

WEST AREA PLANNING COMMITTEE

12th December 2017

Application Number: 17/02280/VAR

Decision Due by: 24th October 2017

Extension of Time: 19th December 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. The application was considered at committee on 14 November 2017 and the decision was deferred pending further information regarding a previous refusal on the site and further drainage information.

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

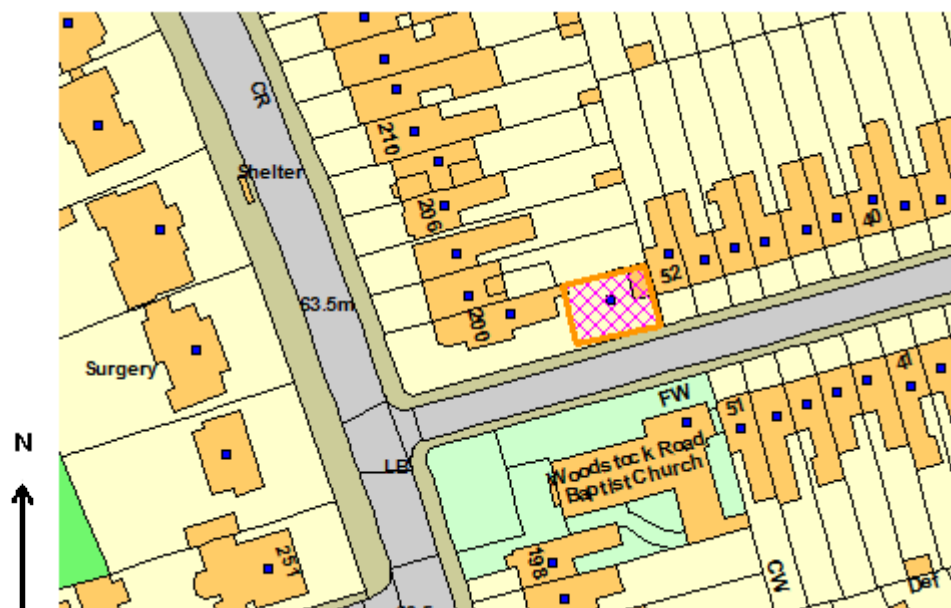
- 2.1. This report considers an application to vary condition 2 (development to be in accordance with approved plans) of planning permission 16/00147/FUL. This permission is for a three-bedroom dwelling over two storeys plus loft and basement accommodation that would continue the existing terrace on 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:
- principle of development,
 - 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.



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Ordnance Survey 100019348

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, 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. Principle of development
 - ii. Design
 - iii. Residential amenity
 - iv. Flooding and drainage

i. Principle of development

- 9.2. A previous application, 15/00954/FUL, for a three bedroom house was refused for the following reasons:
1. The amount of outdoor space is not sufficient and the overall shape, access to and usability of the space that is provided is not satisfactory. The scheme is therefore contrary to policy CP10 of the Oxford Local Plan 2016 and policy HP13 of the Sites and Housing Plan 2026.
 2. The scale of the proposed dwelling is excessive given the size of the plot and not considered to be in keeping with the character of the local area. The basement courtyard element of the scheme is also not characteristic of the locality. In design terms the proposal is therefore contrary to policies CS18 of the Core Strategy, policies CP1 and CP8 of the Oxford Local Plan 2016 and policy HP9 of the Sites and Housing Plan 2026.
 3. The proposed development would result in an unacceptable loss of amenity in relation to number 202 Woodstock Road. The erection of the proposed dwelling would enclose the garden of number 202 Woodstock Road resulting in a loss of daylight/sunlight and an overbearing development. The windows in the side elevation of the proposed dwelling would be approximately 17.5 metres from the windows in property number 200 Woodstock Road which is less than the minimum of 20 metres required within the Sites and Housing Plan. The windows at first floor in the side elevation of the proposed dwelling would result in overlooking to number 200 and the garden of number 202 Woodstock Road. The proposal is contrary to policies CP1 and CP10 of the Oxford Local Plan 2016 and Policy HP14 of the Sites and Housing Plan 2026.
 4. The proposal will have a negative impact on the residential amenity of number 52 Beech Croft Road. The rear elevation of the proposed dwelling would conflict with the 45/25 degree rule in relation to the second storey side window of number 52 Beech Croft Road which relates to a habitable room. The proposal would have a detrimental impact on the outlook and feeling of enclosure in relation to the rooms contained within the gable end extension of number 52 Beech Croft Road. The proposal is contrary to policies CP1 and CP10 of the Oxford Local Plan 2016 and Policy HP14 of the Sites and Housing Plan 2026.
- 9.3. A subsequent application, 16/00147/FUL, was approved for a three bedroom house, garage and outdoor amenity space. The principle of development is therefore established through this permission.
- 9.4. On 14th November 2017, the West Area Planning Committee discussed whether the proposed variation would increase the scale of the dwelling to that of the refused application, 15/00954/FUL, as a result of the enlarged basement. The question was raised as to whether the variation application should therefore be refused due to excessive scale, as per refusal reason 2 of 15/00954/FUL.

- 9.5. The overall scale of the refused application 15/00954/FUL was larger than that of the approved application 16/00147/FUL because it included a two-storey side bay, a larger basement and higher ridge height than the approved application. The scale of the refused scheme was objected to on design grounds because it was not considered in-keeping with the character and appearance of the area. No specific concerns were raised regarding the size of the basement in the consideration of application 15/00954/FUL. The design of the 16/00147/FUL scheme was approved and considered to form an appropriate relationship with the character and appearance of the area, and the scale was therefore acceptable. Officers do not consider that the enlargement of the basement would have any harmful design or visual impacts in relation to the scale of development.
- 9.6. The basement courtyard element of the scheme was included in the same refusal reason (design grounds) as not being characteristic of the locality. This courtyard element was a sunken semi-basement outdoor amenity space. This element is not included in the variation application and was not part of the approval (16/00147/FUL). Approval of the application currently under consideration would therefore not contradict the refusal of 15/00954/FUL.

ii. Design

- 9.7. 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.
- 9.8. 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.
- 9.9. 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.

iii. Residential amenity

- 9.10. 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.
- 9.11. 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.
- 9.12. The proposed plan changes will therefore not harm residential amenity.

iv. Flooding and drainage

- 9.13. The development is in Flood Zone 1 according to the Environment Agency's (EA)

flood maps. According to National Planning Policy Guidance of flood risk vulnerability and flood zone 'compatibility', a basement in flood zone 1 is appropriate development.

- 9.14. In terms of flood risk from surface water, surface water generally flows with topography, and flooding generally occurs during extreme rainfall events – at low points in a road or ground, or when surface water drainage/sewer systems are temporarily overwhelmed. Surface water is generally quick to recede once drainage systems/sewers are no longer overwhelmed.
- 9.15. The EA Surface Water Flood Map shows that Beechcroft Road has a generally low risk of surface water flooding, with areas of medium risk. For a medium risk of flooding, the map shows a Low (below 300mm) depth, and a Low (less than 0.25m/s) velocity. DEFRA/EA Guidance Document 'FD2321/TR2 – Flood Risks to People', provides a matrix for assessing Flood Hazard Rating and risk to people. For the depth of < 300mm and velocity < 0.25m/s, the flood hazard is 'Low', and not a danger to people.
- 9.16. On this basis, there are no grounds to refuse the basement enlargement due to flood risk or drainage issues. the site is not at an unacceptable risk of flooding from rivers or surface water.
- 9.17. 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 a suitable surface water drainage system in order not to increase the risk of surface water flooding. 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.

Informatives

1. The development hereby permitted is liable to pay the Community Infrastructure Levy. The Liability Notice issued by Oxford City Council will state the current chargeable amount. A revised Liability Notice will be issued if this amount changes. Anyone can formally assume liability to pay, but if no one does so then liability will rest with the landowner. There are certain legal requirements that must be complied with. For instance, whoever will pay the levy must submit an Assumption of Liability form and a Commencement Notice to Oxford City Council prior to commencement of development. For more information see: www.oxford.gov.uk/CIL
2. Oxford City Council strongly encourages that when this permission is implemented, all building works and the management of the development site are carried out in accordance with the Code of Considerate Practice promoted by the Considerate Contractors scheme. Details of the scheme are available from

Considerate Contractors Scheme
PO Box 75
Ware
Hertfordshire
SG12 9UY

01920 485959
0800 7831423

enquiries@ccscheme.org.uk
www.considerateconstructorsscheme.org.uk

3. Your attention is drawn to the provisions of the Party Wall Act 1996. A copy of an explanatory booklet is available to download free of charge from the following website <http://www.communities.gov.uk/publications/planningandbuilding/partywall>

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 approve 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.