

East Area Planning Committee

- 6th December 2011

Application Number: 11/02305/FUL

Decision Due by: 3rd November 2011

Proposal: Demolition of existing building. Erection of 1x4 bedroom dwelling with bin and cycle store (additional information).

Site Address: 54 William Street Oxford (site plan: **Appendix 1**)

Ward: Marston Ward

Agent: TSH Architects Ltd

Applicant: I And O Limited

Application Called in – by Councillors – Clarkson, Van Nooijen, Lygo and Coulter

For the following reasons - poor amenity space, parking pressure in the street and potential flooding risk at the property due to excavation work.

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposal would make a more efficient use of land creating a new dwelling within an existing residential area which is sustainably located. The proposal would infill an open entrance to a disused commercial premises with a frontage building that would create an appropriate visual relationship with the street; would provide appropriately for the amenity needs of future occupants; and would preserve the residential amenities of neighbouring properties. The application accords with policies CP1, CP6, CP8, CP10, CP11, HS19, HS20, HS21, TR3 and TR4 of the Oxford Local Plan 2001 - 2016 and policies CS18, CS23 and CS28 of the Oxford Core Strategy 2026.
- 2 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.
- 3 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.

Subject to the following conditions, which have been imposed for the reasons stated:-

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples
- 4 Boundary details before commencement
- 5 Landscape plan required
- 6 Landscape carry out after completion
- 7 SUDS
- 8 Design - no additions to dwelling
- 9 Re-instate kerb
- 10 Variation of Road Traffic Order
- 11 Bin and cycle storage details

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
- CP9** - Creating Successful New Places
- CP10** - Siting Development to Meet Functional Needs
- CP11** - Landscape Design
- HS19** - Privacy & Amenity
- HS20** - Local Residential Environment
- HS21** - Private Open Space
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities

Core Strategy

- CS18_** - Urban design, town character, historic environment
- CS23_** - Mix of housing
- CS28_** - Employment sites

Other Material Considerations:

- PPS 1** – Delivering Sustainable Development
- PPS 3** – Housing
- PPG 13** - Transport

Relevant Site History:

85/00789/NO - Outline application for three storey development of 2 two-bedroom flats, with vehicular passage under first floor level. Refused October 1985.

86/00220/NO - Outline application for one-bedroom dwelling with parking space. Alterations to workshop. Refused April 1986.

89/00565/NF - Erection of one bedroom dwelling with parking space. Retention of office (Class B) with parking space. Appeal dismissed August 1989.

01/01259/NF - Subdivision of plot and erection of single and two storey 2 bedroom house with one on-plot car parking space. Provision of two on-plot parking spaces and pedestrian access to retained office building at rear. Withdrawn September 2001.

02/01463/FUL - Demolition of lean-to. Extension at front and rear, plus additional floor of accommodation to building at rear of site used as office accommodation (Amended). Refused October 2002.

11/00916/FUL - Conversion of existing workshop/office to a 1-bed flat. Erection of new 2-storey building with room in workspace to provide 1 x 1-bed flat and 1 x 2-bed flat. Provision of amenity space, bin and cycle storage. (Amended Plans and Description). Refused July 2011.

Representations Received:

47 William Street – lack of parking.

53 William Street – overdevelopment of site; proposal is for 2 separate units; lack of off-street parking; loss of amenities to neighbouring houses; flood risk and subsidence.

56 William Street – risk of subsidence and flooding; overdevelopment; inadequate parking provision.

58 William Street – potential for HMO; overdevelopment.

60 William Street – subsidence; overdevelopment; out of character.

Statutory and Internal Consultees:

Oxfordshire County Council Highways Authority - no objection subject to conditions regarding re-instating dropped kerb and variation of the Traffic Order.

Thames Water Utilities - no objection

Oxford Civic Society – overdevelopment; parking concerns; privacy

New Marston (South) Residents' Association - potential for HMO/student housing; parking concerns; out of character

Issues:

Principle

Design

Residential amenity

Privacy and amenity

Car parking
Cycle parking
Loss of office accommodation
Use
Flooding/subsidence

Background

1. There are several historic planning applications on this site (listed above) that have been refused, including one appeal against a refusal that was dismissed. These proposals involved retaining the office use at the rear of the site whilst creating new dwellings at the front. The applications were refused on the grounds that the site was not adequate to accommodate new dwellings whilst retaining the commercial activity at the rear as the future occupiers would suffer from nuisance and disturbance relating to the commercial activity. This conflict has now been removed as the proposal involves the loss of the commercial activity. The proposals also included off street parking which added to the constrained nature of the site, and also raised concerns of highway safety by having vehicles reversing out on to the street. Again, this concern is addressed by not having off-street parking, and there would be no traffic generated by any commercial activity.
2. Since the previous refusals, a Controlled Parking Zone (CPZ) has been introduced to control on-street parking provision in William Street.
3. An application was submitted earlier this year to provide 2 flats in a new frontage building and to convert the existing commercial building to a flat. This application was refused at the East Area Planning Committee on 6th July 2011. The reason for refusal was:

That, having regard to the extent of the site coverage by buildings, the limited amount of private amenity space, the narrow and inconvenient access to the proposed ground floor flat and dwelling at the rear of the site that would also be used to move cycles and bins and the conflict between the proposed locations of bin and cycle storage, the proposal would represent an overdevelopment of the site contrary to policies CP1 and CP10 of the Oxford Local Plan 2001 - 2016 and CS18 of the Oxford Core Strategy 2026.

4. The scheme currently up for determination differs from this previously refused scheme as it seeks to provide only one unit of accommodation: a 4-bedroomed house. The existing commercial building would be demolished and a link extension would be constructed on part of the footprint of the commercial building. A rear garden and courtyard would be provided and bin and cycle storage would be located at the front, avoiding the need for a side access.

Officers Assessment:

Site

5. The application site comprises a plot on the southern side of William Street, off the Marston Road. There is a single storey office building located towards the rear of the site with hardstanding covering the rest of the site.

Proposal

6. Planning permission is sought to erect a two-storey building, with accommodation in the roofspace, fronting William Street with a link extension at the rear to provide a 4-bed dwelling. A rear garden and inner courtyard would be provided and bin and cycle storage would be located at the front. No off-street parking would be provided but one on-street parking space would be created by re-instating the kerb at the front of the site.
7. Amended plans were received to show the line of the existing ground level. No changes to the proposal were made.

Principle of development

8. PPS 3 identifies the need to make efficient use of land, this is reflected within OLP policy CP6 which states that development proposals should make efficient use of land by making best use of site capacity, however it goes on to state that this should be in a manner which does not compromise the character of the surrounding area.
9. The site constitutes previously developed land. The erection of a further residential building in place of a disused commercial building is considered to make more efficient use of the site. No objection is raised to the principle of this form of residential development.
10. The Balance of Dwellings Supplementary Planning Document (BoDS) was formerly adopted in January 2008 to elaborate upon the provisions of policy HS8 of the OLP (now superseded by policy CS23 of the Core Strategy (CS)) and to ensure the provision of an appropriate mix of dwelling sizes in the different neighbourhood areas. For new residential developments of between 1 – 3 units, such as the one proposed, there should be no net loss of a family dwelling.
11. The application site is currently occupied by an office building, and the proposal involves the creation of a family dwelling.

Design

12. Policies CP1 and CP8 of the OLP state that planning permission will only be granted for development that respects the character and appearance of the area and which responds appropriately to the site and surroundings in terms of the form, grain, scale, materials and details of the proposal. Policy CS18 of the Core Strategy states that planning permission will only be granted for development that demonstrates high quality urban design

and responds appropriately to the site and its surroundings.

13. CP8 also states building design should be specific to the site and its context should respect, without necessarily replicating local characteristics, and that innovative design should not be ruled out.
14. William Street is a predominantly residential road, characterised by 2-storey terraced and semi-detached dwellings, although there are also some detached dwellings, including one directly to the west of the application site.
15. The houses along William Street are generally set behind small front yards that are enclosed by dwarf walls. The houses are laid out along a strong building line, with bay windows at ground floor level providing a strong feature, and predominantly pitched roofs of slate and tiles providing a uniform roofscape.
16. The houses are constructed primarily of brick, some of which have been painted, though there are examples of render. There is generally no off street car parking, although there are a few exceptions.
17. In response to these characteristics the proposed new building aligns with the front of the adjoining houses, with a front yard to provide some bin and cycle storage and some opportunity for landscaping on the frontage. The building stands at two storeys in height and incorporates a bay window at ground floor level. This treatment of the frontage is characteristic of the adjoining properties and the road in general.
18. The proposed materials to be used on the external elevations are rendered brickwork with artificial slate on the roof. Officers consider that although brick is the predominant building material, there are examples of render on display, including directly opposite the site, and the use of this material would not be harmful to the character of the area.
19. Due to the gradient in the street, which slopes down towards Marston Road, the proposed new building is set slightly lower than no. 56 William Street. This therefore results in the window levels and eave lines not matching up, however this is a common theme along the road due to the gradient and as such is not uncharacteristic or harmful.
20. The rear extension is accessed by a link corridor 7.5 metres long and 1 metre wide. The link would be single storey and would run along the boundary with no. 52 William Street and would measure 2.5 metres in height from adjacent ground level.
21. The rear extension is set over two floors and provides a living room on the ground floor with bedroom over. The overall height of the extension would be no higher than the existing commercial building and would measure over 8.5 metres less in length, greatly reducing the bulk and allowing for a rear garden. The extension would have a pitched roof, and although 2-

storey, would appear subservient to the main building due to it being sunk into the ground. Officers are of the view that the extension creates an appropriate visual relationship with the main building, and due to the existing commercial building, could not be considered to be out of character in the context of the site.

22. The proposed frontage building works hard to respect the characteristics of the street and whilst the street has common themes there are variations on display. The proposal would in-fill a gap in the street and is not considered to harm the character and appearance of the street or area.

23. A condition removing permitted development rights has been attached to ensure further consideration can be given to any future proposed developments.

Residential Amenity

24. Policy HS21 of the OLP states that residential developments should provide an amount of private, good quality open space. For family dwellings, the length for a private garden should generally be 10 metres. The rear garden would be approximately 12 metres in length and there would also be an inner courtyard area between the main house and link extension. Officers consider there to be adequate outdoor garden space for the size of dwelling.

25. The proposal is considered to provide appropriate and adequate internal layouts for all three units.

26. A landscape condition and boundary treatment condition have been attached to ensure the satisfactory finish and appearance of the development. A condition has also been requiring the details of the bin and bike storage to be approved, as these will be sited on the frontage.

Privacy and amenity

27. Policy HS19 of the OLP states that planning permission will only be granted for development that adequately provides both for the protection, and/or creation, of the privacy or amenity of the occupants of the proposed and existing neighbouring, residential properties. The City Council will assess each development proposal in terms of: the potential for overlooking into habitable rooms or private open space; potential for noise intrusion; sense of enclosure, or development of an overbearing nature; refuse and recycling storage; cycle storage; drying space; and sunlight and daylight standards. This policy refers to the 45/25 degree code of practice, as detailed in Appendix 6 of the OLP, which is used to calculate the potential for loss of light to habitable rooms.

Loss of light

28. No. 52 William Street to the west of the application site has a large two-storey rear extension and extends to almost 15 metres in length. There is one window on the side facing elevation facing the application site but this appears to serve a hallway and not a habitable room. The proposed new building would not project out as deep as this and so would not cause any issues of

loss of light or outlook from habitable rooms at no. 52.

29. With regard to the impact of the new building on no. 56 William Street, the proposal would breach the 45° guidance when measured in the horizontal plane from the closest ground floor window on the rear elevation, but it comfortably clears the 25° guidance when measured in the vertical plane. The proposal also complies with the 45° guidance in relation to the windows in the side elevation at ground floor level, and the first floor windows facing south of no. 56 William Street. Furthermore, the rear of the property faces south so benefits from good levels of natural sunlight.
30. The proposal complies with the 45/25 degree rule in accordance with Appendix 6 of the OLP and officers are therefore satisfied that the application would not unreasonably adversely affect light to neighbouring properties.

Overlooking

31. There are no balconies or terraces proposed and as the building is not to be used as flats as in the previous refused scheme, there is no longer the issue of overlooking from flats into garden space.
32. Whilst officers recognise that the new windows in the frontage building would offer an opportunity to look down into adjoining gardens, this is a common occurrence within dense residential areas such as this and would not be unreasonably harmful.
33. The rear link extension has two forward facing windows in the first floor but these serve a staircase and an ensuite bathroom and therefore officers do not consider there to be any overlooking issues arising from these.

Car Parking

34. The application site is off the Marston Road with its frequent bus routes to and from the city centre and Marston. There are also cycle routes to Oxford and Marston. The site is equidistant between the shopping district of St Clements to the south, and shops at Headley Way to the north. There is a post office and convenience store on the corner of William Street and Marston Road.
35. The site is within an existing Controlled Parking Zone (CPZ). Currently there is a lowered kerb along the full width of the application site with double yellow lines marked on the road to prevent vehicles from blocking the entrance. As a condition of the permission, this kerb would be raised and the road markings removed, thereby effectively creating an additional on-street parking space in front of the new building. It is proposed therefore that the new dwelling be limited to one permit for residents parking. The Highways Authority has no objection to the proposal, subject to the applicant varying the Road Traffic Order to limit the site to one permit.

Cycle Parking

36. Policy TR4 of the OLP states that planning permission will only be granted for development that provides good access and facilities for pedestrians and for cyclists and complies with the minimum cycle parking standards shown in Appendix 4. According to the Parking Standards SPD secure, and preferably sheltered, cycle parking should be integrated in the design of residential developments. The minimum requirement for residential dwellings is two spaces per residential unit, and this has been provided. A condition has been attached requiring further details of the cycle stores to be approved prior to commencement of development.

Loss of employment site

37. The site is not located within a protected employment site, however, policy CS28 of the Core Strategy states that the loss of any employment generating site must be justified and evidence provided to show that the current use is not viable.

38. Evidence has been submitted to show that the site has been marketed as office accommodation and also as D1 (Non-Residential Institution) and D2 (Assembly and Leisure) use for an extended period but has received very little interest and no occupiers have been found. The main reason given is due to its location in a predominantly residential area, which is undesirable for potential occupiers. Officers are therefore satisfied that the loss of the office use is justified in this instance.

Use

39. On 24 of February 2011 Oxford City Council served an Article 4 Direction allowing it to introduce local planning controls in terms of HMOs. This change is subject to one year's notice, so as of 24 February 2012 planning permission will be required to change the use of a C3 dwellinghouse to a shared rented house (C4 HMO). This measure will apply to the entire Oxford City Council area. Up until 23 February 2012, conversions between C3 dwellinghouses and C4 HMOs will not require planning permission. Concerns have been raised through consultation regarding the possibility of the dwelling being used as HMO/student housing. Officers do not consider it to be reasonable to impose a condition for the interim 11 week period until the Article 4 Direction comes into force restricting the use of the development to C3 dwelling house. In any case, it is unlikely that the development would be completed and ready for occupation by this date.

Flooding and Subsidence

40. Due to part of the development being sunk into the ground concerns have been raised from neighbours regarding the impact of the works on adjoining buildings. In response to this a Technical Report was carried out by a Chartered Engineer that surmised that the foundation system to be used is widely used in soil conditions such as the clay soil found at this site, and is technically well established, presenting no problems to competent contractors. Part A1 of the Building Regulations would not permit a design that would impair the stability of another building.

41. The risk of flooding was also raised as an issue. The site is not located on low-lying land and is not within a flood zone. William Street is on a gradient so water would flow down through the clay soil. Part H of the Building Regulations covers drainage.

Sustainability:

The site lies in a sustainable location within easy access of shops, services and public transport links and the proposal would constitute a sustainable form of development that would make more efficient use of an existing brownfield site.

Conclusion:

The proposal is acceptable in design terms and would make an efficient use of land in this existing residential area. The existing commercial building would be demolished and much smaller building erected. The new building on the frontage relates well to the surrounding area and the proposal would not cause significant levels of harm to the living conditions of neighbours or future occupiers. Officers are satisfied that parking pressure would not be increased, and the Highways Authority has raised no objection. The loss of the employment site has been justified and the proposal is considered to comply with the relevant policies of the Oxford Local Plan 2001-2016 and Core Strategy 2026.

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 approve, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers: 11/02305/FUL

Contact Officer: Rona Gregory

Extension: 2157

Date: 21st November 2011

Appendix 1

54 William Street



GIS by ESRI (UK)



Scale : 1:843

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Organisation	Not Set
Department	Not Set
Comments	11/02305/FUL
Date	25 November 2011
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