

EAST AREA PLANNING COMMITTEE

7 March 2011

Application Number: 11/02890/FUL

Decision Due by: 1st March 2012

Proposal: Retention of outbuilding to rear, incorporating reduction to size and removal of existing garage.

Site Address: 51 Green Road Oxford Oxfordshire OX3 8LD

Ward: Quarry And Risinghurst Ward

Agent: N/A

Applicant: Mrs V Vaseleva

Called in by Councillors Sinclair, Coulter, Turner, Price, Humberstone, Lygo, Rowley and Baxter for reasons relating to the history of the site and concerns relating to overdevelopment, lack of amenity space and impact on neighbours.

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

REASONS FOR APPROVAL:

- 1 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.

REASONS FOR APPROVAL:

- 2 The proposed changes to the existing outbuilding would result in a building which would form an appropriate visual relationship with the existing dwelling and its surroundings, whilst enabling the property to retain a useable outdoor amenity area. In addition, as reduced, the outbuilding would not, as a result of its low height and siting, unduly harm neighbouring privacy or amenity. As such the proposal complies with policies CP1, CP8, CP10, and HS19 of the Adopted Oxford Local Plan 2001-2016 and Policy CS18 of the Oxford Core Strategy 2026.

CONDITIONS/REASONS:

- 1 Within three months of the date of this permission the outbuilding shall be reduced and the garage removed, in accordance with the detail shown on drawing 2352.02 received on 7 December 2011. All resultant materials shall be removed from the site.

Reason: To protect the amenity of neighbouring properties and to ensure that adequate outdoor amenity space is retained for the application property, in accordance with policy CP1, CP8 and HS19 of the Oxford Local Plan 2001-2016 and Policy CS18 of the Oxford Core Strategy 2026.

- 2 The retained outbuilding granted permission shall only be used for purposes incidental to the residential use of 51 Green Road and for no other purpose including for any additional living accommodation, unless otherwise agreed in writing.

Reason: To avoid doubt and to ensure that any future proposals for change of use or subdivision will be submitted for planning permission in accordance with policies HS19 and TR3 of the Oxford Local Plan 2001-2016.

Main Local Plan Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals

CP8 - Design Developmt to Relate to its Context

HS19 - Privacy & Amenity

TR3 - Parking

Oxford Core Strategy 2026

CS18 – Urban design, townscape character and the historic environment

Relevant Site History:

10/01880/CPU – Application for a Certificate of Lawful Proposed Use that the outbuilding in the rear garden would be ancillary to the main dwelling. Refused. 03/09/2010.

10/02830/CPU – Application for a Certificate of Lawful Proposed Use that the outbuilding in the rear garden would be ancillary to the main dwelling. Refused. 13/12/2010. Appeal dismissed 7/10/2011. A copy of the appeal decision is attached as Appendix 1.

Representations Received:

Three letters of objection. The comments made are summarised as follows:

- close to adjoining properties
- inadequate parking provision
- loss of privacy
- affects local ecology

Statutory and Internal Consultees:

County Highways – No objection subject to the building only being occupied ancillary to the existing dwelling.

Risinghurst & Sandhills Parish Council - No objection.

Issues:

- Design
- Impact on neighbouring amenity

Officers Assessment:

Application Site:

1. No.51 Green Road is a semi-detached three bedroom property located within a residential area, with a shared driveway to the front/side. To the rear of the property is a recreation ground. The dwelling has a single storey extension to the rear, constructed as permitted development and a detached garage currently used as an additional storage/living area.

2. In addition, abutting the garage and extending almost the full length of the rear garden is the recently constructed outbuilding, the subject of this application.

Proposal

3. This application follows the aforementioned recently dismissed appeal, where the Inspector agreed with the Council that the outbuilding could not in its current form be considered as permitted development under Class E of the GPDO for two reasons, in summary:

- The creation of a sitting area, as shown on the appeal drawings represented a use which replicates the use of the main accommodation and as such cannot be considered as being for purposes incidental to the use of the house, for the purpose of considering the development as permitted development.
- The size of the building would be “far greater” than that reasonably necessary for the specified incidental purposes.

4. It is important to note that the considerations of the previous application and appeal, including the proposed use of the building and subsequent appeal related only to whether or not planning permission was required for the building as a matter of fact and not the planning merits of whether the building was acceptable.

5. As a result of the appeal decision this application now seeks planning permission to retain the outbuilding in a reduced form to include also demolition of an existing garage.

6. At present the outbuilding extends from a point 2.8m beyond the rear of the existing house to a depth of 24m. It comprises a long central element extending 19m long x 3.7m wide and a rear element 6m long x 5.7m wide. The building is sited approximately 0.4m below ground level and has a lean to roof at the front extending to 2.5m above ground level, with an overall footprint of approximately 87sqm. The rear elevation has a pitched roof also at 2.5m high. In addition there is an existing garage measuring 5.3 x 3.1m (16sqm). In total the outbuildings total 103sqm.

7. This application proposes removing the garage and reducing the depth of the outbuilding by 5.1m, resulting in an overall reduction of 35sqm to the building footprints (-33%). The applicant states that the building would be used as a home gym and games room, with an office and store.

8. Notwithstanding the submission of this planning application it could be argued that a smaller building than previously considered, without a “living room”, could fall under consideration as permitted development. However, the applicant has chosen to submit a planning application rather than another Certificate of Lawful Proposed Use and as such it is the planning merits of the building that must now be considered.

Design

9. The outbuilding is located to the rear of the existing house and as such is not visible from Green Road, whilst playing fields are situated to the rear. The building has been designed with a very shallow 2.5m high roof, due to the sunken floor level. The timber and glazed construction of the building with a felt roof is considered acceptable in design terms for such an outbuilding in this location.

10. The reduction to the depth of the building and removal of the existing garage would allow for a more useable outdoor amenity area at the rear of the house, comprising approximately 85sqm. This is considered an acceptable garden area for the current and future occupiers of this three bed property.

11. As such the proposal satisfies policies CS1 and CS8 of the Local Plan and Policy CS18 of the Core Strategy.

Sustainability

12. The site lies within a sustainable location where new development is appropriately located and the development makes more efficient use of land. The building is existing and there is little opportunity for altering it to add additional sustainability measures.

Impact on neighbours

13. 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.

14. The outbuilding, as reduced, would be approximately 6m from the rear conservatory of the neighbours at No.53 Green Road. It is of modest height, with an eaves of 2m on the side adjacent to No.53, which is no greater than the permitted height of a boundary fence/wall. Due to the shallow sloping roof the highest part of the building at 2.5m is set in 3.2m from the boundary of No.53. Furthermore, given that the outbuilding is located to the north east of No.53 it is not considered that any loss of sunlight or amenity would occur to the neighbours and due to the lower ground level does not, and would not result in any loss of privacy.

15. Due to the siting of the outbuilding, the 1.5m boundary wall and the lower ground floor of the building ensures that no loss of privacy or amenity result to the neighbouring property at No.49 Green Road. The highest part of the roof, at 2.5m, is set in 3.2m from the boundary of No.49 and as such does not appear unduly prominent from the rear of the neighbours' property. In fact, removal of the existing garage, being closer to the rear of the neighbours than the outbuilding, would result in an overall benefit to the neighbours in terms of the amount of daylight to that property.

16. On the basis of the above the proposal complies with policies CS10 and HS19 of the Local Plan.

Parking

17. The existing garage is not accessible to vehicles and as such parking for the application property is currently limited to the area at the front of the dwelling, with space for 2 cars. As such, it is not considered that the loss of the garage would result in any impact on existing car parking for the property and as the proposal relates only to an ancillary outbuilding no additional car parking is required. County Highways have raised no objection to the proposal.

Other considerations

18. Concerns have been raised by third parties regarding the previous use of the property as an HMO and its possible future use of the outbuilding. The property is currently occupied by the applicant and her family and as such is being occupied as single family dwelling. The proposed use of the outbuilding is for use incidental to the dwellinghouse and there is no suggestion that this space would be for anything other than that. Planning permission would be required for use of the property as an HMO or for any independent use of the outbuilding. It is considered appropriate in the circumstances and for clarity, to include a condition to ensure that the outbuilding remains in use for incidental purposes which shall not include additional bedroom accommodation.

19. A third party comment has been made regarding the impact of the proposal on ecology. However it is not considered that this residential garden is of any particular ecological merit and no suggestion has been made of the existence of any protected species within the site.

Conclusion:

20. On the basis of the above it is considered that the design of the development is acceptable and that no undue harm would result to neighbouring occupiers or to highway safety. As such the proposal complies with policies CP1, CP8, HS19 and TR3 of the Adopted Oxford Local Plan 2001-2016 and Policy CS18 of the Oxford Core Strategy 2026. The application is therefore recommended for approval.

Human Rights Act 1998

Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to refuse this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

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

Background Papers:

Contact Officer: Mark Spragg

Extension: 2716

Date: 13th February 2012