

West Area Planning Committee

8th November 2016

Application Number: 16/01046/FUL

Decision Due by: 15th June 2016

Proposal: Erection of three storey side extension and part two, part three storey rear extension (Amended Plans)

Site Address: 30 Warnborough Road Oxford (**site plan: appendix 1**)

Ward: North Ward

Agent: Thomas Man

Applicant: Mr & Mrs A Bischoff

Application called in by Councillors Fry, Pressel, Price and Hollingsworth over concerns about the bulk and mass of the proposal

Recommendation:

The West Area Planning Committee is recommended to support the development in principle but defer the application in order to draw up a legal agreement in the terms outlined below, and delegate to officers the issuing of the notice of permission, subject to conditions on its completion for the following reasons:

- 1 The Council considers that the proposal, subject to the conditions imposed, would accord with the special character and appearance of the conservation area. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity.
- 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.
- 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.

Conditions:

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples in Conservation Area
- 4 Tree Protection Plan (TPP) 1
- 5 Arboricultural Method Statement (AMS) 1

Legal Agreement

- To restrict the commencement of development for this application until such time as the planning permission (16/01691/FUL) for the adjoining property at 31 Warnborough Road has been completed

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

HE7 - Conservation Areas

NE15 - Loss of Trees and Hedgerows

NE16 - Protected Trees

Core Strategy

CS18_ - Urban design, town character, historic environment

Sites and Housing Plan

HP9_ - Design, Character and Context

HP14_ - Privacy and Daylight

HP16_ - Residential car parking

MP1 - Model Policy

Other Material Considerations:

- National Planning Policy Framework
- This application is within the North Oxford Victorian Suburb Conservation Area.
- Planning Practice Guidance

Relevant Site History:

15/01739/CPU - Application to certify that the proposed change of use from flats to dwellinghouse is lawful: Approved

15/03123/FUL - Erection of part single, part two storey side extension at lower and upper ground floor levels and erection of three storey rear extension. Formation of 1no. rear dormer in association with loft conversion. Conversion from 4 x flats into single dwellinghouse (Use Class C3): Withdrawn

Representations Received:

8 Letters of representation received with objections relating to:

- The amount of development
- Effect on adjoining properties
- Effect on the character of the area

- Access
- Effect on Traffic
- Daylight Angles

Statutory Consultees:

Highways Authority: no objection subject to conditions

Officers Assessment:

Site description

1. The property is a large Victorian semi-detached house located in the North Oxford Victorian Suburb Conservation Area (**site plan: appendix 1**).
2. The dwellinghouse is arranged over four floors. The property has a long garden that backs onto the development of flats on Butler Close.

Proposal

3. The application is seeking permission for a contemporary three storey side extension and part two, part three storey rear extension.
4. This is considered in conjunction with neighbouring property 31 Warnborough Road which has received planning permission for a part single storey / part two storey extension under ref 16/01691/FUL. If this scheme is implemented prior to the construction of the proposal at number 31 then this would impact on daylight serving habitable rooms, however the applicant has agreed to enter into a legal agreement that work on their property if approved will not begin until the consented scheme at number 31 is complete, thereby satisfying this potential objection to the scheme.
5. Officers consider that the principle determining issues in this case are as follows
 - Design and impact on conservation area
 - Residential amenity
 - Trees

Design and impact on conservation area

6. The contemporary addition to the rear of the property makes a clear visual distinction between the old and new. The scale, detailing and choice of materials will result in an appropriate, subservient addition to the house. The proportions and rhythm of the building are considered to have been respected. This is consistent with surrounding properties and considered in keeping with these and the street scene in general, maintaining building lines, mass and scale.
7. Samples of external materials will be required by condition.
8. Overall, officers consider that the proposed extension would be acceptable in terms of design and would preserve the appearance of the conservation area.

Residential amenity

9. In consideration of the approval of the rear extension at number 31 Warnborough Road (16/01691/FUL). The proposed scheme at number 30 will satisfy 45-degree guidance and would therefore not result in a harmful loss of daylight to windows to the rear. A legal agreement will be conditioned that the extension cannot be occupied until works at no 31 are built and complete.
10. Due to the siting of the proposed extension there will be no harmful impact to windows serving the rear of number 29 Warnborough Road, the proposed side extension will not overlap windows serving habitable rooms on the ground floor of number 29 and is therefore also considered to comply with guidance.
11. Overall the proposal is considered acceptable in terms of neighbouring amenity.

Trees

12. In terms of the potential implications associated with the proposed rear extension the design has been developed through consultation with Council officers and advice from an independent arboricultural consultant.
13. On the basis of these details and the accompanying arboricultural Tree Protection Plan, officers are satisfied, subject to appropriate conditions for tree protection that the proposal would not be in conflict with Council policies on good design and retention of protected trees; Oxford Local Plan Policies CP1, CP11, NE15 and NE16.

Conclusion:

14. The proposal is considered to be acceptable in terms of the relevant policies of the Oxford Core Strategy 2026, Sites and Housing Plan 2011-2026, and Oxford Local Plan 2001-2016 and therefore officer's recommendation to the committee is to approve the development subject to the conditions listed 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 permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers:

Contact Officer: Graeme Felstead

Extension: 2160

Date: 12th October 2016

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