

EAST AREA PLANNING COMMITTEE

1st February 2012

Application Number: 11/02950/FUL

Decision Due by: 17th January 2012

Proposal: Proposed new 2 bed dwelling to side of 9 Moody Road

Site Address: 9 Moody Road, Oxford – Appendix 1

Ward: Marston Ward

Agent: KD Design

Applicant: Mr K Lau

The application has been called-in by Councillors Jackson, Rowley, Coulter and Van Nooijen due to concerns about the proposals representing overdevelopment as well as causing additional parking pressure in a narrow residential road.

Recommendation:

APPLICATION BE APPROVED

Reasons for Approval:

- 1 The proposed extensions are considered to be of acceptable form, scale and appearance such that they are in character with the existing house and surrounding residential area. Whilst the new dwelling is small it is considered to provide a sufficient standard of residential accommodation similar to that at the nearby property, 11a Moody Road. No significant harm to neighbouring residential amenity is considered to result from the proposals and sufficient levels of parking, cycle and bin storage are provided. The proposals therefore comply with policies CP1, CP6, CP8, CP9, CP10, HS19, TR3 and TR4 of the Oxford Local Plan 2001-2016 and policies CS18 and CS23 of the Oxford Core Strategy 2026.
- 2 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 No additional windows in side elevations
- 5 Boundary Treatments
- 6 Cycle/Car Parking Provision
- 7 Bin Storage
- 8 SuDS
- 9 Surface Water
- 10 Variation of RTO to remove eligibility for parking permits
- 11 Contamination Phased Risk Assessment

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
- HS19** - Privacy & Amenity
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities

Core Strategy

- CS18** - Urb design, town character, historic env

Sites and Housing Proposed Submission DPD

- HP9** – Design, Character & Context
- HP10** – Developing on Residential Gardens
- HP12** – Indoor Space
- HP13** – Outdoor Space
- HP14** – Privacy & Daylight
- HP15** – Residential Cycle Parking

Other Material Considerations:

- PPS1** – Delivering Sustainable Development
- PPS3** – Housing
- PPG13** – Transport

Relevant Site History:

None

Representations Received:

One objection received from 3 Moody Road citing the following concerns:

- The proposed new dwelling appears cramped;
- Another front garden would be lost, detracting from the appearance of the area;
- No.11 Moody Road has already been developed along similar lines and if this current application were to be approved six cars would be parked along the frontage of the original two houses;
- The additional car parking is putting pressure on the narrow road which serves nearly double the number of houses it was originally constructed for.

Statutory and Internal Consultees:

Oxfordshire County Council Highways Authority – No objection subject to conditions including varying the road traffic order to remove eligibility for parking permits.

Environmental Development – Condition should be imposed requiring a phased risk assessment to be carried out prior to commencement of the development.

Thames Water Plc – No objection.

Issues:

Principle
Design/Residential Quality
Impact on Neighbouring Amenity
Parking/Highways

Officers Assessment:

Site Description

1. The application site relates to a three bedroom semi-detached house with adjoining flat roof single garage that links to a neighbouring pair of semi-detached houses. The house was constructed in the early 1960s as part of a wider development of 40 dwellings. A number of the houses in the original development have been extended at first floor level above the adjoining single garages and others have converted their adjoining garages into habitable rooms.

Description of Proposal

2. The application seeks permission for a first floor extension to the side of the existing house above the existing single storey garage as well as a two storey rear extension to create a new adjoining two bedroom dwelling with associated

rear garden, parking area and cycle/bin storage.

Principle

3. The proposed dwelling would be on the site of existing residential development which, as such, represents previously developed land as defined in Government planning guidance document PPS3. PPS3 and policy CS2 of the Core Strategy support the re-use of previously developed land particularly where such land is in a sustainable location. In principle therefore, the construction of a dwelling in this location is considered acceptable.

Design/Residential Quality

4. Whilst the creation of a new dwelling in such a location initially appears rather cramped and contrived, the extensions proposed to create the new dwelling are very similar in form, scale and layout to that approved at 11 Moody Road, the adjoining semi-detached house in December 2007 along with similar extensions in Peacock Road and Pritchard Road. There has been no significant change to development plan policy since this date with respect to residential amenity standards and, with this existing development so close to the application site, it represents a material consideration to which very significant weight should be given.

5. Officers consider the physical form of the proposed extensions to relate sufficiently well to the existing house and be subordinate in scale such that they appear in character with the numerous other similar extensions in the same street. Indeed officers welcome the replacement of the somewhat poor quality flat roof elements with shallow pitched lean-to roof forms at the front of the house such that visually, officers believe the proposals would be more appropriate than that approved at 11 Moody Road. A condition is proposed to require matching materials to ensure the development achieves an acceptable visual relationship with the existing building.

6. Whilst the proposed dwelling appears to awkwardly 'wrap around' the rear of the existing house, this is extremely similar in layout to that approved at 11 Moody Road and therefore officers believe it would be unreasonable to consider this to create unacceptably awkward living conditions for future residents. In any event all habitable rooms are proposed to have sufficient openings to create an adequately lit dwelling. The proposed rear garden (subdivided from the existing 9 Moody Road) is quite narrow though it is well over 10m in length and is of a fairly typical linear shape such that it is considered acceptable for future occupiers and would still provide 9 Moody Road with sufficient garden space to serve a small family.

7. Adequate provision for bin and cycle storage is proposed to be provided at the front of the new dwelling and existing dwelling in line with that approved at 11 Moody Road and it is therefore considered to be acceptable.

Impact on Neighbouring Amenity

8. The proposed side extension is considered to be a sufficient distance away from the existing side window of No. 7 Moody Road such that it will not be overbearing to the neighbouring occupiers or contravene daylight/sunlight

guidance contained within Appendix 6 of the Local Plan. Additionally, officers would point out that the relationship between the proposed first floor side extension and the neighbouring window are very similar to that in existence between the approved and constructed scheme at 11 Moody Road and its neighbouring property, 13 Moody Road.

9. The proposed two storey rear addition extends only 3.4m in depth beyond the existing house and is set a reasonable distance away from either neighbouring property such that it is not considered to be overbearing or overshadowing to neighbouring properties. A single storey rear extension is also proposed which will directly abut an existing neighbouring extension and match its form and dimensions exactly with the consequence that no harm is considered to result. No windows are proposed at first floor level in either side elevation so that no unacceptable overlooking of neighbouring properties would occur and a condition is recommended to be imposed to prevent the insertion of side windows without planning permission in the future so as to safeguard the amenity of neighbouring occupiers. Overlooking from the rear windows of the proposed extension is not considered to cause unacceptable harm to neighbouring privacy particularly since there is already a significant degree of overlooking from existing windows of neighbouring properties. A condition is recommended to remove permitted development rights for the insertion of additional windows.

10. Whilst the proposed two storey rear extension will not comply with daylight guidance set out in the Local Plan with respect to the first floor bedroom window of the original 9 Moody Road, the window lies to the south of the extension and would benefit from sunlight throughout the majority of the day. It should also be noted that the extensions permitted at the adjoining 11 Moody Road to create 11a Moody Road also resulted in a similar impact on the rear windows of the original house and these were considered to be acceptable.

Highways/Parking

11. The level of parking and cycle provision proposed to serve both the new and existing dwelling meets the requirements set out in the Local Plan and the Highway Authority raise no objection to the scheme subject to the condition that occupiers of the new dwelling are removed from eligibility for parking permits.

Conclusion:

12. Whilst the proposed extensions are considered to be in character with the existing house and surrounding area the resultant dwelling would have a somewhat cramped relationship between it and the existing property, 9 Moody Road. However, a very similar development approved by the Council at the adjoining property, 11 Moody Road, should be given significant material weight in considering the proposals such that, on balance, officers recommend approval of the application.

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: 07/02486/FUL & 11/02950/FUL

Contact Officer: Matthew Parry

Extension: 2160

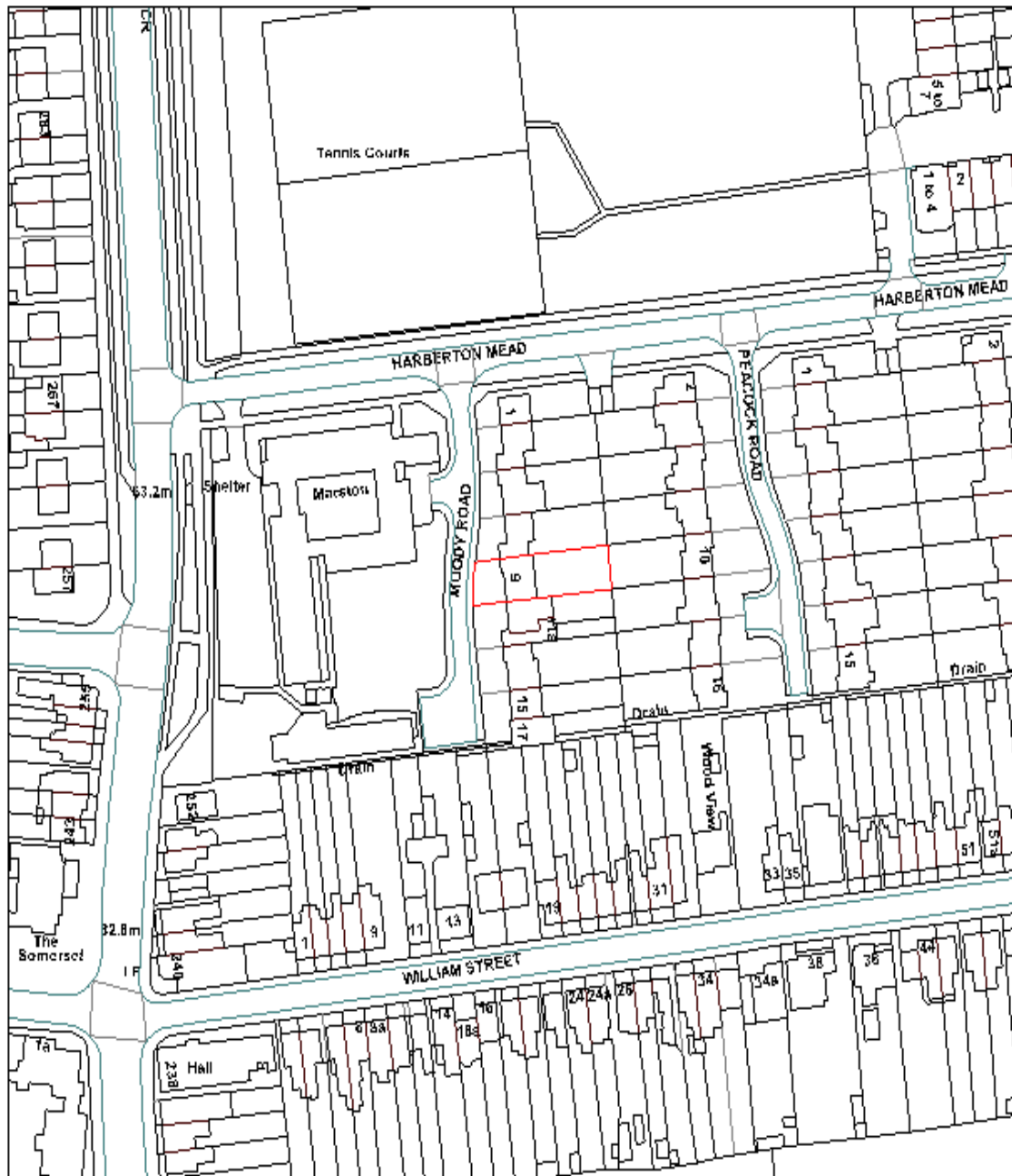
Date: 20th January 2012

Appendix 1

9 Moody Road, Oxford



GIS by ESRI (UK)



Scale: 1:1324

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Organisation	Oxford City Council
Department	City Development
Comments	11/02950/FUL
Date	20 January 2012
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