

WEST AREA PLANNING COMMITTEE

14th November 2017

Application Number: 17/02280/VAR

Decision Due by: 24th October 2017

Extension of Time: 21st November 2017

Proposal: Variation of condition 2 (Develop in accordance with approved plans) of planning permission 16/00147/FUL (Erection of 1 x 3 bedroom dwellinghouse (Use Class C3). Erection of garage. Provision of car parking space, private amenity space, bin and cycle storage (amended plans)) to allow for an extension to the basement area. (Amended plans and description)

Site Address: Land To The Rear Of 200 Woodstock Road OX2 7NH

Ward: Summertown Ward

Case Officer Nadia Robinson

Agent: N/A

Applicant: Mrs Titilola Ajayi-Jones

Reason at Committee: The application has been called in by Cllrs Fooks, Wade, Wilkinson and Goddard due to concerns over the size of basement and consequent reduction of permeable area and outdoor amenity space, and the boundary treatment being out of character in the street scene.

1. RECOMMENDATION

1.1. West Area Planning Committee is recommended to:

- (a) approve the application for the reasons given in the report and subject to the required planning conditions set out in section 11 of this report and grant planning permission;
- (b) agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary.

2. EXECUTIVE SUMMARY

2.1. This report considers an application to vary condition 2 (development to be in accordance with approved plans) of planning permission 16/00147/FUL. This

permission is for a three-bedroom dwelling over two storeys plus loft and basement accommodation that would continue the existing terrace on Beech Croft Road. The development has not commenced.

2.2. The application under consideration is for an extension to the permitted extent of the basement, extending westwards under the garden and proposed garage. Amended plans were received omitting the originally proposed 1.8 metre fence and external staircase to the basement.

2.3. The key matters for assessment set out in this report include the following:

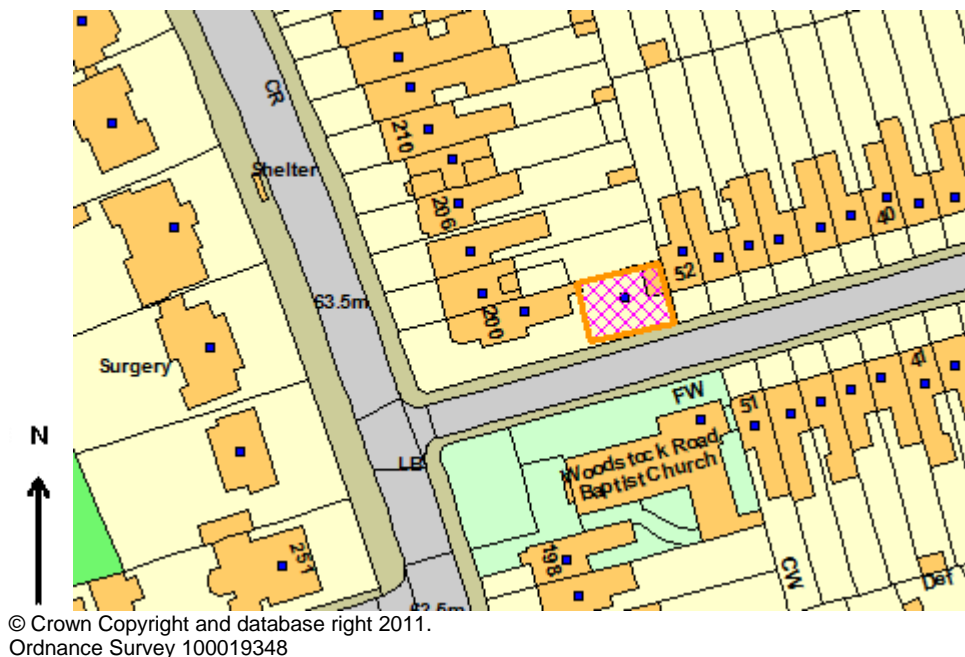
- design,
- residential amenity,
- flooding and drainage.

3. COMMUNITY INFRASTRUCTURE LEVY (CIL)

3.1. The proposal is liable for CIL at a rate of £16,451.92.

4. SITE AND SURROUNDINGS

4.1. The site is a plot of land to the rear of 200 Woodstock Road, a property that stands on the corner with Beech Croft Road. The site is therefore located at the end of the terrace on the north side of Beech Croft Road with a boundary adjoining number 52 Beech Croft Road. The site is currently occupied by a disused garage and an area of hardstanding and is enclosed to the north by a brick wall, and partially enclosed to the west and south by close-board fencing.



5. PROPOSAL

- 5.1. The application proposes an enlarged basement area to the approved basement. The approved basement is sited within the footprint of the approved new dwelling, while the scheme now proposed has a basement that extends westwards and under the approved garage. There is therefore an area of basement under the garden, incorporating a flat roof light.

6. RELEVANT PLANNING HISTORY

- 6.1. The table below sets out the relevant planning history for the application site:

88/00261/NF - Erection of 2 metre high fence to part Beechcroft Road boundary. Approved 7th April 1988.

03/00512/FUL - Demolition of garage. Erection of buildings on 3 floors plus basement to provide 1 bedroomed basement flat and 3 level 2 bedroomed maisonette above. Provision of 2 parking spaces and shared garden to side. Withdrawn 17th April 2003.

03/00763/FUL - Demolition of garage. Erection of 1 bedroom basement flat and 2 bedroom 3 storey maisonette above (Amended plans). Approved 12th June 2003.

15/00054/FUL - Erection of 1 x 5 bedroom dwellinghouse (Use Class C3). Provision of car parking space and private amenity space. Withdrawn 12th March 2015.

15/00954/FUL - Erection of 1 x 3 bedroom dwellinghouse (Use Class C3). Provision of car parking and private amenity space. (Amended plans). Refused 29th July 2015.

16/00147/FUL - Erection of 1 x 3 bedroom dwellinghouse (Use Class C3). Erection of garage. Provision of car parking space, private amenity space, bin and cycle storage. (amended plans). Approved 19th July 2016.

7. RELEVANT PLANNING POLICY

7.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework (NPPF)	Local Plan	Core Strategy	Sites and Housing Plan	Other Planning Documents
Design	7 [paragraphs 56, 57, 58, 60, 61]	CP1 CP8		HP9	
Housing	6	CP6 CP10		HP12 HP13 HP14	
Natural Environment	9, 11, 13	CP11	CS12		
Transport	4			HP15 HP16	
Environmental	10	CP22	CS2 CS11	HP11	
Misc	5			MP1	

8. CONSULTATION RESPONSES

8.1. Site notices were displayed around the application site on 12th September 2017.

Statutory and non-statutory consultees

Oxfordshire County Council

8.2. Oxfordshire County Council has no comments to make on this application.

Thames Water Utilities Limited

8.3. No comments received.

Public representations

8.4. Fourteen local people commented on this application from addresses in Beech Croft Road and Woodstock Road.

The Oxford Civic Society also commented.

In summary, the main points of objection (14 residents and Oxford Civic Society) were:

- Fence would be out of character
- Fence would restrict visibility for cars
- Omission of ground floor bay window weakens the design
- Loss of outdoor amenity space
- Disproportionate size of basement to the rest of the house/ overdevelopment, refusal of 2015 planning application 15/00954/FUL due to basement size
- Exacerbation of flooding problem, loss of permeable surface
- Loss of privacy to 52 Beech Croft Road and future occupiers of the property through mutual overlooking between the proposed basement rooflight and the second floor side window at number 52
- Preference for a more contemporary architectural style
- Comments on the extent to which materials will match neighbouring property
- Impacts of the current proposals are not sufficiently demonstrated in context
- Construction disturbance

Officer response

- 8.5. Amended plans were received reinstating the approved boundary treatment and omitting the originally proposed 1.8m fence. The ground floor bay window was also reinstated on the amended plans.
- 8.6. The architectural style and materials of the proposal have not been altered from the approved scheme and so these comments are not pertinent to the proposal under consideration.
- 8.7. Construction disturbance is covered by the Environmental Protection Act 1990 and is not considered reasonable grounds for refusal of a development of this scale. An informative regarding the Considerate Contractors Scheme is suggested if permission is granted.
- 8.8. The remaining points of objection are dealt with in the following section.

9. PLANNING MATERIAL CONSIDERATIONS

9.1. Officers consider the determining issues to be:

- i. Design
- ii. Residential amenity
- iii. Flooding and drainage

i. Design

- 9.2. Officers do not consider the enlarged basement to cause any visual harm to the development or street scene. The externally visible changes from the approved proposal are an area of patio and a flat roof light.
- 9.3. The increased floor area of approximately 32 square metres that would result from the enlarged basement is not so significant as to materially alter the development; it remains a three-bedroom house but with an enlarged living space.
- 9.4. Part of one of the refusal reasons given for the previous application (15/00954/FUL) was that the basement courtyard element of the scheme was not characteristic of the locality. This courtyard element was a sunken semi-basement outdoor amenity space. The refusal reasons did not refer to the larger basement area that was proposed. Approval of the application currently under consideration would therefore not contradict the refusal of 15/00954/FUL.
- 9.5. Officers do not consider the enlarged basement of 32 square metres in a dwelling originally proposed at 100 square metres to constitute overdevelopment of the site, nor for it to have any harmful impacts in design terms.

ii. Residential amenity

- 9.6. The changes to the outdoor amenity space are negligible as a result of the patio area over the basement and would not result in a reduction in area, and are therefore not material nor of concern to officers.
- 9.7. There would be no overlooking between the proposed basement rooflight and the second floor side window at number 52 because these views would be blocked by the proposed new dwelling.
- 9.8. The proposed plan changes will therefore not harm residential amenity.

iii. Flooding and drainage

- 9.9. Due to the loss of a small area of permeable surface as a result of the increased basement size, officers recommend a condition to secure an appropriate drainage scheme. This is considered sufficient to ensure compliance with policy CS11 of the Core Strategy.

10. CONCLUSION

- 10.1. The development proposed, subject to conditions, is not considered to cause harm to the character and appearance of the area, nor to result in any harmful impacts on neighbouring properties or surface water flooding. Officers therefore recommend the West Area Planning Committee recommends approval subject to conditions.

11. CONDITIONS

- 1 The development to which this permission relates must be begun not later than the expiration of three years from 19 July 2016.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

- 2 The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policy CP1 of the Oxford Local Plan 2001-2016.

- 3 The exterior materials to be used shall be those approved under reference 16/00147/CND.

Reason: In the interests of visual amenity in accordance with policies CP1 and CP8 of the Adopted Oxford Local Plan 2001-2016.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or enacting that Order) no structure including additions to the dwelling house as defined in Classes A, B, C, D, E of Schedule 2, Part 1 of the Order shall be erected or undertaken without the prior written consent of the Local Planning Authority.

Reason: The Local Planning Authority considers that even minor changes in the design or enlargement of the development should be subject of further consideration to safeguard the appearance of the area in accordance with policies CP1 and CP8 of the Adopted Oxford Local Plan 2001-2016.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or enacting that Order) no additional windows shall be placed in the side and rear elevation(s) without the prior written consent of the Local Planning Authority.

Reason: To safeguard the amenities of the adjoining occupiers in accordance with policies CP1, CP10 and HS19 of the Adopted Oxford Local Plan 2001-2016.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or enacting that Order) the windows on the rear (north) elevation shall be glazed in obscure glass and be non-opening below 1.7 metres above finished floor levels in the rooms they serve and thereafter retained. The first floor window in the side (west) elevation shall include the glazed panes shown on approved drawing 008B and thereafter retained.

Reason: To safeguard the amenities of the adjoining occupiers in accordance with policies CP1, CP10 and HS19 of the Adopted Oxford Local Plan 2001-2016.

- 7 The bin storage and bike storage approved under reference 16/00147/CND shall be provided within the site prior to the first occupation of the property and thereafter the areas shall be retained solely for the purpose of bin storage and bike storage.

Reason: To promote recycling and the use of sustainable transport in accordance with policies CP1 and CP10 of the Adopted Oxford Local Plan 2001-2016.

- 8 All impermeable areas of the proposed development, including roofs, driveways and patio areas, should be drained using Sustainable Drainage measures (SuDS).

This may include the use of porous pavements and infiltration, or attenuation storage to decrease the run off rates and volumes to public surface water sewers and thus reduce flooding.

Soakage tests should be carried out in accordance with BRE Digest 365 or similar approved method to prove the feasibility/effectiveness of soakaways or filter trenches. Where infiltration is not feasible, surface water should be attenuated on site and discharged at a controlled discharge rate no greater than prior to development using appropriate SuDS techniques.

If the use of SuDS are not reasonably practical, the design of the surface water drainage system should be carried out in accordance with Approved Document H of the Building Regulations.

The drainage system should be designed and maintained to remain functional, safe, and accessible for the lifetime of the development.

Reason: To avoid increasing surface water run-off and volumes to prevent an increase in flood risk in accordance with policies CS11 of the Oxford Core Strategy 2011-2026.

- 9 Prior to occupation of the dwelling vision splays measuring 2m by 2m shall be provided to each side of the access. This vision splays shall not be obstructed by any object, structure, planting or other material with a height exceeding or growing above 0.6 metres as measured from carriageway level.

Reason: To provide and maintain adequate visibility in the interest of highway safety in accordance with policy CP1 of the Oxford Local Plan 2001-2016.

- 10 The biodiversity enhancements approved under reference 16/00147/CND shall be incorporated into the scheme and be fully constructed prior to occupation of the approved dwellings and retained as such thereafter.

Reason: In the interests of improving the biodiversity of the City in accordance with NPPF and policy CS12 of the Oxford Core Strategy 2026.

- 11 The landscaping proposals approved under reference 16/00147/CND shall be carried out upon substantial completion of the development and be completed not later than the first planting season after substantial completion.

Reason: In the interests of visual amenity in accordance with policies CP1 and CP11 of the Adopted Local Plan 2001-2016.

12. APPENDICES

Appendix 1 – Site location plan

13. HUMAN RIGHTS ACT 1998

- 13.1. 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.

14. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

- 14.1. 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.

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