnance Survey 100019348

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