

West Area Planning Committee

8th October 2019

Application number:	19/01005/FUL		
Decision due by	14th August 2019		
Extension of time	15th October 2019		
Proposal	Erection of 1no. garden shed.		
Site address	61 Godstow Road, Oxford, Oxfordshire, OX2 8PE – see Appendix 1 for site plan		
Ward	Wolvercote Ward		
Case officer	James Paterson		
Agent:	N/A	Applicant:	Mr & Mrs David and Caroline Baxter
Reason at Committee	This application was called in by Councillors Wade, Smith, Harris and Gotch due to concerns about the possible impact of the development proposal on heritage assets.		

1. RECOMMENDATION

1.1. **West Area Planning Committee** is recommended to:

1.1.1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission.

1.1.2. **agree to delegate authority** to the Acting Head of Planning Services to:

- finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Acting Head of Planning Services considers reasonably necessary.

2. EXECUTIVE SUMMARY

2.1. This report considers the proposed erection of a 14 foot (4.2m) by 6 foot (1.8m) timber garden shed, which has been erected at the property without planning consent. The shed is located in the bottom corner of the garden and has been finished in a green painted finish and has an apex roof.

2.2. The shed is currently used for storage purposes and is incidental to the enjoyment of the dwelling. The application proposes the continuation of this arrangement.

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

- Design
- Impact on Heritage Assets
- Impact on Protected Trees
- Impact on Neighbouring Amenity
- Biodiversity
- Flooding
- Other Matters

3. LEGAL AGREEMENT

3.1. This application is not subject to a legal agreement.

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is not liable for CIL.

5. SITE AND SURROUNDINGS

5.1. The site is located within the Wolvercote with Godstow Conservation Area. The shed is situated in the front garden of No. 61 Godstow Road which abuts Port Meadow, which is both a Site of Scientific Interest and a Scheduled Monument.

5.2. 61 Godstow Road is a two storey dwelling. It has been amalgamated with No. 59, following the grant of planning permission in 1969 (reference 69/21934/A_H). The dwelling forms part of 'The Rookery' which was erected in the late Victorian era as a block of back-to-back terraced houses, of which there are few remaining examples locally. The Rookery is of brick construction and is visible from neighbouring Port Meadow.

5.3. Both neighbouring properties feature large outbuildings in their front gardens. However, such outbuildings historically would likely have housed the washing facilities for the occupants of the terrace and there is therefore a historic precedent for these outbuildings, although they have been altered from their original form.

5.4. See block plan below:



6. PROPOSAL

- 6.1. This application seeks planning permission for the erection of a 14 foot (4.2m) by 6 foot (1.8m) timber garden shed, which has been erected at the property without planning consent. The shed is 1.83m to the eaves with a total height of 2.08m. The shed is located in the bottom corner of the garden and has been finished in a green painted finish and has an apex roof.
- 6.2. The Design and Access Statement makes reference to plans to screen the shed with the provision of a trellis with a crawling plant. This has not featured in the submitted plans or application form and therefore has not been considered as part of this application.

7. RELEVANT PLANNING HISTORY

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

65/15989/A_H - Alteration to form bathroom. Permitted Development 9th February 1965.

69/21934/A_H - Alterations to 59 and 61 Godstow Road to form one single dwelling house. Approved 9th September 1969.

15/00536/FUL - Erection of a garden outbuilding... Refused 14th April 2015.

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Core Strategy	Sites and Housing Plan	Other planning documents	Neighbourhood Plans:
Design	8, 11, 129, 128, 130	CP1, CP6, CP8, CP10	CS18	HP9, HP14		
Conservation/Heritage	190, 192, 193, 194, 197	HE1, HE7, NE16				
Natural environment	9, 11, 175, 177		CS11, CS12			
Miscellaneous				MP1		

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 1st July 2019 and an advertisement was published in newspaper on 25th July 2019.

Statutory and non-statutory consultees

9.2. None Received

Public representations

9.3. Three local people commented on this application from addresses in Godstow Road.

9.4. One ward councillor (Wolvercote) commented on this application.

9.5. One amenity group, Wolvercote Commoner's Committee, commented on this application

9.6. In summary, the main points of objection (five objections) were:

- Harm to the significance of a scheduled monument
- Harm to the significance of the conservation area
- Harm to the significance of The Rookery, a non-designated heritage asset

Officer response

- 9.7. Officers have considered carefully the objection to these proposals. Officers have come to the view, for the detailed reasons set out in the officer's report, that the reasons for 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.

10. PLANNING MATERIAL CONSIDERATIONS

- 10.1. Officers consider the determining issues to be:

- i. Design
- ii. Impact on Heritage Assets
- iii. Impact on Neighbouring Amenity
- iv. Impact on Protected Trees
- v. Biodiversity
- vi. Flooding
- vii. Other Matters

i. Design

- 10.2. Policy CP1 of the Oxford Local Plan 2001-2016 states that a development must show a high standard of design, including landscape treatment, that respects the character and appearance of the area; and the materials used must be of a quality appropriate to the nature of the development, the site and its surroundings. Policy CS18 of the Core Strategy states that planning permission will be granted for development that demonstrates high-quality urban design through responding appropriately to the site and its surroundings; creating a strong sense of place; and contributing to an attractive public realm. Policy HP9 of the Sites and Housing Plan states that planning permission will only be granted for residential development that responds to the overall character of the area, including its built and natural features.
- 10.3. The proposed shed appears very clearly to be an ancillary structure with a use incidental to the enjoyment of the host dwelling. This means that it does not compete with The Rookery in terms of form or use and is visually subservient in appearance. Furthermore, it is considered that the shed is of an acceptable size, having a relatively low profile and a modest footprint; the shed therefore does not constitute overdevelopment of the site nor a disproportionate addition to the front garden. While it is noted that views of the shed are afforded from Port Meadow, the shed has a fairly low key and agricultural appearance and would not look out of place in the context of the rural aesthetic of the site. In

any case, it is noted that two much more substantial outbuildings flank the site. Whether they have historic precedence or not, they represent far more significant developments than the shed in question. The shed would be a very minor addition to the area in this context.

- 10.4. In terms of materials, it is considered that timber is acceptable and protects the visual amenity of the area as it lends a subservient aesthetic to the shed and means it appears to have a low degree of permanence. This is appropriate given the use of the structure. The green painted finish of the shed is also considered acceptable as this colour serves to integrate the shed with its rural setting.
- 10.5. The proposal is considered to be of sufficient design quality and complies with Policies CP1, CS18 and HP9.

i. Impact on Heritage Assets

Conservation Area

- 10.6. Policy HE7 of the Oxford Local Plan 2001-2016 states that planning permission will only be granted for development that preserves or enhances the special character and appearance of conservation areas and their setting.
- 10.7. Port Meadow contributes to the significance of the Conservation Area through its contribution to the rural setting of the conservation area visually and through its historic functions. This development proposal affects the former. While it is noted in the Conservation Area appraisal that views from the site across Port Meadow are important, the views from Port Meadow to the site are arguably less important. However, given that the dwelling is a non-designated heritage asset, as per paragraph 197 of the NPPF, views of the house still do have some significance.
- 10.8. The shed has an impact on the views of The Rookery from Port Meadow by obscuring the front elevation. However, it is considered that the degree to which the shed obscures views of The Rookery is very low due to its low profile, with the cottages still being readily visible from Port Meadow. The shed is also clearly a subservient incidental structure and given its simple agricultural appearance, does not appear out of place. In any case, it is noted that the large outbuildings of neighbouring properties, one of which is used for ancillary purposes, are far more substantial in terms of blocking views of the Rookery. Therefore, for these reasons, it is considered that the proposal would not be harmful to the significant views afforded of The Rookery from the south.
- 10.9. The Wolvercote with Godstow Conservation Area Appraisal regards views from the rear of the cottages of the Rookery across Port Meadow and into central Oxford as being of special significance. The shed has a low visual impact from these views as, while it is visible, it does not block a significant portion of these views. Its simple agricultural appearance also means that its incorporation into these views is not considered inappropriate or harmful. The shed therefore does not harm the significant views from The Rookery across Port Meadow.

- 10.10. The proposal causes no harm to the significance or special character of the conservation area and thereby accords with Policy HE7.
- 10.11. Regard has been paid to paragraph 192 of the NPPF in reaching a decision. Great weight has also been afforded to the desirability of conserving this designated heritage asset, in accordance with paragraph 193. When applying the test outlined in paragraph 196, it is considered that the proposal would cause no harm to the significance of the Conservation Area. Therefore, the proposals would be acceptable in terms of their impact on this designated heritage asset.
- 10.12. The effect of the proposal on The Rookery in its capacity as a non-designated heritage asset has also been considered, in accordance with paragraph 197 of the NPPF. Regard has been paid to the scale of harm to the heritage asset; in this instance it is considered that the proposal does not result in harm to The Rookery.
- 10.13. Special attention has been paid to the statutory test of preserving or enhancing the character and appearance of the conservation area under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which it is accepted is a higher duty. It has been concluded that the development would preserve the character and appearance of the Conservation Area, and so the proposal accords with section 72 of the Act.

Scheduled Monument

- 10.14. Policy HE1 states that planning permission will not be granted for any development that would have an unacceptable impact on a nationally important monument (whether or not it is scheduled) or its setting.
- 10.15. Port Meadow's value, in heritage terms, stems from the fact that it contains evidence for consecutive periods of human activity covering the Bronze Age and Iron Age. Well-preserved sites of this type are rare in Britain especially where evidence for habitation, burial and farming are found in association and occasionally overlap. Potential for the preservation of organic remains at this site is very high. Early excavations yielded animal and bird bones while the survival of pollen would allow reconstruction of the environment at the time of later prehistoric settlement. This combined with the settlement evidence will provide an unusually complete insight into later prehistoric occupation of the Thames Valley. Furthermore, Port Meadow is significant as a result of its use in early-modern history and modern history, such as its being used as a training ground for Royalist soldiers in the Civil War and then British soldiers in WWII as well as hosting an airfield in WWI.
- 10.16. The application site and Port Meadow are contiguous; Port Meadow is, amongst other things, a scheduled monument. The proposal has not resulted in works taking place directly on Port Meadow and therefore has not disturbed any ground within the scheduled monument. The significance of Port Meadow in terms of its physical, archaeological value has not been affected by the development proposal. The relatively small-scale nature of development

proposed means that the proposals would not impact on any archaeology on the site (because deep foundations are not required for this type of structure).

10.17. The proposal therefore has an acceptable impact on the scheduled monument and thereby complies with Policy HE1.

10.18. Regard has been paid to paragraph 192 of the NPPF in reaching a decision. Great weight has also been afforded to the desirability of conserving this designated heritage asset, in accordance with paragraph 193. When applying the test outlined in paragraph 196, it is considered that the proposal would cause no harm to the significance of the scheduled monument. Therefore, the proposals would be acceptable in terms of their impact on this designated heritage asset.

ii. Impact on neighbouring amenity

10.19. Policy HP14 of the Sites and Housing Plan states that planning permission will not be granted for development that has an overbearing effect on existing homes, and will only be granted for new residential development that provides reasonable privacy and daylight for the occupants of both existing and new homes. Policy HP14 of the Sites and Housing Plan sets out guidelines for assessing development in terms of whether it will allow adequate sunlight and daylight to habitable rooms of the neighbouring dwellings.

Privacy

10.20. The shed only has windows on its western elevation, facing the garden of No. 57. However, it is considered that this has not resulted in an unacceptable loss of privacy to this neighbour as only glimpses of the garden of No. 57 are afforded, which is not materially worse than is possible from both the house of No. 61 or the associated garden. In any case it is not expected that the applicants would spend prolonged periods of time in the shed, given its use as garden storage. It is also considered that the ancillary use of the shed means that it is unlikely to generate an inappropriate level of activity in the front garden area which would harm the amenity of neighbours.

Overbearing

10.21. Although the shed has been erected near the boundary with No. 63, its height of 2.08m is considered low enough so as to not constitute an overbearing presence on neighbours. In any case, any boundary treatment around this site could be 2m in height and the shed would not be materially worse than is possible under permitted development in this regard.

Daylight

10.22. The proposal complies with the 25/45 degree access to light test outlined in Policy HP14. The proposal therefore does not impinge on the daylight received by the internal rooms of neighbouring properties. Furthermore, due to the low profile of the shed, the proposal does not materially reduce the amount of light to neighbours' private amenity space.

10.23. The proposal therefore has an acceptable impact on the amenity of neighbouring occupiers and complies with Policy HP14.

iii. Impact on Protected Trees

10.24. Policy NE16 of the Oxford Local Plan 2001-2016 states that planning permission will not be granted for any development which involves the destruction of major surgery of protected trees, if it will have a significant adverse effect upon public amenity, unless such action can be shown to be good arboricultural practice. Tree surgery work needing consent must be undertaken in accordance with best arboricultural practice.

10.25. The shed is sited near to a tree which benefits from a protected status by virtue of the diameter of its trunk while being sited within a conservation area. The shed falls within the Root Protection Area of the tree. The erection of the shed, however, has not necessitated significant underground works and has therefore not resulted in any harm to the protected tree.

10.26. The proposal has an acceptable impact on the nearby protected tree and thereby accords with Policy NE16.

iv. Biodiversity

10.27. Policy CS12 of Core Strategy states that important species and habitats will be expected to be protected from harm, unless the harm can be appropriately mitigated. It also outlines that, where there is opportunity, it will be expected to enhance Oxford's biodiversity. This includes taking opportunities to include features beneficial to biodiversity within new developments throughout Oxford.

10.28. Port Meadow, which this application site abuts, is a designated Site of Special Scientific Interest and has significant value in terms of biodiversity, particularly for wildflowers and other flora. The development has taken place away from the site and has not directly harmed the biodiversity value of this site. The shed is also unlikely to prevent the movement of fauna to and from Port Meadow and is therefore unlikely to indirectly harm the significance of the site.

10.29. The proposal is considered acceptable in terms of its impacts to the biodiversity of the area and is therefore acceptable in terms of Policy CS12

v. Flooding

10.30. Policy CS11 of the Core Strategy states that planning permission will not be granted for any development in the functional flood plain (flood zone 3b) except water-compatible uses and essential infrastructure. The suitability of developments proposed in other flood zones will be assessed according to the NPPG sequential approach and exceptions test. All developments will be expected to incorporate sustainable drainage systems or techniques to limit runoff from new development, and preferably reduce the existing rate of runoff. Development will not be permitted that will lead to increased flood risk elsewhere, or where the occupants will not be safe from flooding.

- 10.31. Part of the site lies within a Flood Zone 2 area. Typically a Flood Risk Assessment would be required. However, given that the site of the shed itself is not within the Flood Zone 2 area and the fact that the development is very minor in nature it was not considered proportionate or necessary to require a full Flood Risk Assessment.
- 10.32. It is considered that the proposal would have an acceptable impact in terms of flooding and would thereby accord with Policy CS11.

vi. Other Matters

- 10.33. Most of the concerns raised during the consultation period were addressed in the above sections, where they have not been, they are addressed in this section.
- 10.34. The monetary value of the property in question is not a material planning consideration and has not been considered as part of this recommendation to approve.
- 10.35. Land/ property ownership is not a material planning consideration and the issue of whether or not the applicant had access to storage in one or more of the neighbouring outbuildings is not a relevant matter. This not been considered as part of this recommendation to approve.
- 10.36. It is noted that permission for a timber outbuilding was refused in 2015, 15/00536/FUL. However, the circumstances of the two applications differ vastly as the previous application was for a summerhouse which would have been of a significantly larger scale in a different location to the shed proposed in this application and with a different appearance. This application addresses the reasons for refusal for the previous application in that the materials and size of the shed proposed in this application are far more appropriate and preserve important views in and out of The Rookery. Unlike the previous application, this proposal is for an outbuilding of a subservient and rural appearance which does not diminish the openness of the front garden of The Rookery as the previous proposal did. The harm to neighbouring amenity that the previous proposal would have given rise to is addressed in this application. The loss of light and ambient noise the summerhouse would have given rise to does not arise in the current proposal, given the shed's location and use. The proposal is therefore considered to have overcome the reasons for refusing the previous application for an outbuilding at the same address.
- 10.37. Pre-application advice was provided to the applicant prior to the submission of this application. The applicant has acted on the council's advice in terms of the building's form and location.

11. CONCLUSION

- 11.1. Having regards to the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase

Act 2004 which makes clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.

- 11.2. The NPPF recognises the need to take decisions in accordance with Section 38 (6) but also makes clear that it is a material consideration in the determination of any planning application (paragraph 2). The main aim of the NPPF is to deliver Sustainable Development, with paragraph 11 the key principle for achieving this aim. The NPPF also goes on to state that development plan policies should be given due weight depending on their consistency with the aims and objectives of the Framework. The relevant development plan policies are considered to be consistent with the NPPF despite being adopted prior to the publication of the framework.
- 11.3. Therefore it would be necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which are inconsistent with the result of the application of the development plan as a whole.
- 11.4. In summary, the proposed development would be an acceptable addition to the site. The proposals are suitable in design terms and comply with policies CP1, CP8, CP10, HE1, HE6 and HE7 of the Oxford Local Plan 2001-2016, HP9 of the Sites and Housing Plan, CS12 and CS18 of the Core Strategy and DH1 of the emerging Oxford Local Plan 2036. The proposals would not result in any harm to neighbouring amenity and are compliant with HP14 of the Sites and Housing Plan and H14 of the emerging Oxford Local Plan. The proposal would also not lead to unacceptable harm to biodiversity and thereby complies with CS12 of the Core Strategy.
- 11.5. Therefore officers consider that the development accords with the development plan as a whole.

Material consideration

- 11.6. The principal material considerations which arise are addressed below, and follow the analysis set out in earlier sections of this report.
- 11.7. National Planning Policy: the NPPF has a presumption in favour of sustainable development.
- 11.8. NPPF paragraph 11 states that proposals that accord with the development plan should be approved without delay, or where the development plan is absent, silent, or relevant plans are out of date, granting permission unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole; or specific policies in the framework indicate development should be restricted.
- 11.9. Officers consider that the proposal would accord with the overall aims and objectives of the NPPF for the reasons set out within the report. Therefore in such circumstances, paragraph 11 is clear that planning permission should be

approved without delay. This is a significant material consideration in favour of the proposal.

11.10. Officers would advise members that, having considered the application carefully, the proposal is considered to be acceptable in terms of the aims and objectives of the National Planning Policy Framework and relevant policies of the Oxford Core Strategy 2026, and Oxford Local Plan 2001-2016, and the emerging Local Plan 2036, when considered as a whole, and that there are no material considerations that would outweigh these policies.

11.11. Therefore it is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions set out in Section 12 of this report.

11.12. It is recommended that the Committee resolve to grant planning permission for the development.

12. CONDITIONS

1. Build in Accordance with Approved Plans

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.

13. APPENDICES

- **Appendix 1** – Site location plan

14. HUMAN RIGHTS ACT 1998

14.1. 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.

15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

15.1. 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.