

East Area Planning Committee

- 4th January 2012

Application Number: 11/02634/FUL

Decision Due by: 15th December 2011

Proposal: Erection of outbuilding to rear to be used as a gym/games room (Amended Plans)

Site Address: 59 Staunton Road Oxford (Site plan: **Appendix 1**)

Ward: Headington Ward

Agent: Mr Benham

Applicant: Mr Ghulam

Application Called in – by Councillors – Wilkinson, Coulter, Rowley, Rundle, McCready and Mills

Reason: to ensure that a public hearing takes place as the development of this site is contentious within the neighbourhood.

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposal is acceptable in design terms and would not be harmful to the living conditions of the occupiers of neighbouring dwellings. The development is to be used as an incidental building to the main house, and although the footprint is fairly large, the plot is large enough to accommodate it. The proposal is considered to comply with policies CP1, CP6, CP8, CP10 and HS19 of the Oxford Local Plan 2001-2016 and policy CS18 of the 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 Gym/games room or other purpose incidental to the dwelling house
- 4 Materials as specified

**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

HS19 - Privacy & Amenity

Core Strategy

CS18_ - Urban design, town character, historic environment

Other Material Considerations:

PPS1 – Delivering Sustainable Development

Representations Received:

6 Staunton Road (the applicant) – property will be used as family dwelling, not rented out. Building will be used solely as games/gym room for family.

48 Staunton Road – intrusive development; concerned over intended use; should be screened by foliage; impact on wildlife in plot of land adjacent; out of keeping with the neighbourhood

50 Staunton Road – foliage should be used to hide the building; use should be restricted

57 Staunton Road – excessive size; potential residential use; plans unclear

73 Staunton Road – overdevelopment

Statutory and Internal Consultees:

Oxford Civic Society – plans were inadequate and lack of detail on materials and drainage. Use should be restricted.

Issues:

Design

Impact on neighbours

Use

Trees

Other matters

Sustainability:

This proposal aims to make the best use of urban land and recognises one of the aims of sustainable development in that it will create extended accommodation on a brownfield site, within an existing residential area.

Officers Assessment:

Site

1. The application site comprises a semi-detached dwelling located in a predominantly residential area in Headington.
2. Works are currently being undertaken on the existing house under permitted development.

Proposal

3. Planning permission is sought for a single storey building located in the rear garden. The building is proposed to be used as a gym/games room and would have a shower room. The proposed building would have a dual pitched roof with rooflights on the rear roofslope and two windows and a door on the front elevation (facing the existing house). The proposed building would measure 8 metres in length and 5metres in depth.
4. In response to concerns raised by local residents regarding the intended use of the building and the site as a whole, the applicant submitted a letter stating that the property is to be used a family dwelling and will not be rented out, and the proposed garden building is to be used solely as a gym/games room.
5. Amended plans were sought during the application process to reduce the height of the proposed building from 4.9 metres to 4.1 metres and to move it away from the row of trees at the rear of the site (which were omitted from the original plans).

Design

6. 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 uses materials of a quality appropriate to the nature of the development, the site and its surroundings. Policy CS18 of the Core Strategy emphasises the importance of demonstrating good urban design.
7. The plot is large enough to accommodate a building of this size, and still leave adequate amenity space for the existing dwelling. The height of the proposed building has been reduced by 800mm and now has an eaves height of 2.4 metres and a ridge height of 4 metres.
8. Officers are of the view that the reduced height has rendered the proposal acceptable, and whilst still fairly large, it would not harm the character and appearance of the area or the existing house. The walls would be rendered and the roof would be tiled, in keeping with the main house. Officers do not consider it reasonable or necessary to impose a condition requiring the building to be screened with foliage however a condition is

imposed to ensure the materials are as specified in the application.

Impact on neighbours/ Use

9. Policy HS19 of the OLP states that the Council must assess proposals in terms of the potential for overlooking, sense of enclosure, overbearing nature and sunlight and daylight standards.

10. The building is single storey and the windows do not directly overlook any neighbouring boundaries. The use of the building is proposed to be as a gym/games room and this would be incidental to the main house and is not a separate unit of accommodation. A condition has been imposed restricting the use of the building to a gym/games room or other incidental use to prevent it from being used as primary living accommodation in the future i.e. as an additional bedroom. Officers do not consider the building to be overbearing when considering that it is set in from one of the side boundaries and the rear boundary and has been reduced in height.

Trees

11. There are a row of Western Red Cedar trees along the boundary at the bottom of the garden. These would originally have been planted as a hedge but have not been maintained and so have grown very tall. They do however provide screening between the application site and no. 3 Fortnam Close to the rear of the site. The siting of the proposed building has been amended since the original submission and is now set 3.9 metres away from the rear boundary. None of the trees are proposed to be removed (although they are not covered by a TPO) and the Tree Officer is satisfied that the proposed building would not be harmful to their health.

Other matters

12. Several concerns were raised about the lack of information on drainage for the proposed building. Drainage details are not required for planning applications, especially for a development of this nature. Drainage would be covered under Building Regulations.

Conclusion:

The proposal is for an ancillary garden building that is acceptable in design terms and will not overlook neighbouring dwellings. Officers were mindful of comments raised through consultation and conclude that with suitable conditions the proposal accords with policies CP1, CP6, CP8, CP10 and HS19 of the Oxford Local Plan 2001-2016 and policy CS18 of the 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: 11/02634/FUL

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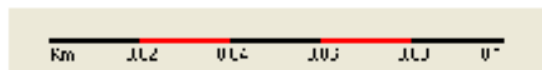
Date: 6th December 2011

Appendix 1

59 Staunton Road



Legend



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Organisation	Not Set
Department	Not Set
Comments	11/02634/PUL
Date	15 December 2011
SLA Number	Not Set

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