

# Agenda Item 4

East Area Planning Committee

-4<sup>th</sup> January 2012

**Application Number:** 11/02710/FUL

**Decision Due by:** 16th December 2011

**Proposal:** Erection of linked studio with rooms in the roof space

**Site Address:** 4 Brookside Oxford (Site plan: **Appendix 1**)

**Ward:** Headington Ward

**Agent:** Allied Design Associates

**Applicant:** Mrs Sarah Stewart-Brown

**Application Called in –** by Councillors – Rundle, Rowley, Jones, Clarkson and Goddard

**Reason:** to investigate concerns regarding a potential change of use

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## **Recommendation:**

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposal is for an ancillary building that would create an appropriate visual relationship with the existing house in terms of design and scale and would not adversely impact neighbouring dwellings. Officers conclude that 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.
- 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 Materials - matching
- 4 Use of building
- 5 Solar panels installed prior to occupation

**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

**Relevant Site History:**

02/00085/FUL - Single storey rear extension. Approved 21st February 2002

**Representations Received:**

No's: 1, 4A, 5, 7, 8, 9, 10, 11, 12, 13, 16, The Pines - Brookside

Nearly all of the comments raised related to concerns over a change of use of the building to commercial use, with related parking and traffic issues. Most comments stated that there was no objection to the building itself.

Other issues raised were: excessive size of proposed building; proposed building larger than existing garage.

**Statutory and Internal Consultees:**

Oxfordshire County Council Highways Authority – no objection subject to building being used as ancillary accommodation

Oxford Civic Society – no objection to building; should be used only as ancillary accommodation

**Issues:**

Design  
Impact on neighbours  
Use  
Parking

**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. Solar panels would be installed on the roof slope of the proposed building to harness renewable energy from the sun.

### **Officers Assessment:**

#### Site

1. The application site comprises a large detached house set in a large plot in Brookside, off the London Road in Headington. There is a detached garage measuring 4.9 metres in width, 6 metres in length and 3 metres in height to the side of the dwelling that would be demolished.

#### Proposal

2. Planning permission is sought for a two-storey building located to the side of the house that would be attached to the main dwelling by a single storey link.

#### Design

3. 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.
4. The proposed building would be two storeys high and would comprise a studio space at ground floor level and a bedroom, study and bathroom at first floor level. The building would measure 5.6 metres in width, 9.5 metres in length and 6.9 metres to the ridge (3.9 metres to the eaves). The building would have a pitched roof and would be constructed in materials to match the existing house, e.g. red brick and red clay tiles. Although two-storey, the building would appear subservient to the main house in height and scale. The building would be set back over 8 metres from the front building line of the dwelling and so will not appear unduly prominent in the Brookside streetscene. The building would be attached to the main house by a single storey link one metre wide and a stair tower on the side (south east) elevation would be visible. Officers consider that the building would create an appropriate visual relationship with the existing house and would not be harmful to the character of the area.

#### Impact on neighbours

5. 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.
6. The nearest neighbouring dwelling to the proposed development is 2 Brookside, a bungalow to the north of the application site. The bungalow is sited approximately 8 metres away from the proposed building and so the proposal would comply with the 45° guidance when measured from a south facing window of no. 2 Brookside. Due to the separation distance officers do not consider there to be any issues of loss of light or development of an overbearing nature.

## Use

7. The design and access statement states that the proposed building is to be used as a space for various activities ancillary to the dwellinghouse. Due to comments raised by local residents that the intended use of the building was commercial, further clarification was sought from the agent. This stated that the first floor would house an extra bedroom to accommodate family members and other guests when visiting, as well as office / study space integral to the dwelling. The ground floor space would be used for a variety of ancillary purposes, including play space for grandchildren and space to develop personal interests which include alternative exercise therapies. This space would also be used for small groups to practice these therapies, which are currently undertaken within the dwelling. These activities do not amount to a change of use, and can be carried out within the curtilage of a dwelling house.
8. This permission is not seeking consent for a commercial building, and to prevent any future change of use away from ancillary uses, a condition has been imposed stating that the building shall be used only for purposes ancillary to the dwelling house and is not indicated to be used for any business or commercial purposes, or as a separate unit of accommodation. Any future reported breaches of this condition would be investigated by the Enforcement team.

## Parking

9. The application involves the loss of a garage, however there is adequate space on the frontage for parking for a family dwelling. Concerns have been raised about increased parking and traffic issues connected with a commercial use. However, the approved use would not be commercial and the parking provision is considered acceptable for a domestic dwelling. The Highways Authority has no objection to the proposal subject to it being used as ancillary accommodation to the existing dwelling.

### **Conclusion:**

The proposed building is acceptable in design terms and would not be harmful to the living conditions of occupiers of neighbouring dwellings. A condition has been attached restricting the use to ancillary purposes and officers considered that, taking into all account all matters raised, the proposal complies with the relevant policies of the OLP and Core Strategy.

### **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:** 11/02710/FUL

**Contact Officer:** Rona Gregory

**Extension:** 2157

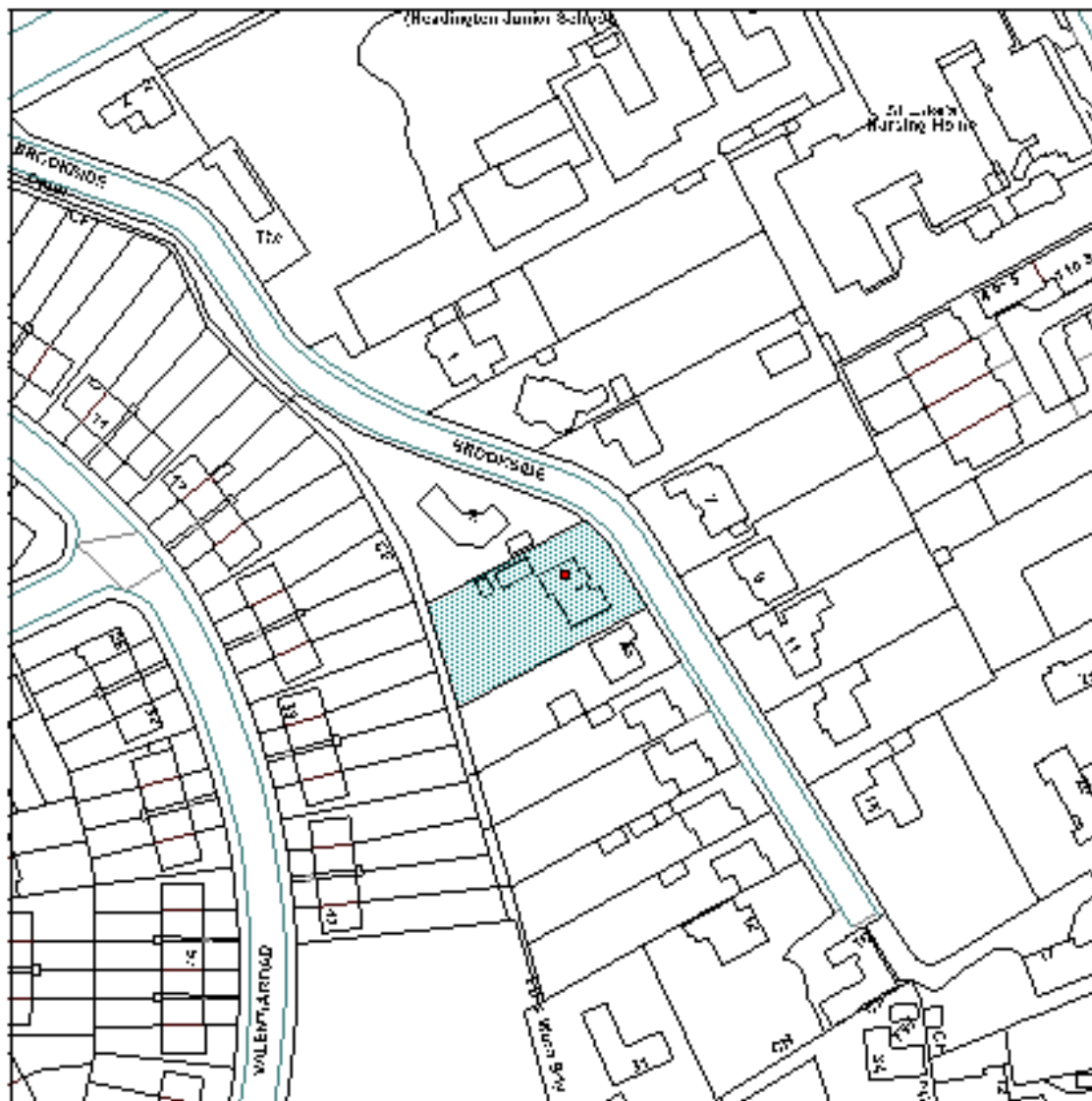
**Date:** 8th December 2011

# Appendix 1

## 4 Brookside



ESRI INC. 3845



Scale : 1:1250

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|--------------|------------------|
| Organisation | Not Set          |
| Department   | Not Set          |
| Comments     | 11.02710/FUL     |
| Date         | 15 December 2011 |
| SLA Number   | Not Set          |