

East Area Planning Committee

- 4th January 2012

Application Number: 11/02526/FUL

Decision Due by: 23rd December 2011

Proposal: Erection of two storey extension to form 2 x 1-bed flats. Provision of new bin and cycle store. (Amended description)

Site Address: 83 - 97 Ashhurst Way (**Appendix 1**)

Ward: Rose Hill And Iffley Ward

Agent: GES Design Associates

Applicant: Sheehan Group

Call in: The application was called in by Councillors Turner, Coulter, Lygo, Lloyd-Shogbesan and Humberstone on the grounds of major concerns about potential damage to trees, design, and the impact upon neighbouring properties.

Recommendation: It is recommended that planning permission be **approved** for the following reasons:

- 1 The proposal would make a more efficient use of the site in a manner which would provide an acceptable residential environment for future residents. The scale and form of the proposal would be sympathetic to that of the existing building and would sit comfortably within the streetscene. The amenities of neighbouring residential properties would not be unacceptably affected. The proposal would provide a new storage area for bins and bicycles which would also serve nos 91-97 Ashurst Way. The application accords with policies CP1, CP6, CP8, CP10, TR3, TR4, HS11, HS19 and HS21 of the Local Plan and policy CS2, CS18 and CS23 of the Core Strategy.
- 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.

Conditions:

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Materials - matching
- 4 Landscape plan required prior to commencement
- 5 Landscape carry out after completion
- 6 Landscape management plan
- 7 Tree Protection Measures
- 8 Bin/cycle store in accordance with approved plans

Main Local Plan Policies:**Oxford Local Plan 2001-2016 (OLP)**

CP1 - Development Proposals

CP6 - Efficient Use of Land & Density

CP8 - Design Development to Relate to its Context

CP10 - Siting Development to Meet Functional Needs

CP11 - Landscape Design

TR3 - Car Parking Standards

TR4 - Pedestrian & Cycle Facilities

HS11 - Sub-Division of Dwellings

HS19 - Privacy & Amenity

HS20 - Local Residential Environment

HS21 - Private Open Space

NE15 - Loss of Trees and Hedgerows

NE16 - Protected Trees

Oxford Core Strategy 2026

CS2_ - Previously developed and greenfield land

CS18_ - Urban design, town character, historic environment

CS23_ - Mix of housing

Other Material Considerations:

PPS 1 – Delivering Sustainable Development

PPS 3 – Housing

PPG 13 – Transport

Regional Spatial Strategy for the South East

Balance of Dwellings Supplementary Planning Document

Parking Standards Supplementary Planning Document

Relevant Site History:

11/01871/FUL - Two storey side extension to provide two flats (1x 1 bed and 1 x 2 bed). Provision of 3 car parking spaces accessed from Desborough Crescent – Withdrawn

69/00802/M_H - Land west of Lambourn Road - Roads and sewers for housing development with accesses – Approved

69/00080/M H - Land west of Lambourn Road - Erection of 62 houses, 24 old persons flats, 69 garages and 41 car parking spaces – Approved

68/00192/M H - Site west of Lambourn Road - Houses and old people's flats and accesses - Approved

Third Party Representations Received: None

Statutory and Internal Consultees:

Highway Authority – No objection in principle however concern was raised about possible additional car parking on street close to the junction.

Thames Water Utilities Limited – No objection

Tree Officer – No objection subject to tree protection measures during construction

Officers Assessment:

Site Description and Proposal

1. The application site comprises a plot of land in the northern corner of 83-97 Ashurst Way, formally an area of hardstanding which accommodated a bin and cycle store serving the existing flats. No 83-97 Ashurst Way is a two storey block of one bedroom flats on the corner of Ashurst Way and Desborough Crescent. The existing building takes the form of two staggered blocks with the flats accessed from the north via a parking court, although the main frontage is towards the south onto Desborough Crescent. The Ashurst Way and Desborough Crescent frontages are grassed and have a number of mature trees.
2. The application proposes the erection of a two storey extension along the Ashurst Way frontage. The proposal also includes a new bin and cycle store which will also serve No 91-97 Ashurst Way.
3. Officers consider the main issues of the case to be the principle of development, the scale, form and appearance of the extension, proposed residential environment, the impact on neighbouring properties, trees, and car parking.

Planning History

4. A planning application for a similar proposal was withdrawn earlier this year (ref 11/01871/FUL) following concern raised by officers about the impact of the extension on the amenities of Nos 75-81 Ashurst Way, specifically light, privacy and outlook, the impact on daylight to some of the flats at the application site, specifically 91-95 Ashurst Way, the poor residential environment created by virtue of bins stores adjacent to windows and the lack of cycle parking, the visual impact of car parking along the Desborough Crescent frontage, and the impact on the protected false acacia tree adjacent to the proposed car parking.

5. In response to the concerns raised the current proposal has made the following changes:

- The 1st floor windows in the south elevation (facing No 75-81 Ashurst Way) have been omitted;
- A new bin and cycle store is provided which would be large enough to accommodate bins and bikes for proposed flats and No 91-97 Ashurst Way. This store is located away from habitable room windows;
- A small but more meaningful and overlooked garden is provided to the south of the extension. This would be accessible by all flats;
- The car parking adjacent to the protected false acacia tree has been omitted;

Principle of Development

6. Local Plan policy CP6 states that development proposals should make efficient use of land by making best use of site capacity. Whilst policy CS23 of the Oxford Core Strategy recognises that the predominance of one particular form of housing type within a locality may have unwelcome social implications. To remedy this policy CS23 supports a balance of dwelling types within any given locality.

7. In support of policy CS23 the Balance of Dwellings Supplementary Planning Document (BoD SPD) has assessed the housing stock within Oxford and has identified areas of pressure. The aim of the SPD is to ensure that development provides a balanced and mixed community and as a result Neighbourhood Areas provide the framework for the assessment of new residential developments.

8. The application site falls within an area defined by the SPD as amber, which indicates that the scale of pressure is considerable and as such a proportion of family dwellings should form part of new development. In this area the SPD does not prescribe a particular mix for development below 3 units and as such officers have no objection to the principle of 2x1 bed flats.

Scale, Form and Appearance

9. Policy CP8 of the Oxford Local Plan 2001-2016 suggests the siting, massing and design of development creates an appropriate visual relationship with the form, grain, scale, materials and details of the surrounding area and CP10 states planning permission will only be granted where proposed developments are sited to ensure that street frontage and streetscape are maintained or enhanced or created.

10. The extension turns at a right angle to the existing block and creates a new frontage onto Ashurst Way, with doors and windows actively addressing the street. The extension has a traditional form, with a pitched roof set slightly lower than the ridge of the original block. The materials are

proposed to match the existing building and the bay window details seen in the original block are carried through into the extension. The proposal is set back from the footpath maintaining the area of grass and trees between the buildings and the street.

11. Officers conclude that the scale, form and appearance of the extension are sympathetic to the existing building and would not appear out of keeping with the street.

Proposed Residential Environment

12. Saved Oxford Local Plan policy HS21 states that residential development should have access to good quality outdoor space. The preamble to policy HS21 explains that where the residential units are unlikely to be occupied by people with children the amenity space can be provided in the form of a shared space. The flats would have only one bedroom and it is therefore reasonable to conclude that they would be extremely unlikely to be occupied by persons with children. The existing development was not designed with private open space in mind, with only the grassed areas between the building and the road offering outdoor space.
13. The proposal creates a small area of shared space measuring approximately 30m² to the south of the extension. Although small this space offers an outdoor communal area which does not front onto the highway. This is considered to be a benefit to the existing flats as well as the proposed ones. The site is also generously served by a grassed area adjacent to Desborough Crescent. In consideration of the existing site circumstances officers conclude that in this particular instance the level of outdoor space is acceptable.
14. Policy HS11 requires flats to have a floor area of at least 25m² and be fully self contained. The proposed flats would comply with this requirement. Bin and cycle storage is proposed to the south of the extension which will also provide store space for some of the existing flats on site.

Impact on Neighbouring Properties

15. Local Plan policy CP10 states that development should be sited to ensure that the 'use or amenity of other properties is adequately safeguarded'. Policy HS19 goes further and states that planning permission will only be granted for developments that adequately provide for the protection of the privacy or amenity of the occupants of the proposed and existing neighbouring residential properties.
16. The extension would be approximately 12m away from No 79 and 81 Ashurst Way (both to the south of the proposal). Due to this separation distance, the 45° code when applied in the horizontal plane to the ground and first floor habitable room windows of both properties, would not be breached.

17. Although the outlook from these windows would change, as can be seen from Appendix 1, 12m is a common separation distance in this area. In addition the opportunity for new landscaping between the extension and Nos 79 and 81 Ashurst Way will be a benefit. On balance therefore officers consider the relationship between these properties and the proposal to be acceptable.
18. The windows serving the existing flats at Nos 91-95 Ashurst Way, which are adjacent to the extension, serve non habitable rooms and as such policy HS19 and the 45° code do not apply. There would not therefore be an adverse impact on those flats.

Trees

19. There are a number of trees on the site, most importantly those which front Ashurst Way and Desborough Crescent. The application is accompanied by an Arboricultural Report which categorises the main trees, the false acacia trees, as Category B trees, meaning that they are considered to be of high amenity value. The application retains all of the false acacia trees and officers are satisfied that the development will not harm these trees. Officers would however recommend a condition to ensure that in accordance with British Standards, tree protection measures are in place prior to any work commencing on site.

Car Parking

20. The Local Plan parking standards states that at this location a maximum of one off street car parking space should be provided per one bed unit. The application does not propose any off street car parking. This is chiefly due to the previous concerns raised by officers about the impact of the car parking on the protected false acacia tree, but also due to the visual impact of the proposed off street car parking on the open green area fronting Desborough Crescent. Due to the site constraints this remains the most appropriate location for off street car parking. Aside from the possible harm to the tree and green space, the provision of off street car parking would inadvertently reduce on street parking capacity as a result of the required access, which due to the slight curve in the road would equate to almost two car lengths. As a result officers are of the view that not providing off street car parking would have a very similar impact to providing off street car parking.
21. In raising no objection to the proposals the Highway Authority raised concerns about the lack of off street car parking and that they would not want this to result in car parking adjacent to the junction. For the reasons set out above officers consider that in this particular instance it is reasonable to provide no off street car parking. Officers acknowledge the concerns of the Highway Authority regarding the possibility of car parking adjacent to the junction, however it is not the place of the Planning Authority to make assumptions about the parking habits of drivers when there are alternative regulations to deal with such matters.

Sustainability

22. The site is a brownfield site within an existing residential area. The area is well served by shops and services and has excellent access to public transport nodes. The application would make a more efficient use of the site by providing two new flats which would need to meet Level 3 of Code for Sustainable Homes in order to satisfy the Building Regulations.

Conclusion: The development would make an efficient use of the site, while being sympathetic to the character of the area and the amenities of neighbouring residential properties. Although the proposal would provide no off street car parking officers consider that on balance this is a reasonable approach given the site constraints and particular circumstances of the case. Officers would therefore recommend that planning permission be approved subject to the conditions set out above.

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

Background Papers: 11/02526/FUL

Contact Officer: Steven Roberts

Extension: 2221

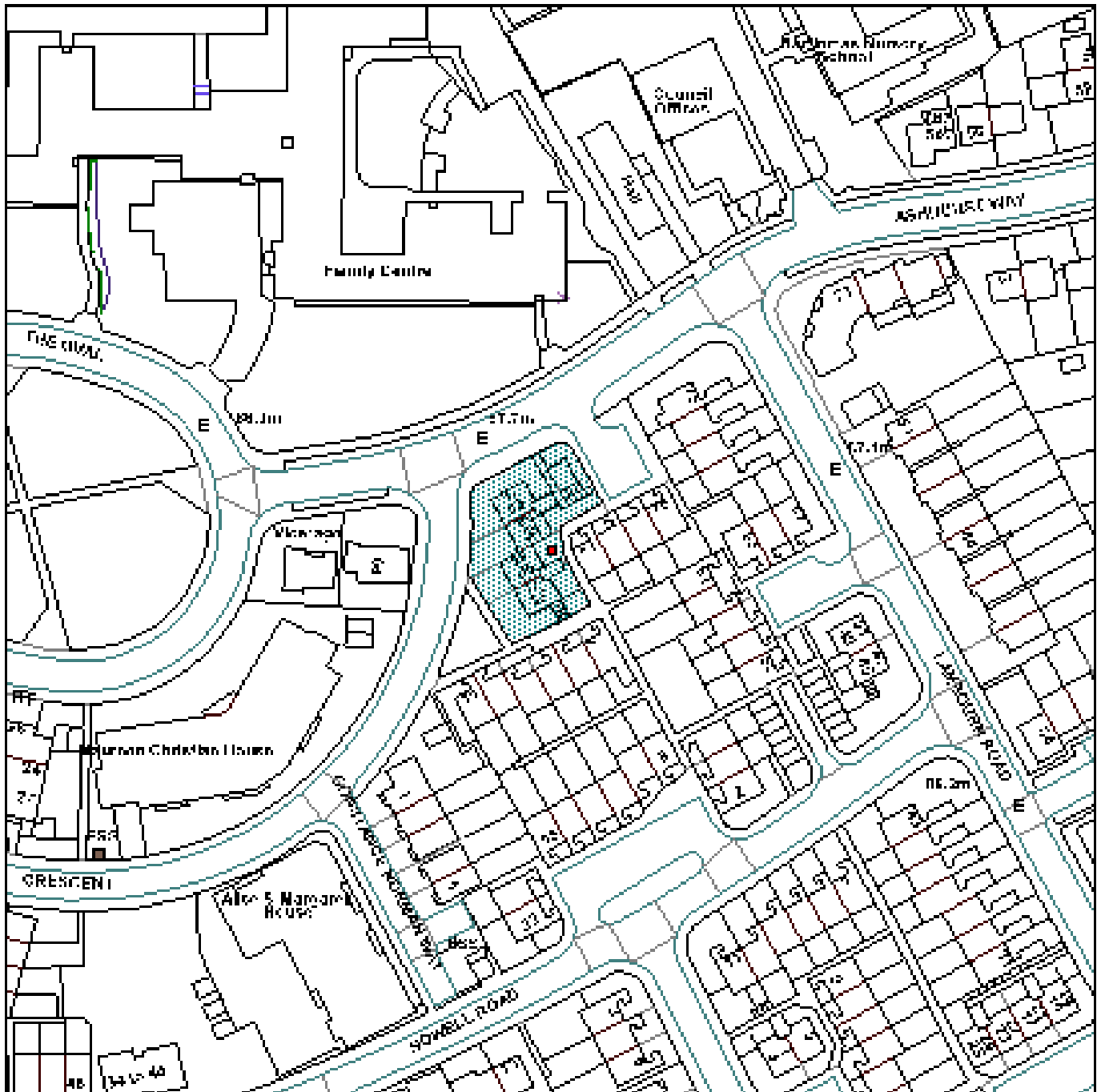
Date: 12th December 2011

Appendix 1

11/02526/FUL - 83-97 Ashhurst Way



CITY OF CARDIFF COUNCIL



Scale : 1:1250

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Organisation	Not Set
Department	Not Set
Comments	
Date	15 December 2011
SLA Number	Not Set