

Agenda

www.oxford.gov.uk



West Area Planning Committee

Date: **Wednesday 13 March 2013**

Time: **6.00 pm**

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

For any further information please contact:

Sarah Claridge, Democratic Services Officer

Telephone: 01865 252402

Email: sclaridge@oxford.gov.uk

If you would like help to understand this document please call Sarah Claridge, Democratic Services Officer on or email sclaridge@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 Colin Cook	Jericho and Osney;
	Councillor Graham Jones	St. Clement's;
	Councillor Shah Khan	Cowley;
	Councillor John Tanner	Littlemore;

HOW TO OBTAIN AGENDA

In order to reduce the use of resources, our carbon footprint and our costs we will no longer produce paper copies of agenda over and above our minimum internal and Council member requirement. Paper copies may be looked at the Town Hall Reception and at Customer Services, St Aldate's and at the Westgate Library

A copy of the agenda may be:-

- Viewed on our website – mycouncil.oxford.gov.uk
- Downloaded from our website
- Subscribed to electronically by registering online at mycouncil.oxford.gov.uk
- Sent to you in hard copy form upon payment of an annual subscription.

AGENDA

Pages

1 **APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

2 **DECLARATIONS OF INTEREST**

Members are asked to declare any disclosable pecuniary interests they may have in any of the following agenda items. Guidance on this is set out at the end of these agenda pages.

3 **190 IFFLEY ROAD: 12/03016/EXT & 12/03122/EXT**

1 - 26

The Head of City Development has submitted a report which details two planning applications:

12/03121/EXT: Application to extend the time limit for implementation of planning permission 09/01036/FUL (Rehabilitation of 190 Iffley Road and erection of 3 storey side and rear extensions. Conversion of extended building to form student hall of residence with 27 study bedrooms, re-landscaping of forecourt. Cycle parking and refuse storage to rear).

12/03122/EXT: Application to extend the time limit for implementation of conservation area consent 09/01035/CAC, (Demolition of 190A Iffley Road, service wing attached to 190 Iffley Road and garden building

Officer recommendation: Committee is recommended to SUPPORT the proposals in principle but defer the applications (12/03016/EXT & 12/03122/EXT) in order to draw up an accompanying legal agreement securing the financial contributions listed in this report, and to delegate to officers the issuing of the notices of planning permission and conservation area consent on its completion.

Subject to the following conditions for 12/03121/EXT:-

- 1 Development begun within time limit
- 2 Brookes or Oxford University only
- 3 Nominated Educational Establishment
- 4 On site warden
- 5 Housing Management Service Specification
- 6 Sample materials
- 7 Boundary Treatment
- 8 Landscaping plan
- 9 Landscaping after completion
- 10 Landscape Management Plan
- 11 New trees
- 12 Arboricultural Method Statement
- 13 Tree Protection Plan
- 14 Details of artificial lighting
- 15 Details of bin and cycle storage
- 16 Sustainable Drainage Scheme
- 17 No cars

- 18 Construction Management Plan
- 19 No demolition prior to photo record
- 20 Architectural Recording
- 21 Architectural and constructional details
- 22 Architectural details of bay element

Legal Agreements:

1. Library Contribution - £1701
2. Indoor Sports Facilities - £1620
3. Cycle Safety Measures - £3726
4. Administration & Monitoring charge of £250
5. Affordable Housing Contribution: £93,660 plus £4,683 5% administration fee.

Subject to the following conditions for 12/03122/EXT:

- 1 New demolition without scheme for redevelopment
- 2 Photographic record

4 229 - 233 COWLEY ROAD: 12/03269/FUL

27 - 46

The Head of City Development has submitted a report which details a planning application to change of use of 229 Cowley Road from dwelling house (Class C3) to student accommodation. Erection of building to rear of 229, 231 and 233 Cowley Road to provide 2 x 3 bed flats (Class C3) with associated vehicle parking and amenity space.

Officer recommendation: That the Committee REFUSE the application for the following reasons:

- 1 The proposed development would result in the net loss of a self contained residential dwelling from the East Oxford Neighbourhood Area which is an area identified as having an intense pressure to safeguard new family dwellings and to achieve a higher proportion of family dwellings as part of the mix of new residential developments. Furthermore the flats proposed as replacement self-contained accommodation would not constitute good quality self-contained homes in comparison to the dwelling that they are replacing. This would be contrary to Policy HP1, HP12, HP13 and Hp14 of the Sites and Housing Plan
- 2 That the proposed flats would fail to provide good quality accommodation for the future occupiers of these family dwellings. This would be because their overall layout would be cramped and congested, with small rooms that would not allow reasonable furnishings, circulation space, natural light and outlook that would have an impact upon the quality of the accommodation. Furthermore the proposed gardens for the flats would have limited amenity value as they would be enclosed spaces, and in the case of the first floor flat in a divorced and impractical location so as to make them usable for their potential occupants which could include children. Therefore the proposal would fail to create adequate internal and external living conditions for the future occupiers of the dwellings, contrary to Policies CP1 and CP10 of the adopted Oxford Local Plan 2001-2016, and Policies HP12, HP13, and HP14 of the Sites and Housing Plan.

- 3 The proposed building would be of a size and scale that would fail to create an appropriate visual relationship with the infill nature of the site, and the character and appearance of Bartlemas Road and wider residential area. Furthermore the overall layout of the dwellings would fail to provide any active frontage to the property or increase natural surveillance of the street scene which would also not reflect the prevailing character of the street. As a result the proposal would be contrary to the aims and objectives of Policy CS18 of the Oxford Core Strategy 2026, Policies CP1, CP6, CP8, CP9, and CP10 of the Oxford Local Plan 2001-2016, and Policy HP9 of the Sites and Housing Plan.

5 ADJ. 385 WOODSTOCK ROAD: 12/03138/FUL

47 - 60

The Head of City Development has submitted a report which details a planning application to erect a 1 x 6-bedroom dwelling (Class C3).

Officer recommendation: That the Committee APPROVE the planning application, subject to the following conditions:

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Sample Materials
- 4 Details of means of enclosure
- 5 Landscape plan required
- 6 Tree Protection Plan (TPP) 2
- 7 Arboricultural Method Statement (AMS) 2
- 8 Landscape carry out by completion
- 9 Details of refuse and cycle storage
- 10 Details of Parking Area and Visibility
- 11 Details of Sustainability Measures
- 12 Biodiversity enhancements
- 13 Construction Traffic Management Plan
- 14 Amenity no additional windows
- 15 Design - no additions to dwelling

6 7 NORHAM GARDENS: 12/02636/FUL & 12/02537/LBD

61 - 78

The Head of City Development has submitted a report which details two planning applications to:

- i) 12/02637/LBD – Demolition of existing conservatory. Toilet block and garage. Erection of two storey extension, porch and conservatory, new garage and garden studio. New timber and metal gates, railings and piers. Internal alterations including new openings, removal of existing walls and partitions and staircase. Insertion of new staircases, new partitions and lift.
- ii) 12/02636/FUL – Change of use from education establishment (use class D1) to single dwelling house (use class C3). Erection of part single storey, part two storey, detached garage, garden studio, new timber and metal gates, railings and piers. Provision of private amenity space, car parking and bin and cycle stores

Officer recommendation: That the Committee APPROVE the application 12/02637/LBD subject to conditions:

- 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 Retain internal features – partitions, openings, staircase, doors, fireplaces, cornices etc
- 9 Further Details – new windows, staircase balustrading, new internal doors, basement railing, glazed lantern etc
- 10 Methodology for repair and upgrade of windows and doors
- 11 Boundary treatment
- 12 Archaeological watching brief
- 13 Extraction/fumes
- 14 Retain historic doors
- 15 Walls/openings to match adjoining
- 16 Window details
- 17 Gate details

Officer recommendation: That the Committee APPROVE the application 12/02636/FUL subject to conditions:

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples in Conservation Area
- 4 Archaeological recording
- 5 Boundary details
- 6 Amenity – no additional side windows
- 7 Provision of cycle parking and bin stores prior to first occupation
- 8 Gates not to open over the highway
- 9 Restricted boundary treatments either side of access points
- 10 Conservation rooflight in side elevation to be 1.6 metres above ffl
- 11 Use of garden pavilion to be ancillary to enjoyment of main house
- 12 Drainage to be SUDS compliant
- 13 Variation of Road Traffic Order – Norham Gardens
- 14 Porous materials for new driveway areas
- 15 Landscape Plan
- 16 Arboricultural Method Statement Foundation details & protection of tree roots
- 17 Landscape carry out by completion
- 18 Landscape hard surface design – tree roots
- 19 Tree Protection Plan
- 20 Details of refurbished gates
- 21 Details of boundary wall

7 30 PLANTATION ROAD: 12/03264/FUL & 12/03265/CAC

79 - 90

The Head of City Development has submitted a report which details two planning applications:

i): 12/03265/CAC: Conservation Area Consent for demolition of 2 storey hipped roof side extension and detached pitched roof double garage.

(ii): 12/03264/FUL: Demolition of 2 storey hipped roof side extension and detached pitched roof double garage. Erection of two storey side and rear and single storey front extension at lower-ground and ground floor levels with integral garage. Erection of low level stone wall, piers and sliding gates to front garden / driveway.

Officer recommendation: That the Committee APPROVE conservation area consent 12/03265/CAC subject to the following condition:

- 1 Commencement of works LB/CAC consent

Officer recommendation: That the Committee APPROVE the application 12/03264/FUL subject to the following conditions:

- 1 Development begun within time limit
- 2 Deemed in accordance with approved plans
- 3 Samples in Conservation Area - Walton Manor,
- 4 Further details – railings, wall, gates and piers
- 5 Archaeology - Implementation of programme
- 6 Ground resurfacing - SUDS compliant
- 7 Landscape plan required
- 8 Landscape carry out after completion

8 81 WYTHAM STREET: 12/03016/FUL

91 - 100

The Head of City Development has submitted a report which details a planning application for an erection of a single storey side extension and single storey rear extension

Officer recommendation: That the Committee APPROVE the application subject to the following conditions:

- 1 Time Limit
- 2 Approved Plans
- 3 Materials to Match
- 4 Development in accordance with Environment Agency standing advice for householder developments.

9 36 MORRELL AVENUE: 12/02829/FUL

101 - 106

The Head of City Development has submitted a report which details a planning application for a change of use from class C3 dwelling house to C4 House in Multiple Occupation.

Officer recommendation: That the Committee REFUSE the application because:

- 1 The proposed development would result in an over concentration of Houses in Multiple Occupation within Morrell Avenue, the wider local area and the HMO Registration Area which would have a detrimental impact upon the balance and mix of dwelling types within the

surrounding area failing to contribute to the objective of balanced and mixed communities. This would be contrary to Policy HS15 of the adopted Oxford Local Plan 2001-2016, Policy CS23 of the Core Strategy and Policy HP7 of the emerging Sites and Housing Plan.

- 2 The application fails to demonstrate that the development could provide good quality internal living environments capable of accommodating the likely number of occupants within the house (House in Multiple Occupation) and as a result would have a detrimental impact upon the living conditions for the future occupants. This would be contrary to Policy HS15 of the Oxford Local Plan 2001-2016 and Policy HP7 of the emerging Sites and Housing Plan.

**10 EAST OXFORD COMMUNITY CENTRE, PRINCES STREET:
13/00242/CT3**

107 - 110

The Head of City Development has submitted a report which details a planning application to replace existing critical windows with double glazed powder coated aluminium windows

Officer recommendation: That the Committee APPROVE the application subject to the following conditions.

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Materials as specified slim profile,

11 HINKSEY RAILWAY FOOTBRIDGE: 12/023282/PA11

111 - 122

The Head of City Development has submitted a report which details a planning application seeking prior approval for development comprising demolition of existing and erection of replacement footbridge under Part 11 Class A Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995.

Officer recommendation: That the Committee GRANT prior approval.

12 OXFORD ARCHAEOLOGICAL ACTION PLAN

123 - 174

The Head of City Development has submitted a report which describes the work involved in the completion of the Oxford Archaeological Plan (OAP) project and the production of an Oxford Archaeological Action Plan.

Officer Recommendation:

1. That the Committee NOTE the completion of the Oxford Archaeological Plan and the production of the Oxford Archaeological Action Plan.
2. To recognise the challenges highlighted in the report and endorse the council's commitment to 1) developing a high quality evidence base

on the historic environment and 2) providing effective archaeological development control advice.

3. The Committee made the following comments on the proposed action plan

13 PLANNING APPEALS

175 - 180

To receive information on planning appeals received and determined during January 2013.

The Committee is asked to note this information.

14 MINUTES

181 - 186

Minutes from 7 February 2013

Recommendation: That the minutes of the meeting held on 7 February 2013 be APPROVED as a true and accurate record.

15 FORTHCOMING APPLICATIONS

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

1. Bathroom Warehouse, Abingdon Road: 13/00290/FUL: Travelodge.
2. ROQ, fronting Walton Street: 12/03279/FUL: Blavatnik School of Government.
3. 55 Wolvercote Green: 13/00290/FUL: Extensions.
4. Roger Dudman Way: 11/02881/FUL: Student accommodation: (Report back to committee)
5. 10 Bartlemas Road:12/02505/FUL: Extension and change of use to flats

16 DATES OF FUTURE MEETINGS

The Committee NOTES the following future meeting dates:

Wednesday 17th April 2013 (and Thursday 25th April if necessary)

Wednesday 8th May 2013 (and Wednesday 15th May if necessary)

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.

This page is intentionally left blank

Agenda Item 3

West Area Planning Committee

13th March 2013

Application Number: 12/03121/EXT & 12/03122/EXT

Decision Due by: 31st January 2013

Proposal: 12/03121/EXT: Application to extend the time limit for implementation of planning permission 09/01036/FUL (Rehabilitation of 190 Iffley Road and erection of 3 storey side and rear extensions. Conversion of extended building to form student hall of residence with 27 study bedrooms, re-landscaping of forecourt. Cycle parking and refuse storage to rear).

12/03122/EXT: Application to extend the time limit for implementation of conservation area consent 09/01035/CAC, (Demolition of 190A Iffley Road, service wing attached to 190 Iffley Road and garden building).

Site Address: 190 Iffley Road, Appendix 1.

Ward: Iffley Fields Ward

Agent: N/A

Applicant: Mr Mark Johnson-Watts

Recommendation: Committee is recommended to support the proposals in principle but defer the applications in order to draw up an accompanying legal agreement securing the financial contributions listed in this report, and to delegate to officers the issuing of the notices of planning permission and conservation area consent on its completion.

For the following reasons:

- 1 Having regard to Government guidance on applications to extend the time limit for the implementation of extant planning permissions, there have been changes in terms of development plan policies (Oxford Core Strategy 2026) and national policies (National Planning Policy Framework) since planning permission was originally granted for the development. However, these do not significantly alter the manner in which the proposed development should be assessed, and there have been no significant changes on the site or in the surrounding area which could impact on the recommendation. Therefore, the application to extend this permission for a further 3 years is considered

acceptable.

- 2 The Council as Local Planning Authority has had regard to the comments received through the consultation process. The issues raised, including those relating to design, impact on the character and appearance of 190 Iffley Road and the conservation area, appropriateness of student accommodation at this location, quality of the proposed accommodation, impact on the residential amenities of neighbouring properties, demolition of existing buildings and restoration of 190 Iffley Road, parking, provision and location of bins and bikes, surface water runoff, occupation and management of the site, have all been taken into consideration in determining the application and were not considered to be so significant as to render the proposal unacceptable.
- 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 for 12/03121/EXT:-

- 1 Development begun within time limit
- 2 Brookes or Oxford University only
- 3 Nominated Educational Establishment
- 4 On site warden
- 5 Housing Management Service Specification
- 6 Sample materials
- 7 Boundary Treatment
- 8 Landscaping plan
- 9 Landscaping after completion
- 10 Landscape Management Plan
- 11 New trees
- 12 Arboricultural Method Statement
- 13 Tree Protection Plan
- 14 Details of artificial lighting
- 15 Details of bin and cycle storage
- 16 Sustainable Drainage Scheme
- 17 No cars
- 18 Construction Management Plan
- 19 No demolition prior to photo record
- 20 Architectural Recording
- 21 Architectural and constructional details
- 22 Architectural details of bay element

Legal Agreements:

1. Library Contribution - £1701

2. Indoor Sports Facilities - £1620
3. Cycle Safety Measures - £3726
4. Administration & Monitoring charge of £250
5. Affordable Housing Contribution: £93,660 plus £4,683 5% administration fee.

Subject to the following conditions for 12/03122/EXT:

- 1 New demolition without scheme for redevelopment
- 2 Photographic record

Main Planning 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
- CP20** - Lighting
- CP21** - Noise
- HE6** - Buildings of Local Interest
- HE7** - Conservation Areas
- NE15** - Loss of Trees and Hedgerows
- NE16** - Protected Trees
- HS15** - Housing in Multiple Occupation
- HS19** - Privacy & Amenity
- HS20** - Local Residential Environment
- HS21** - Private Open Space
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities

Core Strategy 2026

- CS9:** Energy and natural resources
- CS10:** Waste and recycling
- CS11:** Flooding
- CS12:** Biodiversity
- CS18:** Urban design, town character, historic environment
- CS19:** Community Safety
- CS25:** Student accommodation
- CS29:** The Universities
- HP5:** Location of student accommodation
- HP9:** Design, character and context
- HP12:** Indoor space
- HP14:** Privacy and daylight

Sites and Housing Plan

HP5 – Location of student accommodation

HP6 – Affordable housing from student accommodation

HP9 – Design, character and context

Other Material Considerations:

- National Planning Policy Framework (NPPF).
- The development site is located within the St. Clement's and Iffley Road Conservation Area.

Relevant Site History:

- 72/27080/A H: Outline application for demolition of existing house and erection of 10x2-bedroom flats and 12 garages for private cars. Refused 27.02.1973.
- 73/01194/A H: Demolition of existing house and erection of 10 no. flats. Refused 09.10.1973.
- 73/01631/A H: Demolition of existing house and construction of 10 no flats and garages. Refused 11.12.1973.
- 74/00134/A H: Demolition of existing house and erection of block of 9 no. flats with garage for private use. Refused 12.05.1974.
- 74/00503/A H: Demolition of existing house and erection of 9 no flats with garage. Approved 23.07.1974.
- 80/00942/NFH: Removal of garage and erection of two-storey building to form two maisonettes. Approved 14.01.1981.
- 81/00774/NFH: Retention of use for multiple occupation. Approved 30.11.1981.
- 83/00190/GFH: 88-190 Iffley Road - Change of use from multi-occupation to 11 bedsitters and warden's accommodation for Housing the Homeless. Deemed Consent 23.05.1983.
- 86/01045/GFH: New buildings adjacent to existing to provide additional accommodation units for homeless families. Deemed Consent 15.12.1986.
- 06/01575/CAC & 06/01574/FUL: Demolition of 3 buildings. Erection of 3 and 4 storey buildings for use as student accommodation (49 study bedrooms). Alterations to access, provision of 2 parking spaces. Bicycle and bin storage. Conservation area consent and planning permission refused 10th November 2006.
- 07/01935/CAC & 07/01936/FUL: Conservation Area consent for demolition of existing 3 buildings. Planning permission for the erection of five storey building including basement level for use as student accommodation (48 study bedrooms) and a wardens flat. Cycle parking to front and rear, and refuse storage to rear. Refused (dismissed on appeal).
- 09/01036/FUL & 09/01035/CAC: Rehabilitation of 190 Iffley Road and erection of 3 storey side extensions. Conversion of extended building to form student hall of residence with 27 study bedrooms, re-landscaping of forecourt. Cycle parking and refuse storage to rear. Demolition of 190A

Iffley Road, service wing attached to 190 Iffley Road and garden building.

Representations Received:

Statutory and Other Consultees:

Thames Water: No objections.

English Heritage: Advise that the applications should be determined in accordance with national and local policy guidance and on the basis of the Council's own internal conservation specialists.

Environment Agency: No objections.

Oxford County Council (Drainage): No comments.

Iffley Fields Residents Association:

- The excessive demolition proposed would destroy the architectural and historic integrity of a unique Arts and Crafts house within the Conservation Area
- The extent of the proposed demolition of No. 190 is greatly excessive
- The design of the proposal is not inkeeping with the existing building or the character and appearance of the conservation area
- The physical attachment of the original 190 to a new and larger building would destroy the independence of the house and its pleasing appearance as a separate dwelling
- Lack of a method statement for the proposed demolition work
- Inadequate standard of residential accommodation
- Adverse impact on the residential amenities of neighbouring properties
- Inadequate provision for waste storage, collection and recycling
- Lack of a waste management plan
- Inadequate cycle provision
- Lack of detail in the plans

A letter of objection has also been received from the owners of 'Heather House', a B&B adjacent to the site:

- Impact on the amount of light afforded Heather House
- Potential noise disturbance from the use of the building

A letter of objection has been received from the occupiers of No. 69 Warwick Street:

- 190 is a unique building of architectural and historic interest and the proposal would result in the substantial loss of the building, its Arts and Crafts interior and its historic associations
- Over-development of the site
- The building would be inaccessible to wheelchair users because there are steps in corridors at all levels and thus would not comply with the requirements of the Equality Act 2010

Determining Issues:

- The extant permission
- Changes in site circumstances or planning policy

The Proposal

1. The application seeks a new planning permission to replace the extant permission and conservation area consent granted in 2009 in order to extend the time limit for implementation of the development.

The Extant Permission

2. The original planning permission (09/01036/FUL) was for the erection of a three storey side and rear extension and the conversion of the extended building to form a student hall of residence with 27 study bedrooms, re-landscaping of forecourt with cycle parking and refuse storage to rear. An application for conservation area consent (09/01035/CAC) was submitted for the demolition of 190A Iffley Road. Before this, an application to demolish 190 and 190a Iffley Road and redevelop the site was refused Conservation Area Consent and Planning permission and dismissed at appeal, (07/01935/CAC & 07/01936/FUL). The inspector accepted the view of the Local Planning Authority that 190 made a contribution to the character and appearance of the conservation area, and that 190a did not. The inspector did not accept the view of residents that the proposed building would affect privacy/outlook of neighbours or that the principle of student accommodation (48 beds) was unacceptable.
3. The last applications, the subject of this renewal were considered at the East Area Parliament on 9th October 2009 where it was considered that the alterations proposed would be harmful to the character and appearance of the existing building and conservation area.
4. The applications were then taken to the Strategic Development Control Committee on 25th November 2009 where both applications were approved in accordance with the Officers recommendation.
5. The current proposals are identical to the original applications. The original committee report has been attached below along with the further report for the Strategic Development Control Committee, attached now as **Appendix 2** to this report. This report therefore only considers the proposals now against any changes in national and local planning policies and any other material planning considerations such as changes in circumstances on the site and surrounding area.

Changes in Site Circumstances or Planning Policy

6. There have been no changes in site circumstances since the grant of planning permission that would alter the recommendation of approval.
7. In terms of planning policy, the main change is the introduction of the National Planning Policy Framework in March 2012 to replace all the PPS's and PPG's that previously constituted Government guidance for planning. Whilst a significant document, the NPPF largely carries forward existing planning policies and protections in a more streamlined and accessible form. It also introduces the presumption in favour of sustainable development which means that proposals that accord with up to date local plan policies should be approved.
8. In the previous application, one of the main areas of consideration related to the impact of the proposal on the special interest of the existing building and character and appearance of the conservation area. The proposals have again been considered in relation to the latest policy guidance on preserving and enhancing the historic environment within the NPPF.
9. Conservation principles, policy and practice seek to preserve and enhance the value of heritage assets. With the issuing of the National Planning Policy Framework, the government has re-affirmed its 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.
10. 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.*
11. The NPPF sets an objective for Local Planning Authorities to positively support new development that will contribute to the significance of heritage assets stating *Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.*
12. Taking into account the latest Government policy and conservation principles, the proposals are still considered to preserve the special significance of the Heritage Assets, in particular, the character and

appearance of the conservation area, taking into account the present appearance and character of the group of buildings. The alterations proposed to 190 are not considered to be so harmful as to justify refusal where the most significant contribution of the building, its external appearance within the streetscene would be retained.

13. Both the Oxford Local Plan and the Oxford Core Strategy which comprise the Development Plan for Oxford are up to date.
14. The emerging Sites and Housing Plan was confirmed as sound by the Inspector's final report which was issued on 2nd January 2013. This policy document has the most significant impact on the acceptability of the current proposal. In accordance with policy HP6: Student accommodation and affordable housing, the proposal would be expected to contribute to affordable housing within the city. This contribution is required for sites which ordinarily, would have the potential for providing affordable housing but through alternative developments, this opportunity is lost, further exacerbating the shortage of affordable housing in the city. The current proposal therefore, exceeds the 20 bedroom threshold and would not fall within the exception criteria within this policy. As a result, the Council has requested a sum of £93,660 on the basis of the proposed new floor area and the applicants have agreed to enter into a legal agreement to provide these contributions.
15. The remaining new policies within the Sites and Housing Plan considered to be relevant to this application have been listed above and the proposal has been found to be in accordance with these policies.
16. In the absence of any overriding reasons not to issue a further planning permission to replace the permission which was extant at the time of registration of the current application, officers recommend that planning permission be granted.

Sustainability:

17. The following specific measures have been proposed to reduce energy consumption in the building:

- Full mechanical ventilation heat recovery system (MVHR) for whole building
- Solar water heating installed on the concealed roof of the building.
- U-values improved for walls, floor and roof by an average of 25%
- Greywater recycling
- Underfloor heating throughout
- Air permeability reduced
- External drying space provided
- Energy-labelled white goods
- Waste recycling storage
- Dual flush WC's, reduced volume dishwasher and washing machines.

- Porous external paving and driveway
- Improved internal sound insulation
- Improved security
- High daylight factor in all habitable rooms
- Low energy light fittings throughout, with automatic sensors to all

18. In addition to this, the proposed new building is in an inherently sustainable location with the city centre and local shops all accessible on foot and with excellent public transport provision. The proposal would provide secure cycle storage for every occupant.

Conclusion:

19. The application is still considered to be an appropriate response to the Inspector's decision, the special nature of the conservation area and the site constraints. It is noted that there have been changes in terms of development plan policies (Oxford Core Strategy 2026) and national policies (National Planning Policy Framework). However, these do not significantly alter the principle of the proposed development, and there have been no significant changes on the site or in the surrounding area which could impact on the recommendation. Therefore, it is recommended that the applications to extend the planning permission and conservation area consent for a further 3 years are granted by the West Area Planning Committee but to delegate powers to officers to grant planning permission on completion of the Legal Agreement to secure the contributions set out in the appended report.

Contact Officer: Clare Golden

Extension: 2221

Date: 4 March 2013

Appendix 1

190 Ifley Road



Legend



Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorized reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	Not Set
Department	Not Set
Comments	12/03121/EXT & 12/03122/EXT
Date	22 February 2013
SLA Number	Not Set

Produced using ESRI (UK)'s MapExplorer 2.0 - <http://www.esriuk.com>

APPENDIX 2: Original Strategic Development Control Committee report for 09/01036/FUL & 09/01035/CAC

Strategic Development Control Committee - 25th November 2009

(1) Application Number: 09/01035/CAC

Decision Due by: 16th July 2009

Proposal: Demolition of 190A Iffley Road, service wing attached to 190 Iffley Road and garden building.

(2) Application Number: 09/01036/FUL

Decision Due by: 16th July 2009

Proposal: Rehabilitation of 190 Iffley Road and erection of 3 storey side and rear extensions. Conversion of extended building to form student hall of residence with 27 study bedrooms, re-landscaping of forecourt. Cycle parking and refuse storage to rear (amended plans).

Site Address: 190 Iffley Road Oxford (**Site Location: Appendix 1**)

Ward: Iffley Fields Ward

Agent: Adrian James Architects

Applicant: 190 Iffley Road Ltd.

This report should be read in conjunction with the officer's report to the East Area Parliament 21st October 2009 attached as **appendix 1**.

1. A previous application to demolish 190 and 190a Iffley Road and redevelop the site was refused Conservation Area Consent and Planning Permission and dismissed on appeal. The inspector accepted the view of the Local Planning Authority that 190 made a contribution to the character and appearance of the conservation area, and that 190a did not. The inspector did not accept the view of residents that the proposed building would affect privacy/outlook of neighbours or that the principle of student accommodation (48 beds) was unacceptable.

2. The current applications propose the demolition of 190a (1980's infill) and alterations to 190 to allow a new 'link detached' building with rear extensions to accommodate 27 students. The applicant proposes the retention of 190 and sought to design a new building that responded to the character of this group of buildings and the character and appearance of the conservation area as a whole. Officers were involved in pre-app discussions advising the applicant of the issues to be resolved and commenting on design proposals. As submitted officers conclude that on balance the proposals would preserve the character and appearance of the conservation area, taking into account

the present appearance and character of the group of buildings. They did not consider that the alterations to 190 were so harmful as to justify refusal - concluding that the contribution it currently makes within the street would be retained.

3. East Area Parliament took a different view and thought that the alterations proposed would be harmful, in particular mentioning that the raised ridge height of the entrance wing and the juxtaposition of the new building (separated by a glazed link) as particularly inappropriate. It also considered that the design, scale, form and bulk of the new buildings were inappropriate for this part of the conservation area. Though the height proposed was no greater than that of the neighbouring buildings.

4. Government advice states that Local Authorities should not impose particular architectural styles on applicants or stifle innovative design. What is important is not that new development should directly imitate earlier styles but that they should be designed with respect for their context as a part of a larger whole which has a well established character and appearance of its own. If the proposals cause no harm to the existing character and appearance then the special qualities of the area have been preserved and planning permission could be granted. Conclusions about the appearance of new buildings should consider principles of scale, form, height, vertical or horizontal emphasis and details such as scale and spacing of windows and use of materialised matters. It is not appropriate to debate the merits of any particular architectural style.

Conclusion: The application is considered to be an appropriate response to the Inspector's decision, the special nature of the conservation area and the site constraints. It is on balance a well thought out and considerate scheme and officers therefore recommend that the Strategic Development Control Committee be minded to grant planning permission and grant conservation area consent but to delegate powers to officers to grant planning permission on completion of the Legal Agreement to secure the contributions set out in the appended report.

Background Papers: 09/01035/CAC, 09/01036/FUL

Contact Officer: Steven Roberts

Extension: 2221

Date: 15th April 2009

APPENDIX 3: Original Committee report for 09/01036/FUL & 09/01035/CAC

East Area Parliament - 21st October 2009

(1) Application Number: 09/01035/CAC

Decision Due by: 16th July 2009

Proposal: Demolition of 190A Iffley Road, service wing attached to 190 Iffley Road and garden building.

(2) Application Number: 09/01036/FUL

Decision Due by: 16th July 2009

Proposal: Rehabilitation of 190 Iffley Road and erection of 3 storey side and rear extensions. Conversion of extended building to form student hall of residence with 27 study bedrooms, re-landscaping of forecourt. Cycle parking and refuse storage to rear (amended plans).

Site Address: 190 Iffley Road Oxford (**Site Location: Appendix 1**)

Ward: Iffley Fields Ward

Agent: Adrian James Architects **Applicant:** 190 Iffley Road Ltd.

Recommendation:

Resolve to **grant conservation area consent** for the following reasons:

- 1 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.

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

- 1 Commencement of works CAC consent
- 2 No demolition before rebuilding contract

Resolve to **grant planning permission** and delegate authority to officers to issue the decision notice upon completion of the Legal Agreement. For the following reasons:

- 1 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 Brookes or Oxford University only
- 3 Nominated Educational Establishment
- 4 Details of site management
- 5 Samples in Conservation Area
- 6 Boundary details before commencement
- 7 Landscape plan required
- 8 Landscape carry out after completion
- 9 Landscape management plan
- 10 Details of artificial lighting
- 11 Details of bin and cycle storage
- 12 Sustainable Drainage Scheme
- 13 No cars
- 14 Construction Management Plan

Legal Agreements:

1. Library Contribution - £1701
2. Indoor Sports Facilities - £1620
1. Cycle Safety Measures - £3726
4. Administration & Monitoring charge of £250

Main Local Plan Policies:

Oxford Local Plan 2001-2016 (OLP)

- CP1** - Development Proposals
- CP2** - Planning Obligations
- CP6** - Efficient Use of Land & Density
- CP7** - Urban Design
- CP8** - Design Development to Relate to its Context
- CP9** - Creating Successful New Places
- CP10** - Siting Development to Meet Functional Needs
- CP11** - Landscape Design
- CP15** - Energy Efficiency
- CP16** - Renewable Energy
- CP20** - Lighting
- CP21** - Noise
- HE6** - Buildings of Local Interest
- HE7** - Conservation Areas
- NE15** - Loss of Trees and Hedgerows
- NE16** - Protected Trees
- NE10** - Sustainable Drainage
- HS13** - Institutional Student Accommodation
- HS14** - Speculative Student Accommodation

HS15 - Housing in Multiple Occupation
HS19 - Privacy & Amenity
HS20 - Local Residential Environment
HS21 - Private Open Space
TR3 - Car Parking Standards
TR4 - Pedestrian & Cycle Facilities

Core Strategy – Proposed Changes

CSP18 - Infrastructure & Developer contributions
CSP19 - Urban design townscape char & historic environment
CSP26 - Student accommodation

Other Material Considerations:

This application is in the St. Clement's And Iffley Road Conservation Area.
National Guidance:

- Planning Policy Guidance Note 15 - Planning and the Historic Environment
- PPS 1 – Delivering Sustainable Development
- PPG 13 – Transport
- PPG 15 - Planning and the Historic Environment
- Local Policy and Guidance:
- Regional Spatial Strategy for the South East (May 2009)
- Planning Obligations-Supplementary Planning Document (April 2007)
- Parking Standards, Transport Assessments and Travel Plans, Supplementary Planning Document (October 2006)

- St Clements and Iffley Road Conservation Area Appraisal

Supporting documents

- Design and Access Statement

Relevant Site History:

72/27080/A_H: Outline application for demolition of existing house and erection of 10x2-bedroom flats and 12 garages for private cars. Refused 27.02.1973.

73/01194/A_H: Demolition of existing house and erection of 10 no. flats. Refused 09.10.1973.

73/01631/A_H: Demolition of existing house and construction of 10 no flats and garages. Refused 11.12.1973.

74/00134/A_H: Demolition of existing house and erection of block of 9 no. flats with garage for private use. Refused 12.05.1974.

74/00503/A_H: Demolition of existing house and erection of 9 no flats with garage. Approved 23.07.1974.

80/00942/NFH: Removal of garage and erection of two-storey building to form two maisonettes. Approved 14.01.1981.

81/00774/NFH: Retention of use for multiple occupation. Approved 30.11.1981.

83/00190/GFH: 88-190 Iffley Road - Change of use from multi-occupation to 11 bedsitters and warden's accommodation for Housing the Homeless.

Deemed Consent 23.05.1983.

86/01045/GFH: New buildings adjacent to existing to provide additional accommodation units for homeless families. Deemed Consent 15.12.1986.

06/01575/CAC & 06/01574/FUL: Demolition of 3 buildings. Erection of 3 and 4 storey buildings for use as student accommodation (49 study bedrooms).

Alterations to access, provision of 2 parking spaces. Bicycle and bin storage.

Conservation area consent and planning permission refused 10th November 2006.

07/01935/CAC & 07/01936/FUL: Conservation Area consent for demolition of existing 3 buildings. Planning permission for the erection of five storey building including basement level for use as student accommodation (48 study bedrooms) and a warden's flat. Cycle parking to front and rear, and refuse storage to rear. Refused (dismissed on appeal)

Representations Received: Comments have been received from the following properties and are summarised below.

Iffley Road: 192, 194, 198, 200, 211, 225, 240

Stratford Street: 23, 29, 33, 39, 43, 45, 49, 50, 53, 59, 61, 71, 75

Warwick Street: 21, 66, 69

Chester Street: 18, 50

Stanley Road: 17

- Finish of new building not clear (i.e. materials, windows, colour).
- No details of how rainwater from roof is dealt with.
- Potential overlooking of Stratford Street properties.
- Lack of information.
- Relationship between new and existing not clear.
- Not rehabilitation of building but demolition. Only front, north, part of rear and roof retained. Interior changed.
- Poor design that is out of character with conservation area and not sympathetic to 190 or 192 Iffley Road.
- Already overpopulation of students, proposals would make matter worse.
- Small units proposed with insufficient communal areas and service facilities.
- If approved accommodation needs to be managed accommodation.
- If permission is granted site should be removed from CPZ.
- No educational user named.
- No consideration for social or key worker housing that is sorely needed in Oxford.
- Noise and light pollution.
- Drainage and impact on surface water runoff.
- Add to parking pressure on street
- Flooding due to surface runoff
- Refuse provision is inadequate.

- 190 Iffley Road should be retained both externally and internally.
- Poor layout and design for cycle parking

Following reconsultation on the 3rd September one additional comment has been received from No 240 Iffley Road. The comments can be summarised as follows:

- The proposals involve substantial demolition to the existing house, particularly the roof. what is proposed involves more destruction of the original fabric and more alteration to the original design than is acceptable in conserving this house, which is one of only a few buildings of exceptional architectural and historical interest in the Iffley Road conservation area.
- The development is proposed as accommodation for students, but there is no mention of any agreement with an educational institution, and no details of how it can be ensured that the rooms will in fact be let to students.
- The rooms are small, and will receive very little natural light. The proposals offer an unacceptably poor standard of amenity and could be rejected on these grounds alone.
- The arrangements for refuse and bicycle storage appear unworkable, owing to the narrowness of the side passage giving access to the area at the rear of the building.

Statutory and Internal Consultees:

Oxford Civic Society – Proposals are marginally acceptable. Part of exterior of 190 retained but internally it is removed. Not enough space for 27 students. Needs to be properly managed by an institution.

Iffley Road Area Residents' Association – Insufficient information. Proposals will destroy interior of 190 Iffley Road. New building not sympathetic to 190 or conservation area. Substantial demolition of 190 Iffley Road. Further imbalance in housing within area.

Oxford Architectural And Historic Society Victorian Group – No objection to reinstatement of chimney stacks and decoration on the façade. Object to new building which is out of character with 190 and the conservation area. Would destroy independence of original house. Rear elevation is nightmarish. Regret loss of trees though note that this was accepted at appeal.

Thames Water Utilities Limited – No objection

Environment Agency Thames Region: No objection

Thames Valley Police – No objection

Iffley Fields Residents' Association – 190 Iffley Road should be retained both externally and internally. Inadequate information and should be refused on that basis.

No objection on sewage and water infrastructure grounds. Materials of frontage not shown. No plans for the forecourt area. Potential noise and disturbance.

Lighting issues, particularly at night.

Lack of drainage information, could impact on Stratford Street properties at night due to light pollution and when trees are in leaf.

Loss of skyline. Refuse provision seems inadequate, no recycling storage.

Site should not be reserved for student use. Object to more student accommodation.

English Heritage Commission (19/06/09) – No objection to demolition of 190A or the retention and use of 190 Iffley Road. Concern about the design of the new building due to its detailing.

English Heritage Commission 22/07/09) – The application should be determined in accordance with national and local policy guidance and on the basis of the Councils specialist conservation advice.

Highway Authority – No objection subject to a condition preventing students from bringing cars into the city and a contribution towards cycle and pedestrian safety measures in the area.

Issues:

- Principle of Development
- Demolition of Buildings
- Design
- Impact on Character and Appearance of 190 Iffley Road
- Impact on Conservation Area
- Impact on Neighbouring Properties
- Trees
- Flooding and Drainage
- Parking

Sustainability: The proposal seeks to make efficient use of an existing urban site within close proximity of local services and non-car mode means of transport.

Officers Assessment:

Site Description and Proposal

1. The application site, 190 Iffley Road, is located on the southwestern side of Iffley Road, between the junctions of Jackdaw Lane and Chester Street.

The site comprises two frontage buildings, 190 and 190A Iffley Road, with

a third smaller building to the rear. The authorised use of the buildings is as HMO's and the site is located within the St Clements and Iffley Road Conservation Area.

2. The property currently has vehicular access off Iffley Road with a parking area to the front. There is a pronounced slope in the site from Iffley Road (northeast) down to the rear of the site (southwest).

3. The application proposes the demolition of 190A Iffley Road and the rear building, along with the adaptation of 190 Iffley Road which includes elements of restoration such as the heightening of the chimney and installation of decorative panelling below the 1st floor oriel window. The application also proposes the erection of a three-storey side and rear extension to provide 27 student study rooms and communal kitchen/dinning areas. Cycle parking and bin storage is provided to the rear.

4. The extension is contemporary in design and constructed in a mixture of materials including roughcast render, timber boarding, pre-cast stone banding, glass, and plain clay roof tiles. The proposals include the removal of three trees, the implications of which will be set out later in this report.

Background

5. Planning permission was refused in January 2008 for the demolition of the three buildings on the site and the erection of a five-storey building including basement level for use as student accommodation for 50 study bedrooms. This decision was appealed and dismissed by the Planning Inspector in September 2008. This decision and the general comments made in the Inspectors decision letter is a material consideration that should be given significant weight in determining the current application.

Principle of Development

6. In the refused 2007 application the Council raised no objection to the principle of student accommodation on this site and the Inspector in dismissing the appeal commented that *'I agree that in principle the appeal site is an appropriate location for student accommodation.'* Officers acknowledge the concerns raised through the consultation process about the proposed use, however given the inspectors comments it would be unreasonable and unsustainable to object to the use and as such officer's raise no objection to the principle of student accommodation on this site.

Demolition of Existing Buildings

7. The proposals include the demolition of 190A Iffley Road and the single storey building to the rear, while 190 Iffley Road is retained, albeit altered to allow the extension to the side and rear.

8. PPG15 - Planning and the Historic Environment, indicates that the

demolition of a building within a conservation area may be acceptable where it is considered to make little or no contribution to the conservation area, and where there is a suitable scheme for redevelopment . In considering the demolition of the two buildings the Planning Inspector commented that *'No190A and the building to the rear are much later additions.'* than 190 Iffley Road, *'Whilst these later buildings form part of a group, add to the diversity within the Conservation Area and help to create a break in the streetscape, they are of little architectural or historic importance. They do not make a positive contribution to the character and appearance of the Conservation Area.'* English Heritage has not objected to the demolition. In light of the comments made in the Inspector's decision, officers have no objection to the demolition of the two buildings, subject to their replacement with a development that preserves or enhances the character or appearance of the conservation area.

9. During the consultation process concern has been expressed that the proposals also involve demolition of much of 190, leaving more or less only the front elevation. As a result of these concerns additional information was sought to identify clearly the extent of demolition proposed at 190. This additional information has now been received and made available for public comment. The plans show that it is proposed to demolish the existing single storey rear extension (original scullery/pantry area) and to raise the roof over the entrance 'wing'. Internally it is proposed to remove the staircase and re-arrange the partitions. The main external walls and main roof will remain and the proposals show the reinstatement of chimneys and some of the 'half timbering'. Conservation area consent is required for total or substantial demolition. Demolition of part of a building does not require conservation area consent. This means that the demolition of the parts of 190 shown on the submitted drawings is not subject to conservation area controls and consent cannot be refused if there is concern about this aspect of the proposals.

Impact of new building on the conservation area

10. Local planning authorities are required to have special regard to the preservation and enhancement of the character or appearance of conservation areas when considering development proposals. This requirement is given effect in Local Plan policy. Policy HE.7 of the Oxford Local Plan 2001-2016 seeks to preserve or enhance conservation areas. Policy CP1 states that planning permission will only be granted for developments that show a high standard of design, that respects the character and appearance of the area and uses materials of a quality appropriate to the nature of the development, the site and its surroundings. Policy CP8 reiterates this by stating that all new and extended buildings should relate to their setting to strengthen, enhance and protect local character and building design is specific to the site and its context and should respect local characteristics.

11. 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 and CP10 states planning permission will only be granted where proposed developments are sited to ensure that street frontage and streetscape are maintained or enhanced or created.

12. Returning to the dismissed appeal the Inspector recognised that the character of Iffley road is varied and that the lower scale of 190, 190a and 192 does not detract from the contribution that the larger villas, elsewhere in the street, introduce. In other words that the buildings as a group make a positive contribution to the character and appearance of the conservation area. The applicant's response to this has been to propose a replacement for 190a that reflects the smaller scale of the three buildings. In order to maintain the individual identity of each building, yet provide communal circulation space and facilities for students the replacement 190a is proposed with a glazed link to 190. This element of the scheme has been discussed at the pre-application stage and officers are satisfied that the sense of separation between buildings is maintained and that the buildings will read as a group of 3 individual elements.

13. The appearance of the new build 'extension' takes a more contemporary form though its design does draw upon elements of 190 and 192 to integrate the new element into the group. The extension incorporates a gable roof feature as well as a roof running across the main ridge perpendicular to the street, this picks up on the roof style of 190 and 192 more closely. This also continues the horizontal emphasis of 190 and 192 which is further reinforced by the use of the stone banding.

14 Officers recognise the concerns raised during public consultation relating to design. Government advice states that Local Authorities should not impose particular architectural styles on applicants or stifle innovative design. What is important is not that new development should directly imitate earlier styles but that they should be designed with respect for their context as a part of a larger whole which has a well established character and appearance of its own. The proposals seek to achieve this and the overall form, scale and siting will ensure that the character and appearance of the area is preserved. The fenestration details add a contemporary flavour to the building and place the design firmly in the 21st century. This is acceptable but officers are concerned that the detailing of the 'bay window' is not fully resolved and so suggest, if planning permission is granted that this detailed element of the proposal is controlled by a condition that seeks a review of this design.

15. The rear extension links onto the southern corner of 190 preserving the rear oriel window feature. The rear extension, like the frontage, takes a contemporary form, stepping down at the ridge and in from the side boundaries as it projects rearward. The design appears in the form of three tiers with mirrored mono-pitch roofs on both sides of the extension with a recessed flat roof section between. Terminating with a rear gable feature similar to that fronting Iffley Road. The materials as with the front are proposed to match neighbouring buildings with roughcast render, pre-cast stone banding and timber boarding.

16. The Inspector in commenting on the appeal scheme noted that views from the southeast would be much clearer due to the height of the proposed in relation to 192 Iffley Road, the result of which was that *'It would appear as an unduly dominant building, out of scale with its immediate surroundings'*, and that it would *'be incompatible with the domestic scale of neighbouring properties'*. Given the 5-storey nature of the appeal proposal it is easy to see how the Inspector came to this conclusion. The current scheme in contrast takes a more domestic scale, reflecting that of 192 Iffley Road. Due to this reduced height and mass, and the stepping of the rear extension, there would be no views of it from Iffley Road.

Impact on Neighbouring Properties

17. No objection was raised in the refused application to the impact on existing residential amenity, and the Inspector in determining the appeal took a similar view. He commented that with regard to the impact on 192 Iffley Road *'the close proximity of No190A already has an effect on both outlook and light. Although it would be higher, the proposed building would be stepped back and then tapered away from neighbouring properties on either side. There would not be a significant reduction in either outlook or light compared with the existing situation therefore.'*

18. The current proposal is 3.7m lower in height at the rear, and like the previous scheme steps back away from the boundary of No 188 and 192 Iffley Road. As a result the proposal would have a lesser impact than the appeal scheme. Notwithstanding the appeal decision the proposal is considered to have an appropriate visual relationship with 188 and 192 Iffley Road, the extension steps away from the boundaries with 188 and 192 by 6m-8m and 2m-2.7m respectively. In addition the boundary with 192 is heavily vegetated and as such only glimpsed views of the proposal would be experienced from the rear of 192. Officers are of the view that in light of the reduced scale of the proposal, its layout, and the Inspectors comments, the application would not unreasonably affect the amenities of 188 and 192 Iffley Road.

19. Concern has been raised with regard to the impact on the Stratford Street properties to the southwest. Again the Inspector in determining the appeal considered this issue and commented that *'given that there would be a minimum separation distance of some 37m, there would no be a significant adverse effect on outlook or privacy.'* The current application is two-stories lower than the appeal scheme and remains 37m away from the rear of the Stratford Street properties. In addition to this there is a dense line of trees along the southwestern boundary that while deciduous would provide a significant screen. Officers are therefore of the view that the impact on the Stratford Street properties would not be unduly harmful.

20. Letters of comment received have drawn the officer's attention to the potential noise and disturbance generated from the proposed student accommodation. The Council seek to house students within purpose built

accommodation among other reasons to control the issue of noise and disturbance, it is the Council's experience that disturbance caused by students more frequently occurs from those living independently in shared houses. The issue can therefore be addressed by a condition requiring a site management plan to include details of a warden or some other representative on site who would be the first port of call in the event of any incidents of noise and disturbance. This approach is consistent with the requirements of policy HS14 of the OLP. In addition this issue is covered by different legislation and should problems of noise and disturbance arise as a result of the proposed development it would be a matter for the Environmental Health Department under the Environmental Protection Act.

Trees

21. The proposal includes the removal of a pink chestnut and a cypress tree that stand in the southeast corner of the site adjacent to Iffley Road, together with a hazel tree that stands in the rear garden of the property adjacent to the northern boundary of the site.

22. No objection to the loss of these trees was raised in the previous application and like the previous application the applicant's propose to replace the removed trees with suitable specimens to be agreed by condition. The Inspector in determining the Appeal had no objection to this approach and commented that *'The appeal proposals would involve the loss of four trees on the site, including two along the frontage. Trees in the street and at the frontage of properties are an important characteristic of Iffley Road. I agree with the Council however that the proposed additional planting would provide adequate mitigation and ensure that there would be no significant overall harm to the character and appearance of the area in terms of tree cover.'* Officers would therefore raise no objection to the removal of the three trees and would recommend that a condition to secure suitable replacements be attached should planning permission granted.

Parking

23. The site is within a sustainable location within close proximity of shops and services along with being on a good public transport and cycle route. No off street car parking is proposed, although an area to the front of the development is retained for service vehicles and disabled residents. Students occupying the development will be prevented from bringing cars into the city and this can be controlled by condition.

24. The Local Highway Authority has no objection to the proposals subject to the condition preventing students having cars and that a contribution of £3726 is secured towards cycle and pedestrian safety measures in the area.

Other Matters

25. In addition to the contribution required towards cycle and pedestrian safety measures the County Council has also requested a further contribution towards library facilities. The City Councils requires a contribution towards indoor sports facilities in accordance with the Planning Obligations Supplementary Planning Document. The applicants have indicated that they are happy to enter into a legal agreement to secure the monies.

26. Concerns have been raised relating to bin and cycle storage. These details are similar to those in the appeal proposal and in terms of the number of cycle parking spaces the scheme provides double the required level. However officers recognise the concerns raised and would suggest a condition relating to the bin and cycle storage on site to provide further consideration to the location and means of enclosure.

27. With regard to the management of the site this can be secured by condition as suggested by policy HS14 of the OLP. The condition would require details of site management to ensure it is maintained in an appropriate manner as well as a contact should noise and disturbance arise from the development. A further condition is suggested to limit the use of the development to full time students of the University of Oxford or Oxford Brookes University.

Conclusion: The proposal is considered to be an appropriate response to the Inspectors decision and the site constraints. It is on balance a well thought out and considerate scheme – the result of extensive pre-application discussions that maintains the independence and architectural qualities of 190 Iffley Road while preserving the appearance of the group of two-storey buildings as a whole, and maintaining their important role within the streetscape. Further to this the development would respect the amenities of neighbouring properties and would make an efficient use of an existing urban site within a sustainable location.

Officers therefore consider the development to be in accordance with the policies of the OLP and would recommend that the Parliament be minded to grant planning permission but defer and delegate powers to officers to grant planning permission on completion of the Legal Agreement to secure the above contributions.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the

applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

Section 17 of the Crime and Disorder Act 1998

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers: 09/01035/CAC, 09/01036/FUL

Contact Officer: Steven Roberts

Extension: 2221

Date: 31st July 2009

This page is intentionally left blank

West Area Planning Committee

13th March 2013

Application Number: 12/03269/FUL

Decision Due by: 27th February 2013

Proposal: Change of use of 229 Cowley Road from dwelling house (Class C3) to student accommodation. Erection of building to rear of 229, 231 and 233 Cowley Road to provide 2 x 3 bed flats (Class C3) with associated vehicle parking and amenity space. (Amended plans)

Site Address: 229 and land to the rear of 229, 231 and 233 Cowley Road
(**site plan: Appendix 1**)

Ward: St Clement's Ward

Agent: West Waddy ADP

Applicant: Ms M Kandola

Application called in by Councillors Benjamin, Altaf-Khan, Goddard and Simmons to enable the application to be discussed in public.

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

- 1 The proposed development would result in the net loss of a self contained residential dwelling from the East Oxford Neighbourhood Area which is an area identified as having an intense pressure to safeguard new family dwellings and to achieve a higher proportion of family dwellings as part of the mix of new residential developments. Furthermore the flats proposed as replacement self-contained accommodation would not constitute good quality self-contained homes in comparison to the dwelling that they are replacing. This would be contrary to Policy HP1, HP12, HP13 and Hp14 of the Sites and Housing Plan
- 2 That the proposed flats would fail to provide good quality accommodation for the future occupiers of these family dwellings. This would be because their overall layout would be cramped and congested, with small rooms that would not allow reasonable furnishings, circulation space, natural light and outlook that would have an impact upon the quality of the accommodation. Furthermore the proposed gardens for the flats would have limited amenity value as they would be enclosed spaces, and in the case of the first floor flat in a divorced and impractical location so as to make them usable for their potential occupants which could include children. Therefore the proposal would fail to create adequate internal and external living conditions for the

future occupiers of the dwellings, contrary to Policies CP1 and CP10 of the adopted Oxford Local Plan 2001-2016, and Policies HP12, HP13, and HP14 of the Sites and Housing Plan.

- 3 The proposed building would be of a size and scale that would fail to create an appropriate visual relationship with the infill nature of the site, and the character and appearance of Bartlemas Road and wider residential area. Furthermore the overall layout of the dwellings would fail to provide any active frontage to the property or increase natural surveillance of the street scene which would also not reflect the prevailing character of the street. As a result the proposal would be contrary to the aims and objectives of Policy CS18 of the Oxford Core Strategy 2026, Policies CP1, CP6, CP8, CP9, and CP10 of the Oxford Local Plan 2001-2016, and Policy HP9 of the Sites and Housing Plan.

Main Planning 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

TR3 - Car Parking Standards

TR4 - Pedestrian & Cycle Facilities

Core Strategy

CS2 - Previously developed and greenfield land

CS18 - Urban design, town character, historic environment

CS25- Student accommodation

Sites and Housing Plan

MP1 - Model Policy

HP1 - Changes of use to existing homes

HP2 - Lifetime Homes

HP5 - Location of Student Accommodation

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
- Balance of Dwellings Supplementary Planning Document

Relevant Site History:

08/00754/FUL - Retention of extension to 229 and 231 Cowley Road. Retention of use of 229, 231 and 233 Cowley Road as student accommodation (39 bedrooms) including change of use from dwelling (229) and guest house (231/233): Withdrawn

09/00032/FUL - Retention of extension to 229/ 231/ Cowley Road and use of 229, 231 and 233 Cowley Road as student accommodation (39 bedrooms) including change of use from dwelling (229) and guest house (231, 233): Withdrawn

09/00087/FUL - Erection of 2/3 storey building fronting Bartlemas Road to provide 9 study bedrooms at rear of 229/231/233 Cowley Road: Refused

09/02099/FUL - Retention of rear extension to 229 Cowley Road. Change of use from residential dwelling to student accommodation. Provision of cycle parking and bin storage: Refused

10/00021/ENF: Enforcement Notice against the alleged unauthorized rear extension, and change of use of dwelling house to student accommodation/HMO:

An appeal against this enforcement notice was dismissed and the enforcement notice upheld. A copy of the decision notice can be found in appendix 2 of this report.

10/00562/FUL - Three storey rear extension (retrospective): Approved

11/02068/FUL - Change of use of dwelling house to house in multiple occupation (HMO): Withdrawn

12/00046/FUL - Retention of use as student accommodation: Refused

12/01555/FUL - Change of use of 229 Cowley Road from dwellinghouse to student accommodation and erection of a 3 bed dwelling on land rear of 229, 231 and 233 Cowley Road: Withdrawn

Representations Received:

The following letters of comment have been received in support of the proposal for the reasons summarised below

- 235, 257 Cowley Road; 133 Magdalen Road; 20 Tawney Street; 2a Bartlemas Road
- The property at 229 Cowley Road has not been used as a residential dwelling since the early 90s, and the continued use as student accommodation would make no difference to the area
- The building appears suitable for student accommodation
- Student dwellings are best suited for main roads such as the Cowley Road where they cause minimal disturbance
- The proposal to create 2 dwellings in the rear is a good use of the land and helps east Oxfords lack of residential dwellings issue
- The proposal would provide adequate off-street parking

- The proposal would off-set the loss of a dwelling by creating not one but two additional dwellings
- The redevelopment of the plot to the rear would remove an eyesore and improve the appearance of Bartlemas Road

Statutory and Other Consultees:

Thames Water Utilities Limited: No objection

Oxfordshire County Council Drainage: Development to drain should utilise a SUDs system, soakaway, porous parking area or green roof

Oxfordshire County Council Highways Authority: No objection subject to condition

Divinity Road Area Residents' Association

- The proposal is welcome
- The student accommodation should not be eligible for parking permits and the two flats should have no eligibility as it has off-street parking
- The two residential dwellings are welcome and the proposal from the applicant that the permission will be conditional upon the construction of the flats
- The layout of the flats has fairly limited living space as if it is designed to maximise the potential as shared accommodation
- Would object to their use as HMO's

Oxford Civic Society

The development is acceptable by the objection of the highways authority on parking permits should be adhered to

Officers Assessment:

Site Location and Description

1. The application site is situated on the northern side of Cowley Road, and includes a parcel of land which wraps around to the east onto Bartlemas Road (Site plan attached as **Appendix 1**)
2. The site of 229 Cowley Road comprises a three-storey end of terrace property which is set back from the Cowley Road by a small front garden and has an area of private space to the rear. The authorised use of this building is as a (C3) dwellinghouse. However the property had been operating as student accommodation for a number of years without the benefit of planning permission. An enforcement notice was issued in relation to this unauthorised use which was upheld on appeal.
3. The application also includes a parcel of land which has been formed to the rear of 229-233 Cowley Road by subdividing the rear gardens of these properties, and currently remains undeveloped. The site is being used to store building materials.

Proposal

4. The proposed development can be separated into two parts, which would include the following.
5. The change of use of 229 Cowley Road from dwelling house (Class C3) to student accommodation which would consist of 13 bedrooms, with shared bathrooms and a kitchen.
6. The erection of a two-storey building to rear of 229, 231 and 233 Cowley Road to provide 2 x 3 bed flats (Class C3) with associated vehicle parking and amenity space. (Amended plans)
7. Officers consider that the Officers consider that the principle determining issues with regards to the proposal are as follows:
 - Principle of Development
 - Loss of Dwelling
 - Balance of Dwellings
 - Residential Uses
 - Form and Appearance
 - Impact upon adjoining properties
 - Highway Matters
 - S106 contributions
 - Other Matters

Background and Planning History

8. There is a lengthy planning history on this site. However, for ease of reference the key points are set out below.
 - In 2006 permission was granted for a single and three-storey rear extension to the property, which increased the number of bedrooms from 4 to 6
 - The three-storey extension approved in 2006 was built 1.9m longer than approved, omitting a single storey element entirely. An investigation at the time identified that the dwelling house was actually in use as student accommodation.
 - In 2009 a retrospective application for the retention of the extension as built and the use as student accommodation was refused under 09/02099/FUL
 - An enforcement notice was subsequently issued requiring the use to cease and the extensions to be regularised. In 2010, an application to retain the extension as built was approved under 10/00562/FUL, and the enforcement notice was the appealed by the applicant.
 - The appeal was dismissed in June 2010, on the grounds that the change of use to student accommodation, albeit retrospective, would result in the loss of a dwelling house contrary to Policy HS10 of the Oxford Local Plan. The appeal decision is attached in **Appendix 2**.
 - In February 2012, an application was submitted under reference 12/00046/FUL to change the use of the building from a C3 dwelling house to student accommodation. Members of the West Area Planning Committee

resolved to refuse permission on the grounds that it would result in the loss of a self-contained dwelling house.

- In June 2012 a further application was submitted for the change of use of the dwelling house to student accommodation and the erection of a 3 bed dwelling on land rear of 229, 231 and 233 Cowley Road under 12/01555/FUL. This was withdrawn following officers confirmation that they were recommending refusal of the application on the basis that the three bedroom dwelling would not overcome concerns over the loss of the dwelling house at 229 Cowley Road; and the inappropriate design of the detached two-storey dwelling house on land to the rear.

9. As a result of this history, there is an extant enforcement notice in place on the site which requires 229 Cowley Road to be used as a (C3) dwelling house. The Notice was upheld on appeal, **Appendix 2**. At Enforcement appeals the appellant can appeal only on limited grounds. In this case the grounds of appeal were Ground (a) that planning permission ought to be granted; and Ground (g) that the period for compliance with the notice was unreasonable. This appeal decision upholding the Enforcement Notice and refusing planning permission represents a material consideration in the determination of this application.

Principle of Development

10. The National Planning Policy Framework encourages the effective use of land that has been previously developed. This is supported by Policy CS2 of the Oxford Core Strategy 2026 and Policy CP6 of the Oxford Local Plan 2001-2016 which require new development to be focused on previously developed land, and to make the best use of a sites capacity in a manner compatible with the site and the surrounding area.

11. The parcel of land to the rear of 229-233 Cowley Road has been formed from the rear gardens of these properties. It would appear that structures have been located within these rear gardens and the remnants of these were visible on a site visit. As such, officers consider that this part of the site would constitute previously developed land and as such the general principle of providing a building to the rear of this site would broadly accord with the above-mentioned aims of the NPPF and the Oxford Core Strategy 2026.

Loss of a dwellinghouse

12. The authorised use of 229 Cowley Road is a C3 dwellinghouse, and contrary to representations made during the consultation process any use as student accommodation or a House in Multiple Occupation did not have the benefit of formal planning permission. This unauthorised use has now ceased through the enforcement notice.

13. The proposed development would seek a change of use of this C3 dwellinghouse to student accommodation. The Sites and Housing Plan recognises that there are not nearly enough homes in Oxford to meet the city's housing needs. The benefit of building new housing would be undermined if the stock of existing housing were

to reduce. Therefore the Council has a longstanding strategy to resist the net loss of self-contained dwellings.

14. The change of use would fall under Sites and Hosing Policy HP1 which states that permission will not be granted for any development that results in the net loss of one or more self-contained dwellings on a site. It goes on to state that permission will only be granted for such a change of use where in the case of a C3 dwellinghouse at least 75m² of the original dwelling's floorspace is retained as a self-contained dwelling, and the internal and external living conditions of the retained dwelling meet the requirements of the Policies HP12, HP13, and HP14, and the scale and nature of the proposed use is compatible with neighbouring uses. The preamble to this policy explains that any such change of use must demonstrate that the remaining residential accommodation on site still provides at least the same number of good-quality self-contained homes.
15. The planning statement submitted with the application indicates that in order to address the Inspectors concerns over the loss of the dwellinghouse, two flats are proposed at the rear of 229 – 233 Cowley Road and that this results in the net gain of one dwelling within the site itself. Having reviewed the submission, officers would make clear that the intention of Policy HP1 was to address the issue of the loss of existing homes within an individual site. In this case that would be the curtilage of 229 Cowley Road. The parcel of land has been artificially created by removing parts of the gardens that belonged to 229 -233 Cowley Road as they were developed overtime. In that respect the ability to provide this additional accommodation has come at the expense of reducing the amenity value of the other adjoining properties (231 and 233 Cowley Road). It could therefore be argued that as the proposal does not retain any of the original dwelling's floor space as a self-contained dwelling, the proposal would not accord with Policy HP1. However notwithstanding this, the ability to provide additional accommodation in this part of the site is within the applicants gift as the sites are in the same ownership and so it would be important to consider whether the site could accommodate the 2x3 bedroom flats and if the accommodation represents an appropriate swap in terms of the criteria of Policy HP1.

Balance of Dwellings

16. Policy CS23 of the Oxford Core Strategy 2026 requires residential development to deliver a balanced mix of housing to meet the projected future household need. The Balance of Dwellings Supplementary Planning Document (BoDSPD) sets out the appropriate housing mixes for each Neighbourhood Area within the City. In particular it highlights the need to retain the stock of family housing, given the relative lack of new family housing coming forward. The site is located within the East Oxford Neighbourhood Area, which is identified as a 'red' area where there is the most pressure to safeguard family dwellings and secure a high proportion of new family dwellings as part of the mix for new development. In many respects the scale of pressure to retain the stock of family housing within East Oxford, provides further evidence to resist the loss of any existing dwellings within this area to alternative uses such as student accommodation.

17. The existing dwellinghouse is a three-storey property that would be large enough for a conversion into flats, providing that one three-bedroom unit is retained within the building if it was converted into 3 flats, or 45% of the total number of units if it was converted into 4-9 units. Therefore it could be argued that the existing building and site to the rear has the potential to provide more family housing than the net gain of one unit proposed within the scheme. However, in strict terms there would be no reason to object to the creation of 2x3 bedroom units under Core Strategy Policy CS23 and the BoDSPD.

Residential Uses

18. It is the overall quality of the internal and external environments for the 2x3 bedroom flats where the scheme fails to provide an appropriate replacement for 229 Cowley Road.

19. Sites and Housing Plan Policy HP12 makes clear that new dwellings should provide good-quality living accommodation for the intended use. This means that for internal space, each dwelling has its own lockable entrance, kitchen, bathroom; the space provided allows for reasonable furnishing, circulation and use of household facilities in each part of the home; and the dwellings have adequate storage space, taking account of the occupation intended. It goes on to state that permission will not be granted for any single family dwelling (such as a 3 bedroom flat) which have less than 75m² floorspace, or inadequate ceiling height, lack of natural lighting or natural ventilation, or a restricted outlook that prevents property enjoyment of the dwelling. At the same time, Policy HP2 requires new dwellings to meet lifetime homes standards.

20. According to the submitted floor plans the proposed flats would have an internal floor area of 75.49m² and the first floor flat 80.02m². Having scaled from the submitted plans, officers would make the ground floor flat 73.52m² falling just short of the 75m² and the first floor flat 79.5m² and therefore contrary to the applicants planning statement the ground floor flat does not exceed the required standard. However, merely providing an internal floor area of 75m² does not automatically mean that the flats would have a good internal environment for future occupants. In the case of the ground floor flat much of this space is taken up by the hall leading to habitable rooms, with the main habitable living areas (kitchen, lounge, bedroom) being too small for accommodation of this type so that the layout would feel cramped when furnishings were added. Similarly, the two middle bedrooms would have north-eastern aspects which would restrict the amount of light received in these rooms and a poor outlook as the face onto the boundary fence and side elevation of 1 Bartlemas Road. Similarly the hallway would only receive natural light from the doorway, making this a dark space. The kitchen would be predominately lit by rooflights, having no windows to the side and rear, and also relies on borrowed light from the French doors to the lounge. There would also be limited storage space available for a flat of this size. The same concerns would apply to the first floor flat, whereby the kitchen / dining room would feel cramped, and from the plans the provision of a dining table would seemingly make the kitchen units inaccessible. The study/bedroom would have little space for furnishings other than a bed and bedside tables and still allow space to walk around the bed. At first floor level, the sections show the

available head height at 2.3m. The main bedroom would have restricted space for a bed within this area of headroom, and certainly bedroom 2 would also have limited space beyond this headroom. The ensuite also would have to use most of this available headroom to provide the shower, and the plans do not show any other bathroom furnishings. At the same time, the application has not demonstrated how the flats would meet the Lifetime Homes standards as required by Policy HP2 of the Sites and Housing Plan, and it would be difficult for them to do so with this layout. Officers consider that the proposed flats would provide poor quality living environments for their future occupants in accordance with the aims of Policy HP2 and HP12 of the Sites and Housing Plan

21. Turning to outdoor space, Policy HP13 requires new dwellings to have direct and convenient access to an area of private open space, with 3 bedroom flats having a private balcony or terrace of usable space, or, in the case of ground floor flats, direct access to a private garden. The following factors are then assessed in relation to the amenity value of this space; the location and context of the development in relation to the layout of the existing residential plots, and proximity to open space, the orientation of the outdoor area in relation to the sun; the degree to which enclosure and overlooking impact upon the new dwellings and any neighbouring dwellings, and the overall shape, access to an usability of the whole space.
22. The two flats would each have their own private gardens set to the rear of approximately 7m in length. These spaces would be north-west facing, and would be bordered to the south-west by the large three storey terraced properties that front onto the Cowley Road which lie approximately 6.5m away. The orientation and sense of enclosure would have some bearing on the gardens overall quality. While the ground floor flat would have direct access to their garden, the first floor flat would be divorced from its garden, having to access via the frontage of the property and a side passage which officers consider would not be desirable for occupants of the family accommodation especially when you consider this would be likely to house children. There would be a small balcony at roof level for this accommodation, but it would not provide usable space. As such the amenity areas would also fail to satisfy Policy HP13 of the Sites and Housing Plan.
23. Therefore officers consider that the proposed flats would fail to create an appropriate indoor and outdoor environment for the future occupants of the dwellings in their own right, let alone as potential replacement for the loss of a large dwellinghouse at 229 Cowley Road. As such they would also fail to accord with Part (b) of Policy HP1 which deals with the change of use of existing homes.

Student Accommodation

24. In terms of student accommodation, Policy CS25 of the Oxford Core Strategy states that student accommodation should be for students in full time education on courses of an academic year or more. Policy HP5 of the Sites and Housing Plan also states that student accommodation should be located on main thoroughfares such as the Cowley Road; provide suitable management controls, and an undertaking that residents will be prevented from bring cars into oxford, or parking

on site.

25. The planning statement confirms that the accommodation will be restricted to students in full-time education on courses of an academic year or more, although they do not specify who the intended end user would be. Similarly they would agree to appropriate conditions setting out a management regime and restricting residents from bringing cars into Oxford. The proposal would accord with the aims of the above-mentioned policies. However, officers consider that this would not outweigh the overall concerns regarding the general principle of the loss of the dwellinghouse and the inadequacy of the replacement accommodation for the reasons stated in this report.

Form and Appearance

26. Policy CS18 of the Oxford Core Strategy 2026 requires development to demonstrate a high-quality urban design that responds to the site and its surroundings; creates a strong sense of place; attractive public realm; and provide high quality architecture. Policy HP9 of the Sites and Housing Plan states that the form, layout, and density of the scheme should make an efficient use of land whilst respecting site context; and the development exploits opportunities to make a positive contribution to local character and distinctiveness, and maintains natural surveillance of the public realm. This is supported by Policy CP8 of the Oxford Local Plan 2001-2016.
27. The residential suburb is characterised by the large three-storey terraced properties that front onto the Cowley Road, and the smaller two-storey Victorian terraced and semi-detached properties on the side streets leading from that main thoroughfare. The properties that front onto Cowley Road have been extended significantly, and there are a number of infill developments within Bartlemas Road. The proposed two-storey building would have a main range with a pitched roof that measures approximately 8m (l) x 7.2m (w) x 8.7m (h) and a single storey pitched roof that measures approximately 4.9m (l) x 7.2m (w) x 4m (h). The building would be brick built with similar detailing to other properties in the area, two front doors and a projecting gable / bay window.
28. The provision of a building that faces onto Bartlemas Road certainly has the potential to improve this part of the street scene, as the existing site has been allowed to fall into a poor condition. It is clear that the building has been designed in a manner that would try and reflect the appearance of the dwellings surrounding the site. However, it should be recognised that this is an infill plot and so the overall size and scale of the building should ensure that it does not appear cramped within the plot. Officers consider that the overall size and scale of the building has been designed with the intention of providing 2x3 bedroom units of adequate size, rather than ensuring that it suits the sites capacity. There would only be a 6.5m gap between the side elevation of the Cowley Road frontage buildings and the proposed dwelling and a 1.5m gap between 1 Bartlemas Road. The building would have a wide frontage, and have a ridge and eaves height that exceeds the ridge height of 1 Bartlemas Road. Officers do not consider this an appropriate approach for an infill site such as this and again the height is dictated more by the need to provide sufficient space for 2x3 bedroom units rather than

the context of the street scene. The width of the façade and the two front doors only serve to make the building appear wider than adjoining properties and as such a larger building than appropriate for the site. Similarly, the layout of the ground floor flat in particular would not encourage natural surveillance of the public realm given the bedroom windows face onto the street.

29. As such officers consider that the proposed building would fail to create an appropriate visual relationship with the built form of the site and the character and appearance of Bartlemas Road and wider residential area. Furthermore the overall layout of the dwellings would fail to provide any active frontage to the property or increase natural surveillance of the street scene which would also not reflect the prevailing character of the street. As a result the proposal would be contrary to the aims and objectives of Policy CS18 of the Oxford Core Strategy 2026, Policies CP1, CP6, CP8, CP9, and CP10 of the Oxford Local Plan 2001-2016, and Policy HP9 of the Sites and Housing Plan.

Impact upon adjoining properties

30. Policy HP14 of the Sites and Housing Plan states that residential development should safeguard the amenities of existing and new homes. In making any assessment the following factors will be considered; whether the degree of overlooking to and from neighbouring properties or gardens resulting from development will compromise privacy of existing or new homes; the orientation of windows in existing and new dwelling in respect of access to daylight, sunlight and solar gain, and that existing and proposed walls hedges, trees and fences help protect privacy and also do not create an overbearing impact. This is also supported through Policy CP10.
31. The property at 1 Bartlemas Road would stand to be most affected by the proposed two-storey building to the rear of the site. This property is sited to the north-east and has habitable room windows in the rear elevation, and also within the two-storey outrigger to the rear. The proposed building has been designed in such a manner to respect the main range of the adjoining house so as to prevent any loss of light, outlook from habitable rooms in the main range. Although the single storey element would project beyond the rear wall of the main range, this would not have an impact upon any habitable room windows in the two-storey outrigger of the adjoining property. Similarly, although there would be habitable room windows in the rear of the proposed building, this would not result in a loss of privacy over and above that which can normally be found at first floor level between buildings in a linear street pattern.
32. The proposed building would not have an adverse impact upon amenities of 229-233 Cowley Road.

Highway Matters

33. The site is located in a sustainable location with access to shops and facilities and regular bus services. It is also within a newly-created Controlled Parking Zone (CPZ), which is aimed at minimising on-street parking pressure in the vicinity. The application site is currently eligible for resident and visitor parking

permits where these are limited per residential dwelling.

34. The proposal is likely to increase the demand for on-street parking, where it is proposed to provide additional residential units and student accommodation. It is therefore considered that the development site should be excluded from eligibility for parking permits. A condition should be attached to prevent students from bringing cars into Oxford and the exclusion from resident permits assists this.
35. The provision of 1 off-street car parking space for each of the flats is considered acceptable at this location. The proposed parking layout would not meet the required standards (2.5m x 5.0m) with a space obstructed on one side having a width of 2.7m, a space obstructed on both sides having a minimum width of 2.9 metres. A minimum buffer of 500 millimetres between the boundary wall/fencing indicated on the plans and parking spaces should be provide. In the event that permission is granted, a condition should be attached requiring a revised parking layout to be provided including suitable visibility splays.
36. The Local Highways Authority have raised no objection to the proposal on highway grounds in accordance with Local Plan Policies CP1, TR3 and TR4, and Sites and Housing Plan Policies HP15 and HP16. In the event that permission is granted the above-mentioned conditions should be attached, along with a Construction Traffic Management Plan and a Sustainable Urban Drainage Scheme.

S106 Contributions

37. Notwithstanding the recommendation to refuse planning permission, if nevertheless committee was minded to grant permission, then the following financial contributions would be required, in line with the Planning Obligations Supplementary Planning Document (SPD):

City Council

- £780 from student accommodation towards indoor sport
- £480 from residential towards indoor sport

County Council

- £1271 from the student accommodation and flats towards Libraries
- £1794 from the student accommodation towards cycling facilities and highway safety

38. The County Council have sought contributions towards educational facilities, waster recycling, and fire and rescue. However under the terms of the Planning Obligations Supplementary Planning Document, such contributions are only taken from residential development of 10 units or more and so do not apply. In the event that permission is granted, these contributions should be sought via legal agreement.

Other Matters

39. The applicant has suggested that should permission be granted they are

prepared to enter into a legal agreement to guarantee that the replacement flats will be erected within a specific period and that the student accommodation would cease until the flats had been completed. Officers would agree that in the event permission is granted, it would be necessary to secure the provision of the flats as they are being put forward to overcome the loss of the dwellinghouse. However, the proposed timings within these heads of terms would not be desirable and it would be necessary to negotiate a more appropriate timing to ensure that the student accommodation is not occupied before the flats are built or occupied.

Conclusion:

40. The proposal would be contrary to the aims and objectives of the National Planning Policy Framework, and the relevant policies of the Oxford Core Strategy 2026, Oxford Local Plan 2001-2016, and Sites and Housing Plan and therefore officer's recommendation to the Members of the West Area Planning Committee is to refuse planning permission.

Human Rights Act 1998

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

Section 17 of the Crime and Disorder Act 1998

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to refuse permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Contact Officer: Andrew Murdoch

Extension: 2228

Date: 27th February 2013

This page is intentionally left blank

Appendix 1

229 Cowley Rd and land to rear of 229-233 Cowley Rd



Scale : 1:1250

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	Not Set
Department	Not Set
Comments	
Date	28 February 2013
SLA Number	Not Set

This page is intentionally left blank



Appeal Decision

Site visit made on 14 June 2010

by **Andrew Hammond MA MSc CEng**
MIET MRTPI

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
26 July 2010

Appeal Ref: APP/G3110/C/10/2123487 229 Cowley Road, Oxford OX4 1XG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Ms B Kaur against an enforcement notice issued by Oxford City Council.
- The Council's reference is 09/00723/ENF.
- The notice was issued on 13 January 2010.
- The breach of planning control as alleged in the notice is without planning permission, change of use of the land from use as a single dwelling house to use as student accommodation.
- The requirements of the notice are to cease the use of the property as student accommodation.
- The period for compliance with the requirements is 6 months after the notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2) (a) and (g) of the Town and Country Planning Act 1990 as amended.

Decision

1. I dismiss both the ground (a) appeal and the appeal under ground (g), uphold the enforcement notice, and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

The appeal on ground (a)

main issue

2. The main issue in this appeal is the effect on the stock of self contained dwellings in Oxford.

discussion

3. There is no dispute between the parties that the premises are in use as student accommodation. The property, as currently arranged, comprises a large communal kitchen/sitting area to the rear ground floor, three bathrooms and 13 study/bedrooms each with its own lockable door and wash basin. Whilst it is disputed when the use began, the appellant does not claim that it has subsisted for 10 years or more and makes no appeal under ground (d) of section 174(2) of the Town and Country Planning Act 1990 as amended.
4. Furthermore the appellant accepts that the change of use of 229 Cowley Road is contrary to the development plan in the terms of saved Policies HS.9 and

HS.10 of the Oxford Local Plan 2001-2016 (LP). Policy HS.9 states that planning permission will not be granted for the change of use of the whole of any dwelling to non-residential use and Policy HS.10 states that planning permission will not be granted for any development which results in the net loss of one or more self-contained dwellings.

5. Notwithstanding the conflict with the development plan, the appellant argues that there are material considerations which sufficiently outweigh the development plan in this case.
6. Firstly it is suggested that the use has resulted in no ill effects on the locality. Whilst there may be no obviously apparent harmful effects "on the ground", the change of use has clearly resulted in the loss of a single self-contained dwelling contrary to the essence of LP Policy and the aims it seeks to achieve, introducing significant harm in this respect. As with consideration of any application or appeal, a mere lack of specific harm in one respect cannot outweigh actual harm in another.
7. 229 Cowley Road is operated as student accommodation in conjunction with Nos. 231 and 233, together with which it forms a terrace of 3 properties. The appellant argues that the acceptability and precedent of the use has been established by the granting of planning permission for change of use of Nos. 231 and 233 in 2009. That permission was, however, for the retention of a rear extension to number 231 and change of use of 231 and 233 from a guest house to student accommodation. Clearly no precedent was established for change of use from a single dwelling. The fact that the three properties are operated together does not, in my opinion, add significant weight in favour of the change of use.
8. The Council has granted retrospective planning permission for a 3 storey rear extension to No.229 (containing 3 bedrooms to each of the 1st and 2nd floors above the kitchen). It is similar to an extension to the rear of 231, also granted retrospective planning permission. However the Council made clear in the decision notice (Ref. 10/00562/FUL) that the extension approved retrospectively is for use in association with the authorised use of the residential dwelling house and permits no change of use. Whilst the internal arrangements of the approved extension do not appear to be ideal for use of the property as a single dwelling, that would not have been grounds for the Council to refuse planning permission for the extension. Therefore the grant of retrospective planning permission for the extension adds very little weight to arguments in favour of the change of use.
9. The appellant further argues that the property is well managed as student accommodation and goes some way to meeting a pressing need for such in a sustainable location. From what I saw on the site visit the property is currently clearly well managed and works to facilitate the change of use have been carried out to a high standard. The location is sustainable with a wide range of facilities in the immediate area and good public transport. However the demand for student accommodation, location and current management of the premises are, in my opinion, considerations of little weight in favour of the change of use.

10. In the grounds of appeal, the appellant states that to consider the property as a single dwelling is neither reasonable nor viable. No material has been submitted in support of this statement. However, the Council have suggested that it may be acceptable to convert the building to 3 flats and, in any event, any difficulties in returning the property to its existing lawful use, as a single dwelling, brought about by works to facilitate the change of use cannot legitimately be pleaded in support of the appeal.
11. The appellant has entered into a Unilateral Undertaking (UU) to provide contributions towards indoor sports facilities, cycle safety measures and library facilities. I acknowledge that the need for contributions would be reasonably brought about by the change of use and that the sums involved accord with adopted supplementary planning guidance. However the existence of the UU does not outweigh the harm in other respects.
12. I conclude that the considerations in favour of the change of use are cumulatively of insufficient weight to justify a departure from the provisions of the development plan and the appeal on ground (a) fails.

The appeal on ground (g)

13. The time for compliance with the enforcement notice is 6 months from the notice taking effect. The grounds of appeal state that 12 months would be more appropriate to allow the outstanding tenancy agreements to run out. A period of 6 months will extend beyond the end of the academic year and I see no justification for extending the compliance period.
14. The appeal on ground (g) fails.

Andrew Hammond
INSPECTOR

This page is intentionally left blank

West Area Planning Committee

13th March 2013

Application Number: 12/03138/FUL

Decision Due by: 1st February 2013

Proposal: Erection of a 1 x 6-bedroom dwelling (Class C3). (additional info)

Site Address: Land Adjacent 385 Woodstock Road Oxford (**site plan: Appendix 1**)

Ward: Wolvercote Ward

Agent: N/A

Applicant: Mr Henry Chopping

Recommendation:

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

- 1 The proposed development would make an efficient use of land and has been designed in a manner whereby the level of development suits the sites capacity. Although the proposal would involve development on residential garden land, this is not considered to be of a high amenity value and the proposal would not have an adverse impact upon the prevailing character of the area and be appropriate in terms of size, scale, and layout. The proposal would be sited in a manner that would not have a detrimental impact upon the residential amenities of the surrounding properties. The residential units would have a good standard of internal and external environment which adequately provide for the living conditions of future occupants of the dwellings, and would not have a detrimental impact upon highway safety, trees, or biodiversity. The development would therefore accord with the aims of the National Planning Policy Framework and the relevant policies of the development plan.
- 2 In considering the application, officers have had specific regard to the comments of third parties and statutory bodies in relation to the application. However officers consider that these comments have not raised any material considerations that would warrant refusal of the applications, and any harm identified could be successfully mitigated by appropriately worded conditions.

- 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 Sample Materials
- 4 Details of means of enclosure
- 5 Landscape plan required
- 6 Tree Protection Plan (TPP) 2
- 7 Arboricultural Method Statement (AMS) 2
- 8 Landscape carry out by completion
- 9 Details of refuse and cycle storage
- 10 Details of Parking Area and Visibility
- 11 Details of Sustainability Measures
- 12 Biodiversity enhancements
- 13 Construction Traffic Management Plan
- 14 Amenity no additional windows
- 15 Design - no additions to dwelling

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
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities
- NE15** - Loss of Trees and Hedgerows

Core Strategy

- CS2_** - Previously developed and greenfield land
- CS12_** - Biodiversity
- CS18_** - Urban design, town character, historic environment
- CS23_** - Mix of housing

Sites and Housing Plan - Submission

- MP1** - Model Policy
- HP2_** - Accessible and Adaptable Homes
- HP9_** - Design, Character and Context
- HP10_** - Developing on residential gardens
- HP12_** - Indoor Space
- HP13_** - Outdoor Space
- HP11_** - Low Carbon Homes

HP15_ - Residential cycle parking

HP16_ - Residential car parking

Other Material Considerations:

National Planning Policy Framework

Relevant Site History:

92/01094/U - Application to certify that existing use of premises for multi-occupation (2 bedrooms, kitchen, washroom & toilet within Class 3, & accommodation max. 8 bed-sitting rooms with shared use of facilities is lawful: Permission not required

12/02963/FUL - Demolition of existing house in multiple occupancy and erection of 2 x 5-bed semi-detached dwellinghouses (use class C3), provision of car and cycle parking, bin stores and private amenity space (Additional info): Approved

Representations Received:

3 First Turn:

- Object to the proposal
- The proposal would develop part of 385's garden
- There are inaccuracies and omissions on the plan
- The proposed access onto Woodstock Road would cause conflict between the pedestrian crossing, and bus stop
- This is a very busy junction and area which is well used by vehicles, pedestrians, cyclists
- This proposal would not help the housing shortage in Oxford as it would create a luxurious new house which does not contribute towards affordable housing
- It is overdevelopment of the plot
- The proposal would eat substantially into a existing garden and would impinge on our property
- We will lose privacy, light and space since a high wall and hedge around the garden will block our view and light
- The residents will likely add conservatories etc eating further into the garden
- The development will result in the loss of a beautiful acacia tree

381 Woodstock Road

- Do not object to the application subject to suitable boundary treatments between properties
- A brick wall provided between properties of a brick to be agreed with the owners either through condition or informative
- The boundary wall to be 3m and 2m in the areas specified on the submitted plans
- That the Traffic Monitoring System to the front of 381 Woodstock Road shall be relocated to the frontage of your property
- That a construction management plan is in place to prevent disturbance to this property

Statutory and Internal Consultees:

Thames Water Utilities Limited: No objection

Oxfordshire County Council Highways Authority: No objection subject to conditions

Oxfordshire County Council Drainage Team: Development to be drained via Sustainable Urban Drainage

Officers Assessment:

Site Location and Description

1. The site is a parcel of land that was formerly part of the rear gardens of 385 Woodstock Road and 1 First Turn. The site is bordered to the south and west by the residential properties of Woodstock Road and First Turn respectively (**appendix 1**)
2. The site comprises part of the garden of a large detached dwelling which is sited to the north and accessed from First Turn and has a return frontage along the Woodstock Road. Planning permission has recently been granted for the redevelopment of this dwelling to form 2x5 bedroom semi-detached properties under 12/02963/FUL.

Proposal

3. The proposed development is seeking planning permission for the erection of a detached two-storey 6 bedroom dwellinghouse, which would front onto the Woodstock Road and have a private garden sited to the rear.
4. A new vehicular access would be created onto the Woodstock Road which would lead to a parking area to the front of the dwellinghouse.
5. Officers consider that the principle determining issues with regards to the proposal are as follows:
 - Principle of development
 - Impact upon character and appearance of the area
 - Impact upon adjoining properties
 - Balance of Dwellings
 - Residential use
 - Tree Matters
 - Highway Matters
 - Sustainability
 - Biodiversity
 - Other Matters

Principle of Development

6. The National Planning Policy Framework [NPPF] encourages the effective use of

land by reusing land that has been previously developed, provided that it is not of high environmental value. This is supported by Policy CS2 of the Oxford Core Strategy 2026.

7. The NPPF excludes residential gardens from the definition of previously developed land, but goes on to state that Local Planning Authorities should set out policies that resist inappropriate development of residential gardens, where such development would cause harm to the local area.
8. As a result Policy HP10 of the Sites and Housing Plan states that permission will be granted for new dwellings on residential garden land provided that it responds to the character and appearance of the area, taking account the views from streets, footpaths and the wider residential and public environment; the size of the plot to be developed is of an appropriate size and shape to accommodate the proposal, taking account of the scale, layout and spacing of the existing and surrounding buildings, and the minimum requirements for living conditions set out within Policies HP12, HP13, and HP14; and any loss of biodiversity value on the site will be mitigated, and where practicable measures to enhance biodiversity through habitat creation are incorporated.
9. The proposed development would seek to make an efficient use of land however the general principle of development would depend on the proposal satisfying the criteria of Policy HP10 which will be discussed in more detail below.

Impact upon Character and Appearance of the Area

10. Policy CS18 of the Oxford Core Strategy 2026 requires development to demonstrate a high-quality urban design that responds to the site and its surroundings; creates a strong sense of place; attractive public realm; and provide high quality architecture. Policy CP8 of the Oxford Local Plan 2001-2016 also states that the siting, massing, and design of development should create an appropriate visual relationship with the form, grain, scale, materials, and details of the surrounding area. This is supported in Policy HP9 of the emerging Sites and Housing Plan.
11. The residential suburb is characterised by large residential properties set within reasonable sized plots. These plots follow a linear development pattern with the dwellings set back from the road by front gardens of varying size and spacious gardens to the rear. The built form is made up predominantly of two-storey detached dwellings mainly within Woodstock Road, with some semi-detached properties in First Turn. The rear garden of 385 Woodstock Road forms a return frontage onto Woodstock Road which creates an undeveloped separation distance between the properties on the western side of Woodstock Road and the First Turn properties to the north.
12. The design and access statement submitted with the application suggests that the development of this parcel of garden land would not have an adverse impact upon the character and appearance of the area. It concludes that the garden of 385 Woodstock Road is unusual in the street scene as it disrupts the built up frontages of properties on the Woodstock Road and has a minimal contribution to

the character and appearance of the area as it is screened from the public realm by the boundary planting. The proposed development would not result in a significantly loss of a large area of private garden, and would be sited in a manner that would respect the linear development pattern of the Woodstock Road properties. While the footprint would be larger than existing buildings, the gaps retained between neighbouring properties, and would not appear cramped or overdeveloped in the context of the surrounds.

13. Officers would not necessarily agree with the conclusion that the undeveloped separation distance between the Woodstock Road and the First Turn properties disrupts the built form on the Woodstock Road as this arrangement is a typical at corner plots of many of the residential suburbs which follow the linear development pattern across the city. Nevertheless officers would agree that the new dwelling would be sited in a manner that respects the linear development pattern of Woodstock Road and would maintain the gaps that exist between buildings along this side of the road. Therefore it would a limited impact upon long and short street views. Furthermore the siting of the building in this matter would not result in a significant loss of garden space, and would maintain the distinct public and private realm relationship of the buildings and the spacious garden areas to the rear of these dwellings.
14. The overall size, scale, and massing of the two-storey building would be appropriate for the site and would be of a residential scale that sits comfortably alongside the adjoining properties. In terms of design the dwelling would have a pitched roof and relatively simple traditional appearance in comparison to other properties. It would be brick built with timber windows although the materials could be agreed by condition.
15. In light of the above, officers consider that the proposed development would make an efficient use of land in a manner that would respect the prevailing character of the area. The overall size, scale, massing of the design of the proposed dwelling would create an appropriate visual relationship with the built form and grain of the surrounding properties and be well integrated into the street scene. As such the proposal would accord with Policies HP9 and HP10 (a) and (b) of the Sites and Housing Plan, Policy CS18 of the Oxford Core Strategy 2026, and of HP10 and Policies CP1, CP8, CP9, and CP10 of the Oxford Local Plan 2001-2016

Impact upon Adjoining Properties

16. The Council seeks to safeguard the amenities of properties surrounding any proposed development. Policy HP14 of the Sites and Housing Plan states that residential development should provide reasonable privacy and daylight for the occupants of existing and new homes. In making any assessment the following factors will be considered; whether the degree of overlooking to and from neighbouring properties or gardens resulting from development will compromise privacy of existing or new homes; the orientation of windows in existing and new dwelling in respect of access to daylight, sunlight and solar gain, and that existing and proposed walls hedges, trees and fences help protect privacy and also do not create an overbearing impact. This is also supported through Policy CP10.

17. In terms of the existing dwellinghouse at 385 Woodstock Road this lies to the north of the application site. Planning permission has recently been granted for the provision of 2x5 bedroom dwellings within this site. Although the proposed dwelling lies to the south of these dwellings, it would be sited some 14m away from the rear and would not have an adverse impact upon its amenities in terms of loss of light, overbearing impact, and privacy.
18. The adjoining property at 381 Woodstock Road lies to the south of the application site, and the proposed dwelling has been designed in a manner that it would not result in a loss of light to any habitable rooms in this property or significantly overbear the rear garden. Similarly the windows in the rear elevation would not give rise to any loss of privacy to the rear garden of this property over and above the existing level of mutual overlooking that exists amongst properties on this side of Woodstock Road. The owners of 381 Woodstock Road have not objected to the proposal, but have requested that a boundary wall of set heights (3m & 2m) be erected between the properties. This has been agreed with the applicant, and as such should be secured by appropriately worded condition.
19. The property at 1 First Turn lies to the north-west of the site. The proposed dwelling would not have an adverse impact upon this property in terms of loss of light, overbearing impact or privacy. The proposal makes use of land that was formerly part of the rear garden 1 First Turn. While this has reduced the available amenity space for this adjoining property, the remaining space would be suitable for a property of this size.
20. To the west of the site lies the adjoining property at 3 First Turn. The rear garden of this property forms the rear boundary of the application site. During the consultation process concerns have been raised by the residents of this property that the proposed development will result in a loss of light, privacy and space to their rear garden because a wall or high hedge will be provided along the boundary, furthermore the development will block their view or light. In the first instance, the loss of a private view does constitute a material consideration for the determination of the application. The proposed dwelling would be sited a sufficient distance from this property to prevent any loss of amenity in terms of loss of light, privacy, or overbearing impact. While the rear garden of the proposed dwelling would abut the rear garden of 3 First Turn, this would not alter the existing situation whereby a rear garden already forms the common boundary with the property. While the applicant may wish to provide a new means of enclosure at the end of their property, there is a permitted development right to erect a boundary fence up to 2m in this location and as such any new means of enclosure would be unlikely to have an adverse impact upon the amenity value of the adjoining rear garden.
21. Therefore officers consider that the proposed development would not have an adverse impact upon the residential amenities of the adjoining properties that would conflict with the aims of Policy HP14 of the Sites and Housing Plan and Policy CP10 of the Oxford Local Plan 2001-2016.

Balance of Dwellings

22. Policy CS23 of the Oxford Core Strategy 2026 requires residential development to deliver a balanced mix of housing to meet the projected future household need, both within each site and across Oxford as a whole. The mix of housing relates to the size, type and tenure of dwellings to provide for a range of households.
23. The Balance of Dwellings Supplementary Planning Document (BoDSPD) sets out the appropriate housing mixes for each Neighbourhood Area within the City. The site is located within the Wolvercote Neighbourhood Area, where a reasonable proportion of new family dwellings are required within residential schemes. The proposed development would provide 1x6 bedroom dwelling, which would accord with Policy CS23 of the Oxford Core Strategy 2026 and the BoDSPD.

Residential Uses

24. The proposed dwellings would have a good standard of internal environment that would accord with Policy HP12 of the Sites and Housing Plan.
25. The proposed dwelling would have a private garden that would be approximately 24m in length and 12m wide. The gardens would be west facing as with the other Woodstock Road properties on the western side of the road and would receive sufficient levels of natural sunlight and daylight. There would be sufficient space for each of the units to be provided with suitable refuse and cycle storage which could be in an accessible and practical location whether that is located to the front or rear of the property. The location and size of the storage could be dealt with by condition. As such officers consider that the proposal would satisfy Policy CP10 of the Oxford Local Plan 2001-2016, and Policy HP10 (b) and HP13 of the Sites and Housing Plan.

Tree Matters

26. The application has been accompanied by a Tree Survey Report (Jan 2013). The survey identifies three trees within and around the site that would be affected by the proposed development. There are two trees (Robinia and Apple) within the site which would need to be removed, while the Lime Tree in the rear garden of 1 First Turn would be retained. These trees are not protected but in accordance with Policy NE15 of the Oxford Local Plan the Tree Survey has provided the reasons for their removal. The survey concludes that the Apple tree (T4) makes little visual contribution to the wider locality and that while the Robinia (T4) can be seen from the Woodstock Road there are other trees within the surrounding area which would ensure that the local area would not be devoid of tree cover if this was to be removed.
27. Having reviewed the submitted tree survey, officers would raise no objection to the findings of the report and suggest that the loss of these trees could be mitigated by appropriate replacement planting. Any permission should also be conditional on the submitted landscape plan being carried out, and also appropriate tree protection for the retained tree in the garden of 1 First Turn.

Highway Matters

28. The development site is located on the corner of First Turn, a busy local road with Woodstock Road, a busy main route. There is a well-used bus stop on Woodstock Road, adjacent to the eastern boundary of the development site, and a controlled pedestrian crossing is located on Woodstock Road, immediately to the south of the development site.
29. The Local Highways Authority has indicated that there is a considerable level of activity in the vicinity of the development site, with crossover of traffic, cyclists and pedestrians at the junction of Woodstock Road with First Turn, along the shared footway/cycleway and at the pedestrian crossing, adjacent to the development site.
30. The proposal would involve the creation of a new vehicular access onto the Woodstock Road. There are examples of vehicular accesses adjacent to bus stops and pedestrian crossings throughout Woodstock Road. However, the Local Highways Authority has given full consideration to the implications of creating a new access at this location. Their accident data demonstrates that there are few accidents in the vicinity of the development site associated with private driveways, over the previous 5 year period. As the development site does not have an existing access onto Woodstock Road it will result in trips that are new to the highway network. A Transport Statement prepared by Glanvilles has accompanied the application and concludes that the proposed dwelling is likely to generate 6 two-way movements over the course of a typical day from a new access onto Woodstock Road. The TRICs data for trip generation based on surveys of similar sites demonstrates that the number of trips generated by the development site is likely to be low.
31. A Road Safety Audit has been undertaken as part of this planning application and has suggested that suitable visibility would need to be provided at the proposed access. Based on the submitted information, the new access onto Woodstock Road could achieve an acceptable standard of visibility in either direction along Woodstock Road on exit from the development site, where appropriate boundary treatments could be provided by the applicant. It is duly noted that visibility requirements across the footway/cycleway and grass verge are within the control of the Local Highway Authority and do not involve any third parties. Any visibility splays would need to be provided in accordance with the Design Manual for Roads and Bridges for vehicular inter-visibility, where Manual for Streets is not appropriate on this busy main route and vertical obstructions including wall/fences/vegetation will be required to be kept to a maximum height of 0.6 metres. Visibility splays to ensure inter-visibility between both vehicles emerging from the dwelling and pedestrians on the footway and cyclists travelling along the cycleway on the west side of Woodstock Road will need to be provided. It should be noted that visibility for 20 metres in either direction along the cycleway from a setback of 2 metres will need to be provided. The plans, as submitted, indicate that the turning area within the frontage of the development is acceptable, as it will enable vehicles to egress onto the Woodstock Road in forward gear.
32. Having regards to these details, the Local Highways Authority considers that the

proposal to create a new access onto Woodstock Road would not create undue risks to highway safety. The creation of the access would need to be carried out in accordance with the Local Highway Authority's standards and would need a licence from the Authority to conduct these works, and any street furniture that is removed will need to be carried out at the applicants' expense.

33. The level of on-site car parking provision is acceptable for this dwelling in this sustainable location, where this is good access to regular bus services to Oxford City Centre and opportunities for walking and cycling. Furthermore, on-street parking is restricted by double yellow lines in the vicinity of the development site, where it is also within a Controlled Parking Zone (CPZ).

34. The Local Highways Authority has raised no objection to the proposal in accordance with Policies CP1, and CP10 of the Oxford Local Plan 2001-2016 and Policies HP15 and HP16 of the Sites and Housing Plan. Conditions should be attached which require the parking spaces and visibility splays to be provided; a sustainable urban drainage system; a construction traffic management plan.

Sustainability

35. The design and access statement indicates that sustainability and energy efficiency are core elements of the scheme, with the dwellings designed to achieve Level 3 of the Code for Sustainable Homes. Energy efficiency will be achieved through the detailed design of the development by adhering to the code for sustainable homes. A condition should be attached which requires further details of the methods to be employed within the building design in order to achieve such a rating.

Biodiversity

36. The proposed development would not have an adverse impact upon local biodiversity. However due to the size of the development it is considered that there would be scope to include bird and bat boxes on the buildings or bat roosting tiles. This could be secured by condition. As such the proposal would accord with Policy HP10 (c) of the Sites and Housing Plan, and Policy CS12 of the Oxford Core Strategy.

Other Matters

37. The Oxford City Council Environmental Department Service have recommended that a phased contaminated land risk assessment be carried out prior to development. This is due to the sensitive nature of the proposed development, such as a residential development in a rear garden. Whilst the site is not known to be contaminated, it is important for the developer to demonstrate that the site is suitable for its use.

38. A condition should be attached requiring any hard surfacing to utilise a sustainable urban drainage system in order to prevent any impact from surface water flooding in the area.

Conclusion:

39. The proposal is considered to be acceptable in terms of the relevant policies of the Oxford Core Strategy 2026, Oxford Local Plan 2001-2016, and Sites and Housing Plan and therefore officer's recommendation to the Members of the West Area Planning Committee is to approve the development.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

Section 17 of the Crime and Disorder Act 1998

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Contact Officer: Andrew Murdoch

Extension: 2228

Date: 21st February 2013

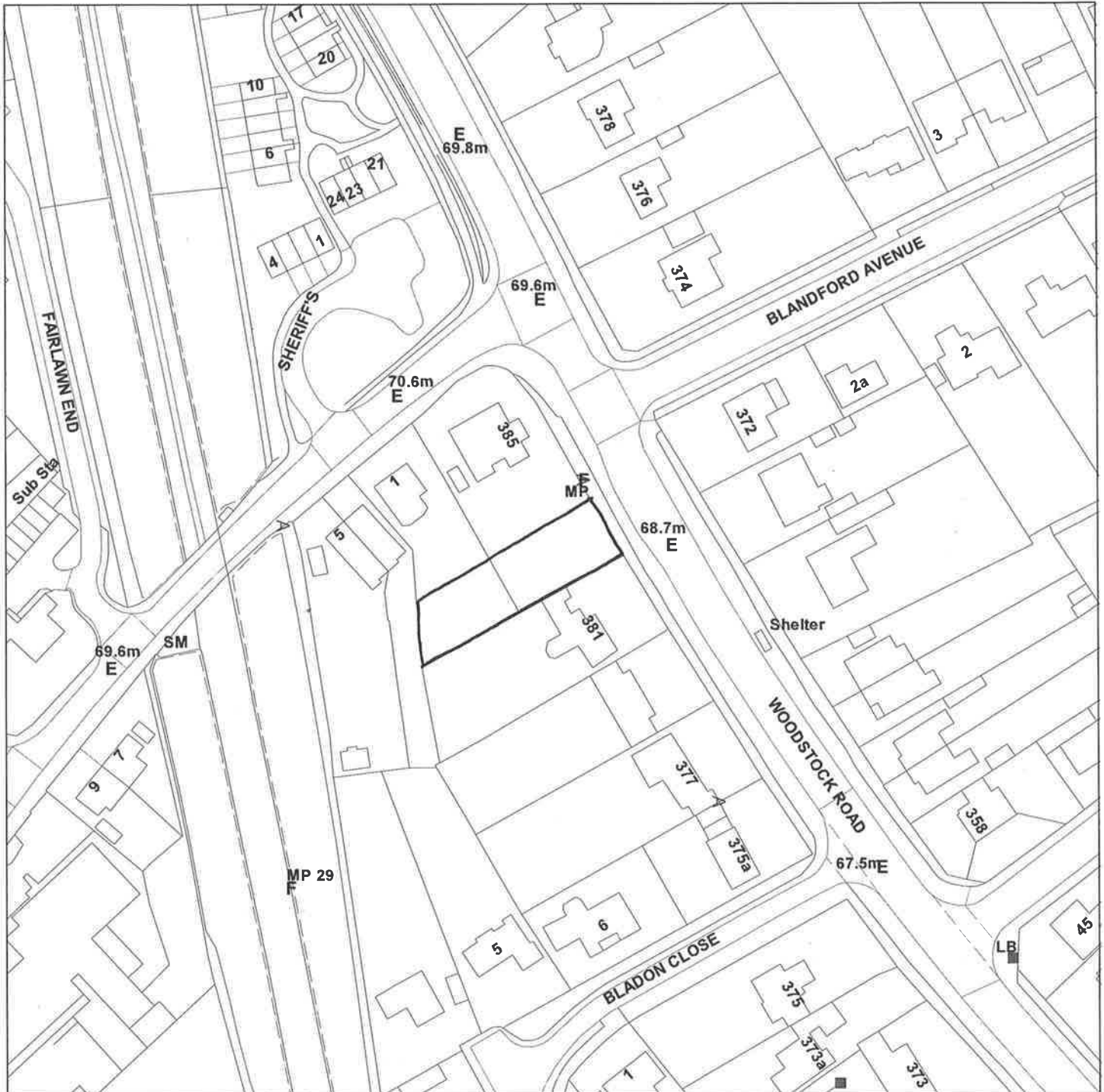
This page is intentionally left blank

Appendix 1

Land adj 385 Woodstock Road



GIS by ESRI (UK)



Scale : 1:1250

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	Not Set
Department	Not Set
Comments	
Date	27 February 2013
SLA Number	Not Set

This page is intentionally left blank

West Area Planning Committee

13th March 2013

Application Numbers: 12/02637/LBD & 12/02636/FUL

Decision Due by: 6th March 2013

Proposal: i) 12/02637/LBD – Demolition of existing conservatory. Toilet block and garage. Erection of two storey extension, porch and conservatory, new garage and garden studio. New timber and metal gates, railings and piers. Internal alterations including new openings, removal of existing walls and partitions and staircase. Insertion of new staircases, new partitions and lift.

ii) 12/02636/FUL – Change of use from education establishment (use class D1) to single dwelling house (use class C3). Erection of part single storey, part two storey, detached garage, garden studio, new timber and metal gates, railings and piers. Provision of private amenity space, car parking and bin and cycle stores (additional plans).

Site Address: 7 Norham Gardens, Oxford – **Appendix 1**

Ward: North

Agent: Riach Architects, 65 Banbury Road, Oxford Applicant: Mr and Mrs Willetts

Called in by Councillors Armitage, Rundle, Fooks and Campbell

For the following reasons –

1. Possible over-dominant effect on the neighbouring house at 9 Norham Gardens.
2. Unsatisfactory treatment of the street-facing side of the house
3. Unclear statements about which trees may be removed, and about how existing trees will be protected during building works.

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. 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 works correspond with conversion back to a single family dwelling and will reverse a number of insensitive alterations allowing the use for which the building was originally designed to be reinstated. Whilst there will be some impacts on the listed building it is considered that these impacts have been mitigated by design and are justified. Overall the proposals will secure a viable use of the listed building in support of its long term conservation. The proposed extensions are of an appropriate design for the context and will preserve the special interest of the listing building and character and appearance of the conservation area, justify granting listed building consent and planning permission.

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

12/02637/LBD

- 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 Retain internal features – partitions, openings, staircase, doors, fireplaces, cornices etc
- 9 Further Details – new windows, staircase balustrading, new internal doors, basement railing, glazed lantern etc
- 10 Methodology for repair and upgrade of windows and doors
11. Boundary treatment
12. Archaeological watching brief
- 13 Extraction/fumes
- 14 Retain historic doors
- 15 Walls/openings to match adjoining
- 16 Window details
- 17 Gate details

12/02636/FUL –

- 1 Development begun within time limit
 - 2 Develop in accordance with approved plns
 - 3 Samples in Conservation Area
 - 4 Archaeological recording
 - 5 Boundary details
 - 6 Amenity – no additional side windows
 - 7 Provision of cycle parking and bin stores prior to first occupation
 - 8 Gates not to open over the highway
 - 9 Restricted boundary treatments either side of access points
 - 10 Conservation rooflight in side elevation to be 1.6 metres above ffl
 - 11 Use of garden pavilion to be ancillary to enjoyment of main house
 - 12 Drainage to be SUDS compliant
-

13	Variation of Road Traffic Order – Norham Gardens
14	Porous materials for new driveway areas
15	Landscape Plan
16	Arboricultural Method Statement Foundation details & protection of tree roots
17	Landscape carry out by completion
18	Landscape hard surface design – tree roots
19	Tree Protection Plan
20	Details of refurbished gates
21	Details of boundary wall

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
- NE15 – Loss of Trees and Hedgerows
- NE16 – Protected Trees
- NE17 - Biodiversity
- HE2 – Archaeology

Core Strategy 2026

- CS18 – Urban design, townscape, character and the historic environment

Other Material Considerations: The applications are in the North Oxford Victorian Suburb Conservation Area. The development is affecting a Grade II Listed Building.

Relevant Site History:

Recent planning history as follows:

- 10/03409/LBD – APPROVED. Listed Building Demolition for extension and alterations involving demolition associated with the subdivision of the existing building to form 2 dwellings. Works include: Demolition of toilet block, conservatory and detached garage; erection of two storey extension; internal works to block existing and form new openings, removal of modern partitions, removal of staircase between ground and first floor, insertion of new door, staircases and partitions; form new opening with gate in front boundary wall.
- 10/03407/FUL – APPROVED. Change of use and erection of two-storey side extension, from existing educational use, to form two dwellings, including garden studio building and bike stores.
- 10/03408/CAC – APPROVED. Demolition of existing art block and existing garage.
- 11/01307/FUL – Approved - Change of use from educational use to single dwelling. Erection of two-storey side extension and erection of garden studio, involving removal of existing classroom building. (Amended plans)
- 11/01308/LBD – APPROVED - Demolition of existing conservatory, toilet block and garage. Erection of two-storey extension. Internal alterations including new openings, removal of existing partitions, new staircase and new partitions. (Amended plans)

Representations Received:

1. Oxford Preservation Trust – pleased the applicants intend to return property to its original use as a single family dwelling but concerned that the extensive use of crenellations are in danger of creating a pastiche that marks the original intent of the architect. Suggest the new porch could be a more honest and less intrusive addition through the use of simpler design elements. Design should relate better to the original design intent of the architect.
2. Oxford Civic Society - pleased the house is to return to a single family dwelling but numerous extensive alterations and additions proposed would be unsuitable, making the house taller, wider, larger overall and more intrusive than the existing house and its neighbours.
3. Oxfordshire Architectural and Historical Society –
 - Principal objection to the street elevation especially the proposed battlemented new entrance.
 - New NE extension at odds with asymmetrical and informal character of the house, the oriel window is unsuitable.
 - Objects to treatment of interior including loss of walls, new openings, loss of secondary staircase, isolation of chimney breast.
 - Conservatory should be retained - new conservatory design large and pretentious.
 - No justification for new garden pavilion and considers its design unsuitable and improper in Conservation Area
 - dislike the triplet windows over entrance doors on N and W elevations
- 5a Norham Gardens – considers the plans will succeed in bringing the current and rather derelict property back to life, whilst remaining true to its original character.
- 9 Norham Gardens:
 - impact on the residential amenity
 - erection of a two-storey extension
 - loss of planting
 - noise and nuisance
 - Loss of privacy
 - loss of light and outlook
 - issues with overlooking

Statutory Consultees:

1. Highways & Transport – Have no objections to the development subject to sustainable drainage, parking standards, gates which open inwards, vision splays, cycle parking bin storage.
2. Thames Water – Proper provision required for surface water drainage, no objections with regard to sewerage or water infrastructure.

3. English Heritage - Have no objections to the proposal but state the application does not include an assessment of the significance of the building and the impact on significance of the walls to be removed. Nor is there any justification submitted for their removal. The local authority should satisfy itself that there are benefits which outweigh the harm caused by the proposed demolition.

Issues - impact of the proposal

- on the grade II listed building and Conservation Area. However, it is also necessary to have regard to the following other issues:
- residential amenity of neighbouring property
- Trees
- Highways and parking

Sustainability - protection of historic environment, continued use of historic building stock

Officers report:

1. This is a revised scheme to that previously approved at West Area Planning Committee on the 13th July 2012. A copy of the previous report by officers is attached as **Appendix 2**, which covers the main issues and impacts. The differences between the approved applications and the previous scheme are

Internal:

- Use as one house (previous approval was for subdivision into two)
- Removal of surviving part of service staircase from basement to first floor
- Insertion of new platform lift from ground to second floor
- Removal of walls and doors and formation of new openings and insertion of new partitions on the ground, first and second floors
- Insertion of new basement staircase

External:

- two storey crenulated entrance porch on the North elevation
- bike storage where
- removal of T2 (yew tree) on front boundary – 8 trees in total to be removed
- proposed conservatory larger and different in appearance
- design and appearance of two storey extension on North elevation including addition of new Oriel window
- new three storey extension on the East elevation
- Reinstatement of railings and gates to front boundary wall

Assessment of Impact to listed building and conservation area

2. Internally, works are proposed to correspond with conversion back to a single family dwelling from institutional use. They involve some remodelling of the interior plan form to provide a primary entrance on the north elevation, facing the street. This changes the original design concept for the building of the

principal elevation and principal rooms facing out over the parks with the main entrance on the west end of the building, with the service rooms on the north elevation, effectively turning its back to the street. The works maintain the principal rooms on the ground floor and the service function of most of the rooms on the north side (except for the new entrance space). The alterations are in the same vein as the earlier approved scheme, although there are some notable differences, which will be discussed below. Returning the building to single residential use will allow a use for which the building was originally designed. This proposed use also provides the opportunity to restore and reinstate missing internal features such as fireplaces, doors and window shutters and external features such as windows and the front boundary gates and railings.

3. The walls to principal rooms on the ground and first floors that are modern insertions are proposed for removal, to allow the original proportions of the main rooms to be rediscovered.
4. The service staircase to the first floor is very narrow and difficult to access and has been redundant for a number of years and floored over on the first floor. The staircase does provide evidence of the original layout and social division between service and primary spaces, although it has been altered with parts removed and the remainder unused, boxed in behind cupboards. The loss of the staircase will cause some harm, but on balance is justified as it allows the building to return to single residential use and involves reinstatement of other features that have been lost – railings, fireplaces. A new staircase will be inserted which will help to retain understanding of the ‘upstairs/ downstairs’ hierarchy.
5. The additive nature of the proposed extensions is a characteristic of the listed building and the provision of the new crenulated entrance porch and conservatory reflects the treatment of parapet walls on the South and West elevations. The extensions on the north elevation will change the appearance of this part, albeit the spirit of the approach is intended to reflect the gothic principles of the original. The building has evolved to suit the needs of its occupants, having been extended and altered several times. The existing elevation presents a very blank elevation to the street and includes existing utility elements such as the toilet block. The previous approval included changes to this elevation and the changes proposed in this application are considered to be acceptable, which when considered in the context of the internal layout allows understanding of the building’s evolved layout to be understood.
6. A new addition to the previously approved scheme is the introduction of railings to the front boundary wall. The design proposed is taken from the North Oxford Railing Guide and is an appropriate pattern for the property. Traditional iron railings were once an important and distinctive feature of the North Oxford Victorian Garden Suburb. The reinstatement of the railings will reinstate character and adds interest and allow views into the landscape behind. It is proposed to repair and refurbish the existing timber vehicular gates with a new pedestrian gate to be inserted and a condition on any

consent can be used to secure details of the this.

Impact on Neighbours

7. Policy HS19 of the Oxford Local Plan and policies HP9 and HP14 of the Oxford Core Strategy all seek to ensure that new development does not adversely impact upon the standard of residential amenities enjoyed by the occupiers of adjacent residential properties. In this case the only other dwelling affected by the proposals is number 9 Norham Gardens which is located to the east of the application site.
8. The application proposes the erection of a substantial two storey extension to the side of the dwelling closest to number 9 and a replacement garden pavilion that would also be close to the boundary with number 9. This replacement garden building is of the same design and proportions as previously approved. The proposal also includes the erection of a single, replacement garage close to the boundary of the site with number 5 Norham Gardens and this is also the same as previously approved.
9. As regards the proposed two storey extension, this would be between 8 and 8.4 metres away from the side wall of number 9 at ground floor level with this distance increasing to 9.5 metres at first floor level. Officers have visited the neighbouring dwelling at number 9 and viewed the proposals from the side windows facing towards the application site which include living room and bedroom windows. Whilst it is accepted that the view from these side facing windows will be affected by the proposal, given the separation distances involved, officers consider that the proposal would not appear unacceptably overbearing in the outlook from the side windows affected or result in any overlooking as the only windows proposed in the side wall of the new extension would serve a bedroom and a bathroom and these would both have minimum cill heights of 1.6 metres above finished floor level. There is no breach of the 45 degree rule.
10. It is also the case that there is a mixed species hedge along that part of the joint boundary which separates numbers 7 and 9 Norham Gardens and it is proposed that this would be augmented by the planting of a pleached hornbeam hedge thereby improving privacy for the occupiers of both properties.

Archaeology

11. This site is of archaeological interest because evidence from aerial photographs and excavations demonstrates the presence of an extensive prehistoric ritual and funerary landscape across this part of the Oxford gravel terrace. A number of potential late Neolithic / early Bronze Age barrows have been identified from parch marks in the adjacent University Parks. The parch marks and nearby excavation also indicate the presence of extensive Iron Age /Roman agricultural field systems and subsequent Saxon settlement in the locality.

12. The archaeological investigation should take the form of a watching brief. The work should be undertaken by a professionally qualified archaeologist working to a brief issued by ourselves. This will be controlled by condition.

Trees

13. The proposals as they relate to trees and landscape have 'evolved' since the application was initially submitted; this is a positive outcome of negotiations with the applicant, the result being that fewer trees are now to be removed and retained trees are given improved protection.
14. The Arboricultural Report includes a tree survey and an assessment of the quality and value of existing trees which is consistent with good practice. The report accurately assesses the constraints that existing trees impose on the layout of development and includes an Arboricultural Implications Assessment which reasonably identifies the impact of the development on existing trees.
15. The proposals now include the removal of 8 existing trees and part of a group of shrubs as follows:

From the front garden along the boundary with Norham Gardens:

- T2 – early mature yew of moderate quality and value;

From the garden on the west side of the house:

- T8 – mature holly of low quality and value;
- T9 – mature box of low quality and value;

From the rear garden:

- T11 – mature, multi-stemmed cypress of low quality and value;
- T14 – dead spruce which should be removed regardless of whether the proposed development takes place;
- T15 – mature, multi-stemmed cherry plum of low quality and value;
- T16 – diseased semi-mature horse chestnut tree of low quality and value;
- T17 – Mature crab apple of low quality and value;

From the garden on the east side of the house:

- SG1 – a group of shrubs (mixed species) standing along the boundary with 9 Norham Gardens. To be removed in part.

16. Only the removal of T2, an early mature yew tree, will have a significant effect on public views; this tree is to be removed to provide a new pedestrian access from the street direct to the door on the north elevation of the building. However, other larger trees such as the Corsican pine, T1, and the Wellingtonia, T6, dominate views of the site from the street in Norham Gardens and these, together with the other smaller trees which stand along the boundary of the front garden ensure that while there will be a minor change to the existing view, public amenity will not be harmed.
17. While collectively the other trees make a contribution to the appearance and character of the site in internal views, the presence of other trees means that

none is significant in public views from either the street or the University Parks. It is proposed to landscape the gardens once the construction phase of development is complete and the planting of appropriate trees and shrubs can be expected to enhance a somewhat neglected garden. A detailed landscape plan including a planting plan and schedule should be required by condition if planning permission is granted.

18. The layout of the development requires demolition and construction work to be undertaken in close proximity to several important trees. However, the proposals respond to the need to avoid significant damage to the roots of these trees in the design of building foundations and hard surfaces; for example, where the proposed extension encroaches towards Corsican pine T1 it will be cantilevered above existing ground levels from piled foundations constructed within the footprint of the existing extension (to be demolished). If planning permission is granted it should be conditional upon full details of the design of foundations for the extensions, garage and garden studio buildings and details of the design of hard surfaces being approved before work starts on site.
19. The Arboricultural Report includes provisional Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) which describes the working practices and tree protection measures (combination of barrier fencing and ground protection) that are appropriate to ensure that valuable retained trees are not damaged. It is intended that a project arboriculturalist will supervise and monitor demolition and construction activity near the trees. If planning permission is granted it should be conditional upon final detailed AMS and TPP being approved before work starts on site. The AMS should include; details of the Arboricultural Watching Brief to be undertaken by the project arboriculturalist; details of induction training on tree protection that should be given to all construction workers; a Construction Method Statement for all demolition and construction activities within the Root Protection Area of any retained tree .
20. Underground services and drainage soakaways will need to be located away from the rooting area of retained trees if development takes place. If planning permission is granted it should be conditional upon a plan showing services and soakaways being approved before work starts on site.
21. The proposals include the removal of existing 8 trees and part of a group of shrubs, but the presence of other trees which will be retained and protected, with new landscaping proposals ensures that public amenity can be managed effectively. The appearance and character of the site should be enhanced if appropriate new trees and shrubs are planted as part of final landscaping.
22. The development requires demolition and building work to be undertaken in close proximity to retained trees and these are at risk of being damaged unless they are robustly protected during demolition and construction work. This will be controlled by condition.

Conclusion:

23. Many listed buildings can sustain some degree of sensitive alterations or extension to accommodate continuing or new uses. The revised scheme has been designed to minimise the impact on the special character and appearance of the listed building and the new additions designed to reflect its character and context. Internal alterations seek to better reveal features and improve layout and functionality and reverse inappropriate interventions. Some existing features will be lost but on balance the proposals will result in a heritage benefit and approval is recommended.

Human Rights Act 1998**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 these applications, 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.

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.

Background Papers: 12/02637/LBD & 12/02636/FUL

Contact Officer: Sarah Billam/Nick Worlledge

Extensions: 2640/2147

Date: 26/02/2013

Appendix 1

7 Norham Gardens



Scale : 1:1250



Organisation	Oxford City Council
Department	City Development
Comments	
Date	15 February 2011
SLA Number	100019346

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2010.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

This page is intentionally left blank

Appendix 2

Committee report for previously approved scheme 11/01307/FUL, 11/01308/LBC

West Area Planning Committee

13th July 2011

Application Number: 11/01307/FUL, 11/01308/LBC

Decision Due by: 18/07/2011

Proposal: i) 11/01307/FUL – Change of use from educational use to single dwelling. Erection of two storey side extension and erection of garden studio, involving removal of existing classroom building.

ii) 11/01308/LBC – Demolition of existing conservatory, toilet block and garage. Erection of two-storey extension. Internal alterations including new openings, removal of existing partitions, new staircase and new partitions.

Site Address: 7 Norham Gardens, Oxford – **Appendix 1**

Ward: North Ward

Agent: Riach Architects, 65 Banbury Road, Oxford **Applicant:** Merit Rich Ltd

Called in by Councillor –Cllr Armitage
Supported by Cllrs McCready, Jones, Campbell, (and Brown, Brundin and Mills)

For the following reasons –
Local concern at the demolition of a Victorian conservatory and the effect in the conservation area of a new substantial side extension

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. 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 works correspond with conversion back to a single family dwelling and will reverse a number of insensitive alterations allowing the use for which the building was originally designed to be reinstated. Whilst there will be some impacts on the heritage assets it is considered that these impacts have been mitigated by design and are justified. Overall the proposals will secure a viable use of the listed building in support of its long term conservation. The proposed extensions are of an appropriate design for the context and will preserve the special interest of the listing building and character and appearance of the conservation area, justify granting listed building consent and planning permission.

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

10/03409/LBD

- 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 – partitions, openings, staircase, doors, fireplaces, cornices etc
- 9 Further Details floors, windows, staircases, new internal doors etc
- 10 Archaeological building recording
- 11 Extraction/fumes
- 12 External lighting
- 13 Boundary treatment
- 14 Retain historic doors
- 15 Retain historic fireplaces
- 16 Amended plans - dormer window on north-west elevation
- 17 Walls/openings to match adjoining

10/03407/FUL

- 1 Development begun within time limit
 - 2 Develop in accordance with approved plans
 - 3 Samples in Conservation Area
 - 4 Archaeological recording
 - 5 Boundary details
 - 6 Amenity – no additional side windows
 - 7 Provision of cycle parking and bin stores prior to first occupation
 - 8 Gates not to open over the highway
 - 9 Restricted boundary treatments either side of access points
 - 10 Conservation rooflight in side elevation to be 1.6 metres above ffl
 - 11 Use of garden pavilion to be ancillary to enjoyment of main house
 - 12 Drainage to be SUDS compliant
 - 13 Variation of Road Traffic Order – Norham Gardens
 - 14 Porous materials for new driveway areas
 - 15 Side window to be obscure glazed with restricted openers and so retained
-

- 16 No felling, lopping, cutting
 - 17 Details of refurbished gates
 - 18 Detailed landscape plan including a planting plan and schedule
 - 19 Trees - Underground services and drainage soakaways
 - 20 Detailed Tree Protection Plan
 - 21 Design and construction details for doors and windows
 - 22. Cycle parking – secure and covered
 - 23 Amended plans - dormer window on north-west elevation
-

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

NE15 – Loss of Trees and Hedgerows

NE16 – Protected Trees

NE17 - Biodiversity

HE2 – Archaeology

Core Strategy 2026

CS19 – Urban design, townscape, character and the historic environment

Other Material Considerations: The applications are in the North Oxford Victorian Suburb Conservation Area. The development is affecting a Grade II Listed Building.

Relevant Site History:

Recent planning history as follows:

- 10/03409/LBD – APPROVED. Listed Building Demolition for extension and alterations involving demolition associated with the subdivision of the existing building to form 2 dwellings. Works include: Demolition of toilet block, conservatory and detached garage; erection of two storey extension; internal works to block existing and form new openings, removal of modern partitions, removal of staircase between ground and first floor, insertion of new door, staircases and partitions; form new opening with gate in front boundary wall.
- 10/03407/FUL – APPROVED. Change of use and erection of two-storey side extension, from existing educational use, to form two dwellings, including garden studio building and bike stores.
- 10/03408/CAC – APPROVED. Demolition of existing art block and existing garage.

Representations Received: none received

Statutory Consultees:

1. **Highways & Transport** – Have not objections to the development subject to sustainable drainage system.

2. **Thames Water** – Proper provision required for surface water drainage, no objections with regard to sewerage or water infrastructure.
3. **English Heritage** - Have no objections to the proposal and are happy for the local authority to resolve any outstanding details.

Issues: The main issue is the impact of the proposal on the special architectural and historic interest of this grade II listed building and on the special character and appearance of the North Oxford Conservation Area.

Sustainability protection of historic environment, continued use of historic building stock

Officers report:

1. This is a revised scheme to that previously approved at Strategic Development Control Committee on 31st March 2011. The difference is this new submission proposes a change of use of the educational establishment to form one dwelling not two, which has minor consequential impacts on the internal layout and landscaping.
2. A copy of the previous report by officers is attached as **Appendix 2**, which covers the main issues and impacts. The differences between the approved applications and the previous scheme are

Internal differences:

- Part replacement of the secondary staircase from ground to first floor
- No longer blocking openings between the two parts of the building
- Insertion of new en-suite facilities
- Insertion of new partitions and formation of new openings

External differences:

- The bike storage by the proposed garden studio has been deleted
- There is no dividing hedge shown in the back garden
- The new feature tree proposed in the back garden moves
- The planting bed proposed along the rear elevation changes shape
- The door on the north-west elevation is a different design and smaller

Assessment of Impact

4. Internally, works are proposed to correspond with conversion back to a single family dwelling rather than the building's division into two separate dwellings. These remain minor, albeit slightly different from the approved scheme. Returning the building to single residential use will allow a use for which the building was originally designed. This proposed use also provides the opportunity to restore and reinstate missing internal features such as fireplaces and parts of the secondary staircase. The insertion of new partitions and formation of new openings in order to improve circulation space and form new en-suite facilities are sensitive alterations and designed to respect the principal plan form and design aesthetic of the building.
5. Externally the differences are minor. Demolition of the conservatory, new

extensions and garden studio as proposed remain as shown in the previously approved scheme. The door changes on the north-west elevation are designed to reflect the comments made by Strategic Development Control Committee when it considered the application.

Conclusion:

6. This revised scheme has less impact on the listed building than the previous scheme and proposals comply with local and national planning policy. Officers consider that the proposals will preserve the special architectural and historic interest of the listed building and conservation area.

Human Rights Act 1998

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 these applications, 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.

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.

Background Papers: 11/01307/FUL, 11/01308/LBC

Contact Officer: Sarah Billam/Nick Worledge

Extensions: 2640/2147

Date: 22nd June 2011

This page is intentionally left blank

West Area Planning Committee

-13th March 2013

Application Number: 12/03264/FUL and 12/03265/CAC

Decision Due by: 25th February 2013

Proposal: (i): 12/03265/CAC: Conservation Area Consent for demolition of 2 storey hipped roof side extension and detached pitched roof double garage.

(ii): 12/03264/FUL: Demolition of 2 storey hipped roof side extension and detached pitched roof double garage. Erection of two storey side and rear and single storey front extension at lower-ground and ground floor levels with integral garage. Erection of low level stone wall, piers and sliding gates to front garden / driveway.

Site Address: 30 Plantation Road, **Appendix 1.**

Ward: North Ward

Agent: The Anderson Orr Partnership **Applicant:** Mr & Mrs B Pickup Ltd

Application called in by Councillors Fry, Lygo, Pressel and Tanner for the following reason: development excessive for this sensitive conservation area

Recommendation: Planning permission and conservation area consent be granted.

(i): 12/03265/CAC

For the following reasons:

- 1 The proposed demolitions relate to modern additions. No part of the main house would be demolished and officers consider that their removal would not be harmful and that the character and appearance of the conservation area or the main building. The proposal is considered to comply with policies CP1 and HE7 of the Oxford Local Plan 2001-2016 and policy CS18 of the 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.

subject to the following condition, which has been imposed for the reasons stated:-

1 Commencement of works LB/CAC consent

(ii): 12/03264/FUL:

For the following reasons:

- 1 The proposed extensions would be read as contemporary additions that would not overbear the original building, would allow the main building to remain as the dominant feature and would preserve the character and appearance of the Walton Manor Conservation Area. The proposals would not result in unacceptable levels of harm to the amenities of neighbouring properties, and the proposals are acceptable in highway terms. The development complies with policies CP1, CP6, CP8, CP10, CP11, NE15 and HE7 of the Oxford Local Plan 2001-2016, CS18 of the Core Strategy 2026, and HP9 and HP14 of the Sites and Housing Plan.
- 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 Deemed in accordance with approved plans
- 3 Samples in Conservation Area - Walton Manor,
- 4 Further details – railings, wall, gates and piers
- 5 Archaeology - Implementation of programme
- 6 Ground resurfacing - SUDS compliant
- 7 Landscape plan required
- 8 Landscape carry out after completion

Main Planning Policies:

Oxford Local Plan 2001-2016

CP6 - Efficient Use of Land & Density

CP1 - Development Proposals

CP8 - Design Development to Relate to its Context

CP10 - Siting Development to Meet Functional Needs

HE7 - Conservation Areas

NE15 - Loss of Trees and Hedgerows

CP11 - Landscape Design

Core Strategy

CS18 - Urban design, town character, historic environment

Sites and Housing Plan

HP9 - Design, Character and Context

HP14 - Privacy and Daylight

Other Material Considerations:

- National Planning Policy Framework
- Application site falls within the Walton Manor Conservation Area.

Relevant Site History:

70/22814/AH: Extension at rear and erection of double garage for private car and internal alterations. Approved 26th May 1970.

12/00888/FUL: Demolition of existing extension and separate double garage. Erection of two storey front and side extension at lower-ground and ground floor levels with integral garage. Withdrawn 13th June 2012.

Public Consultation

Statutory and Other Consultees:

- Highways Authority – no objection subject to condition
- Oxford Preservation Trust – development out of scale with existing building; visually prominent; harmful to Conservation Area
- Oxford Civic Society – proposals come short of ideal
- Drainage Team Manager – development to drain using SUDs system, soak away, porous parking or green roof
- Oxford Architectural and Historic Society Victorian Group – design and materials out of keeping and harmful to existing building; front treatment out of keeping

Third Party Representations Received:

A petition was received, signed by 31 local residents.

Comments can be summarised as follows:

- Lack of clarity over materials
- Concern over height of side/rear extension
- Railings and gate out of keeping
- Drawings inaccurate and misleading
- Narrowing of road
- Scale of development out of keeping with neighbourhood
- Loss of light and privacy to houses and gardens on Arthur Garrard Close
- Impact on view and outlook from houses on Arthur Garrard Close
- Would devalue properties on Arthur Garrard Place
- Overlooking from windows
- Harmful to character and appearance of existing building
- Overbearing
- Structural damage to neighbouring properties

- Loss of attractive open space
- Character Assessment inaccurate
- Loss of trees
- Design too grand and dominant
- New windows out of character
- Rooflights inappropriate
- View Radcliffe Observatory obscured
- Party Wall implications

Officers Assessment:

Background to Proposals.

1. No. 30 Plantation Road is a detached stone-built dwelling located on the southern side of Plantation Road in north Oxford. The orientation of the building differs from others in the road as it sits at a right angle with its gable end addressing the street. The property has a large garden that is enclosed by a stone wall along the Plantation Road boundary. The building is the remnant of what was a more extensive range of buildings (a range existed on the west side extending the length of the plot and fronting onto Plantation Road and extensions to the south and east) and predates the development of the suburb. Part of it was in use as a bakery. The orientation of the building and its plot shape and size provide evidence of the buildings original form and context.
2. Plantation Road is a narrow road, bounded by residential properties and is one-way in a westerly direction, from its junction with Woodstock Road.
3. The property was extended in the 1970's with a two-storey extension to the side of the building. On the property frontage there is a double garage, also built in the 1970's and room for parking on a driveway. The frontage is currently enclosed by a timber picket style fence.
4. The conservation area consent application has been submitted to demolish the 1970's side extension and double garage, and planning permission sought for extensions to the front (east), side (south) and rear (west) of the dwelling. A single storey (and basement level) extension to the front of the dwelling, located on part of the footprint of the garage to be demolished, would house a media room and utility spaces at lower ground floor level and a garage, bedroom and study at ground floor level. To the side and rear a two-storey extension (and basement level) would house a kitchen / diner, staircase and master bedroom.
5. New railings and gates would be installed along the frontage and a bin store would be located, also to the front. New windows would be fitted to the existing house and a replacement porch erected. Planning permission is not required for the replacement windows and porch.
6. This application is a resubmission of a scheme that was withdrawn last year following concerns that officers had, in particular the design and scale

of the 'front' extension. This application seeks to address these concerns by reducing the height of that element of the proposal and simplifying the design. The design of the rear element also is shown modified.

7. Demolition of the side extension does not require conservation area consent, but the garage, because of its size does. Neither elements are on any age, dating from the 1970s. There are no objection to the removal of the these structures.
8. The determining issues in this case are:
 - Heritage and Conservation
 - Design and Visual impact
 - Impact on neighbouring properties
 - Trees
 - Parking and Highways
 - Archeology
 - Other matters

Heritage and Conservation.

9. 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.
10. In relation to development affecting a designated heritage asset (e.g. a conservation area) the NPPF explains that (heritage) 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.
11. The NPPF explains that this does not preclude development but that the objective should be to secure good quality design in a manner that demonstrates understanding of a site's context and that will sustain what is important about an area's character and appearance.

Design and Visual Impact.

12. No. 30 Plantation Road occupies a prominent position in the street and is visible in views looking west down Plantation Road from Woodstock Road. This view of the building would be preserved as the extensions would be set well back from the street. The front extension would not come into view until walking past the property.
13. The garage extension to the front would read as a single storey flat roofed extension finished in ashlar stone and hardwood boarding. The extension would be 500mm lower in height than the existing garage structure so although it would be wider it would not appear unduly overbearing or prominent in the streetscene. The glimpsed view through to the Radcliffe

Observatory that can currently be seen between the garage and no. 32 Plantation Road would be retained.

14. The design principles advocated in the submission is for a new east extension that is minimalist and simple in design and detailing, to set it apart from the main house so that the original house remains the focus in the views and the dominant building on the site. The use of stone and timber are intended to give the appearance of a garden wall. The precise nature and detailing of the stone and timber would need to be controlled by condition, as the scale of the ashlar blocks shown on the drawing is not appropriate to the scale of the building and the context.
15. The proposed extensions together represent a considerable increase in the footprint of the building. However historically the plot has been occupied by several buildings so there is a precedent for having a larger footprint on the plot. Furthermore, the building sits in a large plot that can accommodate the extensions without appearing cramped and would still leave a large garden that positively contributes to the character of the area.
16. The replacement side extension would measure 1 metre higher than the existing extension but would have a hipped roof so as to reduce its bulk. The ridge and eaves height of this element would be set well below those of the original building so as to appear subservient and to allow the host building to remain the dominant feature.
17. The rear element is set lower still and would not compete with the host building and due to its position in the plot would not obstruct any views of the existing building.
18. The choice of materials and the contemporary design that contrast with the original building allow the extensions to be read as modern additions and enable the age of the building to be identified through the pallet of different materials.
19. The submitted drawings of the proposed wall and railings show a dense railing design and it is acknowledged that this is not appropriate for the site. A condition is therefore recommended to allow all details of the wall and railings to be agreed, in order to agree a design that is appropriate for the sites Phase 3 location as set out in the Oxford Preservation Trust's 'Railing Design Guide'.
20. The principle of defining the front boundary with new wall and railings is considered appropriate as it would enhance and define the narrowness of the street which is a characteristic of the road.

Impact on Neighbouring Properties.

21. Policy HP14 of SHP states that planning permission will only be granted for new residential development that provides reasonable privacy and

daylight for the occupants of both existing and new homes and that does not have an overbearing effect on existing homes. In respect of access to sunlight and daylight, the 45°/25° guidelines will be used, as illustrated in Appendix 7 of the SHP.

22. Some residents of Arthur Garrard Close have objected to the proposal on the grounds that it would result in a loss of light and privacy to their rear facing windows and gardens as well as affecting outlook and views. The properties of Arthur Garrard Close border the southern boundary of the site and their gardens back on to the site. The gardens have a length of approximately 10 metres.
23. The proposed side element would be set 1 metre closer to the southern boundary than the existing extension and the rear element would extend for 5.2 metres beyond the existing rear building line. This would introduce a greater building mass close to the rear gardens of properties on Arthur Garrard Close. A timber clad stairwell projection would be located on the southern elevation which would measure an additional 1.1 metres in depth, 2.6 metres in width and 4.8 metres in height from adjacent ground level.
24. The replacement side extension would have a hipped roof rather than the existing gable end so the eaves level on the southern elevation would be approximately 1.3 metres lower than the existing ridge, albeit set 1 metre closer to the boundary, and would still be set in from the boundary. The rear element although 2-storey would have an eaves height of 4.5 metres measured from adjacent ground level due to the drop in ground level.
25. Officers are of the view that the extensions would be sited a sufficient distance away from the rear facing windows of properties on Arthur Garrard Close to prevent any significant harm to light and outlook. The proposal comfortably complies with the 45° guidance in respect of all rear facing windows and whilst officers recognise that the extensions will be visible from these properties, and have an impact on outlook, the impact is not so great as to warrant refusal of planning permission. Furthermore, there are trees along the southern boundary which would help to screen the extension.
26. The proposed scheme reduces the number of south facing windows to 2 no. (high level) rooflights (into en suite and second floor landing) and 1 no. window into an upper ground floor study so there would be a reduction in the opportunities for overlooking. Furthermore, officers suggest attaching a condition requiring louvres to be installed over the nearest west facing bedroom window in order to prevent any overlooking into the gardens of the properties along Arthur Garrard Close.

Trees.

27. The existing trees and planting along the boundary within the gardens of the properties along Arthur Garrard Close would remain. The Council has no objection to the proposal which will have limited arboricultural

implications. A eucalyptus tree stands in an adjacent rear garden but this is not likely to be affected by the proposals.

Parking and Highways.

28. Adequate levels of off-street parking are proposed. The driveway could accommodate at least two cars and a third in the garage.
29. The proposal to provide off-street car parking spaces and alterations to the boundaries to include sliding gates is not considered to create risks to highway safety, when compared with the existing situation. Furthermore, the proposal is not likely to intensify traffic and parking, or create a highway safety concern in this sustainable location as the site lies within a Controlled Parking Zone (CPZ).
30. Several objectors have commented that the proposals for front boundary treatment would further narrow the road at this point causing problems for large vehicles. The proposals for a new wall and railings are wholly within the applicants land and replace an existing fence. It would be unreasonable not to allow the applicant to enclose the driveway.

Archaeology.

31. This application is of interest because it lies within an area of the Summertown Radley 2nd gravel terrace which is known to encompass an extensive landscape of Middle Neolithic to Early Bronze Age funerary monuments and subsequent landscape of dispersed Iron Age and Roman rural settlements with associated field systems and burials. This site is located 70m away from undated burials recorded in the 19th century (UAD No 677) and within a 100 radius of miscellaneous stray finds of Roman and Post-medieval date including a quern stone (UAD 676) and a possible clay pipe factory (UAD No 1441).
32. It is also noted that the Historic Environment Records (HER No 6667) notes that fragments of perpendicular tracery are set into re-built frontage wall of this property, in three niches. They are similar to the larger parts of window tracery thought to have come from the Royal Beaumont Palace. The architect has confirmed that these remain in place and will not be impacted by this development.
33. The National Planning Policy Framework states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Where appropriate local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly

accessible.

34. In this case, bearing in mind the small scale of the proposed basement development and in line with the advice in the NPPF a condition is recommended requiring a programme of archaeological work to be undertaken.

Sustainability.

35. The thermal efficiency of the building would be improved with new windows and internal insulation. The new extensions would be heavily insulated and would minimise heat loss. Large expanses of glazing would allow for high levels of solar heat gain and natural lighting. A photovoltaic array would be mounted on the flat roofed garage to generate electricity.

Other Matters.

36. In response to specific comments raised by third parties:
- the construction of the proposed bin store adjacent to the boundary with no. 32 Plantation Road will be subject to a Party Wall Notice and is a civil matter between the two parties.
 - the existing timber porch which is in a state of poor repair is to be replaced, like for like, in painted metal. This does not require planning permission.
 - the existing 1970's windows and the new windows to be installed are to be high performance hardwood frames to be painted in an off white heritage colour. This element of the proposal does not require planning permission.
 - several objectors have commented on the Character Assessment submitted with the application and disagree with the assessment that has been made. Some local residents have carried out and submitted their own Character Assessments.

Conclusion: For the reasons given above, the proposals are considered to comply with the relevant policies of the development plan and is recommended for approval.

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 proposals 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: Rona Gregory

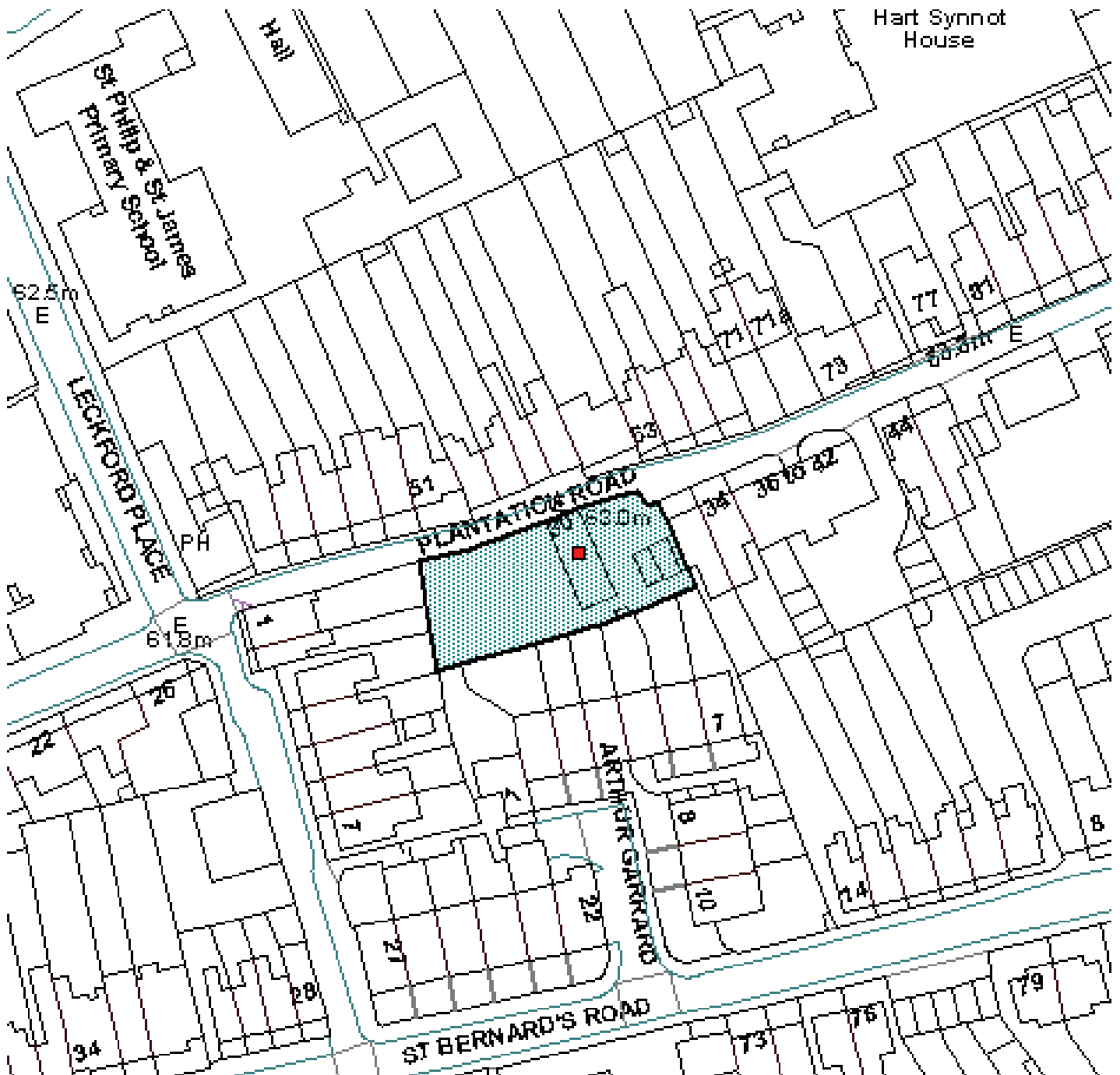
Extension: 2157

Date: 1st March 2013

Appendix 1

12/03264/FUL - 30 Plantation Road

www.oxford.gov.uk



© Crown Copyright and database right 2011.
Ordnance Survey 100019348

This page is intentionally left blank

WEST AREA PLANNING COMMITTEE

13th March 2013

Application Number: 12/03016/FUL

Decision Due by: 17th January 2013

Proposal: Erection of single storey side extension and single storey rear extension.

Site Address: 81 Wytham Street – **Appendix 1**

Ward: Hinksey Park

Agent: N/A

Applicant: Mr Matthew Fasanya

The application has been called-in by Councillors Tanner, Curran, Rowley and Fry on the grounds that there has been local concern about development at the site.

Recommendation:

APPROVE for the following reasons:

- 1 The proposed extensions are considered to be of a form, scale and appearance that is respectful of the site's corner site context and surrounding development without harming neighbouring residential amenity or adversely impacting highway safety. Consequently the proposals accord with the requirements of policies CP1, CP8, CP9, CP10 and HS19 of the Oxford Local Plan 2001-2016, policy CS18 of the Oxford Core Strategy 2026 as well as emerging policies HP9 and HP14 of the Sites and Housing Plan.
- 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:-

- 1 Time Limit
- 2 Approved Plans
- 3 Materials to Match

- 4 Development in accordance with Environment Agency standing advice for householder developments.

Main Local Plan Policies:

Oxford Local Plan 2001-2016

- CP1** - Development Proposals
- CP6** - Efficient Use of Land & Density
- CP8** - Design Develop to Relate to its Context
- CP9** - Creating Successful New Places
- CP10** - Siting Development to Meet Functional Needs
- HS19** - Privacy & Amenity
- HS21** - Private Open Space

Core Strategy

- CS18_** - Urban design, town character, historic env

Sites and Housing Plan - Submission

- HP9_** - Design, Character and Context
- HP12_** - Indoor Space
- HP13_** - Outdoor Space
- HP14_** - Privacy and Daylight

Other Material Considerations:

National Planning Policy Framework

Relevant Site History:

09/02342/FUL - Erection of detached 2 storey dwelling with accommodation in the roof space. Erection of double garage and provision of off road parking for new and existing dwelling. REF 8th February 2010.

10/00363/FUL - Erection of two storey building to form a three bedroom dwelling house with off street parking on land adjacent to 81 Wytham Street. REF 14th April 2010.

10/03078/FUL - Double storey side extension and detached double garage. REF 16th February 2011.

11/01739/FUL - Two storey side extension. REF 11th August 2011.

11/02150/FUL - Proposed two storey side extension and single storey rear extensions (amended plans). REF 24th October 2011.

12/00508/FUL - Erection of two storey side extension and single storey rear extension. Declined to Determine 22nd March 2012.

12/00947/FUL - Erection of two storey side extension and single storey rear extension. REF 30th May 2012.

12/01437/FUL - Erection of single storey side extension and single storey rear extension. REF 18th July 2012. Dismissed at appeal 22nd October 2012.

Representations Received:

Eight objections received from local residents citing the following points:

- The extensions would project past the established building line of Oswestry Road;
- The conflicting roof lines and forms would appear unsightly;
- The proposal would increase the risk of local flooding;
- The proposal does not provide adequate off-street parking for a dwelling of the size proposed;
- The proposals clearly fail to overcome the reasons behind the refusal of previous applications and the concerns raised by the Inspector at appeal.

Statutory and Internal Consultees:

Highway Authority – No objection subject to informatives and conditions.

OCC Drainage Officer – No objection.

Officers' Assessment:

Site Description and Locality

1. The application site relates to one of a pair of cement rendered semi-detached family sized houses of mid-twentieth century construction. The property is located on a corner plot in a wider suburban residential area featuring predominantly semi-detached and terraced family sized dwellings of similar age. Appendix 1 to this report refers. The house has been extended via a single storey rear extension following its original construction. A significant number of other properties in the locality have been altered and/or extended in recent decades such that some of the original uniformity of the area has been lost.

The Proposal

2. The application seeks consent to erect single storey side and rear extensions to 81 Wytham Street. The application drawings also show the creation of a vehicular access from Oswestry Road though this is not set out in the description of development proposals. In any event, the creation of such a new access does not require planning permission as the road is not classified.

Background

3. The site has generated a significant planning history in the past couple of years. A number of planning applications have been submitted seeking permission for,

originally, a new detached dwelling on the site but more recently has been reduced to two storey side/rear extensions and then more latterly, single storey additions. All such applications have been refused by the Council with four cases also dismissed at appeal including the most recent application for single storey side and rear extensions.

4. The most recent appeal decision related to a scheme for a side and rear extension that the Council refused on the basis of its awkward roof form of the side extension and its unsightly and unbroken mass when viewed from Wytham Street. At appeal the independent Planning Inspector concurred with the views of the Council and stated that *“as the proposed side extension would significantly reduce the existing space between the side of the house and the adjacent street, it would be a particularly prominent feature in the streetscene. It is therefore especially important that the scheme achieves the high quality design that relevant development plan policies expect”*. The Inspector went on to add that *“due to the length and height of the side extension, the scheme would not amount to a high quality design”*. The Inspector then went on to note that *“the resultant proportions of the extension, including its shallow roof pitch, would not relate well to the proportions and roof pitches that are characteristic in this locality”*. The Inspector also stated that due to there being *“only a single doorway to break up the large and otherwise blank expanse of the side elevation, which would be much closer to the street than the existing side wall of the house: it would also be at odds with the appearance of most other nearby buildings, which are well articulated with door and window openings”*.

5. The Inspector’s decision letter is attached as appendix 2 and is a material planning consideration in the assessment of applications of a similar nature on the site.

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

- Design/appearance;
- Impact on Neighbouring Amenity;
- Parking/Highway Implications;
- Flooding.

Design/Appearance

7. Policies CP1 and CP8 of the Local Plan as well as emerging policy HP9 of the Sites and Housing Plan require development to relate well to its context and, where a site is particularly prominent, proposals should enhance the style and perception of the area. It is against this development plan policy backdrop that the proposals should be assessed in design terms.

8. The Council has previously not considered the rear single storey lean-to element of the proposals to be objectionable and this continues to be the case as it is virtually unchanged from that proposed in the previous application. It would not therefore be reasonable for the Council to consider this element unacceptable now and, as such, officers have no concerns about this extension.

9. The Inspector in her recent appeal decision raised the importance of high quality design given the visual prominence of the corner plot and that it would reduce the existing open nature of the site. The current scheme is however considered to be

significantly different from that considered to be previously unacceptable mainly due to the reduction in the height of the roof pitch and its now more regular roof form that is in character with that at the existing extension to the property on the opposite corner plot, 79 Wytham Street. Since the roof has been reduced in height its bulk has consequently been reduced when viewed from the streetscene such that it will no longer dominate the corner between Oswestry Road and Wytham Street. Whilst it is acknowledged that the depth of the side extension remains unchanged and that it is still predominantly unbroken with the exception of one doorway, its overall reduced mass is considered to be significant such that it is far more respectful and subservient to the established open character of the corner plot.

Impact on Neighbouring Amenity

10. The impact in this regard has already been assessed under numerous previous planning applications as well as appeal decisions and been found to be acceptable. No additional harm will result from these new proposals due to their reduced scale such that they must continue to be acceptable.

Parking/Highway Implications

11. The current property does not benefit from any off-street parking provision despite being a three bedroom family house. The proposals seem to include the provision of a hardstanding area for the parking of two cars to be accessed from Oswestry Road which should reduce the levels of on-street parking in the locality. Highway Officers do not consider the proximity of the proposed extension to the highway and junction (between Wytham Street and Oswestry Road) to be a risk to highway safety given the adequate resulting visibility splays and low speed of existing vehicular traffic on the roads. In any event, previous applications have been considered acceptable in relation to highway safety impacts and it would not be reasonable to now object to the scheme on these grounds.

Flooding

12. Whilst this issue has been raised by objectors, previous schemes have been considered acceptable providing an appropriate condition is attached ensuring that finished floor levels are no lower than existing levels in accordance with Environment Agency standing advice for householder developments. The proposals must therefore continue to comply with policy CS11 of the Core Strategy in this regard as well as national guidance in the NPPF.

Other Matters

13. An objector has raised concerns about the number of absentee landlords in the area. This is however not a material planning consideration and the proposal must be assessed on its individual planning merits rather than on the property's ownership.

Conclusion:

14. The proposed extension is considered to be of a form, scale and appearance that is appropriate to its prominent corner setting and which does not materially harm the amenity enjoyed by neighbouring properties or highway safety. Consequently the proposals are considered to accord with all relevant policies of the development plan such that Committee is recommended to approve the application subject to the conditions listed at the beginning of the report.

Human Rights Act 1998

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

Section 17 of the Crime and Disorder Act 1998

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to approve, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Contact Officer: Matthew Parry

Extension: 2160

Date: 10th January 2013

Background Papers:

12/03016/FUL

12/01437/FUL

12/00947/FUL

12/00508/FUL

11/02150/FUL

11/01739/FUL

10/03078/FUL

10/00363/FUL

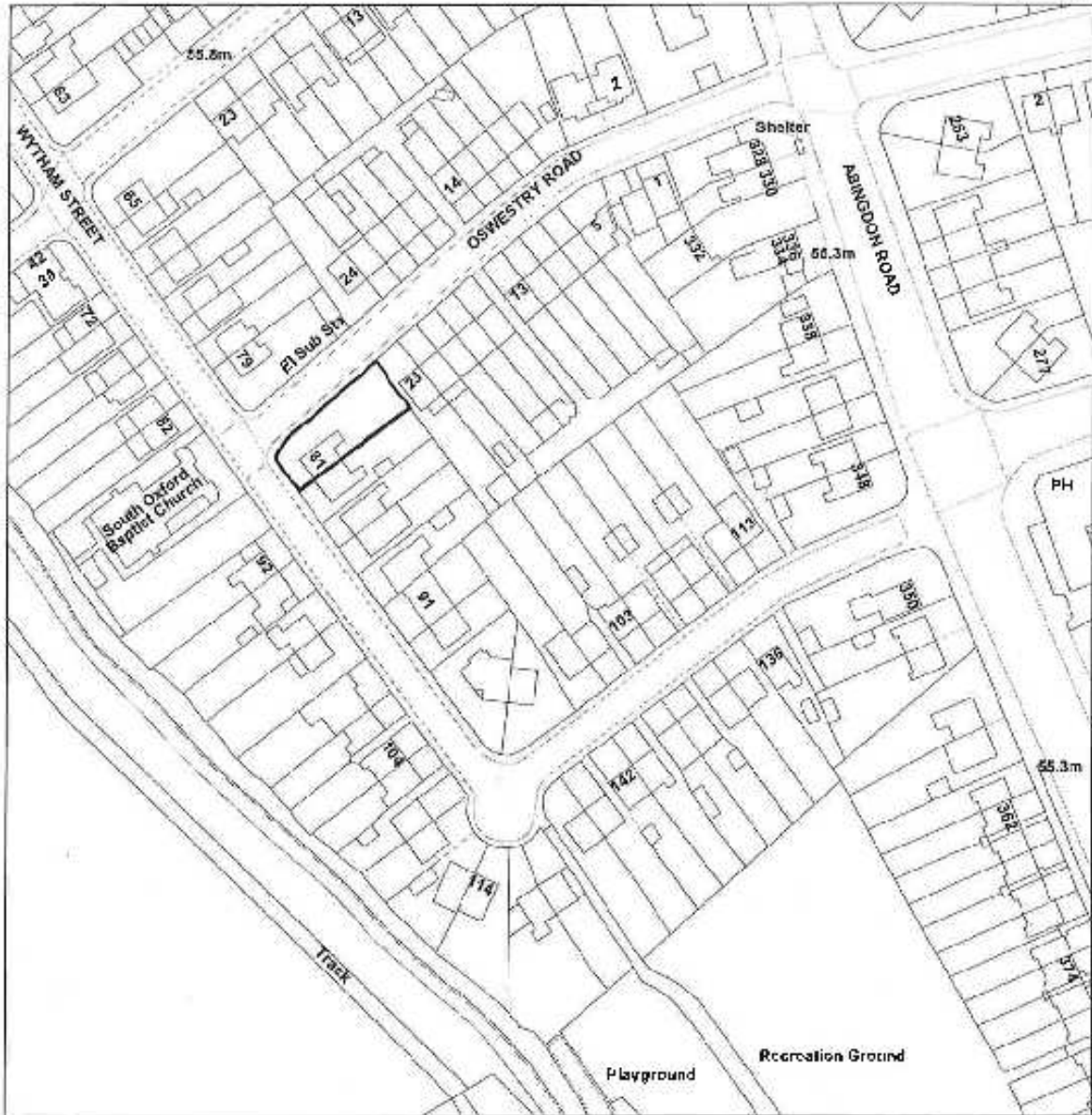
09/02342/FUL

Appendix 1

81 Wytham Street



GIS by ESRI (UK)



Scale : 1:1250

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationary Office © Crown Copyright: 2010.

Unauthorized reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Produced using ESRI (UK)'s MapExplorer 7.0 - <http://www.esriuk.com>

Organisation	Oxford City Council
Department	City Development
Comments	17493016/PL1
Date	08 January 2013
SLA Number	Not Set

Appendix 2 – Inspector’s Decision Letter (12/01437/FUL)



Appeal Decision

Site visit made on 22 October 2012

by **Jane Miles BA (Hons) DipTP MRTPI**

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

Decision date: 26 October 2012

Appeal Ref: APP/G3110/D/12/2180165

81 Wytham Street, Oxford OX1 4TN

- 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 Matthew Fasanya against the decision of Oxford City Council.
 - The application ref: 12/01437/FUL was refused by notice dated 18 July 2012.
 - The development proposed is a single storey side and rear extension.
-

Decision

1. The appeal is dismissed

Reasons

2. The current appeal proposal follows a series of previous applications including three dismissed on appeal. As I understand it, those dismissed on appeal all included two-storey development. In this case the proposed extension would be single storey, albeit its roof ridge would match the eaves height of the host building. The extension would extend further back than the main rear wall of the house and wrap around the corner in a continuous single storey extension across the full width of the rear elevation.
3. The **main issue** to consider is the effect of the proposal on the character and appearance of the host building, street scene and surrounding area.
4. The appeal site is within a suburban residential area characterised primarily by pairs and terraces of closely spaced dwellings. However No. 81 occupies a more spacious corner plot, at the junction of Wytham Street with Oswestry Road. In this corner position, and as the proposed side extension would significantly reduce the existing space between the side of the house and the adjacent street¹, it would be a particularly prominent feature in the street scene. It is therefore especially important that the scheme achieves the high quality design that relevant development plan policies² expect.
5. However, due to the length and height of the side extension, the scheme would not amount to a high quality design. This is firstly because the resultant proportions of the extension, including its shallow roof pitch, would not relate well to the proportions and roof pitches that are characteristic in this locality. Secondly, there would be only a single doorway to break up the large and

¹ The exact amount of the reduction is difficult to assess with certainty, as there appear to be some inconsistencies between the various submitted drawings at different scales.

² Most notably Policies CP.1 and CP.8 of the Oxford Local Plan 2001-2016 (LP) and Policy CS18 of the Oxford Core Strategy 2026 (CS)

otherwise blank expanse of the side elevation, which would be much closer to the street than the existing side wall of the house: this would also be at odds with the appearance of most other nearby buildings, which are well articulated with door and window openings. For these reasons I agree with the Council that the extension would be a discordant feature in the street scene. It would not amount to a high quality design and would have a harmful effect on the character and appearance of the host building, street scene and surrounding area.

6. The extension would be subservient to the host building, but that in itself does not overcome my concerns. Of the various house extensions I saw in the area it seems likely the appellant's view, that the form of his proposed extension would be consistent with 'an adjacent development', relates to an extension to the house on the opposite corner (no. 79). There are however some significant differences between that extension and the proposal for no. 81, notably that no. 79's plot appears to be slightly larger; the roof pitch on the two-storey part of that extension more closely resembles that of the host building; a transition from two-storey to single storey is marked by a change in roof pitch and a small inset; the side elevation is better articulated with three window openings. Consequently the side extension at no. 79 (with its gable end form reflecting that of the church building on the opposite side of Wytham Street) is more successful in design terms than the one proposed for no. 81.
7. I note the appellant's points about the practicability of the proposed roof pitch in terms of roof tiles, but that is not the matter at issue. I have had regard to all other matters raised but have found nothing sufficient to alter or outweigh my conclusion that the proposal would cause unacceptable harm in terms of character and appearance, contrary to the objectives of relevant LP and CS policies. It follows therefore that the appeal must fail.

Jane Miles

INSPECTOR

This page is intentionally left blank

West Area Planning Committee

13th March 2013

Application Number: 12/02829/FUL

Decision Due by: 10th January 2013

Proposal: Change of use from class C3 dwelling house to C4 House in Multiple Occupation (Additional information)

Site Address: 36 Morrell Avenue Oxford OX4 1ND
(Location Plan – Appendix 1)

Ward: St Clement's Ward

Agent: N/A

Applicant: Mr Leonardo Bocci

Application Called in – by Councillors Clack, Coulter, Fry and Seamons for the following reasons – Possible over-concentration of HMOs in the area.

Recommendation:

APPLICATION BE REFUSED

For the following reasons:-

- 1 The proposed development would result in an over concentration of Houses in Multiple Occupation within Morrell Avenue and the wider local area, which would have a detrimental impact upon the balance and mix of dwelling types within the surrounding area failing to contribute to the objective of balanced and mixed communities. This would be contrary to Policy CS23 of the Core Strategy and Policy HP7 of the emerging Sites and Housing Plan.
- 2 The application fails to demonstrate that the development could provide good quality internal living environments capable of accommodating the likely number of occupants within the house (House in Multiple Occupation) and as a result would have a detrimental impact upon the living conditions for the future occupants. This would be contrary to Policy HS15 of the Oxford Local Plan 2001-2016 and Policy HP7 of the emerging Sites and Housing Plan.

Main Local Plan Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals

CP10 - Siting Development to Meet Functional Needs

Core Strategy

CS23_ - Mix of housing

Sites and Housing Plan - Submission

HP7_ - Houses in Multiple Occupation

Other Material Considerations:

National Planning Policy Framework

Relevant Site History:

12/02226/CPU - Certificate of lawfulness for proposed formation of dormer, including Juliet balcony, to rear roofslope.. PER 11th October 2012.

12/02227/FUL - Erection of single storey rear extension.. PER 25th October 2012.

Representations Received:

12 London Place: Object – Contrary to Balance of Dwellings policy, no need for more C4s.

17 London Place: Object – Incorrect information supplied, no street survey included contrary to Policy H1, may lead to noise and disturbance.

20 Tawney Street: No specific objection, but hopes density regulations will be applied.

Statutory and Internal Consultees:

Local Highways Authority: No objection subject to conditions to ensure adequate bin and cycle storage.

Local Drainage Authority: No comment

Issues:

Concentration of HMOs
Amenities and Facilities

Officers Assessment:

Site description and proposal

1. 36 Morrell Avenue is a mid terrace house in the St Clements / East Oxford area with an undercroft giving access to the rear.
2. Permission is sought for a change of use from a single family dwelling (Use Class C3) to a small House in Multiple Occupation (HMO – Use Class C4).

Concentration of HMOs

3. Policy CS23 of the Core Strategy states that Planning permission will only be granted for residential development that delivers a balanced mix of housing both within each site and across Oxford as a whole. Oxford has a large number of HMOs and in some areas of the city, high concentrations of HMOs are resulting in changes to the character of the local area.
4. The Sites and Housing Plan states that the Council will use its planning responsibilities to prevent any further over-concentration of HMOs in areas where there are already significant numbers. Policy HP7 of the Sites and Housing Plan states that permission for a change of use to an HMO will only be granted where the proportion of buildings used as an HMO within 100m of street length of the application site does not exceed 20%.
5. There are around 45 buildings within 100m street length of 36 Morrell Avenue, both along the road itself and along Union Street to a distance of 100m. Of these, licencing records indicate that 12 of these have, or have applied for an HMO licence. The actual number may be higher, due to some HMOs not being licenced, but the figures indicate that around 27% of buildings in the relevant area are HMOs, already in excess of the 20% concentration defined in Policy HP7. The proposal is therefore likely to result in a further over-concentration of HMOs in the area which would have a detrimental impact upon the balance and mix of dwelling types within the surrounding area, failing to contribute to the objective of balanced and mixed communities. This would be contrary to Policy CS23 of the Core Strategy and Policy HP7 of the Sites and Housing Plan.

Amenities and Facilities

6. Policy HP7 of the Sites and Housing Plan also states that permission for a change of use to an HMO will only be granted where the applicant has demonstrated compliance with the City Council's good practice guide on HMO amenities and facilities.
7. The application does not contain any evidence that the development would comply with the HMO good practice guidance. In any event, addressing the issue would not have resulted in a recommendation to approve the application as the proposal fails to comply with Policy HP7 in this regard.

Conclusion:

8. The proposed development would result in an over concentration of Houses in Multiple Occupation within Morrell Avenue and the wider local area which would have a detrimental impact upon the balance and mix of dwelling types within the surrounding area failing to contribute to the objective of balanced and mixed communities. The application fails to demonstrate that the development could provide good quality internal living environments capable of accommodating the likely number of

occupants within the house (House in Multiple Occupation) and as a result would have a detrimental impact upon the living conditions for the future occupants of the units. The application would therefore be contrary to Policy CS23 of the Core Strategy and Policy HP7 of the emerging Sites and Housing Plan.

Human Rights Act 1998

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

Section 17 of the Crime and Disorder Act 1998

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to refuse planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers: 12/02829/FUL

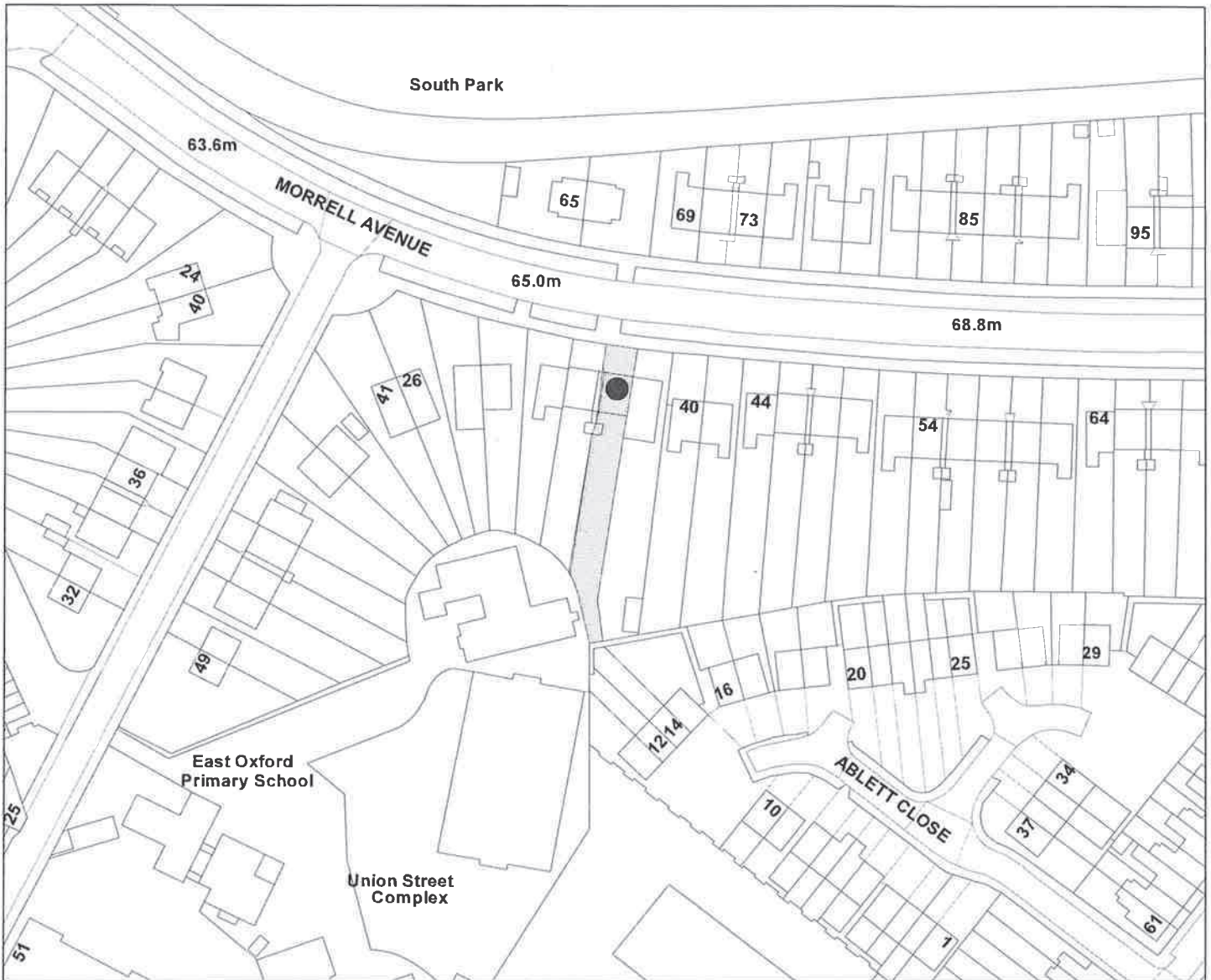
Contact Officer: Tim Hunter

Extension: 2154

Date: 24th January 2013

36 Morrell Avenue

12/02829/FUL



Legend



Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	Appendix 1
Department	57 Wilkins Road 12
Comments	Not Set
Date	30 January 2013
SLA Number	Not Set

This page is intentionally left blank

West Area Planning Committee

-13th March 2013

Application Number: 13/00242/CT3

Decision Due by: 27th March 2013

Proposal: Replace existing crittal windows with double glazed powder coated aluminium windows

Site Address: East Oxford Community Centre Princes Street Oxford
(Location Plan – Appendix 1)

Ward: St Clement's Ward

Agent: N/A

Applicant: Mr Jack Bradley

The applicant is Oxford City Council and determination at Committee is therefore required.

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The development forms an acceptable visual relationship with the existing building and local area. The proposals therefore comply with Policies CP1, and CP8 of the adopted Oxford Local Plan 2001 – 2016 and Policy CS18 of the Oxford Core Strategy. No objections have been received from third parties.
- 2 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

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

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Materials as specified slim profile,

Main Local Plan Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals

CP8 - Design Develop to Relate to its Context

Core Strategy

CS18_ - Urban design, town character, historic environment

Other Material Considerations:

National Planning Policy Framework

Relevant Site History:

None relevant

Representations Received:

No comments received

Statutory and Internal Consultees:

Local Drainage Authority: No comment

Issues:

Visual appearance

Officers Assessment:

Site description and proposal

1. East Oxford Community Centre is a red brick former school situated in a prominent position on the corner of Cowley Road and Princes Street. A prominent feature of the building is the extensive window openings, currently fitted with small pane single glazed Crittall windows which are now in a poor condition.
2. Permission is sought to replace the existing windows with double glazed units fitted in powder coated aluminium. Determination of the application falls outside officers' delegated powers.

Visual appearance

3. Oxford City Council as Local Planning Authority requires that all new development should demonstrate high quality urban design where the siting, massing and design creates an appropriate visual relationship with the built form of the local area. The Local Development Plan provides policies to support this aim and CP1, CP8, CS18 and HP9 are key in this regard.
4. The application relates in particular to the prominent gable end feature of the building fronting Cowley Road and Princes Street where the small paned

Crittall windows are replaced by aluminium framed windows with the same small pane configuration. The existing timber windows to the single storey extension fronting Princes Street would remain.

5. The proposed development would be highly visible from the public domain. However the appearance is likely to be highly similar to the existing windows and subject to a condition of planning permission to control the appearance of materials used in the build, the proposal is not materially out of character with the existing building or local area, and complies with Policies CP1 and CP8 of the OLP and CS18 of the Core Strategy.
6. The replacement of existing windows has been made possible following grant aid to the community association to improve facilities at the centre.

Conclusion:

7. The development forms an acceptable visual relationship with the existing building and local area. The proposals therefore comply with Policies CP1, and CP8 of the adopted Oxford Local Plan 2001 – 2016 and Policy CS18 of the Oxford Core Strategy.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

Section 17 of the Crime and Disorder Act 1998

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers: 13/00242/FUL

Contact Officer: Tim Hunter

Extension: 2154

Date: 28th February 2013

This page is intentionally left blank

APPENDIX 1

East Oxford Community Centre

13/00242/CT3



Scale : 1:1250



Organisation	Not Set
Department	Not Set
Comments	
Date	01 March 2013
SLA Number	LA100019348

© Crown Copyright and database right 2011.
Ordnance Survey 100019348.

This page is intentionally left blank

West Area Planning Committee

13th March 2013

Application Number: 12/03282/PA11

Decision Due by: 13th February 2013

Proposal: Application seeking prior approval for development comprising demolition of existing and erection of replacement footbridge under Part 11 Class A Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995.

Site Address: Hinksey Lake Footbridge, Lake Street, **Appendix 1.**

Ward: Hinksey Park

Agent: N/A

Applicant: Network Rail

Application Called in – by Councillors – Price, Lygo, Khan, Kennedy and Canning for the following reasons – design not acceptable as it is not disabled / cycle / buggy accessible and that an alternative design is possible that meets these desiderata and is not substantially more expensive.

Recommendation: Grant prior approval

Main Planning 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

CP11 - Landscape Design

CP13 - Accessibility

TR4 - Pedestrian & Cycle Facilities

NE15 - Loss of Trees and Hedgerows

NE20 - Wildlife Corridors

SR9 - Footpaths & Bridleways

Core Strategy

CS4 - Green Belt

CS11 - Flooding

CS12 - Biodiversity

CS18 - Urban design, town character, historic environment

Other Material Considerations:

National Planning Policy Framework

Relevant Site History:

None

Representations Received:

Statutory and Other Consultees:

South Hinksey Parish Council: urge the applicant to consider the inclusion of ramped access. The footbridge is part of the only viable pedestrian route between Oxford City and South Hinksey. The current bridge is a significant barrier for many users' esp. young families and those with impaired mobility.

Environment Agency Thames Region: a significant part of the site lies within Flood Zone 3. Concern that the works will result in a change in ground levels, which could have an effect on flood flows. It seems that the works will be largely confined to the track area and there is no suggestion that there will be any ground remodelling. May be a need to apply for a Flood Defence Consent as works are within 8m of Main River watercourse. There may also be a need to consider Flood Defence Consent for the compound, depending on its location. We will expect the applicant to carry out all relevant ecological surveys and provide mitigation as necessary.

Sustrans 106-108 Cowley Road: building the new bridge with steps and not ramps would make it inaccessible to a sizeable proportion of the general public for generations to come. The bridge is an important local footpath, however many people are put off from using it due to the large number of steps. The new bridge with steps would be an even greater barrier. A wheeling channel for cyclists would make the route more usable for cyclists but this would be a second best solution, it would not help less agile cyclists or less able pedestrians. This is an ideal opportunity to provide ramped access to cater for all.

Third Parties:

Ramps for Hinksey Rail Bridge Campaign: ramps should be included in the new bridge to make it accessible to all. Also included was an online petition which at the time of receipt had 434 signatures.

19 letters of comments (objections) were received from the following and are summarised below.

131 Marlborough Road, 24 Newton Road, 18 Manor Road, 21 Manor Road, 32 Manor Road, 44 Manor Road, Prior Barn Isis Court, 2 Church Close, 7 Manor Road, Overshot Badger Lane, Craigellachie Hinksey Hill, 20 Manor Road, 40 Manor Road, 29 Manor Road, 1 Manor Road, 12 Apsley Road, 34 Manor Road, 260 Marlborough

Road, 5 Hids Copse Road

- Lack of access for all members of the public esp. those with mobility issues, pushchairs, bicycles.
- Ramps need to be included
- New bridge will be steeper and even more dangerous and inaccessible.
- Bridge is an important link.
- Attention must be paid to the preservation of ecologically valuable wetland habitats on either side of Devil's Backbone path immediately to the west of the bridge.
- Opportunity to reduce car travel.
- A fully accessible bridge promotes accessibility for all, healthy exercise, community cohesion and sustainable travel.
- Height of fencing proposed is 3m and it is not clear if it will impair visibility of the views of Oxford, is this height necessary?
- The needs of disabled people should take precedence over Network Rails financial considerations.

Determining Issues:

- Siting
- Design
- Other

Officers Assessment:

Site Description

1. The application site (footbridge) lies to the south of Oxford railway station, immediately west of Hinksey Lake, off Lake Street. It links South Hinksey Village to Oxford City which can only otherwise be accessed from the city via the A34 section of the Oxford Ring Road. The footbridge forms an extension to a further footbridge which crosses the lake itself. **Appendix 1** refers.

Proposal

2. The proposal is for the demolition of the existing bridge and the erection of a replacement immediately adjacent to it which would incorporate the flights of steps to its eastern and western ends. The existing bridge would remain in place whilst the new bridge was constructed to its south and would be removed upon completion of the new bridge. As a result of the location of the new bridge the steps would possess a dogleg rather than going straight up as they do now in order to increase the height of the structure and maintain the links to the footpaths either side of the bridge. The steps will incorporate a wheel track along one side of each flight of steps which would enable cycles to be wheeled across footbridge. The bridge would be a steel latticework structure with steel parapets to a height of 1.5m.
3. The works are associated with the Great Western Mainline electrification programme which would see the electrification of train services between

Oxford and London Paddington. The reconstruction of the bridge is required to allow sufficient over the main line tracks to accommodate overhead line equipment structures associated with the electrification. The current bridge has a minimum clearance of 4.369m (at its lowest point) whilst the new bridge will have a clearance of 5.300m – a difference of 0.904m. Funding for the bridge is direct from the Department for Transport on the basis that it is a like for like replacement of the existing one.

4. The submission does not constitute a planning application, but rather an application for “Prior Approval” under the provisions of Part 11 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995. An extract from the Order is attached as **Appendix 2** to this report.

Assessment

5. Part 11 of the 1995 Order relates to works which are permitted by private Act of Parliament and which take them outside of normal planning control. In this case the relevant Act of Parliament which confers such powers is the Oxford and Rugby Railways Act 1845. Under the terms of Part 11 of the 1995 Order if the development in question is authorised by Parliament, the principle of it cannot be challenged by local planning authorities. Rather local planning authorities can only object to the proposals and withhold “prior approval” on the grounds that the design and external appearance would injure the amenity of the neighbourhood, or that a better site is available. In this case the latter criterion clearly does not apply as there is no other more suitable location to link into the existing footpath to South Hinksey village.

Siting

6. The existing bridge constitutes the only direct pedestrian link between South Hinksey Village and Oxford City. It is intended to remain in place whilst the new bridge is constructed so that disruption to users is kept to a minimum. The new bridge is proposed to the south of the existing bridge and would retain its links to the footpaths either side of the railway. It is therefore considered feasible that the footbridge could be located elsewhere. The principle of a new footbridge at this location is therefore supported.

Design

7. The proposed bridge would be constructed in steel and would represent an updated version of the existing one. It would have a 3m high lattice canopy with the lower half (1.5m) screened. It would also possess a wheeled track for cyclists to make more convenient use of the bridge. Currently there are no proposals for ramped access for disabled needs however as the bridge is intended only as a like for like replacement. In negotiations with officers of Network Rail requests have been made that the design of the bridge be constructed to allow disabled use, as well as accommodating child buggies. In response however Network Rail officers have requested that the submission be determined as submitted, though adding that the new bridge would permit disabled access to be added at a later date. No commitment has been given

however that such future funding would come from Network Rail. The absence of disabled access is disappointing bearing in mind the limitations of the existing footbridge and the opportunity presented now to replace it with a structure which provides for all sections of the community.

8. In this context there has been much concern expressed over the fact that disabled access is not to be provided. In support of its position that it is not obliged to make such provision, Network Rail has drawn officer's attention to what it considers to be a very similar case at South Holland District Council where a replacement footbridge was refused by the local planning authority and was appealed. The appeal decision letter is attached now as **Appendix 3** to this report. The main issue raised by the Council and third parties in that case was that access for all was not being provided. The Inspector in his decision pointed out however that planning permission was not required in the normal way and therefore the issue of concern to the local authority did not fall for him to consider under the Part 11 Prior Approval process.
9. In the light of this case and the expressed concerns of third parties, legal advice has been taken on whether the City Council as local planning authority could reasonably seek to oppose the new footbridge as its particular design excluded disabled provision. Caution has been advised in this regard however as in terms of its design and appearance the new bridge could not of itself be said to be injurious to the amenity of the neighbourhood. If however it was to be considered injurious, then clearly the structure would be capable of modification. On balance officers have concluded that the Council's case in withholding "prior approval" on these grounds would be weak. In this event, it is most likely to result in an appeal as in the South Holland case. Alternatively there might be the possibility of a Judicial Review on the basis of taking account of an immaterial consideration.

Other Issues

- 10 Whilst the following issues have been raised or commented on they cannot be taken into account as they do not fall within Part 11.

Archaeology

11. The Historic Environment Records have been consulted and based on present evidence this scheme is unlikely to have significant archaeological implications.

Biodiversity

- 12 On the basis of the submitted plans Officers can see no significant biodiversity impact. However because to the closeness of water bodies of biodiversity conservation interest, usual precautions will be needed during construction to stop construction run-off entering the water.

Conclusion:

- 13 The construction of the new footbridge to facilitate electrification to London Paddington brings with it an opportunity to provide an overdue footbridge of improved quality, providing disabled access to the otherwise isolated South Hinksey village. Whilst the provision for cyclists is improved over current provision, it is disappointing that a standard of facility which might reasonably be expected has not been forthcoming. That said, officers would not recommend that prior approval be withheld in this case.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to approve the prior approval. 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 the prior approval, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers:

Contact Officer: Lisa Green

Extension: 2614

Date: 25th February 2013

Appendix 1

12/03282/PA11 - Hinksey Lake Footbridge



© Crown Copyright and database right 2011.
Ordnance Survey 100019348

MAPDOC

This page is intentionally left blank

Appendix 2

PART 11 DEVELOPMENT UNDER LOCAL OR PRIVATE ACTS OR ORDERS Class A

A. Permitted development

Development authorised by—

- (a) a local or private Act of Parliament,
- (b) an order approved by both Houses of Parliament, or
- (c) an order under section 14 or 16 of the Harbours Act 1964(2)(orders for securing harbour efficiency etc., and orders conferring powers for improvement, construction etc. of harbours)

which designates specifically the nature of the development authorised and the land upon which it may be carried out.

A.1 Condition

Development is not permitted by Class A if it consists of or includes—

- (a) the erection, construction, alteration or extension of any building, bridge, aqueduct, pier or dam, or
- (b) the formation, laying out or alteration of a means of access to any highway used by vehicular traffic,

unless the prior approval of the appropriate authority to the detailed plans and specifications is first obtained.

A.2 Prior approvals

The prior approval referred to in paragraph A.1 is not to be refused by the appropriate authority nor are conditions to be imposed unless they are satisfied that—

- (a) the development (other than the provision of or works carried out to a dam) ought to be and could reasonably be carried out elsewhere on the land; or
- (b) the design or external appearance of any building, bridge, aqueduct, pier or dam would injure the amenity of the neighbourhood and is reasonably capable of modification to avoid such injury.

A.3 Interpretation of Class A

In Class A, “appropriate authority” means—

- (a) in Greater London or a metropolitan county, the local planning authority,
- (b) in a National Park, outside a metropolitan county, the county planning authority,
- (c) in any other case, the district planning authority(3).

This page is intentionally left blank



Appeal Decision

Site visit made on 22 September 2009

by **Peter Eggleton MRTPI**

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
14 October 2009

Appeal Ref: APP/A2525/A/09/2105440

Steppingstone Footbridge, Spalding, Lincolnshire PE11 1EY.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
- The appeal is made by Network Rail against the decision of the South Holland District Council.
- The application Ref H16/1149/08, dated 31 October 2008, was refused by notice dated 24 December 2008.
- The development proposed is a replacement bridge.

Decision

1. I allow the appeal and grant approval under the provisions of Part 11 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 for the design and external appearance of the bridge at Steppingstone Footbridge, Spalding, Lincolnshire in accordance with the terms of the application Ref H16/1149/08, dated 31 October 2008, and the plans submitted therewith, subject to the following condition:
 - 1) No development shall take place until details of the paint to be used on the external surfaces of the bridge have been submitted to and approved in writing by the local planning authority. The bridge shall be painted in accordance with the approved details prior to the first public use of the bridge.

Main Issue

2. The main issue is the effect of the proposal on the amenity of the neighbourhood.

Reasons

3. The Council determined this application in accordance with the requirements of Part 11 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995. I have considered the appeal on this basis. In the circumstances of this case, the Order does not allow for the construction of a bridge unless prior approval of the detailed plans and specifications has been obtained. This should not be refused nor should conditions be imposed unless the bridge could reasonably be erected elsewhere on the land; or the design or external appearance would injure the amenity of the neighbourhood and could be modified to avoid such injury.

4. The existing bridge forms part of a footpath network and therefore there is no dispute with regard to its location. The only matter for consideration therefore is whether the proposal would be harmful to the amenity of the neighbourhood. The proposed bridge would be considerably shorter than the existing and this would reduce its prominence. Although the station is nearby, I did not find it to be closely related visually. The bridge would stand in isolation from buildings and structures that retain the historic form and character associated with the bridge to be removed. Although the bridge would have a very simple, functional design, I do not consider that this would be out of keeping with its surroundings. I am satisfied that it would sit comfortably within its setting and would not detract from the character or appearance of the area. Although the Order refers to the amenity of the neighbourhood and it has been suggested that this could be widely interpreted, the increased width and more functional design, in comparison to the existing structure, would improve access and safety. I am not satisfied that even the widest interpretation of the Order would result in the conclusion that the proposed bridge would cause injury to the amenity of the neighbourhood. It therefore satisfies the conditions of the Order.
5. I have considered all the concerns raised by the Council and third parties. I accept that an alternative design and the use of different materials could potentially enhance the character and appearance of this area. I also agree that a railway crossing in this location should provide access for all. However, given my main findings, the proposal meets the requirements of the Order and does not require planning permission. As such, these are not matters that fall for me to consider. The appellant has agreed that provision could be made to allow ease of use by cyclists and has advised that a condition to require this would be acceptable. Although I would encourage such provision, the Order is clear that conditions should address concerns with regard to any injury to the amenity of the neighbourhood and as this proposal would provide enhanced access, I am not satisfied that such a condition would fall within the scope of the Order. I agree however that anti-vandalism paint should be used and this is a matter that I can control by condition, as is the final colour of the bridge. I have therefore included a condition which requires that the finish of the bridge be agreed with the Council.
6. As this proposal is not an application for planning permission, I am limited as to the matters that I can take into account in terms of both the concerns expressed and the matters put forward by the appellant. On the basis of the application before me, I conclude that subject to the condition described above regarding the finish of the structure, as the proposal would not result in injury to the amenity of the neighbourhood, prior approval should not be withheld. I therefore allow the appeal.

Peter Eggleton

INSPECTOR

Agenda Item 13

Monthly Planning Appeals Performance Update – January 2013

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 31 January 2013, while Table B does the same for the current business plan year, ie. 1 April 2012 to 31 January 2013.

Table A. BV204 Rolling annual performance (to 31 January 2013)

A.	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No.	%	No.	No.
Allowed	14	(36%)	2 (40%)	12 (35%)
Dismissed	25	64%	3 (60%)	22 (65%)
<i>Total BV204 appeals</i>	39		5	34

Table B. BV204: Current Business plan year performance (1 April to 31 January 2013)

B.	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No.	%	No.	No.
Allowed	12	(39%)	2 (40%)	10 (38%)
Dismissed	19	651%	3 (60%)	16 (62%)
<i>Total BV204 appeals</i>	31		5	26

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 31 January 2013

	Appeals	Percentage performance
Allowed	17	(37%)
Dismissed	19	63%
All appeals decided	46	
Withdrawn	0	

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 January 2013.
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 January 2013. 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 1/1/13 and 31/1/13

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	AP CASE NO.	DECTYPE:	RECM:	APP DEC	DECIDE	WARD	ADDRESS	DESCRIPTION
12/00764/FUL	12/00023/REFUSE	DEL	REF	DIS	02/01/2013	LYEVAL	120 Bulan Road Oxford Oxfordshire OX3 7HX	Erection of single storey storage building to rear garden
12/02228/FUL	12/00047/REFUSE	DEL	REF	DIS	07/01/2013	STCLEM	36 Morrell Avenue Oxford OX4 1ND	Formation of dormer window to front roofslope.
12/01238/FUL	12/00040/REFUSE	DEL	REF	ALC	15/01/2013	COWLEY	6 Trevor Place Oxford Oxfordshire OX4 3LE	Two storey side extension to form a 1 bed house. Provision of two car parking spaces (amended plans)
12/01829/FUL	12/00049/REFUSE	DEL	REF	ALC	15/01/2013	HINKPK	12 Bertie Place Oxford Oxfordshire OX1 4XH	Erection of first floor rear extension (Amended plans)
11/02994/FUL	12/00027/REFUSE		REF	DIS	21/01/2013	HEAD	Land Rear Of 82, 84 And 86 Windmill Road Oxford Oxfordshire	Erection of two storey building (with accommodation in roof space) comprising of 2 x 2-bed and 2 x 3-bed houses and 1 x 1-bed flat. Provision of bin and cycle storage.
12/00660/FUL	12/00026/REFUSE	DELCOM	PER	ALWCST	21/01/2013	HEAD	Land Rear Of 82, 84 And 86 Windmill Road Oxford Oxfordshire	Erection of 2x3 bed dwellings and 1x2 bed dwelling in terraced block, with associated refuse and cycle storage.
12/01325/FUL	12/00030/REFUSE	DEL	REF	ALC	23/01/2013	STCLEM	32 Cherwell Street Oxford Oxfordshire OX4 1BG	Change of use from C3 dwellinghouse to C4 house of multiple occupation
11/03268/FUL	12/00028/REFUSE	DEL	REF	DIS	24/01/2013	COWLYM	24 Milton Road Oxford Oxfordshire OX4 3EF	Erection of 2 bedroom house.

Enforcement Appeals decided between 1/1/13 and 31/1/13

APP DEC KEY: ALC - Allowed with conditions, ALW - Allowed without conditions, AWD - Appeal withdrawn, DIS - Dismissed

EN CASE	AP CASE NO.	APP DEC	DECIDE	ADDRESS	WARD	DESCRIPTION
12//0019/3/ENF	12/00034/ENFORC	DIS	11/01/2013	14 East Street Oxford Oxfordshire OX2 0AU	JEROSN	alleged replacement of windows in Osney Article 4 area

Total Decided: 1

Total Decided: 8

TABLE E Appeals Received between 1/1/13 and 31/1/13

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	AP CASE NO.	DEC TYPE	RECM	TYPE	ADDRESS	WARD	DESCRIPTION
12/02084/FUL	13/00002/REFUSE	DEL	SPL	W	City Arms 288 Cowley Road Oxford OX4 1UR	STMAR	Installation of 3 umbrella's, two external television screens and bamboo fencing to outside seating area.
12/02146/FUL	13/00001/REFUSE	DEL	SPL	W	11 Old Road Headington Oxford Oxfordshire OX3 7JY	CHURC	Erection of a single storey rear extension and rear dormer window (retrospective)
12/02459/FUL	13/00003/REFUSE	DELCOM	PER	W	Grove House Club Grove Street Oxford Oxfordshire OX2 7JT	SUMMTN	Erection of 2x2 bedroom semi-detached dwellings (Class C3).

Total 3

This page is intentionally left blank

WEST AREA PLANNING COMMITTEE

Thursday 7 February 2013

COUNCILLORS PRESENT: Councillors Van Nooijen (Chair), Goddard (Vice-Chair), Benjamin, Canning, Clack, Jones, Rowley and Coulter.

OFFICERS PRESENT: Murray Hancock (City Development), Michael Crofton-Briggs (Head of City Development), Andrew Murdoch (City Development), Michael Morgan (Law and Governance) and Sarah Claridge (Trainee Democratic and Electoral Services Officer)

117. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillor Colin Cook (substituted by Councillor Van Coulter) and Councillor John Tanner (substituted by Councillor Mike Rowley). Councillor Anne-Marie Canning apologised for lateness.

118. DECLARATIONS OF INTEREST

There were no declarations of interest.

119. ROGER DUDMAN WAY: 11/02881/FUL

The Head of City Development submitted a report (previously circulated now appended) which reviewed the Council's current position in respect of planning permission 11/02881/FUL for graduate student accommodation at Castle Mill, Roger Dudman Way following the petition to Council on 17th December 2012.

The Committee noted that Sushila Dhall, Mark Davis, Alison Cobb, Sietske Boeles, Adrian Arbib, Father Jonathan, Richard Laurence-Wilson, Toby Porter Sarah Murphy and Edward Surrige spoke on the report.

The speakers made the following points:

The consultation process was not good enough; the process needs to be improved.

Planting more trees is not effective mitigation for the height of the building, it will not bring back the skyline only removing the top two storeys of the development will save the skyline.

Planting the wrong type of trees will damage wetlands. Council should suspend the planting scheme.

The development is an act of vandalism, it has ruined tourism and the views of the city from Port Meadow

We need to halt development to preserve Port Meadow for future generations. Although revoking permission could be very expensive, the chance of the developer ordering costs is zero due to the embarrassment of the development.

The Committee made the following points:

It is upsetting that the developer has not turned up to speak as it would have been interesting to get their point of view.

What effectively has been built is compliant with the permission but we are unsure about the effectiveness of the mitigation (tree planting) scheme.

Council needs to review how we look at these big developments, the pre-application stage consultation and the process of decision making.

Can't revoke permission, we need to commission some work, explore options and discuss with developer.

The Committee resolved (by 8 votes to 0) to NOTE the report of the Head of City Development: Roger Dudman Way: 11/02881/FUL

- To instruct the Head of City Development to negotiate with the University of Oxford in order to ameliorate the size and impact of the development given planning permission under 11/02881/FUL
- To instruct the Head of City Development to submit a report back to this Committee at the earliest opportunity on the progress of his negotiations, and by the scheduled April 2013 meeting at the latest
- To establish a working party, to include members of local amenity groups as well as members and officers, to recommend to the Council any changes to procedures or policies which the process of handling and determining the application 11/02881/FUL (including the pre-application and consultation stages) might suggest would be desirable.

120. 190 IFFLEY ROAD: 12/03016/EXT & 12/03122/EXT

This item was withdrawn by officers and will be determined at the Committee meeting on 13 March 2013.

121. 53 STANLEY ROAD: 12/02849/FUL

The Head of City Development submitted a report (previously circulated now appended) which detailed a planning application for the erection of an outbuilding in the rear garden.

In accordance with the criteria for public speaking, the Committee noted that Steve Palmer spoke against the application.

After taking into consideration all oral and written submissions, the Committee resolved (by 7 votes to 1) to REFUSE the planning application because the development would form an unacceptable visual relationship with the existing site and local area and would not have an acceptable effect on the current and

future occupants of adjacent properties. Nor would an adequate size of garden be retained and concerns over flooding remained to be properly addressed.

The proposals would not therefore comply with Policies CP1, CP8, CP10, HS19 and HS21 of the adopted Oxford Local Plan 2001 – 2016, Policies CS11 and CS18 of the Core Strategy and Policies HP9, HP13 and HP14 of the Sites and Housing Plan.

122. TYNDALE HOUSE, COWLEY ROAD: 12/02826/FUL

The Head of City Development submitted a report (previously circulated now appended) which detailed a planning application to erect a three storey extension to rear and extension at roof level. Change of use of first, second and third floors to 66-bed hotel with entrance from James Street. Re-cladding of existing facades and provision of 2 disabled parking spaces, cycle and bin stores and external seating at rear accessed from James Street.

In accordance with the criteria for public speaking, the Committee noted that Alison Wright spoke in favour of the application.

After taking into consideration all oral and written submissions, the Committee resolved (by 8 votes to 0) to SUPPORT the development in principle but defer the application in order to draw up a unilateral undertaking in the terms outlined in the report, and delegate to officers the issuing of the notice of permission, subject to the following conditions.

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Material Samples
- 4 Flat roof and Stair for emergency use only
- 5 Details of Cycle and Refuse Storage
- 6 Revised Parking and Servicing Plan
- 7 Travel Plan
- 8 Construction Traffic Management Plan
- 9 Details of air con plant or machinery
- 10 Sustainability Measures

Unilateral Undertaking:

£480 to County Council for Travel Plan Monitoring over next 5 years

123. FORMER MAROON PUBLIC HOUSE, 44 ST. THOMAS STREET: 12/01970/FUL

The Head of City Development submitted a report (previously circulated now appended) which detailed a planning application to alter and convert the existing building to provide 6x1 bedroom dwellings (amended plans).

The Planning Officer indicated that the word “significantly” in the last sentence of paragraph 36 was a drafting error and should be deleted accordingly, so that the sentence read *“If the residual land value is greater than the existing use value (plus a reasonable incentive for the landowner to bring the site to market), then the scheme is viable.”*

The Committee noted that no one wished to speak on this application.

After taking into consideration all written submissions, the Committee resolved (by 8 votes to 0) to REFUSE planning permission because the proposed scheme for the erection of 6x1 bedroom dwellings does not include a contribution towards the provision of affordable housing elsewhere in Oxford which is contrary to policy HP4 of the Sites and Housing Plan 2012, would fail to contribute to the provision of mixed and balanced communities and would be harmful to the quality and quantity of Oxford's housing stock.

124. 36 MORRELL AVENUE: 12/02829/FUL

This item was withdrawn by officers and will be determined at the Committee meeting on 13 March 2013.

125. 47 JEUNE STREET: 12/03104/FUL

The Head of City Development submitted a report (previously circulated now appended) which detailed a planning application for a change of use from a dwelling house (use class C3) to a House of Multiple Occupation (use class C4).

In accordance with the criteria for public speaking, the Committee noted that no one wished to speak on this application.

After taking into consideration all written submissions, the Committee resolved (by 8 votes to 0) to REFUSE the application because the proposed development would result in an over concentration of House in Multiple Occupation within Jeune Street, the wider local area and the HMO Registration Area which would have a detrimental impact upon the balance and mix of dwelling types within the surrounding area, failing to contribute to the objective of balanced and mixed communities. This would be contrary to Policy HS15 of the adopted Oxford Local Plan 2001-2016, Policy CS23 of the Core Strategy and Policy HP7 of the emerging Sites and Housing Plan.

The application fails to demonstrate that the development could provide good quality internal living environments capable of accommodating the likely number of occupants within the house (House in Multiple Occupation) and as a result would have a detrimental impact upon the living conditions for the future occupants. This would be contrary to Policy HS15 of the Oxford Local Plan 2001-2016 and Policy HP7 of the emerging Sites and Housing Plan.

126. PLANNING APPEALS

The Head of City Development submitted a report (previously circulated, now appended) giving details of planning appeals received and determined during December 2012.

The Chair mentioned to the committee the allowed appeal at the Academy music venue at Cowley Road.

The Committee resolved (by 8 votes to 0) to NOTE the report on planning appeals received and determined during December 2012.

127. FORTHCOMING APPLICATIONS

The Committee resolved (by 8 votes to 0) to NOTE the list of forthcoming applications.

128. MINUTES

The following amendments were made to minute 110 University Science Area Masterplan:

2 There needs to be more thought to energy saving devices and low carbon proposals

3. Important to prioritise cycle parking, especially in places where people will want to park, that is, close to the buildings that will be used. Need to investigate other forms of cycle parking ie multi level cycle parks such as they do in the Netherlands.

The Committee resolved (by 8 votes to 0) to APPROVE the amended minutes of the meeting held on 16 January 2012 as a true and accurate record.

129. FUTURE MEETING DATES

The Committee resolved (by 8 votes to 0) to NOTE that the next meeting would be held on Wednesday 13th March 2013.

The Committee made a request to the Head of Law and Governance that all future West Area Planning Committee meetings be held in the Assembly room of the Town Hall.

The meeting started at 6.00 pm and ended at 8.35 pm

This page is intentionally left blank