

Agenda

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West Area Planning Committee

Date: **Thursday 23 August 2012**

Time: **6.00 pm**

Place: **The Old Library, Town Hall**

For any further information please contact:

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If you would like help to understand this document please call Sarah Claridge, Democratic and Electoral Services Officer on or email lstock@oxford.gov.uk in advance of the meeting.

West Area Planning Committee

Membership

Chair	Councillor Oscar Van Nooijen	Hinksey Park;
Vice-Chair	Councillor John Goddard	Wolvercote;
	Councillor Elise Benjamin	Iffley Fields;
	Councillor Anne-Marie Canning	Carfax;
	Councillor Bev Clack	St. Clement's;
	Councillor Graham Jones	St. Clement's;
	Councillor Shah Khan	Cowley;
	Councillor Colin Cook	Jericho and Osney;
	Councillor John Tanner	Littlemore;

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AGENDA

Pages

1 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

2 DECLARATIONS OF INTEREST

Councillors serving on the Committee are asked to declare any personal or personal prejudicial interests they may have in any of the following agenda items.

3 RADCLIFFE CAMERA, RADCLIFFE SQUARE - 12/01737/LBC & 12/01736/FUL

1 - 8

The Head of City Development has submitted a report which details a planning application for

(i): 12/01737/LBC External alterations to provide new access point and internal alterations to provide librarian space, draught lobby and access and security controls to Radcliffe Camera

(ii): 12/01736/FUL Construction of new pedestrian access path steps and doorway to Radcliffe Camera and including new partitions on the first floor of the Old Bodleian

Officer recommendation: Approve the application subject to the conditions listed in the report

4 FORMER RADCLIFFE INFIRMARY, WOODSTOCK ROAD - 12/01508/FUL

9 - 16

The Head of City Development has submitted a report which details a planning application for the replacement of existing Triton statue with new Coade stone statue. (Existing to be salvaged and displayed in alternative location)

Officer recommendation: To grant listed building consent subject to the conditions listed in the report.

Former Radcliffe Infirmary, Woodstock Road - 12/01508/FUL

5 33 LECKFORD ROAD - 12/01085/FUL

17 - 28

The Head of City Development has submitted a report which details a planning application for the erection of side extension at lower and upper ground floor levels. (Amended plans)

Officer recommendation: Approve the application subject to the conditions listed in the report.

6 GROVE HOUSE CLUB, GROVE STREET - 12/01394/FUL 29 - 40

The Head of City Development has submitted a report which details a planning application for the erection of a 2x2 bedroom dwellings. Provision of cycle parking, bin stores and private amenity

Officer recommendation: To approve the application subject to the conditions listed in the report.

7 32 VICTORIA ROAD - 12/01287/FUL 41 - 52

The Head of City Development has submitted a report which details a planning application for the erection of a 4 bedroomed detached house on 3 floors. Provision of 2 car parking spaces to frontage

Officer recommendation: Approve subject to conditions listed in the report.

8 38 LINKSIDE AVENUE - 12/01390/FUL 53 - 62

The Head of City Development has submitted a report which details a planning application for a first floor rear extension (amended plans)

Officer recommendation: Approve the application subject to the conditions listed in the report.

9 28 WALTON STREET - 12/01494/FUL 63 - 70

The Head of City Development has submitted a report which details a planning application for the erection of bin and cycle stores, insertion of replacement/new doors, windows and conservation roof lights. Erection of replacement roof and south rear wall (retrospective).

Officer recommendation: Approve the application subject to the conditions listed in the report.

10 410 - 448 BANBURY ROAD - 12/1194/CT3 71 - 76

The Head of City Development has submitted a report which details a planning application to install wood link fencing behind hedge line at same height as existing hedge. To install wood link gates at 5 access points from roadside onto external communal area of the flats.

Officer recommendation: Approve the application subject to the conditions listed in the report

11 PLANNING APPEALS

77 - 80

To receive information on planning appeals received and determined during June 2012.

The Committee is asked to note this information.

12 FORTHCOMING APPLICATIONS

The following items are listed for information. They are not for discussion at this meeting.

- University Science Area: Masterplan (not a planning application).
- 68 Abingdon Road - 2/01798/FUL
- Worcester College - 12/01809/FUL and 12/01810/LBD - substantial alterations - including new buildings and demolitions to the city centre buildings.
- 251 Cowley Road - 12/01924/FUL – proposed change of use

13 MINUTES

81 - 84

Minutes of the meeting held on 11 July 2012

DECLARING INTERESTS

General duty

You must declare any disclosable pecuniary interests when the meeting reaches the item on the agenda headed "Declarations of Interest" or as soon as it becomes apparent to you.

What is a disclosable pecuniary interest?

Disclosable pecuniary interests relate to your* employment; sponsorship (ie payment for expenses incurred by you in carrying out your duties as a councillor or towards your election expenses); contracts; land in the Council's area; licenses for land in the Council's area; corporate tenancies; and securities. These declarations must be recorded in each councillor's Register of Interests which is publicly available on the Council's website.

Declaring an interest

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest.

If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

Members' Code of Conduct and public perception

Even if you do not have a disclosable pecuniary interest in a matter, the Members' Code of Conduct says that a member "must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself" and that "you must not place yourself in situations where your honesty and integrity may be questioned". What this means is that the matter of interests must be viewed within the context of the Code as a whole and regard should continue to be paid to the perception of the public.

*Disclosable pecuniary interests that must be declared are not only those of the member her or himself but also those member's spouse, civil partner or person they are living with as husband or wife or as if they were civil partners..

CODE OF PRACTICE FOR DEALING WITH PLANNING APPLICATIONS AT AREA PLANNING COMMITTEES AND PLANNING REVIEW COMMITTEE

Planning controls the development and use of land in the public interest. Applications must be determined in accordance with the Council's adopted policies, unless material planning considerations indicate otherwise. The Committee must be conducted in an orderly, fair and impartial manner.

The following minimum standards of practice will be followed. A full Planning Code of Practice is contained in the Council's Constitution.

1. All Members will have pre-read the officers' report. Members are also encouraged to view any supporting material and to visit the site if they feel that would be helpful
2. At the meeting the Chair will draw attention to this code of practice. The Chair will also explain who is entitled to vote.
3. The sequence for each application discussed at Committee shall be as follows:-
 - (a) the Planning Officer will introduce it with a short presentation;
 - (b) any objectors may speak for up to 5 minutes in total;
 - (c) any supporters may speak for up to 5 minutes in total;

(Speaking times may be extended by the Chair, provided that equal time is given to both sides. Any non-voting City Councillors and/or Parish and County Councillors who may wish to speak for or against the application will have to do so as part of the two 5-minute slots mentioned above;

 - (d) voting members of the Committee may raise questions (which shall be directed via the Chair to the lead officer presenting the application, who may pass them to other relevant Officer/s and/or other speaker/s); and
 - (e) voting members will debate and determine the application.
4. Members of the public wishing to speak must send an e-mail to planningcommittee@oxford.gov.uk before 10.00 am on the day of the meeting giving details of your name, the application/agenda item you wish to speak on and whether you are objecting to or supporting the application (or complete a 'Planning Speakers' form obtainable at the meeting and hand it to the Democratic Services Officer or the Chair at the beginning of the meeting)
5. All representations should be heard in silence and without interruption. The Chair will not permit disruptive behaviour. Members of the public are reminded that if the meeting is not allowed to proceed in an orderly manner then the Chair will withdraw the opportunity to address the Committee. The Committee is a meeting held in public, not a public meeting,
6. Members should not:-
 - (a) rely on considerations which are not material planning considerations in law;
 - (b) question the personal integrity or professionalism of officers in public;
 - (c) proceed to a vote if minded to determine an application against officer's recommendation until the reasons for that decision have been formulated; and
 - (d) seek to re-design, or negotiate amendments to, an application. The Committee must determine applications as they stand and may impose appropriate conditions.

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West Area Planning Committee

12th August 2012

Application Nos. i) 12/01737/LBC
ii) 12/01736/FUL

Decision Due by: 30th August 2012

Proposal: (i): 12/01737/LBC External alterations to provide new access point and internal alterations to provide librarian space, draught lobby and access and security controls to Radcliffe Camera

(ii): 12/01736/FUL Construction of new pedestrian access path steps and doorway to Radcliffe Camera and including new partitions on the first floor of the Old Bodleian

Site Address: Bodleian Library
Radcliffe Square
Oxford

Ward: CARFAX - Carfax Ward

Agent: Purcell

Applicant: Oxford University Estates Directorate

Recommendation: APPLICATIONS BE APPROVED

For the following reasons:

1. The Council considers that the proposal accords with the policies of the development plan and Government advice on the management of the historic environment as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any harm to the heritage assets that the works would otherwise give rise to can be justified and mitigated by detailed design, which the conditions imposed would control.
2. The proposals have evolved through informed analysis of the architectural and historic interest of the buildings and through pre-application discussions with officers and English Heritage and in consultation with local groups. Whilst there will be some impacts on the heritage assets it is considered that these impacts have been minimised by design. Overall the benefits that will be delivered, ensuring the buildings remain suitable for continued storage of these important collections allowing improved access for the whole community and encouraging the public's understanding and enjoyment of the heritage assets, justify granting planning permission and listed building consent.

subject to the following conditions, which have been imposed for the reasons stated:-

a) 12/01737/LBC

- 1 Commencement of works LB/CAC consent
- 2 LB/CAC consent - approved plans
- 3 7 days notice to LPA
- 4 LB notice of completion

5. Further works - fabric of LB - fire regs
- 6 Repair of damage after works
- 7 Materials - samples
- 8 Internal features
- 9 Further Details
- 10 Gate details, security devices, colour and finish, fixing, dimensions etc

b) 12/01736/FUL

- 1 Development begun within time limit
- 2 Develop in accordance with approved plns
- 3 Samples in Conservation Area
- 4 amended plans
- 5 further details
- 6 Gate details, security devices, colour and finish, fixing, dimensions etc

Main Local Plan Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals

CP8 - Design Developmt to Relate to its Context

HE3 - Listed Buildings and Their Setting

HE7 - Conservation Areas

CP13 - Accessibility

Core Strategy

CS19 - Urban design townscape char & hist env

Other Material Considerations: This application is in or affecting the Central Conservation Area. The development is affecting a Grade I Listed Building.

Public Consultation

Note: At the time of writing this report the consultation period for representations to be received had not expired. The time limit will have expired by the time the Committee considers this proposal and officers will provide an update of any additional comments at the committee meeting. Comments received will be posted on the Council's web site and members and the public will have the opportunity to see any additional comments received before the meeting.

Statutory and Other Bodies:

English Heritage – have raised no objections to the works

Private Individuals:-

Main comments raised:

- questions the need for the new entrance
- consider access via the new lift from the book stacks for wheelchair users adequate
- Camera is a listed building which should retain its character
- Wheelchair user numbers have not been established
- Wheelchair access to upper floors still not possible
- Consider the upheaval do not justify major changes to the listed building
- Consider the security changes will put the collections are greater risk

Relevant Site History:

10/01109/LBC - Listed Building Consent,

a) Internal alterations to Old Bodleian Library involving removal of lift and lift grilles, modern partitions , book conveyor, installation of new lift, WC's and kitchenette .

- b) Internal alterations to Radcliffe Camera involving removal of modern stairs, insertion of new lift and stairs. Temporary removal of window and grille to allow contractors access.
- c) Internal alterations to underground book store involving removal of static shelving, installation of rolling stacks, carrels, lifts and provision of reading/ study areas.

Officers Assessment:

History of development

1. The Bodleian Library complex includes the Clarendon Building, the Schools Quadrangle with the attached Divinity School and Convocation House, Duke Humphrey Library, Arts and Selden Ends. To the south is the Radcliffe Camera and underneath part of Radcliffe Square is the Underground Bookstore (UBS). To the north is the new Bodleian. A tunnel links the Camera, UBS, Old Bodleian and New Bodleian. Appendix 1.
2. The Radcliffe Camera was built between 1737 and 1749 to designs by James Gibbs and is one of Oxford's most recognised buildings. Originally, the ground floor of the building was an open arcade, with the access on the south side of the building, but was later enclosed in 1863 to provide additional library space. Below is a time line of key dates

1737-49	Radcliffe Camera built, designed by James Gibbs
1824	Radcliffe Square lawns put in and iron railings erected
1860-61	Radcliffe Camera given to the Bodleian Library as a new Reading Room
1861	Acland proposes a covered walkway between the Camera and Old Bodleian, which is not carried out
1863	The open ground floor of the Radcliffe Camera enclosed and refurbished to become a bookstore. Windows glazed and new north stepped entrance added.
1888	Trial of movable shelving in the Radcliffe Camera which were draw forward by handles and run in grooves cut into the floor
1936	Railings around Radcliffe Square removed
1940	Lower Reading Room in Radcliffe Camera created when books stored there were moved into the New Bodleian bookstack. Opened to readers May 1941
1959	Seven steel windows in the lower arches of the Radcliffe Camera replaced by Godfrey Allen with new frames in aluminium. Wrought iron grilles in lower arches repainted and tips gilded
1993	Railings put in again around Radcliffe Camera and additional paving installed
2010	Insertion of new lift and stairs into Bay 1 of the Radcliffe Camera

3. The ground floor is rusticated and there are eight arched and pedimented bays with eight intermediate bays. The upper floor has coupled Corinthian columns with the bays alternating between a niche and a window over two tiers. The large windows

are pedimented. Above is a balustrade and finial parapet and then the drum and dome, the drum pierced with sash windows.

4. Internally the spaces comprise the Lower Camera, Upper Camera and Staircase. The Lower Camera, originally open, has a shallow central stone dome supported on 8 pendentives and around which lies an ambulatory, consisting of a series of groin vaults and small domes. The original floor was in stone laid in a radiating pattern. This was covered with a wooden floor in 1863, when the space was enclosed and a new stepped access provided on the north side.
5. The Upper Camera is a double height space with ambulatory and gallery enclosing it. Piers with Ionic pilasters support the drum and dome (constructed in timber with a decorative plastered finish). Portland and Bremen stone were used for the floor, though it is now covered with several layers of more modern flooring. There is a modern raised floor within the ambulatory and one of the bays has been adapted for library office and administration use.
6. The stairwell with spiral staircase rises from the ground floor to gallery level, interrupted by the 1863 inserted doorway and invigilators platform.

Heritage Significance

7. The Radcliffe Camera is one of Oxford's best known buildings and contributes to the historic skyline. It is a focal point within the group of listed buildings in Radcliffe Square, and with the other library buildings represents the core to the University of Oxford and one of the most visited sites. The Bodleian library is considered to be the first major public library in Britain founded to serve the University of Oxford and "the republic of the learned" (Sir Thomas Bodley). It has national and international significance and status as a library of legal deposit and has a collection accumulated over four centuries placing it in the first rank of international libraries. Its buildings are by architects of national significance and it is highly valued by the academic community, resident community, visitor and business community.
8. The Camera is grade I listed and has high architectural, aesthetic and historical significance. It was built to designs of the prominent 18th Century architect James Gibbs between 1737 and 1749. The rotunda design is said to be the earliest example in England of a circular library and an exemplar of baroque architecture. The entrance was originally on the south side, the new stepped access being added on the north side in 1863 when the building was loaned to the Bodleian, perhaps attempting to provide a stronger visual link with the library. The Camera is not on axis with the Bodleian, offset slightly to the right, curtailing what otherwise would have been a sightline from the steps through the schools quad and Clarendon building to the George VI entrance on the corner of the New Bodleian.
9. There is no doubting the Camera's architectural and aesthetic significance, internally and externally, and its historical interest and association with the Bodleian. Its continued use for the purpose for which it was originally designed, as a reading room, also has significance and is rare. The building is not as originally designed and its continuous adaptation to meet the needs of the academic community and growing storage needs of the Bodleian is an important part of its interest. This change has continued right through to modern times, the Lower Camera only adopting its current function in the 1940s.
10. The setting of the Camera has also changed with railings first being introduced around a lawn in 1824. These were removed in 1936, to open up the space and then reinstated in 1993.

Policy Framework

11. Conservation principles, policy and practice seek to preserve and enhance the value of heritage assets. The National Planning Policy Framework (NPPF) explains the government's aim that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations.

In relation to development affecting a designated heritage asset (e.g. a listed building) the NPPF states that

'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification'.

12. Relevant Local Plan policies include those that seek to sustain the historic environment (HE.3 and HE.7) and CP.13, which encourages making provision for access by all members of the community. Core Strategy policy CS19 explains the need to preserve and enhance the historic environment and to deliver a high quality public realm.

Brief description of proposals:

13. The proposals involve the provision of level access to the camera by forming a new entrance to the south side of the building, on axis with the existing north stepped access. This involves a ramped access, including new gate and piers in the boundary railing, new external door and internal lobby.

Further Internal alterations are proposed to reconfigure librarian space, access and security controls and furniture layout in the Camera and Old Bodleian. The new entrance will provide a serviced reception and enquiry point for readers and will allow the removal of the invigilator's metal platform in the staircase and removal of existing modern partitions and furniture.

Assessment of Impact

14. Works have recently taken place to expand reader space into the underground book store and to improve access with the provision of new stairs and a lift for wheelchair users and ambulant disabled to access to and exit from the Gladstone link. However, to meet fire safety requirements people with restricted mobility can only use the Lower Camera as an emergency exit route and not for study.
15. These proposals to provide level access have been brought forward to coincide with the transfer of the lending collections and subject support services of the History Faculty Library so that they can join other provision for History already situated in the Camera and Old Bodleian.
16. Book security remains an issue and this proposal seeks to provide a more integrated and discreet security system that will allow existing sensors to be removed. The use of book sensors is necessary, but are visually intrusive. These proposals offer the opportunity to provide a single point of access that allows a reduction in the number of sensors and for those that are needed, for them to be more effectively integrated

as part of the fittings and furniture.

17. The provision of an inclusive access is an important priority as is the need to ensure that the Camera can continue to function as part of a modern working library. As with many historic buildings this presents a number of challenges, to ensure the heritage significance of the place is not diminished. Improving access to the building improves access to and enjoyment of our historic environment and the learning environment and resources the building holds. The building has a history of adaptation and alteration illustrating its capacity to meet changing needs. This proposal represents another stage that involves change to elements of the building's fabric that have already undergone alteration, or are 'new' elements.
18. The proposed entry point reinvents the original access into the building and will allow readers and visitors to experience access via the stairs to the upper levels as originally intended and allows wheelchair users to use the Lower Camera. This involves closing the existing stepped access as a primary entrance changing the arrangement that has been in place since 1863. To meet the fire safety requirements and allow use of the Lower Camera by wheelchair users the new access is required to be at the southern end. Re-opening the original access point and maintaining the north south axis as proposed responds to the history of the place and the original design intent and are changes that are considered acceptable to facilitate provision of an inclusive access..
19. Internally the changes will be beneficial allowing the removal of modern intrusive elements and rationalising the library staff accommodation. Disturbance to readers from noise is a concern of the University and the provision of partitions as proposed to provide discrete librarian accommodation in Bay 1 will help resolve these issues. Bay 1 is already used as a librarian work station and storage area. Modern bookcases in this bay obscure the window at the back of the bay and there is a counter to the front. The proposal replaces these modern and intrusive interventions with glass partitions and new bookcases that will better respect the qualities of the space, balancing the architectural qualities of the building with the user needs.
20. These proposals are part of a long programme of changes to the Bodleian Library accommodation including the works to the New Bodleian, currently in progress, the provision of a new lift in the Old Bodleian and changes to the underground bookstore. The changes are part of the delivery of the University's Library Strategy and have evolved following detailed analysis of the heritage significance and vulnerability of the historic building stock and the library collections.

Conclusion:

The stepped access is a significant physical constraint to the provision of an inclusive access and this proposal, which seeks to minimise the impacts and secure heritage benefits represents a balanced solution. Approval is recommended

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant listed building consent and 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.

Contact Officer: Sarah Billam/Nick Worledge

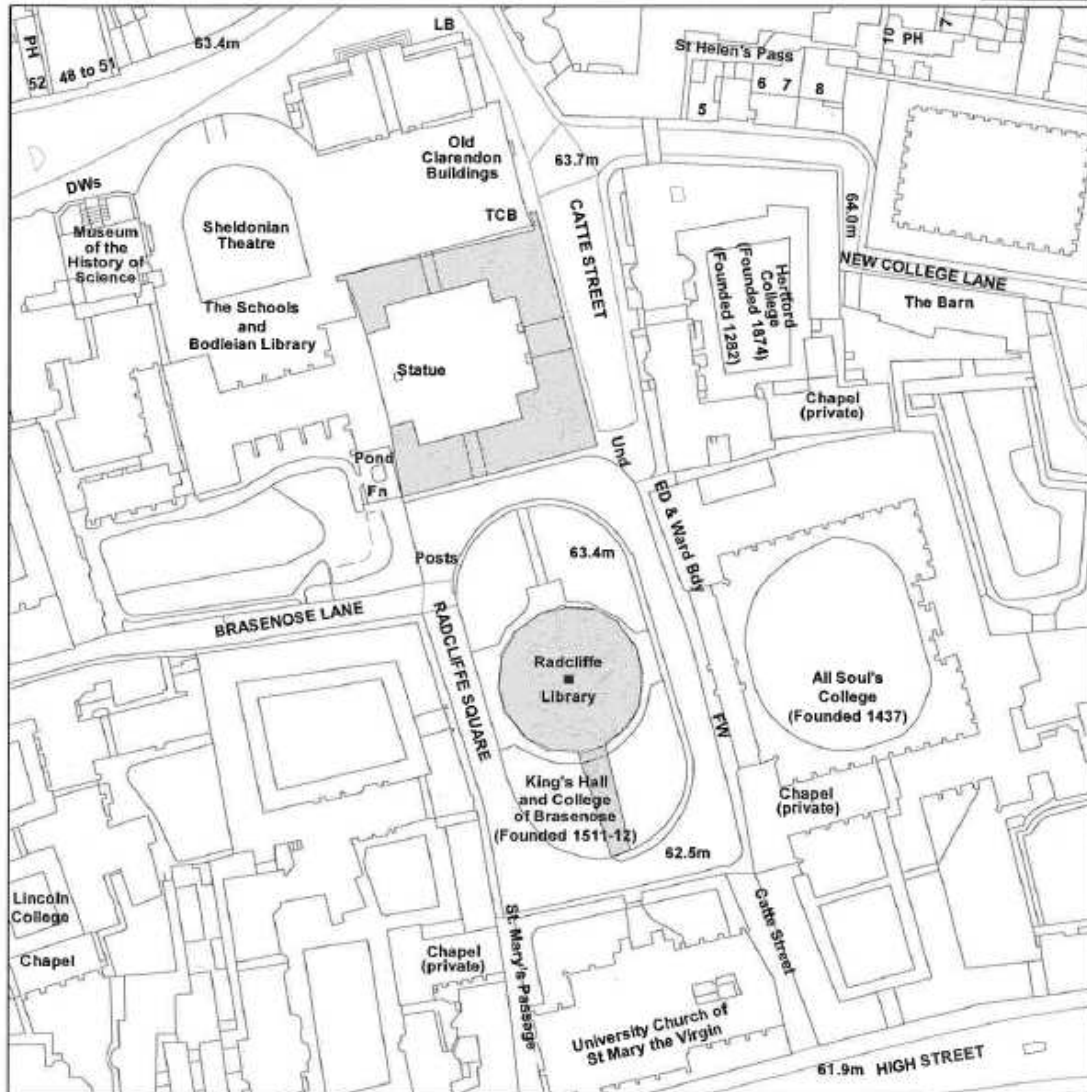
Extension: 2640/2147

Date: 2nd August 2012

Appendix 1

12/01737/LBC & 12/01736/FUL - APPENDIX 1

Radcliffe Cameral, Radcliffe Square



Scale : 1:1250



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Ordnance Survey 100019348.

Organisation	Oxford City Council
Department	Planning
Comments	
Date	02 August 2012
SLA Number	100019348

West Area Planning Committee

12th August 2012

Application No. 12/01508/LBC

Decision Due by: 10th August 2012

Proposal: Replacement of existing Triton statue with new Coade stone statue. (Existing to be salvaged and displayed in alternative location)

Site Address: Radcliffe Observatory Quarter
Woodstock Road
Oxford

Ward: NORTH - North Ward

Agent: Oxford University Estates **Applicant:** University of Oxford
Directorate

Recommendation: Grant listed building consent

Reasons for Approval

- 1 The Council considers that the proposal accords with Government advice on the management of the historic environment as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any harm to the heritage assets that the works would otherwise give rise to can be justified and mitigated by detailed design, which the conditions imposed would control.
- 2 The proposals have developed through informed analysis of the architectural and historic interest of the structure, examination of its condition by conservators and through pre-application discussions with officers. The impact on the significance of the heritage significance is considered acceptable and justified by the public benefits of the proposed works. Overall the benefits that will be delivered, ensuring the fountain's continued use, encouraging the public's understanding and enjoyment of the heritage assets, justify granting listed building consent.

Conditions.

1. Development begun within time limit
2. Develop in accordance with approved plns
3. Sample panel on site
4. Drawings and specification showing detailed design and installation details,
5. Further details of pool lining, mechanical services for fountain,
6. External lighting
7. Details to secure appropriate relocation for existing Triton statue
8. Programme for ongoing maintenance and repair

Other Material Considerations:

- National Planning Policy Framework (NPPF).

Public Consultation

Oxford Civic Society – are sad that the original fountain statue is in such a dilapidated state but welcome a replica to replace it with, and with the assurance that the original will be preserved.

Oxfordshire Architectural and Historical Society (OAHS) – regret that the Triton fountain has been deemed irreparable and will not be returned to its original position. The society consider that approval should not be granted until a statement has been submitted by the conservators outlining the condition of the statue and why it cannot be reinstated, a precise drawing of the proposed replacement statue has been received and a definitive statement of where the original statue will be on display and able to be viewed by the public. They add that they are disappointed that the application was validated without these statements in place and ask that no decision is made until they have been received and the public re-consulted.

Statutory Consultees:

Highways & Transport – Have not objections to the development

Private Individuals:-

Main comment raised: Loss of original statue

Planning History

Planning permission and listed building consent have been granted for the alteration, extension and conversion of the hospital buildings to educational use in connection with Oxford University's proposal for the Radcliffe Observatory Quarter. The permitted proposals included a landscaping scheme for the front courtyard and repairs to the Triton Fountain. The consents have been implemented and it is only on close examination of the statue by conservators that the University has concluded it is beyond repair and needs replacing, hence this application.

Officers Assessment:

1. The statue is the fountain centrepiece in the front courtyard of the Radcliffe Infirmary building, installed in 1857, north of the city centre, on the west side of Woodstock Road. The courtyard is framed by the Radcliffe Infirmary (Main Block) to the west; the Outpatient's building to the south, St Luke's Chapel to the north and the boundary wall and railings onto Woodstock Road. In the centre of this courtyard is the fountain. (appendix 1)
2. The fountain statue sits in the centre of a circular stone basin. It is a six foot statue of Triton, in terracotta which has been coated with hard cementitious grey slurry. The statue sits on fibreglass coated rubble fill and puddle clay plinth. The Conservators' cleaning process has identified that the statue has been damaged by water ingress and frost action in the past which has damaged the fragile terracotta clay. This has been compounded by inappropriate repairs with cement mortars. The statue was *not* originally

intended to be used as a fountain, but was modified for this purpose following acquisition.

3. The statue is a copy of the original Fontana del Tritone fountain in Piazza Barberini, Rome, commissioned in 1642. The Artist, Gian Lorenzo Bernini, was a renowned Architect and Sculptor it is said that his work demonstrated a "unity of the visual arts". In Greek mythology Triton was a Merman, half man half dolphin, the son of Poseidon and Amphitrite. He dwelt with his mother and father in a golden palace at the bottom of the sea and blew his conch like trumpet, on command of Poseidon, to calm the restless waves of the sea. It is not known why Triton was chosen as a centrepiece for the fountain, but it is likely that it was chosen to complement the space and architecture of neighbouring buildings. The Radcliffe Observatory designed by James Wyatt and completed in 1762 is based on the Tower of Winds in Athens. The Ashmolean, is another Greek revival building of mid C19th date and suggests that perhaps the choice was simply a reflection of Victorian fashion and interest in the antiquities.
4. The Radcliffe Triton was modelled by the distinguished Victorian sculptor John Bell. Recent restoration works have also discovered the castings were produced by the sculptor J.M. Bashfield in his Millwall, London workshop. The statue is seen in Bashfield's 1857 trade catalogue with a list price of £50.
5. The fountain was not part of the original scheme for the hospital. It was commissioned as part of an overall plan to improve the entrance to the Infirmary, including the removal of a section of the high wall and the erection of cast iron railings fronting Woodstock Road. Interestingly, the fountain also provided water used for flushing the drains or in case of fire. The nozzles of the fountain were silver catheters provided by one of the Infirmary surgeons. On the 17th June 1857 at a meeting of the Board of Governors it was stated

'permission was given to place a fountain in the centre bed of the grass plot provided none of the expense falls upon the funds of the Infirmary'.

6. It is likely that the statue may have been a gift from a patron, possibly Thomas Briscoe, who is recorded as providing the largest contributions to the fountain scheme, with two payments of £20 each. In August of 1857, after the erection of the fountain in front of the infirmary, comments from the annual report are as follows;

'A great improvement has been effected in the external appearance of the Infirmary by the erection of a Fountain and the substitution of iron railings for the dead wall in front. The increased cheerfulness of the place has already been felt by patients.'

Heritage Significance:

7. The fountain is grade II listed and forms part of the group of listed buildings which make up the Radcliffe Infirmary site. Its Triton statue has both aesthetic and historic value, designed by eminent Victorian sculptor John Bell and produced by London sculptor J.M. Bashfield and reflected C19th interest in the Antiquities. Bell was involved in the revival of terracotta as an artistic medium in the 1850s.
8. The fountain holds communal value as a local landmark having greeted visitors to the hospital site for over 150 years and is a part of the history of development of the site, helping understanding of Victorian values and ideals about public art and perceptions of good quality design in the 19th century. Its aesthetic value lies in its accomplished design, although this has been compromised by the subsequent inappropriate and uninformed repairs, and adaptation of the base, using fibreglass.
9. The porous nature of Terracotta, which expands and contracts with moisture and fluctuations in temperature adds weight to the notion that the statue was not designed as a fountain, but was adapted to meet the brief set down by the Board of Governor's meeting in June 1857. The later coating of cement mortar was an attempt to protect the fragile terracotta underneath, which in fact probably accelerated the decay.
10. In addition to the cement coating the statue has undergone other repairs over the years which has both altered the appearance of the statue, with the loss of the fine detailing and caused further deterioration of the glazed terracotta clay.

Policy Framework

11. Conservation principles, policy and practice seek to preserve and enhance the value of heritage assets. The National Planning Policy Framework (NPPF) explains the government's aim that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations.
12. The NPPF is supported by a Practice Guide that gives advice on the application of the historic environment policies. Paragraph 78 of the guide explains the expected outcomes

There are a number of potential heritage benefits that could weigh in favour of a proposed scheme:

- *It sustains or enhances the significance of a heritage asset and the contribution of its setting.*
- *It reduces or removes risks to a heritage asset.*
- *It secures the optimum viable use of a heritage asset in support of its long term conservation.*
- *It makes a positive contribution to economic vitality and sustainable communities.*
- *It is an appropriate design for its context and makes a positive contribution to the appearance, character, quality and local*

distinctiveness of the historic environment. It better reveals the significance of a heritage asset and therefore enhances our enjoyment of it and the sense of place.

13. In relation to development affecting a designated heritage asset (e.g. a listed building) the NPPF states that

'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification'.

Brief description of proposals:

- Replacement and reinterpretation of the existing Triton statue with new Coade stone statue inspired by the Fontana del Tritone in Rome
- Repair and restoration of the existing 1857 Triton statue involving the application of additional slurry coat to the surface of the statue, containing a terracotta coloured pigment. The proposal also includes for the long term preservation of the existing statue by its relocation to a site protected from the elements
- Replacement of existing pool lining, mechanical services and associated infrastructure.

Impact on heritage assets:

14. The fountain pool, including the existing pool lining, pipe work, pump etc, are also in a poor state of repair. The plinth on which the statue sits has been replaced in fibreglass coated rubble and puddle clay. Intervention is required to ensure appropriate repair. Repair work to the pool is proposed and was to be part of the consented landscaping works for the whole site, with conditions requiring a schedule of repairs. This application for a replacement Triton statue has been submitted as a separate item of work, only because the University has concluded, after specialist examination of the statue, that repair, as originally planned for, and reinstallation was not an appropriate course of action to preserve the structure and that a replacement statue would be necessary.
15. Conservators have cleaned the existing statue. The cleaning process has found the existing statue is in a much worse condition than previously thought and is such that it cannot be re-used. The porous nature of Terracotta means that the clay has contracted and expanded over time through the absorption of moisture and attrition from changing weather conditions and temperature. The ensuing water ingress and frost action has contributed to significant areas of cracking. Where repairs have been undertaken and a cementitious mortar used to cover the terracotta, the terracotta has cracked underneath. Indeed, the slurry coat may have been applied to the surface of the statue to conceal previous repairs in an attempt to provide a degree of weather protection.

16. It is not possible to remove the slurry coat without damaging the terracotta underneath. Instead a further protective coating will be applied to the surface of the statue, containing a terracotta coloured pigment to conceal the previous repairs and restore the colour of the original finish. The harm to the quality and appearance of the existing statue has already taken place. These works of salvage, conservation repair and reinstallation in a covered location will save the original statue from being lost entirely. It is intended that the statue will be relocated to Osler House, which is the social club for medical sciences division. They are very keen to have the statue, because of the association with the Radcliffe infirmary.
17. As with the existing statue, the replacement statue will be a reinterpretation inspired by the original Fontana del Tritone fountain in Piazza Barberini, Rome, Using the same techniques as Bashfield would have used in 1857. The new statue will be created using a plaster mould with final detailing carried out by sculptors prior to firing. It will be a copy of a triton statue, recently installed on the North Terrace of Ferne Park, for Lord and Lady Rothemere, which has the same scale, composition and aesthetic as the Radcliffe Infirmary one.
18. The new statue will be produced in Coade Stone so will last 150- 200 years. Coade Stone is a composition of clay fired in a kiln at a very high temperature to produce a versatile and highly durable sculptural medium that is impervious to both rain and frost. Coade stone was introduced in 1769 and the ease with which it could be moulded made it suitable to meet a demand for large statues, sculptures and sculptural facades that would be resistant to weathering. Its constituents are grog, crushed flint, fine quartz, crushed soda lime glass and ball clay and fired at very high temperatures. Coade stone was by used by Wyatt for the sculptural friezes on the Radcliffe Observatory.
19. The new statue is proposed to have a creamy buff colour finish to reflect surrounding building stone. As part of the restoration works it is also intended to replace the modern fibreglass coated rubble fill and puddle clay plinth and replace it with block work faced with stone to provide a 'rocky outcrop' similar to the one at Ferne Park in Wiltshire.
20. The fountain and the courtyard represent the University's shop front and appropriate maintenance and management of the quasi public realm will be a high priority for the University. It is intended that the landscape around the ROQ site will be managed by the University Parks team and a condition is attached to the existing permission requiring details of the management plan, but to be clear about the extent of this management regime in relation to the fountain a condition is recommended here to require details and implementation strategy.

Conclusion

As a part of the current permitted works for restoration of the fountain it has become clear that the existing Triton statue is in very poor condition and the appropriate course of action to preserve it is to display it under cover (after conservation works

are completed). This application is for a replacement of the statue with another that has a very similar aesthetic and scale, but using a different historic material and one that is designed specifically to withstand weathering.

Officers are satisfied that replacement of the existing Triton statue is justified, that a publicly accessible location for the repaired existing statue can be secured, that the proposed replacement and its colour is appropriate, that the use of Coade stone will make the statue durable in the conditions in which it will sit and that there will be an effective management regime for the fountain. To ensure its proper maintenance

Approval is recommended

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant listed building consent, 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 consent subject to conditions, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers: 12/01508/LBC

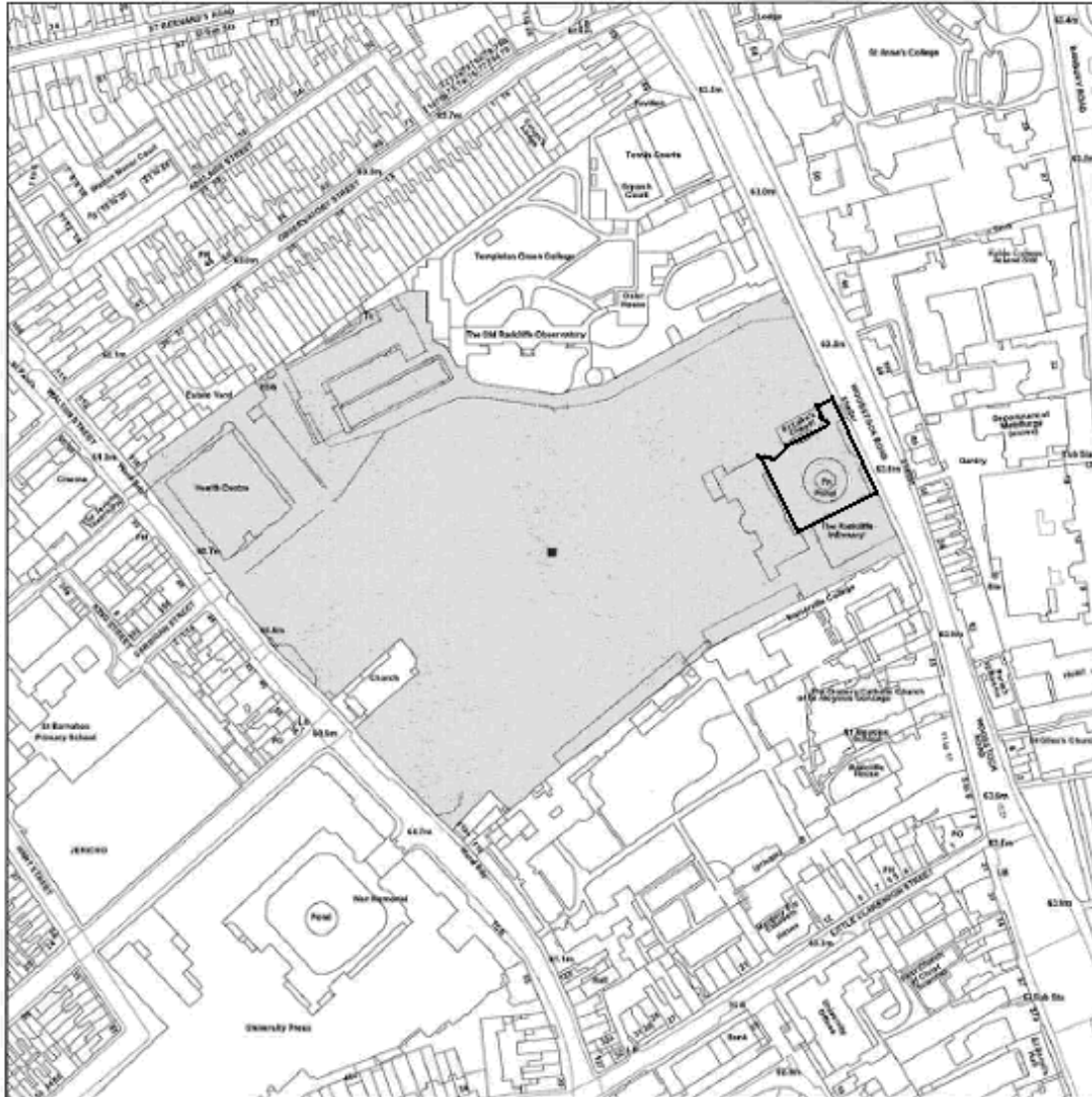
Contact Officers: Nick Worledge/Sarah Billam

Extension: 2147/2640

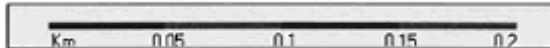
Date: 2nd August 2012

12/01508/LBC - APPENDIX 1

Radcliffe Observatory Quarter, Woodstock Road



Scale : 1:2500



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Ordnance Survey 100019348.

Organisation	Oxford City Council
Department	Planning
Comments	
Date	02 August 2012
SLA Number	100019348

WEST AREA PLANNING COMMITTEE

15th August 2012

Application Number: 12/01085/FUL

Decision Due by: 27th June 2012

Proposal: Erection of side extension at lower and upper ground floor levels. (Amended plans)

Site Address: 33 Leckford Road Oxford (Appendix 1)

Ward: North Ward

Agent: MEB Design Ltd

Applicant: Mr And Mrs J Saunders

This application has been called-in by Councillors Fry, Pressel, Kennedy, Rowley and Curran due to concerns about the impact on the Conservation Area as well as neighbouring amenity.

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposed extension is a contemporary response to the historic precedents and is considered to be of a form, scale and appearance that preserves the character and appearance of the existing house and wider North Oxford Victorian Suburb Conservation Area. In addition, no significant harm to neighbouring amenity is considered to result from the proposals. The proposals therefore comply with policies CP1, CP8, CP9, CP10, HE7, HS19 and HS21 of the Oxford Local Plan 2001-2016, policies HP9 and HP14 of the Sites and Housing Plan Submission Document as well as policy CS18 of the Oxford Core Strategy 2026.
- 2 The Council considers that the proposal, subject to the conditions imposed, would accord with the special character and appearance of the conservation area. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity.
- 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 Sample Materials
- 4 Samples of Windows and Doors
- 5 Flue Details
- 6 Obscure glazed and non-opening windows in rear elevation

Main Local Plan Policies:

Oxford Local Plan 2001-2016

- CP1** - Development Proposals
- CP8** - Design Development to Relate to its Context
- CP9** - Creating Successful New Places
- CP10** - Siting Development to Meet Functional Needs
- HE7** - Conservation Areas
- HS19** - Privacy & Amenity
- HS21** - Private Open Space

Core Strategy

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

Sites and Housing Plan - Submission

- HP9** - Design, Character and Context
- HP14** - Privacy and Daylight

Other Material Considerations:

National Planning Policy Framework

Relevant Site History:

None

Representations Received:

Consultation responses resulting from original plans:

Oxford Civic Society – Object. The design is out of keeping with the Conservation Area and would represent a discordant feature. No attempt has been made to relate

the pattern of fenestration with surrounding historic development and the use of materials (particularly a copper roof) would mean that the extension would not read as a natural accretion of the building.

The Victorian Group of the Oxfordshire Architectural and Historic Society – Strongly object to the proposed development which is ‘one of the most unsuitable they have seen’. The material choice is completely out of character with the surrounding area and is contrary to Government guidance in the NPPF which states that development should respond to local character and history and reflect the identity of local surroundings and materials. The proposal is described as a conservatory but it is nothing of the sort.

The Victorian Society – The proposed extension is large and would erode the sense of openness that currently exists on the site and the views this allows. In the most basic terms the extension proposed would be damaging to the special character and interest of the Conservation Area and should be refused.

Oxford Preservation Trust – The material choice and design would mean that the extension proposed would appear alien within its setting and would have a negative impact on the character and appearance of the Conservation Area.

Ten representations were received from third parties raising the following points:

- The proposed extension would result in significant potential to overlook the rear garden of 35 Warnborough Road and would reduce the pleasant view for neighbours enjoying this garden;
- The extension would block out light to the rear garden of 35 Warnborough Road particularly as it is to the north of the application site;
- The proposals are ‘offensive’ to the Conservation Area and are not sympathetic to the existing vernacular architecture;
- The proposals disrespect the style and proportions of the existing house;
- The extension proposed is too high, almost like a two storey extension and therefore out of proportion with the existing house such that it fails to preserve the important gaps between houses in the Conservation Area;
- The roof material is more akin to something industrial and is not suitable in a residential street such as Leckford Road;
- The overall design and material choices ‘are a betrayal’ of the important and distinctive features of the Conservation Area;
- If the development is approved it would make a mockery of the Conservation Area such that there would be little point in its designation;
- The extension complements and balances the existing house and will preserve the special character and appearance of the Conservation Area;
- The proposals represent an imaginative, stylish and graceful that would add to architectural interest in the street.

Consultation responses resulting from amended plans:

Oxford Civic Society – Whilst the amended scheme shows some improvement on the original proposals they will still be out of keeping with the existing house as the roof form is unnecessarily high, of contrived design and bears no rational relationship to the existing house and streetscene. The roof, while less obtrusive, is still proposed

to be constructed of copper and the style of glazing does not relate sufficiently well to the pattern of fenestration on the front elevation of the house. The proposed design is also too large to be appropriate to its context.

Victorian Group of the Oxfordshire Architectural and Historic Society – Continue to strongly object to the proposals though the change perhaps represents a slight improvement. However, it is hard to image anything less suitable in the Conservation Area.

Twelve third party representations were received. The comments of those OBJECTING are summarised as follows:

- The 3D images fail to show how the extension would appear from 35 Warnborough Road;
- The proposals represent a departure from Victorian architecture, which is exacerbated by its highly visible position within the street;
- The amended proposals are just as out of keeping with the Conservation Area and will continue to harm the privacy enjoyed by neighbouring properties;
- The materials, design and general appearance of the extension are inappropriate such that they do not respond to the special character and appearance of the Conservation Area;
- The use of a copper roof is completely alien to the area as is its general design and, if allowed, there seems little point in there being a Conservation Area;
- The proposals are overdevelopment which will close the gap between buildings in the street to the detriment of this important feature of the Conservation Area;
- The amended extension appears as a ‘lump’ attached to the house and the area should be protected from the subjective taste of individuals to preserve its historic character;
- Whilst the amount of overall glazing to the rear has been reduced and obscure glazing introduced, what is to prevent future occupiers from changing the windows and allow overlooking of properties to the rear?;

The comments of those SUPPORTING the proposals are summarised as follows

- 35 Warnborough Road will now not be overlooked and this concern has been met;
- The proposals are not a mere pastiche but a more imaginative proposal that respects its context;
- The extension would add to the interest and character of the area and would be a positive development;
- People’s fears will be found to be unjustified when the extension is built;
- The proposed extension complements the conservatory look found at the adjoining property, 34 Leckford Road.

Statutory and Internal Consultees:

OCC Conservation Officers – Comments incorporated into report

Thames Water Plc – No objection

Officers' Assessment:

Site Description and Context

1. The application site relates to one of a pair of Victorian era semi-detached three storey townhouses located within the North Oxford Victorian Suburb Conservation Area. 33 and 34 Leckford Road were built in 1883 for the Oxford Building Co. and exhibit the traditional North Oxford gothic characteristics as elsewhere in the area. No 33 has remained largely unaltered since built. The pair of dwellings is located on the corner with Warnborough Road, which results in their private gardens partly located to the side rather than the rear of the properties. This means that no 33 has a relatively large gap between it and the adjacent semi-detached pair of houses at 31/32 Leckford Road.

2. The house is four storeys, including the semi basement and attic storey, and is composed of a series of 'additive' elements – the gabled front range, a two storey bay and lean-to porch. Each of these elements has slightly different characteristics: the bay has a hipped low pitched roof, the main gable has a steep pitched roof and the porch is in painted timber with a single sloping roof. Next door at No. 34 there is a recently built side 'conservatory' extension, replacing an earlier conservatory extension (conservatories are distinctive features in North Oxford, though many have been removed or replaced).

3. The area is characterised by its large houses, generally set in large plots with tree planting and front garden landscaping from which the leafy garden suburb quality derives. Gaps between buildings help to maintain the spacious setting and allow views through to the rear gardens and tree canopies. 33 Leckford Road has trees and a hedge to the front which filters views of the front elevation but the side elevation and the tall gable is exposed to view because of the wider than normal gap and because the building sits slightly forward further on its plot than its neighbours. The gable is articulated with a few small windows and a string course in brick but is otherwise plain.

4. The property provides physical evidence of the history of the suburb and holds qualities in its architecture and materials that are typical for the area. The existing landscaping of the front garden also contributes to the leafy character of the suburb.

5. The application site is shown on the location plan attached as Appendix 1.

The Proposal

6. The application seeks consent to erect a side extension to the property at both lower and upper ground floor levels. Amended plans were submitted during the application process in light of comments received during public consultation as well as in response to comments made by officers. It is on the basis of the amended plans that the application must now be determined though, in the interests of completeness, the comments received in relation to the original plans have also been set out earlier in this report.

7. Officers consider the principle determining issues in this case to be:
- Impact on character and appearance of the conservation area;
 - Impact on Neighbouring Amenity.

Impact on Character and Appearance of the Conservation Area

8. Conservation principles, policy and practice seek to preserve and enhance the value of heritage assets. The Government sets out a presumption in favour of sustainable development in the National Planning Policy Framework and explains that the purpose of the planning system is to contribute to the achievement of this. Core planning principles that should underpin decision making (paragraph 17) include “*conservation of heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generation*”.

9. The application site lies within a conservation area. In relation to development affecting a designated heritage asset (e.g. a conservation area) the NPPF states that “*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification*”.

10. The Heritage guidance within the NPPF is supported by a Practice Guide that gives more detailed advice. Paragraph 178 of this guide states:

“The main issues to consider in proposals for additions to heritage assets, including new development in conservation areas, are proportion, height, massing, bulk, use of materials, use, relationship with adjacent assets, alignment and treatment of setting. Replicating a particular style may be less important, though there are circumstances when it may be appropriate. It would not normally be acceptable for new work to dominate the original asset or its setting in either scale, material or as a result of its siting. Assessment of an asset’s significance and its relationship to its setting will usually suggest the forms of extension that might be appropriate”.

11. The requirements of the NPPF are reflected in Local Plan policy HE7 which states that planning permission will only be granted for development that preserves or enhances the special character and appearance of a conservation area or its setting.

12. Officers consider the existing east elevation of the house to be bland and lacking any real interest which is particularly notable given its prominence when travelling from east to west along Leckford Road. Officers also note the existing and recently approved conservatory type extension to the side of the adjoining property, 34 Leckford Road. Whilst this extension is more traditional in form, it nonetheless means that an extension of similar scale to the application property would introduce balance to the pair of houses. Consequently, officers support the principle of an appropriately scaled side extension to 33 Leckford Road.

13. The applicant has explained that the form of the new extension is informed by historic precedents and the overall architectural form of the property and therefore takes the cue from the 'additive' form by seeking to ensure that any addition would appear subservient to the main range. Side conservatories over brick basement levels are typical features of the area. Side extensions with lean-to, sloping roofs are also common and a traditional solution to provide additional accommodation. The extension is proposed to be a contemporary styled conservatory addition to the property. Its overall scale both in terms of its height and width is considered to be similar to that existing at the adjoining property (34 Leckford Road) and, more importantly, is such that it helps clearly preserve the gap between the adjacent pair of semi-detached houses (31 and 32 Leckford Road).

14. Whilst officers support the principle of a side extension, given that this elevation is so prominent within the streetscene it is particularly important that any development respects the character and appearance of the Conservation Area. Achieving this, however, does not necessarily require a direct replication of existing features and design and a contemporary approach to development in the Conservation Area is potentially acceptable provided that it preserves the features that are significant to the special character and appearance of the Conservation Area.

15. By virtue of its subservient scale the extension proposed is considered to preserve the primacy of the existing house and avoid the appearance of any meaningful closure of the gap between the buildings along Leckford Road, maintaining a view through the gaps to the gardens behind.

16. Officers consider the size of the extension to be generally in keeping with later additions to houses within the Conservation Area and has a scale that is appropriate here. The prominence of the gable end will mean that the extension would be more visible from the public realm, though in the longer term planting up the boundaries will reduce or eliminate the view. An extension on the gable end has the potential to add interest to the view and moderate its rather bland appearance.

17. The design promotes a contemporary style of conservatory, using a similar palette and texture of materials found in the area, but in a slightly different order. The features that contribute to the character and appearance of the property and conservation area are an integral part of the design concept:

- the roof form is a modest sloping lean-to that features a chimney stack, albeit with contemporary eaves detailing;
- bay window with tripartite window is provided on the front elevation;
- glazing above a brickwork base is proposed for the side elevation suggestive of the conservatory form.

18. Brickwork and stone is proposed for the masonry elements in the extension in common with the predominant materials in the area. The roof is proposed to be in copper, a traditional roofing material and used at Leckford Place School. It is intended that the roof will be pre-patinated and fixed to a red-brown colour

(rather than allowed to go green), so that tonally it is similar to the redbrick detailing in the houses. The windows are timber and metal, to complement the modern design, but have an overall shape and form that is intended not to detract from the verticality and proportion of the existing sash windows

19. It is not for the local planning authority to prescribe architectural styles for any new development, however it must be comfortable that the appearance of any new building, the way it is designed to relate to its context and the materials proposed will not harm the historic values and character of the area.

20. Officers have concluded that there is the creative opportunity to provide a contextual but modern extension to this property and that this proposal as amended shows, on balance, a sensitive response to the physical context and can be supported.

Impact on Neighbouring Amenity

21. Policies CP1, CP10 and HS19 of the Local Plan require development proposals to adequately safeguard the amenity enjoyed by neighbouring residents and this requirement is also reflected in policy HP14 of the emerging Sites and Housing Plan.

22. The conservatory is proposed to extend primarily to the side of the existing house into an area of open side garden. Whilst the extension would provide two floors of extra accommodation and, from the rear, appears more significant in height in comparison with the existing house, it should be recognised that the ground levels are somewhat lower to the rear of the application site than the property to the rear, 35 Warnborough Road, such that the proposed extension will not appear unduly large when viewed from the rear of this neighbouring dwelling. Officers are also of the view that, since the proposed extension is not of significant height or mass (maximum 6m above ground level) and since it is set in from its northern boundary with 35 Warnborough Road by nearly 7m, that it will not significantly harm the outlook from the rear garden of this adjacent property.

23. In addition and related to the above, given that the proposed extension is set a considerable distance in from any boundary and is not of significant height, officers do not consider that it would materially harm the levels of daylight or sunlight enjoyed by any nearby property including 35 Warnborough Road despite its southerly location with respect to 35 Warnborough Road.

24. Whilst the extension proposed is designed as a contemporary conservatory structure, following amendments to the proposals it only features clear glazing at high level in the upper ground floor of the rear elevation in order to prevent any significant loss of privacy for the garden of 35 Warnborough Road. It should also be recognised that there are a considerable number of existing windows facing north towards 35 Warnborough Road and any loss of privacy should be considered in the context of the existing ability to overlook 35 Warnborough Road during winter months. Notwithstanding this, officers consider it likely that, in winter when boundary vegetation is not in leaf, without obscure glazing there would be the potential for additional overlooking of the rear garden of 35 Warnborough Road which would be to an unacceptable extent. Therefore, in

order to protect the privacy of this adjacent property a condition is recommended to be imposed requiring obscure glazing and preventing the insertion of new windows in the rear elevation without planning permission.

25. Overall, the proposals are considered to be acceptable with respect to impact on neighbouring properties in accordance with the requirements of policies CP1, CP10 and HS19 of the Local Plan.

Archaeology

26. The scheme is considered to be too small-scale to have significant archaeological implications however the application site is located approximately 80m from human remains identified in the 19th century to the south of St Philip and St James School. The skeletons may indicate the presence of a Roman inhumation cemetery, the extent of which remains unknown. An informative is therefore recommended to be added to any consent requesting that the City Council Archaeologist is informed in the event that any artefacts or remains are encountered during building works.

Sustainability

27. The application proposal would make better use of land on a brownfield site within an established built-up area whilst preserving the character of the historic environment in which it is located.

Conclusion:

28. Officers consider the proposals to represent, on balance, a visually appropriate contemporary solution to development in the North Oxford Victorian Suburb Conservation Area that adequately preserves the special character and appearance of the designated heritage asset in which it is located. No significant harm to neighbouring amenity is considered to result from the proposals. Committee is therefore recommended to approve the application subject to the conditions set out at the beginning of the report.

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: 12/01085/FUL

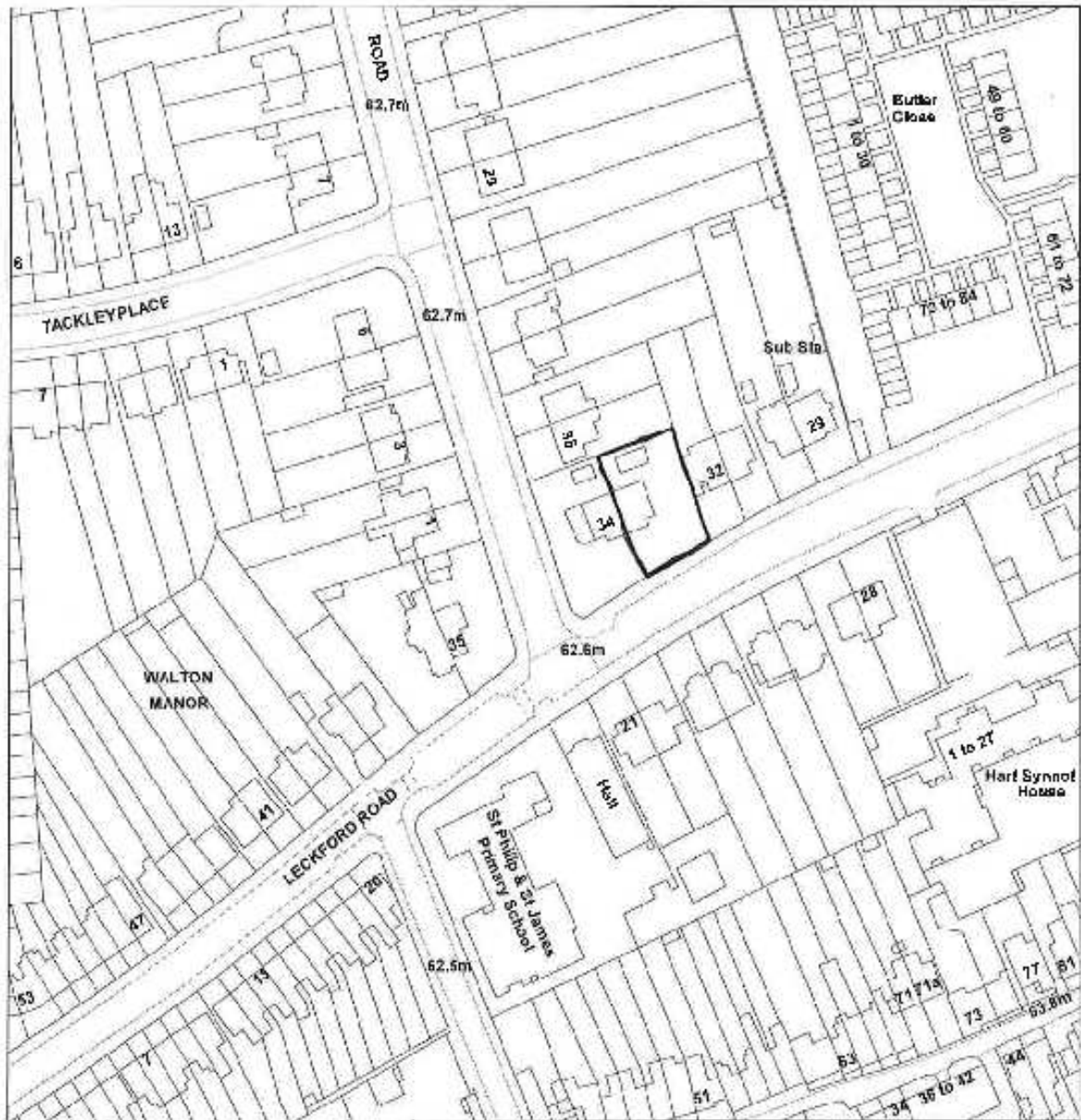
Contact Officer: Matthew Parry

Extension: 2160

Date: 1st August 2012

Appendix 1

33 Leckford Road



Scale : 1:1250

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Organisation	Not Set
Department	Not Set
Comments	12/01085/FUL
Date	20 July 2012
SLA Number	Not Set

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West Area Planning Committee

-15th August 2012

Application Number: 12/01394/FUL

Decision Due by: 1st August 2012

Proposal: Erection of 2x2 bedroom dwellings. Provision of cycle parking, bin stores and private amenity

Site Address: Grove House Club, Grove Street, **Appendix 1**.

Ward: Summertown Ward

Agent: Mr Tony Reedman

Applicant: Mr V Patel

This application has been called in to be heard by the West Area Planning Committee by Councillor Stuart McCready, supported by Councillors Jim Campbell, Jean Fooks and Gwyneth Royce. The application has been called in so that the issue may be heard in public and residents concerns addressed.

Recommendation:

The West Area Planning Committee is recommended to grant planning permission for the following reasons:

- 1 The proposal is considered to make a more efficient use of a brownfield site, in a manner that would be appropriate and sympathetic to the character and appearance of the area and the amenities of neighbouring properties. The development would create an acceptable residential environment and housing in a area of housing need. The development is sustainable and promotes the use of non-car modes of transport. The application therefore accords with policy CP1, CP6, CP8, CP10, TR3, TR4, HS19, HS20 and HS21 of the Oxford Local Plan 2001 - 2016 and CS2, CS18, CS20 and CS23 of the Oxford 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.

Conditions:

1. 3 years time limit
2. In accordance with plans approved, none other without prior written consent
3. Submission of materials prior to commencement
4. Detailed plans of the cycle and bins stores
5. Landscaping and boundary treatments
6. Stone wall to the rear (south west) to be retained.
7. Exclusion of properties from Controlled Parking Zone.
8. Ground contamination – risk assessment.
9. Removal of PD rights.

Main Planning Policies:

Oxford Local Plan 2001-2016 (OLP)

- 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
- TR3 - Car Parking Standards
- TR4 - Pedestrian & Cycle Facilities
- HS19 - Privacy & Amenity
- HS20 - Local Residential Environment
- HS21 - Private Open Space

Oxford Core Strategy 2026

- CS2 - Previously developed and greenfield land
- CS18 - Urban design, town character, historic environment
- CS20 - Cultural and community development
- CS23 - Mix of housing

Emerging Sites and Housing Plan

- HP4 - Affordable Homes from Small Housing Sites

Other Material Considerations:

- National Planning Policy Framework
- Balance of Dwellings Supplementary Planning Document
- Sites and Housing Development Plan Document
- Parking Standards Supplementary Planning Document

Relevant Site History:

12/00872/FUL- Proposed retention of 3-storey building of former Grove House Club for use as 1x4 bed dwelling. Approved.

11/01165/FUL- Demolition of existing building. Erection of two storey terrace (with accommodation in roof space) comprising 1 x 4-bed house and 3 x 3-bed houses.

Provision of off street parking, bin and cycle storage. (Amended Plans and Description)- Approved.

11/01131/DEM - Prior notification of proposed demolition of Grove House Club buildings – Prior approval not required.

10/03026/FUL - Demolition of existing club house. Erection of two and three storey building to provide school boarding house with 24 bedrooms – withdrawn.

Representations Received:

Statutory and Internal Consultees:

- Thames Water: No objections
- Environmental Development: No objection subject to a phased contaminated land risk assessment
- County Highways and Traffic: No objections subject to the removal from the site from the controlled parking zone and provision of cycle and bins storage.

Third Parties:

Six letter of objections have been received with the objections are summarised as;

- Second floor terraces would overlook gardens of Dudley Court and 23 Grove Street
- Loss of privacy
- Loss of light to adjacent properties
- Inadequate parking
- Height of proposal
- Noise and disturbance due to proximity of proposal
- Overdevelopment
- Lack of open space
- Access and increased parking pressures

Officers Assessment:

Site Description and Proposal

1. The application site comprises of a currently vacant plot to the east of the former North Oxford Grove House Club, Grove Street, Summertown. The site originally consisted of an extended single storey building attached to the Club House.
2. The site was originally enclosed by a high stone boundary wall but this has more recently been removed as part of demolition works and ongoing renovations works to the Former Club house, on the adjacent site.
3. This application seeks planning permission for the erection of the two x two bedroom dwellings with provision of cycle parking, bin stores and private amenity space.

Background.

4. This application proposes a two x two storey dwellings on the land immediately east of the former Grove House Club, only. There is a varied planning history to this site with the most recent application being the retention of The Former Grove House Club building as a single family dwelling under application 12/00872/FUL. It is officers understanding that the previous application for the 4 dwellings which included the demolition of the former Club House is no longer considered viable by the applicant. This application therefore relates to the site to the east of the Club House, only.
5. Officers consider the determining issues in the case to be:
 - The Principle of the development
 - The form and appearance of the development and its visual impact on the area,
 - The quality of the proposed residential environment created by the proposal
 - The impact of the proposal in the living conditions of the neighbouring properties
 - Impact on parking and the highway network.

Principle of Development

6. The principle of a residential use on this site has already been established by the approval of application 11/1165/FUL, above, and therefore officers would raise no in principle policy objection to a residential use on this site.
7. Policy CP6 of the Oxford local Plan states that development proposals should make efficient use of land by making the best use of the site capacity. However CS23 of the Oxford Core Strategy encourages a mix in the balance of dwelling types and the policy therefore supports a balance of dwelling types in a particular locality. In support of policy CS23 is the Balance of Dwellings Supplementary Planning Document (BoDs). This document has assessed the housing stock within Oxford and has identified areas of different pressure of housing types and stock. The aim of the guidance is to ensure that any new development provides a balanced and mixed community within the neighbourhood in which it is proposed.
8. The application site falls within a neighbourhood area defined as 'amber' in the BoDs which is a scale to indicate the level of pressure the area faces. Amber indicates that the scale of pressure is considerable for this area and therefore family dwellings should form part of new development. This proposal would provide 100% two bed units so is therefore compliant with BoDs.
9. In addition policy HP4 of the emerging Sites and Housing Plan indicates that a financial contribution to affordable housing elsewhere in the city should be sought on residential sites that have the capacity for 4 to 9

dwellings .The calculation to determine the contribution required is based on the overall development floorspace.

10. However, policy HP4 also states that sites that only have the capacity to provide 3 homes or less, are exempt from the requirements. This proposal is for 2 dwellings within the application site with permission already in place on other land formerly part of the Grove Club to convert the former club building to a single large family house. Therefore to achieve 4 units and trigger the affordable requirement would require the demolition of the existing club building which officers do not consider to be an especially sustainable approach to the re use of the site, notwithstanding the fact that 4 units having already been granted permission which involved demolition. In any event that permission pre dates the requirement for affordable housing contributions and could be implemented accordingly.
11. On balance therefore officers are prepared to recommend approval to this latest application which would allow for the construction of either 4 residential units as previously permitted, or one large family unit plus two small units which are felt by the applicant to be more marketable in this part of Oxford in the absence of car parking to serve the development.

Form and Appearance

12. Policy CP8 of the Oxford Local Plan 2001-2016 suggests the siting, massing and design of development must create an appropriate visual relationship with the form grain and scale and materials and details of the surrounding area and CP10 furthers this by stating planning permission will only be granted where proposed developments are sited so as to ensure that street frontage and streetscape are maintained, enhance or created.
13. The area is characterised by fairly dense residential development, and Grove Street is typical of this. Buildings are generally of domestic scale, two storeys with traditional form and appearance in brickwork, fenestration, layout and detailing.
14. The application site is roughly square except for a 'dog leg' in the south east corner of the plot, where the garden of no. 23 extends to the boundary of the gardens with Dudley Court. The site is bounded to the north by the street frontage of Grove Street.
15. The character of Grove Street is that of a fairly narrow road with buildings, at the western end of the street built hard up to the footway. The houses are generally terraces and two storey in height, apart from the former club house, adjacent, which is three storeys and uncharacteristic of the otherwise domestic scale of the houses in the area.
16. In response to the style of the properties within the street this application proposes two x two storey buildings to fill the vacant space between the end of the existing terrace and the Former Club House, with a covered access walk way between them. The two houses are proposed at the

same height and depth as the existing terrace and will therefore be built hard up to the pavement also.

17. The buildings are proposed in the same style as the existing, and the scale, mass and appearance designed so as to appear sympathetic with the character and appearance of the street. The materials are proposed as a red facing brick with reconstituted stone for the window and door lintels with a natural slate roof to match the existing properties. It is considered the proposed use of these materials is sympathetic to those already in use within the street.

Proposed Residential Environment

18. Policy HS21 of the Oxford Local Plan states that residential development should have access to private amenity space and in the case of family dwellings of 2 or more bedrooms the amenity space should be exclusive to the residential property and generally in excess of 10m in length. It also states that private open space could also be in the form of a balcony.
19. The rear gardens proposed measure 5.1m in length with the width varying between plots. The plot adjacent to no 23. is 6.1m wide narrowing to 2.8m for a proposed lawn area, and the plot adjacent to the club house is 4.6m in width. It is recognised the length of the gardens are not as great as policy HS21 generally stipulates, but the widths of the gardens are greater than is typical of terraced properties. The proposal also includes a roof terrace for use as amenity space.
20. This proposal is therefore similar in design (with the inclusion of a roof terrace), but with relatively short rear gardens as the previously approved scheme of 11/01165/FUL. On the consideration of that application officers took the view that the reduced sized gardens were considered reasonable and acceptable in the circumstances of that case, given the natural constraints of the site. A similar scheme nearby in Century Row has rear gardens of a shorter length than those in this proposal
21. It is considered the circumstances of this proposal is very similar to that above, in that the site is tightly constrained in nature and the proposal still presents an opportunity to re develop, a currently vacant, brownfield site for two new dwellings. On balance officers are prepared to accept that the garden sizes for these modest 2 bedroom properties are acceptable

Impact on Neighbouring Properties

22. Policy HS19 of the OLP 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.
23. The proposal would introduce new windows at both 1st and 2nd floor levels facing the eastern 'arm' of Dudley Court and part of the rear garden of

no.23 Grove Street. The existing club house also has window which face Dudley Court.

24. There is a distance of 11.5m from the rear wall of the proposed dwellings to the flank wall of Dudley Court which does not have any windows and a distance of 25m to the nearest facing windows of Dudley Court. This separation in distance is considered to be acceptable and there is an existing 2m high stone wall between the application site and shared gardens of Dudley Court which is proposed to be retained which will allow sufficient privacy for the existing neighbouring, and any future occupiers.
25. The shared quad style gardens of Dudley Court would experience some overlooking, as would part of the rear garden of 23. Grove Street due to the inclusion in this proposal of the 2nd floor terraces. This has been raised as a concern by local residents. However officers believe any views from them would be obscured to a degree by the large mature trees and would not have an unacceptable impact given the overlooked 'quad' nature of the gardens of Dudley Court.
26. Rear facing balconies are set within the roof, set back 300mm from the eaves line, in a fashion not dissimilar to the many rear box dormer windows which are prevalent and typical in the area. The new building proposed does not project beyond the rear elevation of the adjoining property on Grove Street, and are a suitable distance from Dudley Court and those opposite in Grove Street. As such there is no conflict with the 45 degree rule in horizontal or vertical plane from the cill height of neighbouring habitable room windows as advised in appendix 6 of the OLP.
27. Grove Street is a relatively narrow road approximately 9.5m in width. The proposal would introduce new windows facing into the street but this is not considered unacceptable due to the existing relationship between the facing buildings on the road which is typical of the area.
28. Concerns were also raised regarding the potential increase of noise and disturbance this proposal may result in. The immediate locality is characterised by fairly dense housing, often in terraces. The proposal site was originally adjoined to the store buildings which were in use in connection with the Club House which was open on evenings on weekdays and weekends. The proposed use of the site for dwellings is not considered to result in any harmful levels of noise or disturbance other than would be expected in normal, reasonable residential situations.

Trees

29. There are two large Yew Trees which are covered by Tree Preservation Orders situated on the western end of the adjacent Grove House Club site, which therefore do not fall within the application site. There are no other trees within the site although there is a concern raised regarding the potential for storage of the necessary required building materials, should

permission be granted, on the adjacent site, within the root protection areas of the trees under the preservation order. This issue cannot be controlled by condition to this application as it refers to land outside of the applicants' control. However an informative can be added to any permission granted reminding the applicant of his responsibilities, with the planning authority retaining powers to deal with any damage to the protected trees.

Parking.

30. The development is proposed car free. The application site is within the Transport District Area. The local plan describes Transport District Areas as highly sustainable as they have good availability to both shops and services, with good access to public transport services as well. The Local Plan states that proposals for car free developments within Transport District areas will be treated favourably. In light of this officers regard the principle of a car free development acceptable.

31. Concerns have been raised during the consultation procedure about the potential increase for on street parking within the area as parking spaces are not provided within the scheme. Officers are mindful of these concerns and it is therefore recommended that the development be excluded from entitlement to apply for parking permits in order to prevent any pressure on on-street parking. A condition is therefore suggested accordingly.

Conclusion:

This development, if approved, would make a more efficient use of a vacant brownfield site in a way that would be appropriate and sympathetic to the visual and residential amenity of the area. The proposal forms a scheme that is considered well formed to enhance the site context and will provide two family dwellings in an area identified as under housing pressure. Whilst the gardens proposed do not fully meet the policy requirement they are, on balance, considered to be suitable given the site constraints and circumstances of the case. Officers therefore recommend the Committee grant planning permission, subject to conditions.

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: 11/01165/FUL

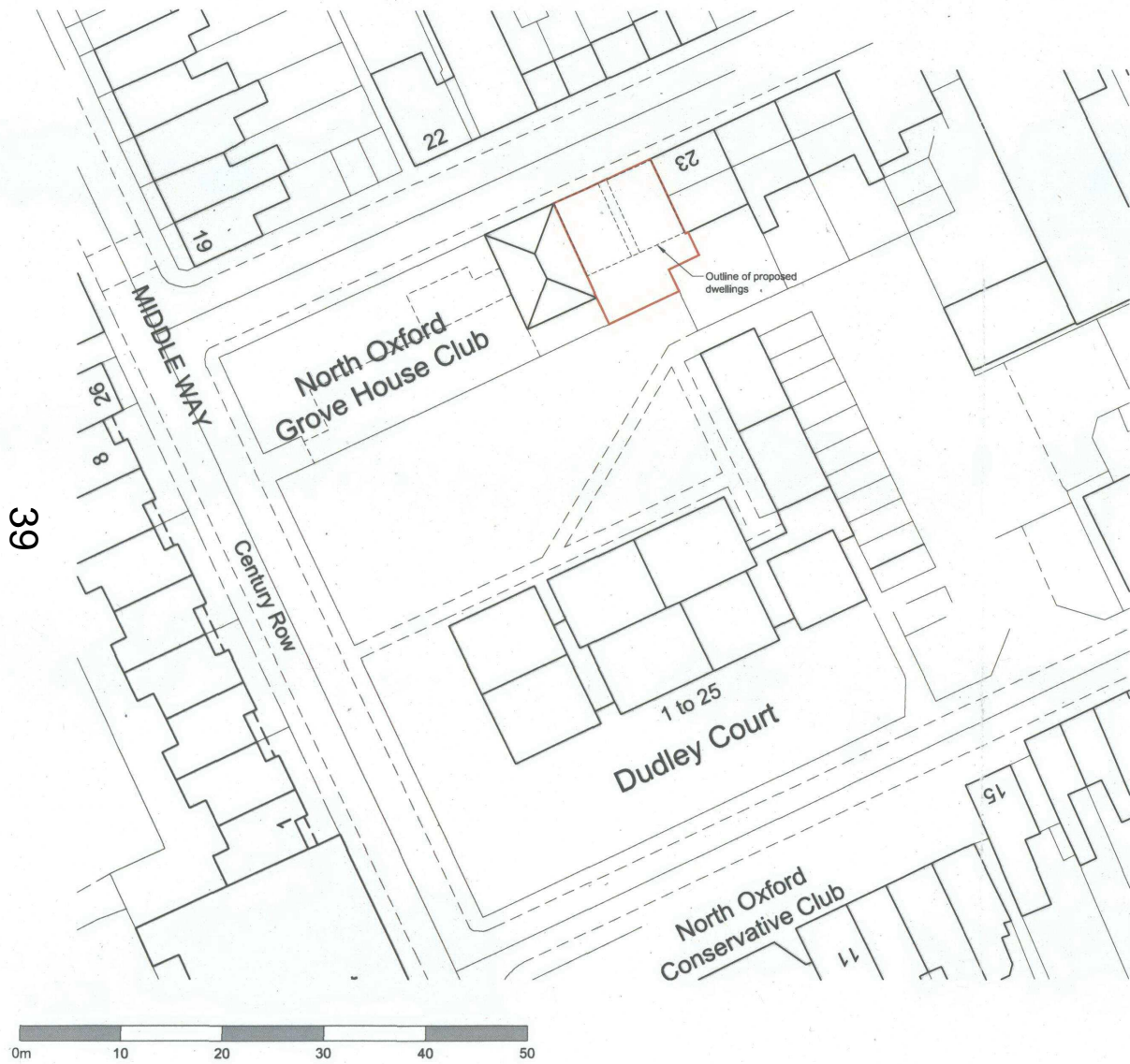
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Extension: 2241

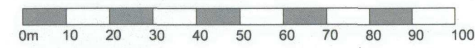
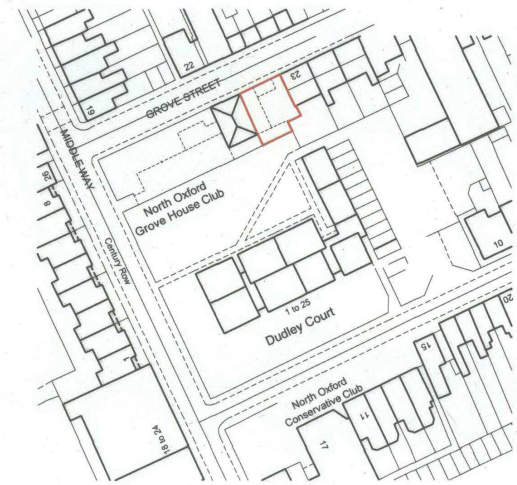
Date: 19th July 2012

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block plan scale 1:500



location plan scale 1:1250



oxfordarchitecturaldesign

SITE LOCATION AND BLOCK PLAN
 LAND ADJACENT TO GROVE HOUSE CLUB, OXFORD, OX2 7JT

Land adjacent to Grove House Club, Oxford, OX2 7JT

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Site location and Block Plan

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West Area Planning Committee

15th August 2012

Application Number: 12/01287/FUL

Decision Due by: 19th July 2012

Proposal: Erection of 4 bedroomed detached house on 3 floors.
Provision of 2 car parking spaces to frontage.

Site Address: 32 Victoria Road, Oxford.

Ward: Summertown Ward

Agent: Patrick Russell

Applicant: Mr Patrick Russell

Application called in by Councillors McCready, Fooks, Brett and Campbell for the following reasons:-

- 1- To permit public discussion of whether the proposed design fits the character of Victoria Road.

Recommendation:

West Area Planning Committee are recommended to grant planning permission subject to conditions for the following reasons:

- 1 Given the extant planning permission for a similar development on the site it is considered that the revised scheme is acceptable and in accordance with the relevant policies of the Oxford Local Plan. Whilst objections have been raised regarding overdevelopment, size and impact upon living conditions, it is considered that the development would not have an adverse effect on the amenities currently enjoyed at nearby properties or impact upon the character of the street scene.
- 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 Design - no additions to dwelling

- 3 Samples
- 4 Landscape plan required
- 5 Cycle parking details required
- 6 Car/cycle parking provision before use
- 7 Exclusion from Controlled Parking Zone

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
- CP11** - Landscape Design
- CP13** - Accessibility
- CP17** - Recycled Materials
- CP18** - Natural Resource Impact Analysis
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities
- TR13** - Controlled Parking Zones
- HS19** - Privacy & Amenity
- HS20** - Local Residential Environment
- HS21** - Private Open Space

Core Strategy

- CS2_** - Previously developed and greenfield land
- CS9_** - Energy and natural resources
- CS18_** - Urb design, town character, historic env
- CS22_** - Level of housing growth
- CS23_** - Mix of housing

Sites and Housing Plan - Submission

- HP9_** - Design, Character and Context
- HP10_** - Developing on residential gardens
- HP12_** - Indoor Space
- HP13_** - Outdoor Space
- HP14_** - Privacy and Daylight
- HP15_** - Residential cycle parking
- HP16_** - Residential car parking

Other Material Considerations:

National Planning Policy Framework

Relevant Site History:

07/02520/FUL - Erection of detached 3/4 bed dwelling. (Amended plans)..
Withdrawn 21st November 2007.

08/00257/FUL - Erection of three storey 3 bed house. Approved 25th April 2008.

08/01086/CND - Discharge of conditions 3 (Samples of materials), 4 (Landscaping Details) ,5 (Cycle Storage Details) & 8 (Vision Splays to be approved) of planning permission 08/00257/FUL. Approved 27th June 2008.

Representations Received:

Representations have been received from the occupiers of 28 and 34 Victoria Road raising the following objections:

- Amount of development on site
- Effect on adjoining properties
- Loss of Light-Daylight/sunlight. Continue to object to loss of light in three rooms on this side of 28 Victoria Road. In the proposed 4 bedroom house, light will now additionally be blocked from main living area, in spite of the applicants assertion that this is not a habitable room. Question the definition throughout the document of what constitute habitable rooms.
- Impact on on-street parking
- Parking provision
- Objections remain as presented in the hearing of the North Area Committee 3 April 2008, only now faced with an expanded 4 bedroom property which magnifies the problems to which we objected before.
- Permitted Development Rights were removed from the previous consent to avoid further loss of light in No.28 in the future. This is rendered meaningless if the same applicant is now able to reapply for planning permission for a larger 4 bedroom house, ignoring this condition.
- Contest previous assertion under permission 08/00257/FUL that the design of No 28 anticipates a house being built on the vacant plot. We know from the history of the house that this was not the case.
- Subsidence-history of subsidence of our house caused by excavation activity on plot 30 and we are very concerned about a 3,500 litre underground rainwater harvesting tank being dug so close to our property.
- Under previous application, planning officer did not visit no 28 to assess concerns over light, subsidence and quality of living.
- Refuse and recycling bins. In the proposed plans Refuse and recycling bins are to be located opposite the window of our main living space and our patio area which is used as a leisure area during the good weather.
- The online map provided with this planning application is wrong and outlining the current No. 32 and not the proposed No. 30.

- As neighbours directly and adversely impacted by these proposals we would like it noted that we have received no written notification of this new planning application, only finding out about it by chance. We also note that in the Design and Access statement it is stated that work was undertaken on this project in March 2011; we were not notified of this either despite our concerns over subsidence and the obligation under the Party Wall Act to notify us of proposed excavations.
- The occupiers of no 34 Victoria Road raise concern that digging the foundations and installing water tank could result in subsidence to neighbouring properties.

Statutory and Internal Consultees:

Thames Water Utilities Limited-raise no objections in respect of sewerage or water infrastructure. In respect of surface water it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground water. Where the developer proposes to discharge to a public sewer prior approval from Thames Water Developer Services will be required.

Oxfordshire County Highways And Traffic- raise no objections to the proposed development subject to the following conditions 1) The surfacing to the parking area should be permeable paving and a condition should be applied to any permission to ensure that prior to occupation the parking area is constructed SUDS compliant. Reason to accord with Sustainable Drainage Systems (SUDS). 2) No surface water from the development shall be discharged onto the adjacent highway. Reason: To avoid localised flooding

Determining Issues:

- Principle of development
- Impact upon streetscene
- Impact on living conditions of neighbouring properties
- Parking provision
- Sustainability.

Site Description:

1. The application site is situated on the southern side of Victoria Road. It is about 150m from Banbury Road and bus services and about 500m on foot from Summertown shops.
2. The plot is between Nos. 28 and 32, part of a double width plot in the same ownership as No.32. The plot takes a full half of the double width.
3. Houses adjacent are of varying styles and design, with a mix of semi-detached and some detached two and three storey houses.

Proposed Development:

4. Planning permission was granted in 2008 (08/00257/FUL) for the erection of three storey 3 bed house on this plot between numbers 28 and 32 Victoria Road. The application was approved by members at North Area Committee on the 3rd April 2008.
5. The approved development is very similar to that which is presented in this application in terms of style, design, and general appearance. It will be finished in an ivory coloured render with blue brick plinth up to damp proof course level, pre-weathered blue-grey zinc roofing and dark grey polyester powder coated aluminium clad timber window frames. Refuse and recycling bins are to be screened in a stained 'hit and miss' timber enclosure beneath the zinc clad entrance canopy as previously approved.
6. This application currently under consideration proposes some changes to the permitted dwelling, the main differences being:
 - The plot size is now bigger. The 2008 approved development proposed a slightly smaller garden measuring 12m deep. This has now been extended in the new application to run the full depth of the plot from the rear of the dwelling (29m).
 - The footprint of the dwelling now proposed is slightly bigger creating a total floor area of 176m². The single storey element extends out into the rear garden slightly further but no further than the rearmost elevation of no 28. The two storey element is deeper measuring a total of 10m in depth rather than 7.8m deep as approved.
 - The new application proposes a 4 bedroom house rather than a 3 bedroom house. Accommodation is still provided over 3 floors. The approved scheme proposed a master bedroom and dressing room with bathroom on the second floor but as a result of some internal alterations and increased depth of the building the applicant now proposes the master suite on the first floor with 2 smaller bedrooms and a bathroom on the second floor.
 - The currently proposed dwelling is approximately 0.5m higher than that approved.
7. Conditions relating to the 2008 planning consent have all been approved as of 27th June 2008.
8. The proposed dwelling will be of a contemporary design featuring a number of sustainable/energy efficient measures such as solar (hot water) and photovoltaic (electricity) panels on the roof, underground rainwater harvesting tank, and an air source heat pump to serve underfloor heating. The building has been designed to achieve a minimum level of Code 4 under the Code for Sustainable Homes standards. It will provide 2 off street parking spaces (as before), pedestrian access and landscaping to the front.

Officers Assessment:

Principle of Development.

9. Planning permission has already been granted for a dwelling at the site, and details required under condition have been approved and requirements of those conditions discharged. Work on foundations commenced but then ceased, therefore the developer can already construct a dwelling on the site. The dwelling currently under consideration will appear very similar to that which has already been approved on the site albeit with an additional bedroom, and slightly larger footprint. The matter for consideration here is whether these differences explained above would result in a development which is now unacceptable in terms of its impact upon the streetscene or adjoining neighbours.

Impact upon the streetscene.

10. The development will appear very similar to that which has already been approved on the site in terms of design and style. Whilst the proposed dwelling is very contemporary, it has already been accepted that it is suitable in the setting and would enhance the streetscene. No significant changes are proposed to the front of the dwelling or to its appearance. It is not considered that the additional height of the property (0.5m) would have a detrimental impact upon the character of the streetscene or impact upon neighbouring properties
11. Concerns have been expressed from neighbours regarding the amount of development on the site but in fact, the plot is now bigger than previously proposed and provides a much larger rear garden than that approved. The footprint is larger than approved however, given the size of the plot and footprint of neighbouring properties, it is not considered that this additional floorspace would have an adverse impact upon neighbouring properties.

Impact on living conditions of neighbouring properties.

12. The current application proposes a dwelling which is slightly deeper (2m) than the approved scheme. It will be the same distance from the boundary as the previously approved dwelling.
13. One of the main areas of objection raised by the adjoining occupier at no 28 is the impact of the proposed development on their living conditions and loss of sunlight/daylight. In assessing the extant planning permission, it was considered that all habitable rooms of the proposed house would have adequate natural light. In terms of the impact on no 28 Victoria Road, it was accepted that the occupiers would lose light to the ground floor and first floor bathroom windows and ground floor utility rooms, however these are not classed as 'habitable' rooms. It is acknowledged that the development would also impact upon the side window of the kitchen of this property, however this room does benefit from French doors to the

rear and two skylights so the side windows are not the sole providers of light to this room. On the first floor, the only side windows are to a bathroom which again, is not considered to be a habitable room.

14. In terms of impact on no 32, as previously accepted, the development would result in light being lost to a kitchen window in the side wall, however this was considered to be a secondary window as the main source of light to the room is French windows in the rear elevation. Whilst the proposed dwelling is slightly deeper than that previously proposed, it does not breach the 45 degree line from the rear window of no 32 Victoria Road. There would be loss of light to first floor flank windows that serve a bathroom and dressing room which, not being habitable rooms are not protected by the 45 degree code.

Parking.

15. The development proposes 2 off-street parking spaces and therefore it is considered appropriate that any permission granted excludes the occupiers of this dwelling from the controlled parking zone on Victoria Road.
16. It is proposed that both parking areas and pedestrian access will be constructed with permeable materials as previously proposed, however, Conditions will be imposed to ensure that all surfaces are porous and free draining.

Sustainability.

17. The development meets the aims of policies CP15 and CP16 of the Oxford Local Plan and will result in a low carbon, low energy sustainable dwelling (see text above).

Structural Issues.

18. Concerns have been expressed from both adjoining neighbours regarding the potential risk for subsidence arising from development on this site. Unfortunately these are not matters that can be considered in determination of this application, as they would be covered under Building Regulations Control.

Contamination.

19. It is recommended that all new residential developments have as a minimum a desk study to ensure that the site is suitable for use. Therefore, it is recommended that a condition be imposed to require a phase 1 and phase 2 investigation is undertaken.

Conclusion:

20. It is not considered that the changes now proposed to the development

would have a detrimental impact upon the living conditions of the neighbouring properties, or amenity of the surrounding area. It is therefore recommended that planning permission be granted subject to conditions.

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

Background Papers: 12/01287/FUL and 08/00257/FUL

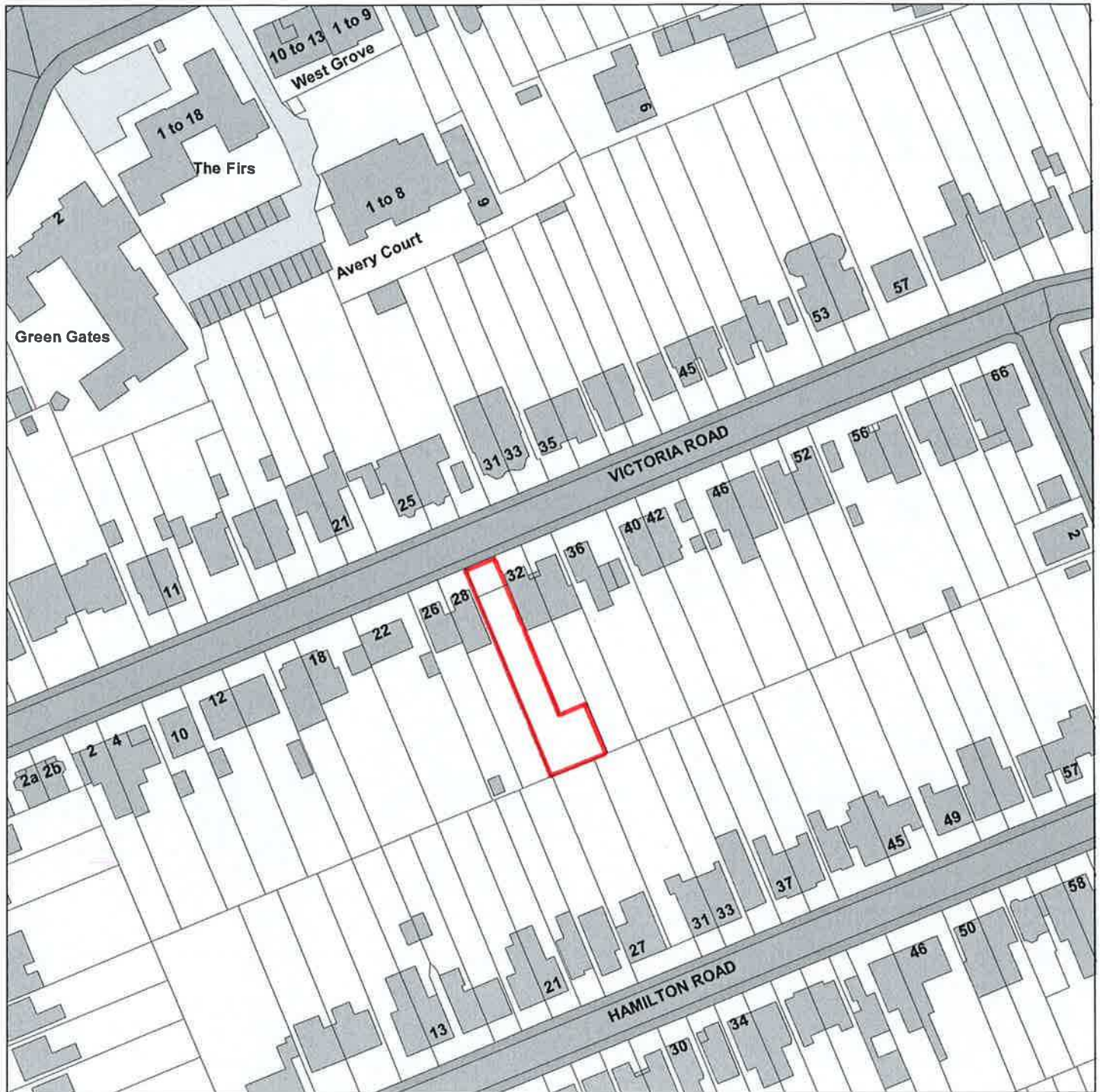
Contact Officer: Amanda Rendell

Extension: 2477

Date: 1st August 2012

Appendix 1

Land adjacent to 32 Victoria Road



Scale : 1:1250

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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	01 August 2012
SLA Number	Not Set

West Area Planning Committee

15th August 2012

Application Number: 12/01390/FUL

Decision Due by: 2nd August 2012

Proposal: First floor rear extension (Amended plans)

Site Address: 38 Linkside Avenue. **Appendix 1**

Ward: Wolvercote Ward

Agent: N/A

Applicant: Mr Colin Sherry

Application Called in – by Councillors - Goddard, Armitage, McCreedy, Campbell, Gotch and Wilkinson; for the following reasons - its the fifth attempt: previous rejections have been based on the overbearing impact on the neighbours in particular the neighbour to the north at 40 Linkside.

Recommendation: West Area Planning Committee is recommended to grant planning permission.

Reasons for Approval:

- 1 The proposal is considered to form an appropriate visual relationship with the dwelling and its surroundings and does not impact on the immediate neighbours in a detrimental way. As such the proposal complies with policies CP1, CP6, CP8, CP10, and HS19 of the Oxford Local Plan 2001-2016 and CS18 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 Amenity no additional windows side,
- 5 Obscure glass – stair window

Main Planning 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

HS19 - Privacy & Amenity

HS20 - Local Residential Environment

HS21 - Private Open Space

Core Strategy (OCS)

CS18 - Urban design, town character, historic environment

Other Material Considerations:

National Planning Policy Framework

Relevant Site History:

11/02602/FUL - Proposed first floor rear extension. Refused on grounds of being overbearing on 06.12.2011. Dismissed at Appeal.

11/01860/FUL – Rear first floor extension. Refused on grounds of 05.09.2011

11/01250/FUL - First floor extension to front. Approved 04.07.2011.

11/00611/FUL - Two storey rear extension and first floor front extension. (Amended plans). Refused on grounds of loss of light and overbearing on 19.04.2011.

10/03344/PDC - Proposed garage conversion. Permission not required.

Public Consultation:

Third Parties:

36, 40 Linkside Avenue & School House South Newington Banbury, all object to the proposal and the comments summarised below:

- The proposal would still loom over 40 Linkside and would cause a loss of light and loss of visible sky.
- There are inaccuracies of the size of the extension and position of windows in the drawings.

Statutory and Internal Consultees:

Highway Authority – No objections.

Officers Assessment:

Site Description

1. The application site comprises a two-storey detached dwelling located on the eastern side of Linkside Avenue which is a residential area of North Oxford. Linkside Avenue is characterised by mainly detached and some semi-detached properties of different sizes and styles and varying plot sizes.

Proposal

2. A previous planning application for a first floor rear extension (application 11/02602/FUL) was refused due to the impact of the extension being overbearing to the neighbouring properties and the appeal dismissed. A copy of the appeal decision is attached as Appendix 2. This latest application represents a revised design of a first floor rear extension.

Issues:

3. Officers consider the principal determining issues in this case to be:
 - Design
 - Residential amenity

Design

4. Policy CS18 of the Core Strategy (CS) states that planning permission will only be granted for development that demonstrates high quality urban design. This is reiterated in policies CP1 and CP8 of the Oxford Local Plan (OLP). Policy CP1 states 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.
5. Policy CP8 of the Oxford Local Plan 2001-2016 suggests the siting, massing and design of the proposed development creates an appropriate visual relationship with the form, grain, scale, materials and details of the surrounding area. It also stated building design is specific to the site and its context and should respect, without necessarily replicating, local characteristics, and should not rule out innovative design.
6. The revised first floor rear extension has been reduced in width by 2.0m from the dismissed appeal, so that the proposed extension is now set further away from 40 Linkside Avenue. It still remains the same depth as the previous application at 2.75m whilst the height has also decreased since the previous scheme by approximately 0.35m. The first floor extension would be built over the existing substantially complete single storey extension.
7. The first floor extension is subservient to the existing dwelling and is considered to form an appropriate visual relationship with the use of matching materials. It would sit within a run of varied, modern rear elevations and would not appear out of character within that context.

Residential Amenity

8. Policies HS19 and CP10 of the OLP require the correct siting of new development to protect the privacy of the proposed or existing neighbouring, residential properties. The proposal does not give rise to any issues of overlooking or loss of privacy.
9. Policy HS19 of the OLP sets out guidelines for assessing development in terms of whether it will allow adequate sunlight and daylight to reach the habitable rooms of neighbouring dwellings. This policy refers to the 45/25-degree code of practice, detailed in Appendix 6 of the OLP. The proposal does not breach the 45 degree line from 40 Linkside's side kitchen window and is therefore considered acceptable in this regard.
10. Appendix 6 also states that the amount of visible sky and the impact on outlook should be considered and that proposals should not create conditions which are oppressive. The inspector found that the previous extension "*would be so close to the kitchen window that it would loom over it oppressively, causing a substantial loss of sunlight and views of the sky*". This application has set the extension back from 40 Linkside by a further 2.0m and whilst the Inspector also stated that most other properties had only been extended at single storey only, there was no reason why this should rule out reasonably designed 2 storey extensions.
11. Officers consider the proposed extension would no longer loom over 40 Linkside and whilst there would still be to a lesser extent some loss of visible sky, officers consider that the proposal has addressed the overbearing issue by setting the extension back away from 40 Linkside Avenue.
12. Concerns were raised over inaccuracies in the drawings. These have been addressed by the admission of amended plans received on 16th July 2012. The consultation period was extended to allow for further comments on the amended plans, though in the event no further comments were received.

Conclusion

Officers have concluded that this latest application has successfully overcome the reasons for refusal and dismissal on appeal of the earlier planning application for a first floor extension, and can be supported accordingly.

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

Background Papers: 12/01390/FUL

Contact Officer: Davina Sarac

Extension: 2152

Date: 2nd August 2012

The first part of the document is a letter from the author to the editor, dated 1958. The letter discusses the author's interest in the subject of the journal and the author's hope that the journal will be a valuable contribution to the field.

The second part of the document is a letter from the editor to the author, dated 1958. The editor expresses his interest in the author's work and his hope that the author's work will be a valuable contribution to the field.

The third part of the document is a letter from the author to the editor, dated 1958. The author expresses his interest in the subject of the journal and his hope that the journal will be a valuable contribution to the field.

12/01390/FUL- APPENDIX 1

38 Linkside Avenue



Scale : 1:1250



Organisation	Oxford City Council
Department	Planning
Comments	
Date	01 August 2012
SLA Number	100019348

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Appeal Decision

Site visit made on 22 March 2012

by **Les Greenwood BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 March 2012

Appeal Ref: APP/G3110/D/12/2169302

38 Linkside Avenue, Oxford OX2 8JB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Colin Sherry against the decision of Oxford City Council.
 - The application Ref 11/02602/FUL was refused by notice dated 6 December 2011.
 - The development proposed is a first floor rear extension.
-

Decision

1. I dismiss the appeal.

Main issue

2. The main issue is the effect of the proposal on living conditions at the neighbouring properties 36 and 40 Linkside Avenue.

Reasons

3. 38 Linkside Avenue is a detached house with a large, recently built flat roof single storey extension at the back. The proposal is to build a first floor over most of this existing extension.
 4. No 38 sits within a run of houses built in a staggered row, so that the southern side walls of most extend well beyond the back of the next house to the south. As a result, many of these houses gain some of their light and outlook from southern side windows. This helps to balance out their more restricted outlook to the north.
 5. The existing single storey extension at No 38 stops at a side facing kitchen window to No 40, crowding it but still allowing for satisfactory light and outlook. Although there is also a glazed door to the rear of that kitchen, the side window is clearly important to the quality of that room, in large part due to the staggered layout of the houses.
 6. Appendix 6 of the Oxford Local Plan 2001-2016 (LP) advises that development will not normally be allowed to intrude over a line drawn at an angle of 45° in the vertical plane from the cill of a main side facing window to a habitable room, including a kitchen. The proposed first floor extension would be set back slightly from the end of the ground floor extension, so that the proposal would
-

not cross the 45 degree line if drawn directly in front of the window. However, the extension would intrude well beyond the 45 degree line (in the vertical plane) if drawn towards it at a comparatively shallow angle (in the horizontal plane). From my observations at the site visit, I find that the extension would be so close to the kitchen window that it would loom over it oppressively, causing a substantial loss of sunlight and views of the sky.

7. There would also be some effect on several other side windows at No 40, but these serve bathrooms and other non-habitable rooms and I find no objection in this respect. On the other side of No 38, No 36 has a long 2 storey section projecting to the rear, with windows at the end. The proposed extension would sit behind a 45 degree line (in the horizontal plane) drawn from the middle of those windows, in compliance with the advice in LP Appendix 6. In any case, the main views from the back of No 36 are more to the south and I find that occupiers would retain more than adequate outlook and light. The rear gardens of both neighbouring properties would still have open sunny outlooks, and would be overlooked no more than is normal where rows of houses are set close together.
8. Notwithstanding these favourable findings, I conclude that the proposal would unacceptably harm living conditions at No 40 due to the effect on outlook and light. It therefore conflicts with LP Policies CP.1, CP.10 and HS.19, which aim to ensure that development safeguards the amenity of other properties, including in relation to the matters of sunlight, daylight and overbearing development.
9. The Council has also referred to LP Policies CP.6 and CP.8. However these relate mainly to the character and appearance of the development rather than to neighbours' living conditions. The proposed extension would be little seen from the street, and from the adjoining public recreation ground it would be seen in filtered views through trees. It would sit within a run of varied, modern rear elevations and would not appear out of character within that context. I note that some other nearby houses have been extended at single storey only, but find no reason why this should rule out reasonably designed 2 storey extensions.
10. I have taken into account the policies of the recently published National Planning Policy Framework (NPPF), including the presumption in favour of sustainable development, but find nothing to override my conclusion on the main issue.
11. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should not succeed.

Les Greenwood

INSPECTOR

West Area Planning Committee

-15th August 2012

Application Number: 12/01494/FUL

Decision Due by: 10th August 2012

Proposal: Erection of bin and cycle stores. Insertion of replacement/new doors, windows and conservation rooflights. Erection of replacement roof and south rear wall (retrospective).

Site Address: 28 Walton Street, **Appendix 1.**

Ward: Jericho And Osney Ward

Agent: N/A

Applicant: Blue Sky Sustainable
Developments

This application has been called in to be heard by the West Area Planning Committee by Councillor Susanna Pressell supported by Councillors James Fry, John Tanner, Van Coulter and Mike Rowley. The application has been called in so that the issue may be heard in public and concerns regarding overlooking be addressed.

Recommendation:

The West Area Planning Committee is recommended to grant planning permission for the following reasons:

- 1 The proposal is considered to form an appropriate visual relationship with the dwelling and its surroundings and does not significantly impact on any neighbouring amenities or highway safety. As such the proposal complies with policies CP1, CP7, CP8, CP10, HS19, HE7 and TR4 of the Adopted Oxford Local Plan 2001-2016
- 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 Samples of exterior materials to be used for the bin and cycle stores.
- 2 Permission relates to approved referenced plans only
- 3 Obscure glazing to the two first floor windows serving flat 2.

Main Planning Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals

CP7 - Urban Design

CP8 - Design Development to Relate to its Context

CP10 - Siting Development to Meet Functional Needs

HE7 - Conservation Areas

HS19 - Privacy & Amenity

TR4 - Pedestrian & Cycle Facilities

Oxford Core Strategy 2026

CS 18- Urban design, town character, historic environment

Other Material Considerations:

1. National Planning Policy Framework.
2. The site falls within the Central Conservation Area.

Relevant Site History:

- 10/02372/FUL- Proposed alterations to building including insertion of new windows in north and south elevations, erection of bin and cycle store and retention of car parking area (Amended plans). Approved.
- 08/02420/FUL – Insertion of new windows and replacement windows, erection of bin and cycle stores, resurfacing of existing parking area and part demolition of existing boundary wall. Refused - 1. Failure to provide first floor plans. 2. Inadequate length of parking spaces and poor visibility at access.
- 08/02420/FUL – Installation of reflective bollards. Resurfacing of existing parking area. Refused - Inadequate space to park vehicles without encroaching onto public highway.

Representations Received:

Statutory and Other Consultees:

- County Highways And Traffic - No objections providing the cycle and bins storage meets Highway Standards
- Oxford Civic Society - No objections

Third Parties:

One Neighbour comment received- objects to the proposal for the following reasons;

- amount for development on site,
- impact on adjoining properties,
- height of proposal
- appears overbearing considering the size of the additional windows on the south elevation

Officers Assessment:

Site Description and Proposal

1. The application site is an end of terrace three storey property comprising 5 flats, located on the western side of Walton Street, at the junction with Walton Crescent.
2. This application has been submitted to address the further works which became apparent during the implementation of application 10/02372/FUL, involving the removal of the original roof when the original timbers were deemed unsafe.
3. As the property is in use as flats, it does not benefit from 'permitted development rights' as enjoyed by householders of single dwelling houses and therefore the proposed replacement of the roof requires planning permission. At the time of the application site visit the roof was in part under construction and therefore this application is part retrospective.
4. In addition, included in the application description is the erection of a bin and cycle stores along with the insertion of a series of new and replacement windows.

Principle of Development

5. The insertion of the windows has already been approved under application 10/02372/FUL, above, and therefore the applicant has an extant permission in which to carry out these works as approved.
6. This also applies to the proposed bin and cycle stores as the layout of the bin and bicycle stores as shown on the details of the above application was considered practical and acceptable and subsequently approved. None of the plans submitted with this application differ from those previously approved, apart from the reference to the replacement roof details.
7. However its is noted that condition 2 of notice of permission 10/02372/FUL, relating to the submission of samples of the exterior materials to be used for the bin and cycle stores have not yet been submitted, despite work on site starting. It is considered necessary therefore to impose this condition again, should the application be approved, to ensure suitable materials are used in the construction of the bin and cycle stores.

8. Given the above it is not considered necessary to set out again the considerations of any impact of the windows, cycle and bins stores have on the Conservation Area as these issues have already been discussed in the assessment of the original application and the applicant has the extant permission in place to implement.
9. This report will therefore only consider the impact the replacement roof has on the Conservation Area and neighbouring amenity and not revisit issues previously assessed under the previous application.

Design and Impact on the Conservation Area

10. The proposed roof alterations are for a like for like replacement in terms of the size angle of pitch and ridge height. The roof is proposed with two conservation type roof lights on the north elevation (facing Walton Crescent). This side elevation is proposed to be finished with the original slate roof tiles where possible as the tiles have been retained.
11. A dark grey Spanish slate roof tile is proposed for the south facing roof slope to match the original slate. The proposal to re-use the original slate tiles is considered acceptable and will respect the character of the area by using the original materials on the elevation of the development site which has the highest public visibility.
12. The introduction of a new roof slate material on the south elevation to match the original is likely to have a very limited impact on the character of the Conservation Area, if any, given the courtyard nature of development and positioning facing away from the main public view. The proposal is therefore considered to comply with policies CP1, CP8 and HE7 of the Oxford Local Plan 2001-2016.

Impact on Neighbouring amenity

13. The replacement roof is proposed at the same height and pitch as the original roof so there are no additional impacts in terms of loss of light or overbearing than the existing situation.
14. The proposed roof alterations result in the addition of two rooflights which face on to the public highway. Due to the high level position of the rooflights and the public highway on to which they face the rooflights would not result in any harmful overlooking to towards the nearest neighbouring property at 29 Walton Street, across Walton Crescent. The proposal therefore is considered to comply with policies CP1 and HS19 of the Oxford Local Plan 2001-2016.
15. Due to concerns raised regarding privacy at no. 27 Walton Street during the consideration of the previous application a condition was placed to ensure the two first floor windows on Flat 2 (closest to Flat 4) were obscured glazed and non opening below 1.7m. The plans submitted with this application are annotated to indicate the obscure glazing of these

windows. However in the interest of protecting neighbouring amenities and in avoidance of any doubt it is suggested this condition is imposed again on this application, if approved.

Conclusion:

This proposal is acceptable in design terms and will preserve the character of the Conservation Area. The proposal is not considered to adversely impact on the amenities of neighbouring properties or highway safety as parking arrangements remain unaffected. The proposal therefore complies with policies CP1, CP7, CP8, CP10, HE7 and HS19 of the Oxford Local Plan 2001-2016. Officers therefore recommend the Committee grant planning permission, subject to conditions.

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

Background Papers: 10/02372/FUL

Contact Officer: Hannah Revell

Extension: 2241

Date: 30th July 2012

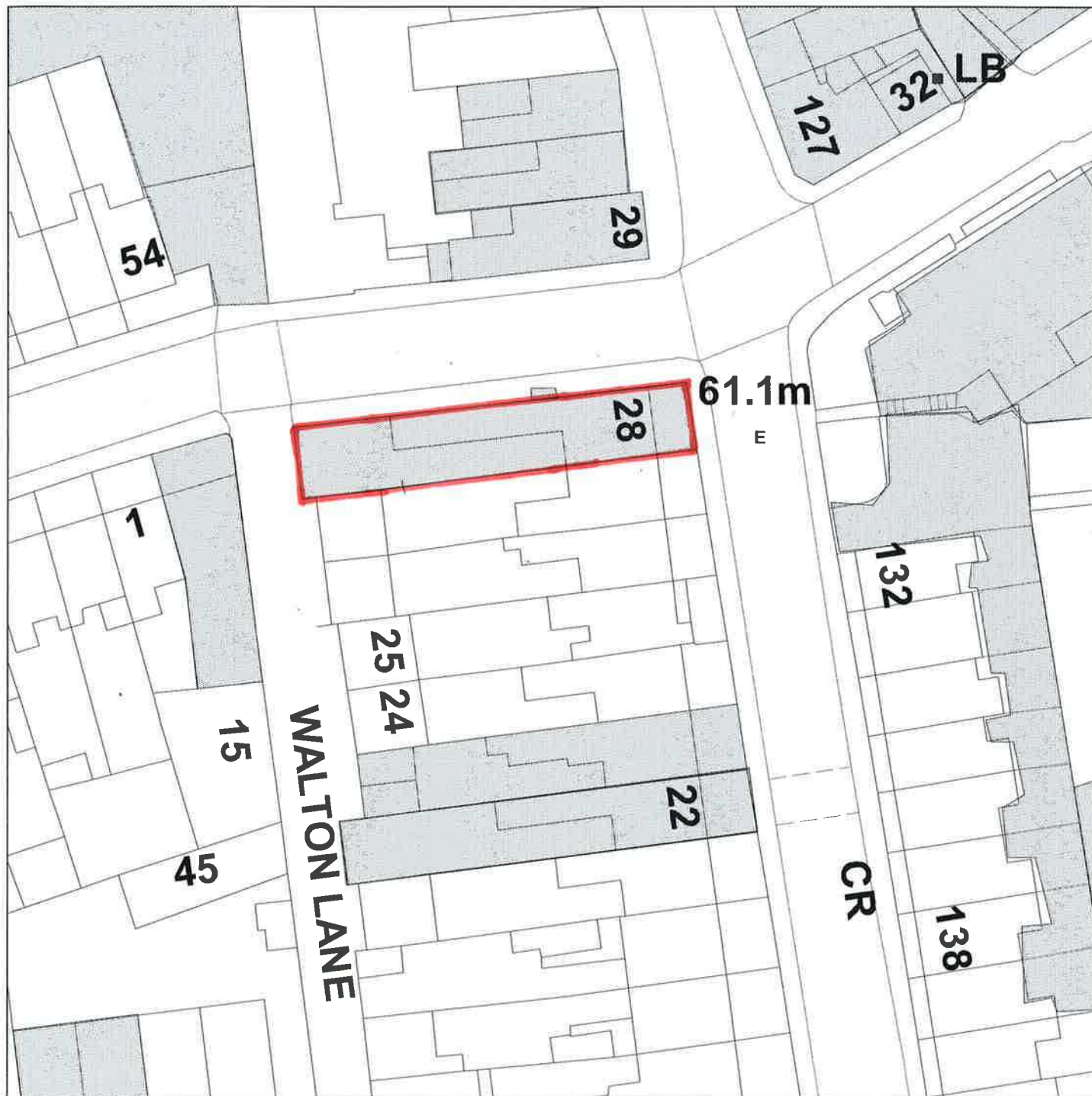
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28 Walton Street Oxford

12/01494/FUL



GIS by ESRI (UK)



Scale : 1:500

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Organisation	Not Set
Department	Not Set
Comments	
Date	01 August 2012
SLA Number	Not Set

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West Area Planning Committee

15th August 2012

Application Number: 12/01194/CT3

Decision Due by: 25th July 2012

Proposal: To install wood link fencing behind hedge line at same height as existing hedge. To install wood link gates at 5 access points from roadside onto external communal area of the flats.

Site Address: 410 To 448 Banbury Road. **Appendix 1.**

Ward: Summertown Ward

Agent: Mr Simon Warde

Applicant: Oxford City Council

Recommendation: West Area Planning Committee is recommended to grant planning permission for the above application.

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposed wood link fencing and gates are considered to form an appropriate visual relationship with the existing building on the site and its surroundings. The proposal does not involve the loss of any trees and hedging vegetation. The major landscape trees standing along the Banbury Road boundary are unaffected by the proposal.
- 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 as approved timber, C0535/01/02,

Main Planning Policies:

Oxford Local Plan 2001-2016 (OLP)

- CP1 - Development Proposals
- CP8 - Design Development to Relate to its Context
- CP9 - Creating Successful New Places
- HS20 - Local Residential Environment

Core Strategy (OCS)

- CS18 - Urban design, town character, historic environment
- CS19 - Community safety

Other Material Considerations:

National Planning Policy Framework (NPPF)

Relevant Site History:

50/00930/A_H - 48 flats. Deemed consent. 01.01.1950.

Representations Received:

Flat 3, 440 Banbury Road – object on the grounds that it is out of character, too high, spoils the view, difficult to maintain, latch on the gates may break and then will slam in the wind and wake residents up, costly to maintain, residents were not consulted.

Statutory and Internal Consultees:

Highway Authority – No objections.

Officers Assessment:

Site Description

1. The application site comprises an area on the east side of Banbury Road just north of Wentworth Road junction containing 4 large blocks of two and three storey building buildings. Each large block contains several flats totalling between approximately 70 and 80 flats. The site is currently owned by Oxford City Council. **Appendix 1** refers. As a proposal by the Council, it falls outside officers' delegated powers to determine.

Proposal

- 2 The application seeks permission to install a timber link fencing behind the existing hedge line at the same height and to install wood link gates at 5 access points from the roadside onto the external communal area of the flats.

Issues:

3. Officers consider the principal determining issues in this case to be:

- Design
- Security
- Highways
- Trees

Assessment

Design

4. Policy CS18 of the Core Strategy (CS) states that planning permission will only be granted for development that demonstrates high quality urban design. This is reiterated in policies CP1 and CP8 of the Oxford Local Plan (OLP). Policy CP1 states 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.
5. Policy CP8 of the Oxford Local Plan 2001-2016 suggests the siting, massing and design of the proposed development creates an appropriate visual relationship with the form, grain, scale, materials and details of the surrounding area. It also stated building design is specific to the site and its context and should respect, without necessarily replicating, local characteristics, and should not rule out innovative design.
6. The proposed timber fence panels would be 1.55m in height and each 1.80m wide, and fixed to 1.0m x 1.0m timber posts. They would run the entire length of the block of flats along Banbury Road and round the junction with Wentworth Road. There would be five access consisting of two single gates of 1.55m high each 1.0m wide; and three double gates of 1.55m high by 0.9m wide.
7. The timber fencing would sit behind the existing hedgerow along Banbury Road and therefore only the proposed gates would be visible from public views along Banbury Road. The gates would also be constructed from matching softwood and would be fitted with self closing hinges.
8. The proposal is acceptable in design and scale. It is the officers' opinion that the proposed fencing and gates respects the character and appearance of the area and uses materials of an appropriate nature to the development, the site and its surroundings.

Security

9. Policy CS19 of the CS states that new developments are expected to promote safe and attractive environments, which reduce the opportunity for crime and the fear of crime. The proposal has come about from an open consultation meeting with the residents and the Tenants Involvement and Development Officer where the outcome was that fencing was the preferred option for additional security to the communal areas.

Highways

10. The Highway Authority has no objections to the proposal. The development is considered to create any highway safety issues and is therefore acceptable in this regard.

Trees

11. The site is outside of any conservation areas and there are currently no Tree Preservation Orders on any trees in the area involved in the application site. However, trees on the site are important where they contribute to the greenery of the Banbury Road, which is one of the main arterial routes into the city. The greenery along the road is particularly significant in terms of the appearance and character of Banbury Road and the wider city.
12. The proposal would be located behind the existing hedgerow and thus maintain the natural green appearance in front of the flats. Public views outside of the site would remain relatively unchanged with just the addition of the gates being visible. None of the existing trees would be affected by the proposal.

Conclusion:

The proposed wood link fencing and gates are considered to form an appropriate visual relationship with the existing building on the site and its surroundings. The proposal does not involve the loss of any trees and hedging vegetation. The major landscape trees standing along the Banbury Road boundary are unaffected by the proposal.

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 permission officers consider that the

proposal will not undermine crime prevention or the promotion of community safety.

Background Papers: 12/01194/CT4

Contact Officer: Davina Sarac

Extension: 2152

Date: 31st July 2012

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Agenda Item 11

Monthly Planning Appeals Performance Update – June 2012

Contact: Head of Service City Development: Michael Crofton-Briggs.
Tel 01865 252360.

1. The purpose of this report is two-fold: a) to provide an update on the Council's planning appeal performance; and b) to list those appeal cases that were decided and also those received during the specified month.
2. The Government's Best Value Performance Indicator BV204 relates to appeals arising from the Council's refusal of planning permission and telecommunications prior approval refusals. It measures the Council's appeals performance in the form of the percentage of appeals allowed. It has come to be seen as an indication of the quality of the Council's planning decision making. BV204 does not include appeals against non-determination, enforcement action, advertisement consent refusals and some other types. Table A sets out BV204 rolling annual performance for the year ending 30 June 2012, while Table B does the same for the current business plan year, ie. 1 April 2011 to 30 June 2012.

Table A. BV204 Rolling annual performance (to 30 June 2012)

A.	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No.	%	No.	No.
Allowed	13	(38%)	4 (50%)	9 (35%)
Dismissed	21	61.8%	4 (50%)	17 (65%)
<i>Total BV204 appeals</i>	34		8	26

Table B. BV204: Current Business plan year performance (1 April to 30 June 2012)

B.	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No.	%	No.	No.
Allowed	4	(50%)	1 (33%)	3 (60%)
Dismissed	4	50%	2 (67%)	2 (40%)
<i>Total BV204 appeals</i>	8		3	5

3. A fuller picture of the Council's appeal performance is given by considering the outcome of all types of planning appeals, i.e. including non-determination, enforcement, advertisement appeals etc. Performance on all appeals is shown in Table C.

Table C. All planning appeals (not just BV204 appeals): Rolling year to 30 June 2012

	Appeals	Percentage performance
Allowed	15	(39%)
Dismissed	23	61%
All appeals decided	38	
Withdrawn	3	

4. When an appeal decision is received, the Inspector's decision letter is circulated (normally by email) to all the members of the relevant committee. The case officer also subsequently circulates members with a commentary on the decision if the case is significant. Table D, appended below, shows a breakdown of appeal decisions received during June 2012.
5. When an appeal is received notification letters are sent to interested parties to inform them of the appeal. If the appeal is against a delegated decision the relevant ward members receive a copy of this notification letter. If the appeal is against a committee decision then all members of the committee receive the notification letter. Table E, appended below, is a breakdown of all appeals started during June 2012. Any questions at the Committee meeting on these appeals will be passed back to the case officer for a reply.

Table D

Appeals Decided Between 1/6/12 And 30/6/12

DECTYPE KEY: COMM - Area Committee Decision, DEL - Delegated Decision, DELCOM - Called in by Area Committee, STRACM - Strategic Committee; RECM KEY: PER - Approve, REF - Refuse, SPL - Split Decision; NDA - Not Determined; APP DEC KEY: ALC - Allowed with conditions, ALW - Allowed without conditions, ALWCST - Allowed with costs, AWD - Appeal withdrawn, DIS - Dismissed

DC CASE NO.	AP CASE NO.	DECTYPE:	RECM:	APP DEC	DECIDED	WARD:	ADDRESS	DESCRIPTION
11/01486/T56	11/00046/REFUSE	DEL	4PA	ALC	12/06/2012	LITTM	Land North Of Heritage Gate Sandy Lane West Oxford Oxfordshire	Application for prior approval for 12.5m Streetworks column and equipment cabinet.
11/02147/FUL	11/00045/REFUSE	DEL	REF	ALC	12/06/2012	HEAD	42 Windmill Road Oxford Oxfordshire OX3 7BX	Erection of 1 bedroom bungalow to the rear of 42 Windmill Road
11/02850/FUL	12/00005/COND	COMM	PER	ALW	14/06/2012	STMARG	109A Banbury Road Oxford Oxfordshire OX2 6JX	Alterations to garden building including the addition of a kitchen to enable it to be used as a self contained annexe ancillary to 109A Banbury Road (amended plan)
11/00853/FUL	11/00047/REFUSE	DEL	REF	DIS	19/06/2012	SUMMTN	72 Wolsey Road Oxford Oxfordshire OX2 7TA	Erection of single storey one bedroom dwelling.
11/00927/FUL	11/00044/REFUSE	COMM	D0204	DIS	20/06/2012	JEROSN	Land To The Rear Of 17 To 41 Mill Street Oxford Oxfordshire OX2 0AJ	Erection of 3 storey building to accommodate 74 student rooms plus warden's accommodation.
10/03074/FUL	12/00003/REFUSE	COMM	PER	DIS	22/06/2012	STMARG	184 Woodstock Road Oxford	Demolition of existing house. Erection of 2x3 bed, 2x2 bed and 1x1 bedroom flats

Total Decided: 6

TABLE E Appeals Received Between 1/6/12 And 30/6/12

DECTYPE KEY: COMM - Area Committee Decision, DEL - Delegated Decision, DELCOM - Called in by Area Committee, STRACM - Strategic Committee; RECMND
 KEY: PER - Approve, REF - Refuse, SPL - Split
 Decision, NDA - Not Determined; TYPE KEY: W - Written representation, I - Informal hearing, P - Public Inquiry, H - Householder

DC CASE NO.	AP CASE NO.	DEC TYPE	RECM	TYPE	ADDRESS	WARD:	DESCRIPTION
12/00559/FUL	12/00021/REFUSE	DEL	REF	H	28 Edith Road Oxford Oxfordshire OX1 4QA	HINKPK	Erection of single storey rear extension.
12/00580/FUL	12/00022/REFUSE	DEL	REF	H	2 John Parker Close Oxford Oxfordshire OX4 4FG	RHIFF	Erection of single storey rear extension.

Total Received: 2

WEST AREA PLANNING COMMITTEE

Wednesday 15 August 2012

COUNCILLORS PRESENT: Councillors Van Nooijen (Chair), Goddard (Vice-Chair), Canning, Clack, Cook, Jones, Williams, Smith and Coulter.

OFFICERS PRESENT: Murray Hancock (City Development), Michael Morgan (Law and Governance), Nick Worledge (City Development), Andrew Murdoch (City Development) and Sarah Claridge (Trainee Democratic and Electoral Services Officer)

37. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillor Elise Benjamin (Councillor David Williams attended as a substitute), Councillor Shah Khan (Councillor Val Smith attended as a substitute) and Councillor John Tanner (Councillor Van Coulter attended as a substitute).

38. DECLARATIONS OF INTEREST

Councillor Cook declared a personal interest in item 3 (St Clement's car park, Oxford 12/01369/FUL & 12/01370/CAC) (minute 39 refers) as he is a member of Queens College and a former member of Oxford University but was keeping an open mind regarding the application.

The Chair declared a personal interest in item 3 (St Clement's car park, Oxford 12/01369/FUL & 12/01370/CAC) (minute 39 refers) as he is a member of Queens College but was keeping an open mind regarding the application.

39. ST CLEMENTS CAR PARK - 12/01369/FUL & 12/01370/CAC

The Head of City Development submitted a report (previously circulated, now appended) which detailed a planning application for the redevelopment of St Clement's car park to provide 140 student study rooms in two blocks on 3, 4, and 5 floors. Replacement car park with 80 spaces, public toilet, landscaping and ancillary works.

In accordance with the criteria for public speaking, the Committee noted Clinton Pugh, Tom Ashley, Tony Joyce, Anna Skinner, Graham Jones, Diana Hutcheson and Leatrice Beeson spoke against the application and Roger Smith, Stephen Hodder and Kaivin Wong spoke for the application.

The Committee considered all submissions both written and oral and agreed to REFUSE planning permission because the development fails to provide satisfactory car park facilities as required by policy DS82 and TR11 of the Oxford Local Plan 2001- 2016. The number of proposed car parking spaces on site, and

the location of the proposed temporary replacement car park do not represent a satisfactory replacement for the current parking provision at the development site. The application is contrary to policy DS82 and TR11 of the Oxford Local Plan 2001-2016.

40. FORMER TRAVIS PERKINS SITE - CHAPEL STREET - 12/01388/FUL

The Head of City Development submitted a report (previously circulated, now appended) which detailed a planning application for the demolition of existing buildings on site and erection of 190 student study rooms in two blocks on 3 and 4 levels together with 2 bedrooms in gatehouse buildings. The development to also include 5 car parking spaces, 100 cycle parking spaces, landscaping and ancillary works.

In accordance with the criteria for public speaking, the Committee noted Chris Honeywell spoke against the application and Nik Lyzba and Gerry Walker spoke for the application.

The Committee considered all submissions both written and oral and agreed to grant planning permission subject to the six conditions as detailed in the Planning Officer's report.

41. LUTHER COURT - 12/01228/FUL

The Head of City Development submitted a report (previously circulated, now appended) which detailed a planning application for the demolition of the existing Luther Court housing, and the erection of new buildings fronting Thames Street comprising 42 self contained flats (13x1 bed, 29x2 bed) and 82 student study rooms on 5 and 6 storeys. The development would also include cycle parking, bin storage and shared amenity areas and would involve the closure of the footpath linking Luther Street to Butterwyke Place

The Committee agreed to DEFER this application on the following grounds:

- The colour scheme of the development needs to be toned down so that the development fits in with its natural surroundings
- The size of the windows needs to be enlarged
- An 18+ age limit needs to be put on the residents of the development.

42. 220 & 222 COWLEY ROAD 12-01383-FUL

The Head of City Development submitted a report (previously circulated, now appended) which detailed a planning application for the demolition of existing building and the erection of a 3 storey building comprising retail shop and Class B1 offices on ground floor and 18 student study rooms on upper floors. The development would also provide cycle parks and bin stores.

In accordance with the criteria for public speaking, the Committee noted Sietske Boeles spoke against the application and Nik Lyzba and Andrew Spurring spoke for the application.

The Committee considered all submissions both written and oral and agreed to refuse the planning permission due to the reasons as detailed in the Planning Officer's report.

43. RADCLIFFE CAMERA, RADCLIFFE SQUARE - 12/01737/LBC & 12/01736/FUL

The Committee agreed to defer this item till the meeting on 23 August 2012

44. FORMER RADCLIFFE INFIRMARY, WOODSTOCK ROAD - 12/01508/FUL

The Committee agreed to defer this item till the meeting on 23 August 2012

The meeting started at 6.00 pm and ended at 9.00 pm

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