

# Agenda

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## East Area Planning Committee

Date: **Thursday 13 June 2013**

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Time: **6.00 pm**

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

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For any further information please contact:

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Email: [sclaridge@oxford.gov.uk](mailto:sclaridge@oxford.gov.uk)

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# East Area Planning Committee

## Membership

<b>Councillor Mohammed Altaf-Khan</b>	Headington Hill and Northway;
<b>Councillor Mary Clarkson</b>	Marston;
<b>Councillor Van Coulter</b>	Barton and Sandhills;
<b>Councillor Steven Curran</b>	Northfield Brook;
<b>Councillor Roy Darke</b>	Headington Hill and Northway;
<b>Councillor Sam Hollick</b>	Holywell;
<b>Councillor Ben Lloyd-Shogbesan</b>	Lye Valley;
<b>Councillor Michele Paule</b>	Rose Hill and Iffley;
<b>Councillor David Rundle</b>	Headington;

The quoram for this meeting is five members. Substitutes are permitted.

### **HOW TO OBTAIN AGENDA**

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# AGENDA

## Pages

1 **APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

2 **DECLARATIONS OF INTEREST**

3 **LAND TO THE REAR OF 82, 84, AND 86 WINDMILL ROAD  
:13/00820/FUL**

1 - 18

The Head of City Development has submitted a report which details a planning application to erect 2x3 bed dwellings and 1x2 bed dwelling (Class C3) in terraced block with associated bin and cycle stores.

**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 Amenity no additional windows north, south, west or east,
- 4 Design - no additions to dwelling
- 5 Samples
- 6 Landscape plan required
- 7 Landscape carry out by completion
- 8 Cycle parking details required
- 9 Variation of Road Traffic Order - Norton Close/Windmill Road
- 10 Sustainability design/construction
- 11 Bin stores
- 12 Suspected contamination - Risk assess
- 13 Link use of garages to new houses
- 14 Class C3 use only
- 15 Construction Travel Plan

4 **29 OLD HIGH STREET: 13/00880/FUL & 13/00881/CAC**

19 - 32

The Head of City Development has submitted a report which details a planning application and conservation area consent for the partial demolition of existing house and demolition of existing garages and outbuildings. Erection of two storey side and rear extension. Provision of new access, car parking and turning area. Rebuilding of stone boundary wall fronting Old High Street.

**Officer recommendation:** That the Committee REFUSE the planning application and conservation area consent because:

**Planning Application (12/01765/FUL)**

- 1 Having regard to the excessive size and bulk of the proposed extensions and to the proximity of the two storey side extension to the boundary of the site with 33 Old High Street, the proposal would appear prominent and intrusive in the street scene, would not appear subservient to the

existing, historic building and would result in the loss of an important visual gap between Numbers 29 and 33 Old High Street. In this way the proposal would unacceptably detract from the character of the existing building and would neither preserve nor enhance the special character and appearance of the Old Headington Conservation Area in which the site lies contrary to policies CP1, CP8, CP10 and HE7 of the adopted Oxford Local Plan 2001 – 2016 and policy CS18 of the adopted Core Strategy 2026.

Conservation Area Consent (12/01766/CAC)

1. The site lies in the Old Headington Conservation Area and the proposal to part demolish the existing dwelling and the boundary wall and to fully demolish the existing garages and outbuildings would not be justified in the absence of an appropriate scheme to extend the property and would be contrary to government guidance contained in the National Planning Policy Framework.

**5 2 MANDELBROTE DRIVE: 13/00378/FUL**

33 - 40

The Head of City Development has submitted a report which details a planning application to convert an existing integral garage into habitable accommodation including replacement of existing garage door with facing brickwork.

**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 Materials - matching

**6 38 QUARRY ROAD : 13/00598/FUL**

41 - 52

The Head of City Development has submitted a report which details a planning application to erect a 1 x 4 bedroom dwelling with detached garage which includes ancillary accommodation.

**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 Samples of materials
- 4 Tree Protection Plan
- 5 Construction plan to indicate siting of all construction features
- 6 Services Plan to show location of underground services and soakaways
- 7 Landscape plan
- 8 Details of hard surface design
- 9 Accommodation over garage to be ancillary only
- 10 Removal of PD rights
- 11 Eaves detail
- 12 Working method statement for protection of great crested newts

- 13 No removal of hedgerows, trees or shrubs to take place between 1<sup>st</sup> March - 31st August for bird protection
- 14 Ivy covered trees to be soft felled
- 15 Native species only to be used in planting
- 16 Bird boxes to be incorporated
- 17 Phased risk assessment to assess contamination of land
- 18 Boundary details before commencement
- 19 Re-siting of pond
- 20 Bin and cycle storage details
- 21 Details of sustainability

## **7 DATES OF FUTURE MEETINGS**

The Committee NOTES the following future meeting dates:

- Wednesday 3 July 2013 (and Thursday 11 July if necessary)
- Wednesday 7 August 2013 (and Thursday 15 August if necessary)
- Wednesday 4 September 2013 (and Thursday 12 September if necessary)
- Wednesday 2 October 2013 (and Thursday 10 October if necessary)
- Wednesday 6 November 2013 (and Thursday 14 November if necessary)
- Wednesday 4 December 2013 (and Thursday 12 December 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](mailto:planningcommittee@oxford.gov.uk) before 10.00 am on the day of the meeting giving details of your name, the application/agenda item you wish to speak on and whether you are objecting to or supporting the application (or complete a 'Planning Speakers' form obtainable at the meeting and hand it to the Democratic Services Officer or the Chair at the beginning of the meeting)
5. All representations should be heard in silence and without interruption. The Chair will not permit disruptive behaviour. Members of the public are reminded that if the meeting is not allowed to proceed in an orderly manner then the Chair will withdraw the opportunity to address the Committee. The Committee is a meeting held in public, not a public meeting,
6. Members should not:-
  - (a) rely on considerations which are not material planning considerations in law;
  - (b) question the personal integrity or professionalism of officers in public;
  - (c) proceed to a vote if minded to determine an application against officer's recommendation until the reasons for that decision have been formulated; and
  - (d) seek to re-design, or negotiate amendments to, an application. The Committee must determine applications as they stand and may impose appropriate conditions.

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**East Area Planning Committee**

13th June 2013

**Application Number:** 13/00820/FUL

**Decision Due by:** 3rd June 2013

**Proposal:** Erection of 2x3 bed dwellings and 1x2 bed dwelling (Class C3) in terraced block with associated bin and cycle stores.

**Site Address:** Land to the rear of 82 84 and 86 Windmill Road, Oxford  
[Appendix 1]

**Ward:** Headington Ward

**Agent:** Ifor Rhys Ltd

**Applicant:** Haseley Homes Ltd

Application called in by Councillors Rundle, van Nooijen, Canning and Coulter on grounds that the site has been the subject of repeated applications including a successful appeal and which is accessed off Norton Close.

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## **Recommendation:**

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposal forms an appropriate visual relationship with the site and the surrounding development and would appear in keeping with the street scene. The scheme would provide 2 x 3 bedroom dwellings and 1 x 2 bedroom dwelling, would be served by 2 car parking spaces in the garage block to the west of the site and would provide cycle parking, bin stores and private amenity areas. There is an extant planning permission, allowed on appeal, for a similar form of development to provide the same mix of dwellings together with 2 car parking spaces. It is considered that the proposal complies with adopted policies contained in the Oxford Core Strategy, the Sites and Housing Plan and the Oxford Local Plan.
- 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 Amenity no additional windows north, south, west or east,
- 4 Design - no additions to dwelling
- 5 Samples
- 6 Landscape plan required
- 7 Landscape carry out by completion
- 8 Cycle parking details required
- 9 Variation of Road Traffic Order - Norton Close/Windmill Road
- 10 Sustainability design/construction
- 11 Bin stores
- 12 Suspected contamination - Risk assess
- 13 Link use of garages to new houses
- 14 Class C3 use only
- 15 Construction Travel Plan

### **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
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities

#### **Core Strategy**

- CS2\_** - Previously developed and greenfield land
- CS9\_** - Energy and natural resources
- CS10\_** - Waste and recycling
- CS11\_** - Flooding
- CS18\_** - Urban design, town character, historic environment
- CS23\_** - Mix of housing

#### **Sites and Housing Plan**

- HP9\_** - Design, Character and Context
- HP11\_** - Low Carbon Homes
- HP12\_** - Indoor Space
- HP13\_** - Outdoor Space
- HP15\_** - Residential cycle parking
- HP16\_** - Residential car parking

### **Other Material Considerations:**

National Planning Policy Framework  
Balance of Dwellings Supplementary Planning Document [BoDS SPD]

### **Relevant Site History:**

09/02036/FUL: Erection of a terrace of 3 x 2 bedroom dwellings together with bin

and cycle stores. Approved

10/00050/FUL: Erection of a terrace of 3 x 2 bedroom dwellings together with bin and cycle stores. Refused on grounds of inadequate rear gardens only.

10/01946/FUL: Erection of a terrace of 3 x 2 bedroom dwellings with bin and cycle stores. [Amendment to 09/02036/FUL] Approved

11/02994/FUL: Erection of 2 x 3 bedroom dwellings, 2 x 2 bedroom flats and 1 x 1 bedroom flat in a terraced block with bin and cycle stores. Refused and dismissed on appeal

12/00660/FUL: Erection of 2 x 3 bedroom dwellings and 1 x 2 bedroom dwelling in a terraced block with bin and cycle stores. Refused and allowed on appeal.

### **Representations Received:**

None

### **Statutory Consultees:**

Thames Water: No objection with regard to sewerage infrastructure.

With regard to surface water drainage it is recommended that the applicant ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. It is also recommended that the applicant contact Thames Water.

Oxfordshire County Council as Local Highway Authority: The site lies within the Headington CPZ and there is parking pressure where on-street parking is over subscribed. The proposal includes the use of two garages, in a garage block, for each of the 3 bedroom dwellings. The garage block is unlit and the parking spaces are below the latest standards for practical and useable parking. However each of the new dwellings should be excluded from eligibility for resident parking permits although eligibility for visitor parking permits is considered to be acceptable.

No objection subject to the following conditions:

- No occupation until the TRO has been varied to exclude the site from eligibility for resident parking permits
- Submission and approval of a Construction Travel Plan

### **Issues:**

- Principle
- The Appeal Decision
- Private Amenity Space

### **Sustainability:**

The site lies in a sustainable location within easy access to shops, services and public transport links and the proposal constitutes a sustainable form of development that would make more efficient use of an existing brownfield site.

The design and access statement submitted with the application states that the new dwellings would be designed to achieve Level 3 of the Code of Sustainable Homes. In addition, materials will be sourced locally and energy efficient fittings and appliances will be used.

## **Officers Assessment:**

### Site location and description

1. The site lies to the rear of numbers 82, 84 and 86 Windmill Road and currently accommodates a block of 5 garages which are accessed by way of an unmade track leading off Windmill Road. The garages have not been used for a number of years.
2. The site lies adjacent to numbers 21 and 22 Norton Close which is a cul-de-sac leading off Bateman Street. The site appears neglected and unsightly from the side door and windows of number 22 Norton Close.
3. The site also includes two garages located in the adjacent garage block. The end garage has had its side, rear and front walls removed and provides a hard surfaced car parking space. The other garage within the block has had its front door removed.

### The Proposal

4. The application seeks planning permission for the demolition of the existing garage block and the erection of a terrace of 2 x 3 bedroom dwellings and 1 x 2 bedroom dwellings. The two larger dwellings would both have access to a car parking space in the adjacent garage block but the two bedroom dwelling would be car free. The occupiers of the new dwellings would however be eligible to apply for visitor parking permits.
5. The scheme proposes the provision of cycle parking and bin stores for each new unit together with private rear gardens. Pedestrian access in and out of the site would be onto the turning head area of Norton Close.
6. The new building would have a width of 18.5 metres, a depth of 12 metres and a height of 8.1 metres. It would be erected using a mix of render and facing bricks with a tiled roof incorporating two rear dormer windows and a double sized rooflight.
7. The proposal differs from the scheme allowed on appeal in January of this year having regard to the proposed building having a 1.5 metre deeper footprint at ground and first floor level which provides more spacious living and bedroom accommodation. No changes are proposed to the accommodation within the roofspace which remains as approved.

### Principle

8. There are currently two extant planning permissions for the erection of a building on the site to provide 2 x 3 bedroom dwellings and 1 x 2 bedroom dwellings together with cycle parking, bin stores and private amenity space. The first permission [without any accommodation in the roofspace] was approved in August 2010 [10/01496/FUL]. The more recent planning permission [12/00660/FUL] was allowed on appeal in January 2013.

9. Having regard to the extant planning permissions, officers take the view that the principle of the erection of 2 x 3 bedroom dwellings and 1 x 2 bedroom dwelling is not at issue.

### The Appeal Decision

10. A copy of the appeal decision is attached at Appendix 2 and Members are advised that it is only appeal A that is directly relevant to the current proposal. The application the subject of the appeal was refused for only one reason relating to inadequate parking provision for the new dwellings.
11. In allowing Appeal A, the Inspector comments that the alterations made to the two garages have improved their accessibility and that, although the garage block is not lit, both the garage plots provide proper parking accommodation in accordance with adopted local plan policies. The Inspector goes on to say that the Local Highway Authority has raised no objection to the application and concludes that the proposal would not have a severe effect on highway safety in Norton Close. The current application proposes the same arrangement as regards car parking provision.
12. In paragraph 32 the Inspector considers the Council's suggestion that if planning permission is granted and the appeal is allowed, a condition should be imposed removing permitted development rights in respect of extensions to the new dwellings and the erection of garden buildings. The Inspector states "*The circumstances of the proposal under Appeal A would not however be sufficiently exceptional to require such a response to prevent harm and such a condition would therefore not be necessary*".
13. The current proposal incorporates an additional building depth of 1.5 metres at ground and first floor levels. Under the Town and Country Planning [General Permitted Development] Order 1995 [as amended], a single storey extension up to 3 metres in depth is permitted development, not requiring planning permission. A first floor extension of up to 3 metres can also be permitted development depending on distances to boundaries. In this case part of the proposed first floor extension would not be permitted development; however what could be erected without planning permission would appear contrived and unsightly and officers take the view that the most logical approach to this issue is to approve the current proposal for 1.5 metre deep rear extensions and to remove further permitted development rights by condition. In this way the Council would retain control over the erection of any further extensions or garden buildings.

### Private amenity space

14. Policy HP13 of the Sites and Housing Plan 2012 states that houses of 2 or more bedrooms must provide a private garden, of adequate size and proportions for the size of the house proposed for exclusive use by the

occupants of that house. The policy goes on to say that other factors will need to be taken into account including proximity to public open space, orientation, enclosure and overlooking and the overall shape of the space to be provided.

15. The gardens proposed would have a depth of 8.5 metres and widths varying between 6 and 8.5 metres and officers consider this to be acceptable. In addition, it is clear that the Inspector did not consider garden sizes to be an issue given that he did not take away permitted development rights for the new dwellings which would enable 3 metre deep single storey extensions to be erected without planning permission. This would result in the length of the private gardens being reduced to 7 metres.

### **Conclusion:**

16. The proposal forms an appropriate visual relationship with the site and the surrounding development and would appear in keeping with the street scene. The scheme would provide 2 x 3 bedroom dwellings and 1 x 2 bedroom dwelling, would be served by 2 car parking spaces in the garage block to the west of the application site and would provide cycle parking, bin stores and private amenity space. There is an extant planning permission, allowed on appeal, for the erection of 3 dwellings on the site and the proposal complies with adopted policies contained in the Oxford Core Strategy, the Sites and Housing Plan and the Oxford Local Plan.

### 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:**

09/02036/FUL

10/00050/FUL

10/01496/FUL

11/02994/FUL

12/00660/FUL

13/00820/FUL

**Contact Officer:** Angela Fettiplace

**Extension:** 2445

**Date:** 9th May 2013

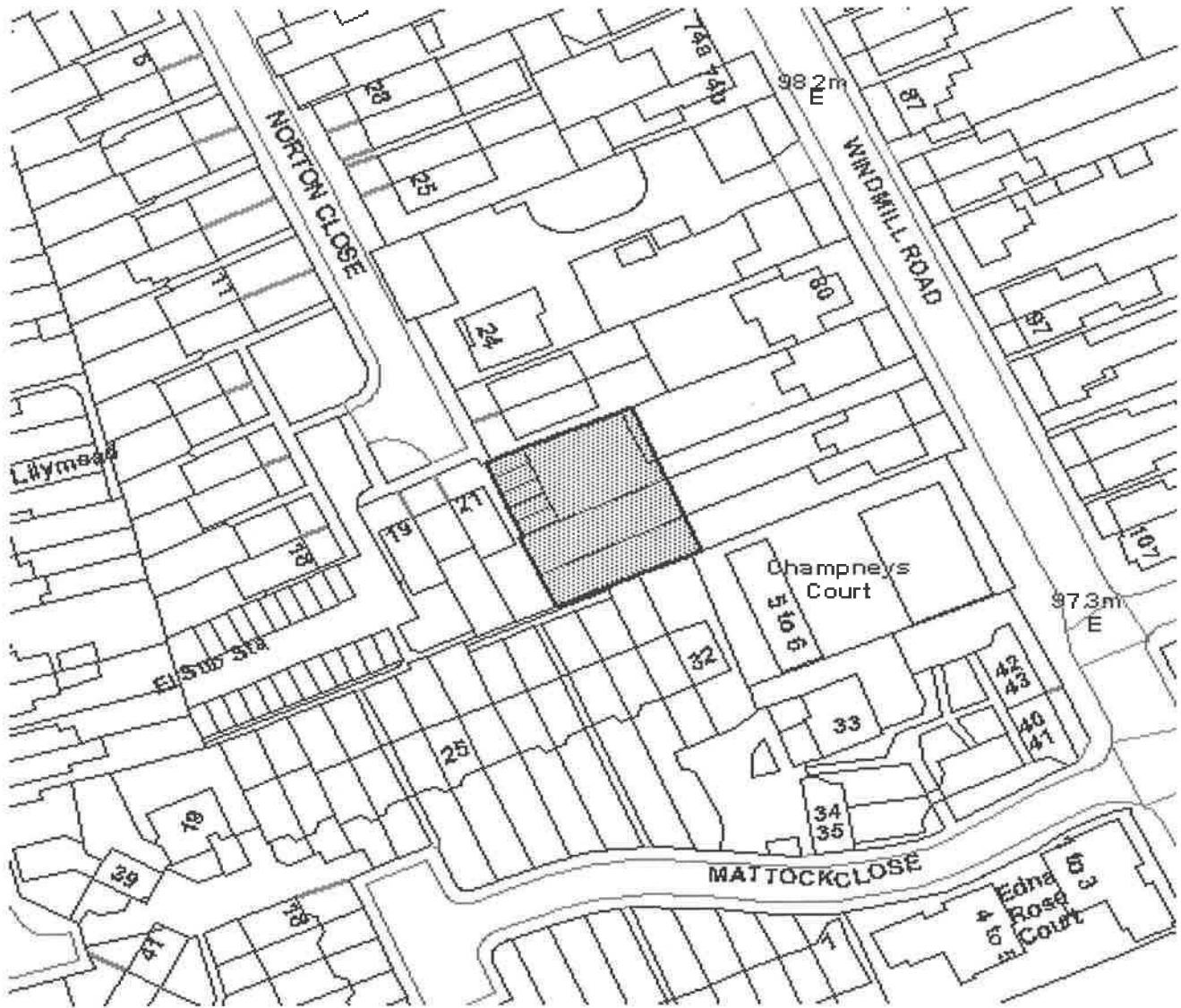
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# Appendix 1

13/00820/FUL - Land Rear of 82, 84 And 86 Windmill Road.

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## Appeal Decisions

Site visit made on 16 November 2012

**by Stephen Roscoe BEng MSc CEng MICE**

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

Decision date: 21 January 2013

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### **Appeal A Ref: APP/G3110/A/12/2179978**

**Land to the Rear of 82, 84 & 86 Windmill Road, Headington, Oxford  
OX3 7BX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Neil Gorton, Haseley Homes Ltd against the decision of Oxford City Council.
  - The application Ref 12/00660/FUL, dated 27 February 2012, was refused by notice dated 8 June 2012.
  - The development proposed is the construction of 2 three bedroomed dwellings and 1 two bedroomed dwelling in a terraced block with bin and cycle stores.
- 

### **Appeal B Ref: APP/G3110/A/12/2180583**

**Land to the Rear of 82, 84 & 86 Windmill Road, Headington, Oxford  
OX3 7BX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Neil Gorton, Haseley Homes Ltd against the decision of Oxford City Council.
  - The application Ref 11/02994/FUL, dated 17 November 2011, was refused by notice dated 11 January 2012.
  - The development proposed is the construction of 2 three bedroomed dwellings, 2 two bedroomed flats and 1 one bedroomed flat in a terraced block with bin and cycle stores.
- 

### **Procedural Matters**

1. The appeal site is situated within the Headington Central Residents Parking Zone. It has the benefit of planning permission for 3 two bedroomed dwellings in a terraced block, on a car free basis with eligibility for residents' parking permits withdrawn by planning condition. The permitted scheme does not include any off-street parking. The permission is readily capable of implementation and is therefore a realistic fallback position in relation to the above appeals.
2. A second floor study in the dwelling under Appeal A described as having two bedrooms would be capable of occupation as a bedroom. This dwelling has therefore been considered to have three bedrooms in the assessment of the issues in these appeals.

### **Decision**

3. Appeal A is allowed and planning permission granted for the construction of 2 three bedroomed dwellings and 1 two bedroomed dwelling in a terraced block
-

with bin and cycle stores at Land to the Rear of 82, 84 & 86 Windmill Road, Headington, Oxford OX3 7BX in accordance with the terms of the application, Ref 12/00660/FUL, dated 27 February 2012, and subject to the conditions listed at the end of this decision.

4. Appeal B is dismissed.

#### **Application for Costs**

5. An application for costs in relation to Appeal A was made by the appellant against the Council. This application is the subject of a separate decision.

#### **Main Issues**

6. The main issues in these cases are:
- i) whether the proposal under Appeal A would have severe effect on highway safety in Norton Close;
  - ii) the effect of the proposal under Appeal B on the living conditions of nearby existing occupiers in relation to privacy;
  - iii) whether the proposal under Appeal B would provide adequate private open amenity space for its future occupiers; and
  - iv) the effect of the proposal under Appeal B on the character and appearance of the surrounding area.

#### **Reasons**

##### *Highway Safety*

7. The pedestrian accesses for the proposed dwellings under Appeal A would be from Norton Close. On-street parking in the close appears to be restricted to permit spaces, with much of the close having double yellow line restrictions. At the time of the site visit, there was some evidence of parking on some of the footways of the close. The close leads to blocks of garages which appear to be associated with the housing in the close.
8. The proposal would include the use of two of these garage plots, one for the occupiers of each of the two dwellings described as having three bedrooms. On one of these plots, the garage has been demolished and, on the other, the vehicle door has been removed and the opening widened. Both of these alterations serve to improve the accessibility of the parking provided. Although they are not lit, both the garage plots provide proper parking accommodation in accordance with Local Plan<sup>1</sup> (LP) Saved Policy CP.10. The third dwelling would not have the benefit of any local on or off-street parking.
9. The Highway Authority has not objected to the proposal, despite the parking spaces being smaller than its general requirements<sup>2</sup>, and has advised that visitor permits would be available for the dwellings. Furthermore, the appeal site is situated in a sustainable urban location and the fallback proposal relates to a car free development comprising 3 two bedroomed dwellings. In view of the existence of the fallback position, the two proposed parking spaces and the availability of visitor parking permits, the proposal would provide appropriate

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<sup>1</sup> Oxford Local Plan: 11 November 2005

<sup>2</sup> Oxfordshire County Council: Transport for New Developments: Parking Standards for New Residential Developments

and acceptable parking. This would accord with LP Saved Policies CP.1, CP.6 and TR.3, and the proposal thus would not have an adverse impact on highway safety due to any additional on-street parking. Furthermore, the proposal would not have a severe cumulative residual impact in conflict with the more stringent test in the National Planning Policy Framework.

10. The proposal would result in the increased use of Norton Close. The close however already serves many dwellings, and the three additional dwellings proposed, together with the two parking spaces, would not have any material effect on highway conditions within the close
11. I therefore conclude that the proposal under Appeal A would not have a severe effect on highway safety in Norton Close. I further conclude that it thus would not conflict with Local Plan Saved Policies CP.1, CP.6, CP.10 and TR.3 or the National Planning Policy Framework.

#### *Existing Occupiers' Living Conditions*

12. The rear boundary of the appeal site generally adjoins the rear boundaries of the gardens of Nos 29 to 32 Mattock Close. The proposed dwellings under Appeal B would include extensive rear glazing at second floor level. The second floor flat would also have the benefit of a rear balcony which would be accessed from the living/kitchen/diner and have a southerly aspect. The balcony would be the only outdoor amenity space for the flat, be well accessed and possess a sunny aspect. It therefore would be likely to be well used.
13. The balcony would directly face the rear elevations of the dwellings in Mattock Close. Views would be possible from the balcony into the rear gardens of Nos 29 to 32, including into their more sensitive areas directly to the rear of the houses. Intervening vegetation, which provides some partial screening, could be removed in the future and therefore cannot be relied upon. The appellant's position is that distance between the rear elevations of the proposed dwellings and the rear elevations of the houses in Mattock Close would lie just within the limit of the Council's standard of acceptability. As a result of the above factors however, the proposal would not adequately protect or safeguard the privacy of nearby occupiers in Mattock Close as required by LP Saved Policies HS.19 and CP.10.
14. The proposal under the fallback position would include three first floor balconies which would be accessed from bedrooms. As a consequence of the positive attributes of the appeal balcony, it would however be likely to be much more used than the three first floor balconies of the fallback proposal. The appeal balcony would also be at a higher level than the balconies of the fallback position, leading to a greater degree of overlooking. The existence of the fallback position would not therefore offset the harm from the appeal proposal in this regard. There are other examples of overlooking in the area around the appeal site, but their presence would not be a justifiable reason to allow more.
15. I therefore conclude that the proposal under Appeal B would have a harmful effect on the living conditions of nearby existing occupiers in relation to privacy and that it would thus conflict with Local Plan Saved Policies HS.19 and CP.10.



### *Future Occupiers' Living Conditions*

16. The lengths of the rear gardens of the proposed two and three bedroomed dwellings under Appeal B, from the living room french doors to the rear boundary, would be 10m. This would include a small covered area immediately outside the french doors, which would be permanently open to the garden, would occupy the width of the dwelling and would be likely to be used as part of the garden. It should therefore be included in the garden length. Furthermore, bin and cycle storage would be provided outside the rear gardens, effectively increasing the space provided within the gardens. As a consequence of all of these factors, the rear gardens would provide sufficient private open amenity space.
17. The private open amenity space to be provided for the occupiers of the second floor flat would comprise the balcony. The one bedroomed flat would be unlikely to be used for family accommodation, and the balcony would have good access from the living/kitchen/diner, have a sunny southerly aspect and be of a size sufficient for sitting out. The balcony would therefore provide sufficient private open amenity space of a satisfactory quality in accordance with LP Saved Policy HS.21. Indeed, this policy suggests that private amenity space can be provided in the form of balconies.
18. The Council's Explanatory Practice Note<sup>3</sup> on the matter also explains that, for one and two bedroomed upper floor flats, amenity space can be provided in the form of small balconies or ground level shared amenity space. In this particular case, the Council is concerned that there would be no space for the drying of clothes for the single one bedroomed flat. This would not however be sufficient reason to dismiss the appeal on the basis of the living conditions of future occupiers.
19. I therefore conclude that the proposal under Appeal B would provide adequate private open amenity space for its future occupiers and that it thus would not conflict with Local Plan Saved Policy HS.21.

### *Character and Appearance*

20. The appeal site has no public frontage and limited public visibility, being much screened by the surrounding buildings. The buildings around the site exhibit a variety of styles and sizes and include a prominent commercial building which directly backs onto the kerb line of Norton Close not far from the appeal site.
21. The gable wall of the proposed dwellings under Appeal B would be the element of the building most visible from the close. The wall would be similar, in terms of height and extent, to that of the adjacent dwellings, Nos 22 and 23 Norton Close. In many views from the close however, the ridge of the roof of the proposed dwellings would appear to be lower than that of Nos 22 and 23, due to perspective. The proposed dwellings would therefore create a stepped appearance between the height of the roof at Nos 22 and 23 and that of the lower roof at No 21 Norton Close to the other side of the site.
22. The scale of the proposed dwellings would therefore be equivalent to, and have an appropriate visual relationship with, the surrounding area in accordance with LP Saved Policies CP.6 and CP.8. The scale would also be similar to that

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<sup>3</sup> Oxford City Council: Private Open Amenity Space – An Explanatory Practice Note: 9 June 2008

proposed under the fallback position, and this adds weight to the acceptability of the proposal.

23. The visible gable wall would also respect the gable vernacular at Nos 21, 22 and 23. The proposal would therefore respect the area's character and appearance, maintain the streetscape and create a successful living environment as required by LP Saved Policies CP.1, CP.10 and CP.9. In addition, the proposed urban design would also be appropriate in respect of its surroundings in accordance with Core Strategy<sup>4</sup> (CS) Policy CS18.
24. The length of the proposed terrace would be greater than that at Nos 19 to 21 Norton Close, and the front to rear elevation depth of Nos 22 and 23. The additional length however would be screened by the surrounding buildings and would not be harmful. The front elevation would include a tower feature. Whilst this would add some interest to the elevation, it would have little public visibility and no material effect on the surrounding area.
25. The proposed dormers would dominate the rear elevation, visually taking it to three storeys. Generally however, they would only be visible in private views and, with fewer receptors, this would reduce the weight of any impact of them on the character and appearance of the surrounding area. The rear dormers would therefore be no reason to dismiss the appeal.
26. I therefore conclude that the proposal under Appeal B would not have a harmful effect on the character and appearance of the surrounding area. I further conclude that it thus would not conflict with Local Plan Saved Policies CP.1, CP.6, CP.8, CP.9 and CP.10 or Core Strategy Policy CS18.

#### *Other Matters*

27. The dwellings under Appeals A and B would be situated in reasonably close pedestrian proximity to the carriageway of Norton Close. The emergency services have not objected to the proposals, and poor emergency access would be no reason to dismiss the appeals. There is also no evidence to suggest that the proposals would conflict with the LP 45° code of practice guidelines for the assessment of impact on daylight, sunlight and outlook.
28. The appellant has suggested that the area suffers from a declining supply of housing land. There is no reasoned evidence that this is the case but, if it was, the proposal under Appeal B would not reflect the community's needs in terms of the living conditions of the occupiers of Nos 29 to 32 Mattock Close. This would conflict with the social role of sustainable development, and the housing land supply situation would be no reason to allow the appeal.

#### *Unilateral Undertakings*

29. The appellant has provided Unilateral Undertakings (UUs), both dated 19 September 2012, in respect of both proposals. These would provide for contributions towards the cost of amending a Traffic Regulation Order (TRO) to exclude the site from eligibility for residents' parking permits. The need for the exclusions would result from the impacts of the proposals, and the contributions would be necessary to secure compliance with LP Saved Policies CP.1, CP.6 and TR.3. The undertakings therefore meet the three statutory

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<sup>4</sup> Oxford Core Strategy: 14 March 2011

tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

*Conditions*

30. Under Appeal A, conditions would be necessary in relation to external materials, landscaping and a tree survey to protect the character and appearance of the surrounding area. Conditions would be required in respect of cycle parking and design and construction methods in the interests of sustainable development. Refuse storage and contaminated land conditions would be necessary to protect the living conditions of future occupiers and window restrictions in relation to existing occupiers. Conditions to prevent occupation before the TRO is amended and in respect of parking would be necessary in the interests of highway safety.
31. Otherwise than as set out in this decision and conditions, it would be necessary that the development should be undertaken in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. It would also be necessary to amend the conditions suggested by the Council in the interests of precision and enforceability.
32. The Council has suggested a condition to withdraw permitted development rights in respect of the enlargement or alteration of the proposed dwellings and the provision of buildings or enclosures within their curtilages. The circumstances of the proposal under Appeal A would not however be sufficiently exceptional to require such a response to prevent harm, and such a condition would therefore not be necessary. The Council has also suggested conditions to regulate soft landscaping and the provision of cycle storage. The landscaping and storage are however sufficiently detailed on the submitted plans, and the conditions would therefore be unnecessary.

*Conclusions*

33. Whilst no harm has been identified under Appeal B in relation to the living conditions of future occupiers or the character and appearance of the surrounding area, this would not outweigh the harm to the living conditions of existing occupiers. Having also taken into account all other matters raised, none carry sufficient weight to alter the decisions. I therefore conclude that Appeal A should be allowed and Appeal B dismissed.

*Stephen Roscoe*

INSPECTOR



## Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

1052 P200	Location and Block Plan
1052 P201	Site Plan – As Existing
1052 P202	Elevations 1 – As Existing
1052 P203	Elevations 2 – As Existing
1052 P214	Ground Floor Plan – As Proposed
1052 P215	First Floor Plan – As Proposed
1052 P216	Second Floor Plan – As Proposed
1052 P217	Roof Plan – As Proposed
1052 P218	Elevations 1 – As Proposed
1052 P219	Elevations 2 – As Proposed
1052 P220	Landscape Plan - As Proposed
- 3) Notwithstanding Condition 2, no development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) Notwithstanding Condition 2, no development shall take place until construction details for facilities in the bin storage area have been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved details. The bin storage facilities shall be provided before the building is occupied and thereafter retained.
- 5) Notwithstanding Condition 2, no development shall take place until full details of hard landscape works have been submitted to, and approved in writing by, the local planning authority, and these works shall be carried out as approved. These details shall include the treatment of paved areas, and the hard landscaping shall be provided before the building is occupied.
- 6) Notwithstanding Condition 2, no development shall take place until a survey of existing trees on the site has been submitted to, and approved in writing by, the local planning authority. The survey shall include the sizes and species of trees and indicate those which are to be removed and those to be retained. Development shall be carried out in accordance with the approved survey.
- 7) Notwithstanding Condition 2, no development shall take place until details setting out how sustainable design and construction methods will be incorporated into the development hereby permitted, so as to optimise energy efficiency and minimise carbon emissions, have been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved

details, and the building shall not be occupied until the approved details have been incorporated into the development.

- 8) No development shall take place until a desk study has been carried out and submitted to, and approved in writing by, the local planning authority. The study shall include: a site walk over; the identification of previous site uses and potential contaminants that might reasonably be expected given those uses; and a risk assessment. If any contamination is identified during the study, no development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to, and approved in writing by, the local planning authority. The site investigation shall be designed using the information from the desk study and shall enable:
- i) a risk assessment to be undertaken relating to ground and surface waters on and off site that may be affected;
  - ii) the refinement of a conceptual model; and
  - iii) a statement to be prepared detailing any remediation measures, including the minimisation of impact on ground and surface waters.

The results of the site investigation shall be submitted to, and approved in writing by, the local planning authority before development commences. If any contamination is found during the site investigation, remediation measures to render the site suitable for the development hereby permitted shall be submitted to, and approved in writing by, the local planning authority. The site shall be remediated in accordance with the approved measures before development begins.

- 9) The dwellings hereby permitted shall not be occupied until the Traffic Regulation Order governing parking in Norton Close has been varied to exclude the site from eligibility for residents parking permits, unless otherwise agreed in writing by the local planning authority.
- 10) The bicycle storage facilities shown on Drg No 1052 P220 shall be provided before the building is occupied and thereafter retained.
- 11) All planting shown on Drg No 1052 P220 shall be carried out no later than during the first planting season following the occupation of the building.
- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows, other than those expressly authorised by this permission, shall be constructed on any elevations of the building hereby permitted.
- 13) The two garage plots within the site shall not be used for any purpose other than the parking of vehicles in connection with the 2 three bedroomed dwellings hereby permitted.

Conditions End

East Area Planning Committee

13<sup>th</sup> June 2013

**Application Number:** 1. 13/00880/FUL  
2. 13/00881/CAC

**Decision Due by:** 6<sup>th</sup> June 2013

**Proposal:**

1. Partial demolition of existing house and demolition of existing garages and outbuildings. Erection of two storey side and rear extension. Provision of new access, car parking and turning area. Rebuilding of stone boundary wall fronting Old High Street.
2. Partial demolition of existing house, boundary wall and complete demolition of existing garages and outbuildings.

**Site Address:** 29 Old High Street Oxford [Appendix 1]

**Ward:** Headington

**Agent:** N/A

**Applicant:** Mr John M Young

Previous applications on this site have gone to committee at the request of Councillors.

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## Recommendation:

12/01765/FUL

APPLICATION BE REFUSED

For the following reason:-

- 1 Having regard to the excessive size and bulk of the proposed extensions and to the proximity of the two storey side extension to the boundary of the site with 33 Old High Street, the proposal would appear prominent and intrusive in the street scene, would not appear subservient to the existing, historic building and would result in the loss of an important visual gap between Numbers 29 and 33 Old High Street. In this way the proposal would unacceptably detract from the character of the existing building and would neither preserve nor enhance the special character and appearance of the Old Headington Conservation Area in which the site lies contrary to policies CP1, CP8, CP10 and HE7 of the adopted Oxford Local Plan 2001 – 2016 and policy CS18 of the adopted Core Strategy 2026.

12/01766/CAC

## APPLICATION BE REFUSED

For the following reason:

1. The site lies in the Old Headington Conservation Area and the proposal to part demolish the existing dwelling and the boundary wall and to fully demolish the existing garages and outbuildings would not be justified in the absence of an appropriate scheme to extend the property and would be contrary to government guidance contained in the National Planning Policy Framework.

### **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
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities
- HE7** - Conservation Areas
- NE15** - Loss of Trees and Hedgerows
- NE16** - Protected Trees
- HS19** - Privacy & Amenity
- HS21** - Private Open Space

#### **Core Strategy**

- CS2\_** - Previously developed and greenfield land
- CS9\_** - Energy and natural resources
- CS12\_** - Biodiversity
- CS18\_** - Urban design, town character, historic environment

#### **Sites and Housing Plan**

- HP9\_** - Design, Character and Context
- HP14\_** - Privacy and Daylight
- HP15\_** - Residential cycle parking
- HP16\_** - Residential car parking

### **Other Material Considerations:**

National Planning Policy Framework

This application is in or affecting the Old Headington Conservation Area.

### **Relevant Site History:**

84/00321/NFH and 84/00322/LH: Change of use of dwelling to offices and erection of two storey wing on the north and south sides of the main building.

Refused

11/02325/OUT and 11/02326/CAC: Demolition of existing house, buildings and

structures. Erection of 5 x 3 storey terraced houses with integral garages, parking and bin stores. Alteration to vehicle access. Refused and dismissed on appeal.

13/00311/FUL and 13/00312/CAC: Partial demolition of existing house and demolition of existing garages and outbuildings. Erection of two storey side and rear extension. Provision of new access, car parking and turning area. Rebuilding of stone boundary wall fronting Old High Street. (Amended plans) and Partial demolition of existing house, boundary wall and complete demolition of existing garages and outbuildings. (Amended plans). Approved

13/00317/CPU: Application to certify that proposed conversion and extension of existing house to form 2x2 bed flats (Class C3) and erection of 3 new buildings to form 2x2 bed and 1x1 bed dwellings (Class C3) is lawful development. Refused

On 30<sup>th</sup> July 2010 a notice under Section 215 of the Town and Country Planning Act 1990 [as amended by the Planning and Compensation Act 1991] was served on the applicant in respect of repair and maintenance work at 29 Old High Street. The applicant appealed the serving of this notice in both the Oxford Magistrates Court [March 2011] and the Oxford Crown Court [September 2011] but the notice was upheld in its entirety in both cases.

The Council made the decision not to seek prosecution for non-compliance with the section 215 notice pending the outcome of the appeals against the refusal of planning permission and conservation area consent for the demolition of the existing house and outbuildings and the erection of 5 new dwellings. The applicant has since been advised that following the outcome of the current application, the Council will expect the requirements of the notice, as upheld by the courts, to be carried out without any further delay.

#### **Representations Received:**

8 letters received from the occupiers of numbers 24, 28, 33, 56, 81 and 88 Old High Street and Jeffcoat House, 1A Larkins Lane, 6, 7 and 12 The Croft, 7, 8, and 9 Stoke Place, 12 Dunstan Road and 14 St Andrew's Road. The main comments can be summarised as follows:

- Proposals to renovate the main house and rebuild the boundary wall are to be welcomed
- The two storey addition to the north should not be linked to number 33 as this would disable an extractor fan which serves a bathroom and is needed
- The extensions would restrict light into rooms at the front and back of the house
- Concerns about the impact of the development on this important entrance into Old Headington.
- Proper architects plans with more detail should be provided
- Natural materials [stone, slate] should be used where possible
- All parking should be provided on site to avoid any worsening of parking congestion along Old High Street
- The loft space should not be converted or have rooflights
- Solar panels would optimise energy efficiency

**Statutory and Internal Consultees:**Oxford Civic Society:

Agree with comments of Friends of Old Headington. Proposal too large and too close to 33 Old High Street, closing gap will alter scale and grain of character – urge refusal.

Oxford Preservation Trust:

The proposed extensions are not in keeping with the Old Headington Conservation Area. The proposed development is too large. It is suggested that the extensions would have a harmful impact on the heritage significance of the surroundings if approved.

Oxfordshire County Council as Local Highway Authority:

No comments – application previously recommended for approval subject to conditions.

Oxfordshire County Council – Drainage:

No comments

**Issues:**

- Principle
- Form and Appearance in the Conservation Area
- Impact on Neighbours
- Highways and Parking
- Trees

**Officers Assessment:**Site Location and Description

1. The application site extends to some 0.06 hectares and lies on the east side of Old High Street. The site lies within the Old Headington Conservation Area and backs onto a public car park which serves the local Waitrose supermarket and other shops that comprise the Headington District Shopping Centre.
2. The site currently accommodates a 19<sup>th</sup> century dwelling and its curtilage. The house is a two-storey, substantial building with an L shaped range to the rear which abuts the side wall of the adjacent dwelling at 33 Old High Street. The house is unoccupied and in a poor state of repair.
3. The main house has rendered gable and rear elevations and a stone principal façade with a natural slate roof and there exists a red brick outbuilding which lies adjacent to Old High Street. The site is bounded to Old High Street by a natural stone wall which is approximately 1.5 metres high and in a poor state of repair. Works to this wall have recently been carried out involving the use of concrete blocks and the applicant has been made aware that these works are not acceptable and do not comply with the requirements of the Section 215 notice referred to above.
4. The site features a number of relatively substantial trees which are

predominantly located along the south east boundary of the site, away from Old High Street and close to the rear garden of 23 Old High Street. The site lies in a predominantly residential area which is characterised by mainly detached and semi-detached properties of varying sizes and architectural styles.

### The Proposal

5. The applications seek conservation area consent and planning permission for the partial demolition of the existing house and boundary wall together with the demolition of the existing garages and outbuildings and the erection of a two storey side and rear extension to provide a 5 bedroom dwelling with an integral garage and a new vehicle access.
6. The extension would be erected using manufactured stone blocks and slates with matching timber windows and doors. The extension would be set well back from Old High Street and would have a slightly lower roof height than the main house.
7. The application is similar to the recent scheme that received approval (13/00311/FUL and 13/00312/CAC) apart from the two storey side extension extends along the entire width of the building and the single storey rear addition is two storey in this scheme.
8. The applicant has referred to the Council's concerns for previous schemes which he suggest have led to significant amendments in this application. It is suggested that the overall bulk of the two storey side extension has been reduced through the use of a double ridged roof. Further consideration and rebuttal is included in the applicant's design and access statement notably in relation to the diminishing roofline in the Old Headington Conservation Area; in particular that the Council has asserted to preserve a visual break at first floor between No. 33 and No. 29 Old High Street. Consideration of the concerns raised about amenity space, waste, recycling, access and landscaping have also been made.

### Principle

9. The National Planning Policy Framework [NPPF] was published in March 2012 and replaces all the Planning Policy Guidances and Planning Policy Statements that previously encompassed Government guidance in planning. The NPPF largely carries forward existing planning policies and protections but in a significantly more streamlined and accessible form. It also introduces a presumption in favour of sustainable development which complies with an up to date Development Plan.
10. The NPPF re-affirms that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations. In relation to development affecting a designated heritage asset [e.g a 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 also states that *“Where a proposed development will lead to substantial harm or to total loss of significance of a designated heritage asset, Local Planning Authorities should refuse consent unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss”.*
12. There is therefore no objection in principle to the erection of an extension to 29 Old High Street to provide more spacious accommodation commensurate with the generous proportions of the site. The site comprises an existing residential plot and the proposed extension would be erected largely at the side of the house where there are existing buildings and structures. However, despite the principle of residential extension generally being acceptable there is a range of other relevant issues as set out below.

#### Form and Appearance in the Conservation Area

13. Policy CP1 of the Oxford Local Plan states that planning permission will only be granted for development that shows 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 CP6 states that development proposals should make the best use of site capacity but in a manner that would be compatible with both the site itself and the surrounding area. Policy CP8 suggests that the siting, massing and design of any new development should create an appropriate visual relationship with the form, grain, scale, materials and detailing of the surrounding area.
14. Policy HE7 of the Oxford Local Plan states that planning permission will only be granted for development that preserves or enhances the special character and appearance of conservation areas and their settings and policy CS18 of the Core Strategy emphasizes the importance of good urban design that contributes towards the provision of an attractive public realm.
15. Central to the City Council's standard advice on the erection of two storey side extensions is that they should appear as subservient additions to the main house and not overwhelm or over dominate the host building. The advice also suggests that, in the main, extensions should have lower roof heights in order to appear subordinate and as separate additions to the property.



16. The proposed two storey side extension would have a lower roof than the main house and the revisions to the roof form have resulted in a more sympathetic design. However the extension would have a width of some 10 metres fronting onto Old High Street [3.2 metres of this would be a replacement two storey building] and officers take the view that this bulk of new building would visually overwhelm the property, particularly its gable end which lies at right angles to Old High Street and has a width of only 5.3 metres.
17. It is also the case that the proposed extension would infill the current gap that exists between the two storey element of 29 Old High Street and the side wall of 33 Old High Street and which extends to some 8 metres. This concern has been raised before and was adequately addressed in the amended scheme that was approved (13/00311/FUL and 13/00312/CAG). Officers accept that there is an existing single storey extension which stretches across the gap but this still allows views through the site above this building which has a height of some 4.2 metres. The proposed extension with a height of some 7 metres would infill this gap and detract from the character and appearance of this part of Old High Street and the wider conservation area. The Old Headington Conservation Area Appraisal sets out the area's positive characteristics which include the views and vistas around the village which are framed by buildings and greenery; the stone walls, the village character and survival of historic buildings and the green landscaped gardens of the larger houses and villas which are set back from the road.
18. It is accepted that the proposals leave a 0.6 metre gap between 33 Old High Street and 29 Old High Street. Previous schemes have omitted any gap between the two properties; however, officers do not consider that this very small gap would contribute in any way to the character of the street scene or overcome the fundamental issue of the loss of an important visual gap which contributes to the character of the development in the road.
19. As regards the details of the proposal, the plans submitted are basic in terms of their quality such that, should planning permission be granted, further details would be required by way of planning conditions.

### Impact on Neighbours

20. Policy HS19 of the Oxford Local Plan states that planning permission will only be granted for development that adequately provides both for the protection and/or creation of the privacy or amenity of the occupiers of the proposed and existing neighbouring, residential properties.
21. The only property potentially affected by the proposal is 33 Old High Street which abuts the northern boundary of the site. Although an additional first floor window is proposed in the south elevation which faces towards the garden of 23 Old High Street, there would be a separation

distance of 10.5 metres and there already exist three windows that face towards this garden area. It is therefore considered that this additional window would not unacceptably impact on the enjoyment of this garden.

22. There are no windows in the side wall of 33 Old High Street that would be adversely affected by the proposal. The proposed extension would project beyond the rear wall of 33 by some 1.6 metres and would not result in any unacceptable loss of light to the rear facing windows at this adjoining dwelling. Given the modest rear projection of the proposed extension, it would not appear unacceptably overbearing in the outlook from number 33.
23. Whilst the proposal includes the provision of an additional 4 bedroom windows on the rear elevation of the proposed extension, all these windows would look towards the rear garden of 29 Old High Street and would not result in any direct overlooking of the small garden area serving 33 Old High Street. Similarly the additional first floor bedroom windows in the front elevation would not unacceptably overlook the front amenity space at number 33 given the garage and workshop structure which is located along the joint boundary.

#### Highways and Parking

24. Oxfordshire County Council as Local Highway Authority have not raised objections to identical proposals previously. The plans show a single new vehicle access to replace the existing, an integral garage and a front parking area that could accommodate two cars.

#### Trees

25. The application is accompanied by an Arboricultural Assessment which sets out the condition of all the trees on the site and confirms that the existing Cypress tree [T2] should be removed for reasons of safety. Almost all of the established trees on the site are located along the rear boundary of the site and would not be affected by the proposals.
26. Officers have carefully considered the proposals, particularly in relation to T4, a mature beech tree which would be affected by construction work required to be undertaken within its Root Protection Area (RPA). In general, new structures should not be constructed within the RPA's of retained trees unless there is an overriding justification to do so. If, however, there is an overriding justification (supported by evidence) then technical solutions might be available to prevent or minimise damage to the tree roots.
27. The applicant has now submitted details of a proposed pile foundation that would be used within the RPA of the beech tree. Officers consider that a foundation system which uses mini-piles and beams could be used to minimise the harmful impacts on the roots of the adjacent trees as long as the system was flexible enough to allow piles to be located to avoid

major structural roots, that beam piles are set above ground level and that a ventilated and irrigated void could be maintained beneath the floor slab. Two conditions in relation to tree protection measures have been suggested in order to respond to the requirements discussed above.

28. A significant difference between the approved scheme (13/00311/FUL and 13/00312/CAC) is in relation to the two storey rear extension (on the east elevation). In the approved scheme (13/0311/FUL and 13/00312/CAC) this was reduced in height to a single storey extension. However, officers are satisfied that the increased height of the proposed extension will not have a direct harmful impact of the crown of the tree. It might be necessary to prune some small diameter, secondary branches to allow access to the roof during the construction phase, but it should be possible to construct the building without any major tree surgery work. The branches of the beech tree, T.4, would overhang the roof of the extension when built and while there is some concern that it will be more difficult to maintain a 2 storey building in these circumstances compared with the approved single storey extension, this in itself is not considered to be a reason to refuse planning permission.

#### Archaeology

29. The application site lies in an area which has archaeological interest because it is associated with a wider landscape of pre-historic and Roman rural settlement. It is also located in close proximity to a Saxon burial ground. The area also has more contemporary historical interest given its 19<sup>th</sup> Century origins as a farmhouse and its association with local market gardening. As a result of this historical sensitivity officers suggest that if the application were approved, a condition would be necessary to address this matter.

#### Conclusion

30. The excessive size and bulk of the extensions and the close proximity of the side extension to No. 33 Old High Street make the proposal prominent and intrusive in the street scene. The extension would not appear subservient to the existing building and it would result in the loss of an important visual link through the gap between No. 33 and No. 29 Old High Street. In this way the proposal would unacceptably detract from the character of the existing building and would fail to preserve or enhance the special character and appearance of the Old Headington Conservation Area.

#### 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:**

11/02325/OUT

11/02326/CAC

12/01765/FUL

12/01766/CAC

13/00311/FUL

13/00312/CAC

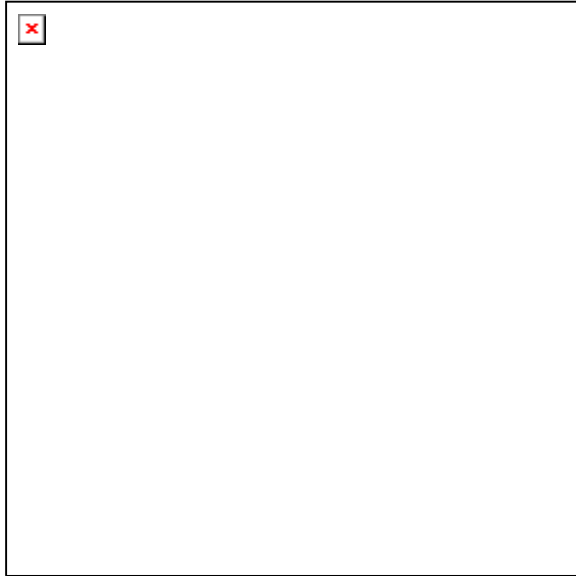
**Contact Officer:** Robert Fowler

**Extension:** 2104

**Date:** 21<sup>st</sup> May 2013

# Appendix 1

13/00810/FUL and 13/00811/CAC - 29 Old High Street, Headington

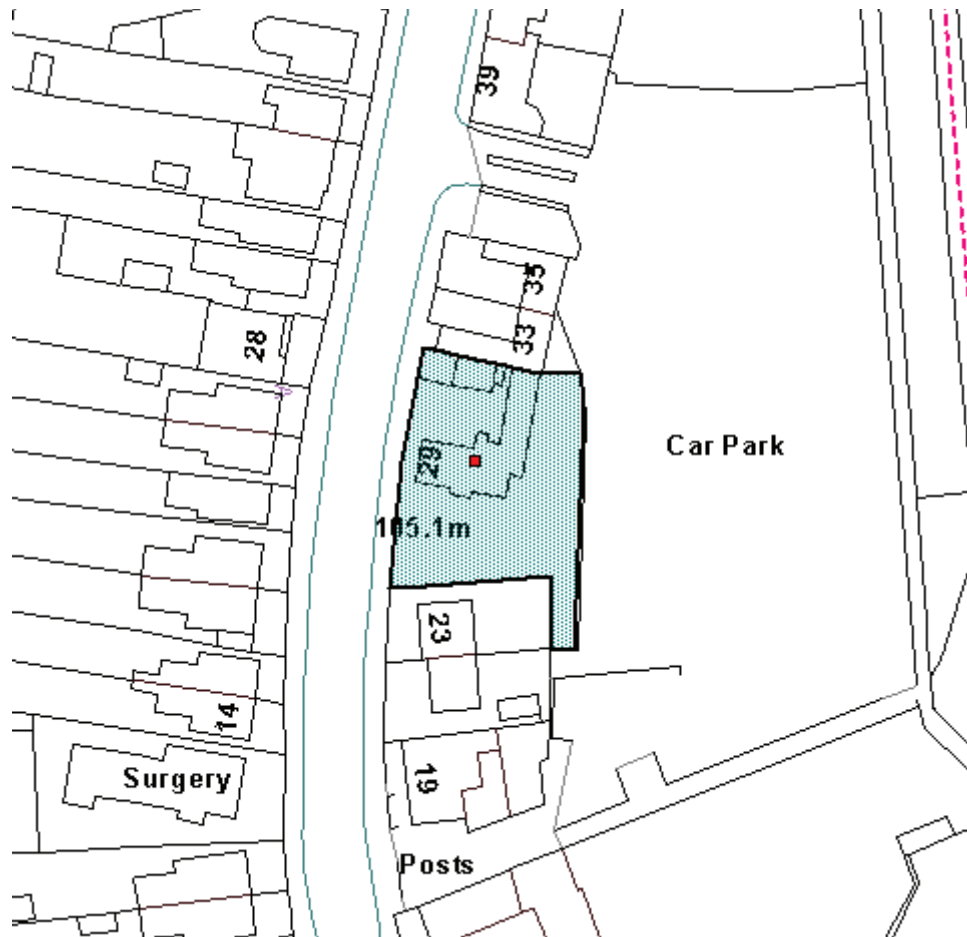


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# Appendix 1

13/00810/FUL and 13/00811/CAC - 29 Old High Street, Headington



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## EAST AREA PLANNING COMMITTEE

13<sup>th</sup> June 2013

**Application Number:** 13/00378/FUL

**Decision Due by:** 29th April 2013

**Proposal:** Conversion of existing integral garage into habitable accommodation including replacement of existing garage door with facing brickwork.

**Site Address:** 2 Mandelbrote Drive Oxford Oxfordshire OX4 4XG  
**Site plan – Appendix 1**

**Ward:** Littlemore Ward

**Agent:** Greenfields Architectural Services

**Applicant:** Ms Zehanah Izmeth

**Application called in –** by Councillors Tanner, Fry, Sanders and Lygo for the following reasons: Impact on character and appearance of local area

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### **Recommendation:**

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposed development would preserve an adequate level of vehicular parking for a house of this size in this location; the proposed changes to the frontage of the building will not have an unacceptable effect on the character of the existing house, the wider local area or the visual setting of the adjacent listed building. There would be no material effect on the residential amenity of adjacent occupiers and the proposal therefore complies with Policies CP1, CP8 and HE3 of the adopted Oxford Local Plan, CS18 of the Core Strategy 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 Develop in accordance with approved plans
- 3 Materials - matching

### **Main Local Plan Policies:**

#### **Oxford Local Plan 2001-2016 (OLP)**

**CP1** - Development Proposals  
**CP8** - Design Development to Relate to its Context  
**CP10** -Siting Development to Meet Functional Needs  
**HE3** - Listed Buildings and Their Setting

#### **Core Strategy**

**CS18\_** - Urban design, town character, historic environment

#### **Sites and Housing Plan (SHP)**

**MP1** - Model Policy  
**HP9\_** - Design, Character and Context  
**HP14\_** - Privacy and Daylight

#### **Other Material Considerations:**

National Planning Policy Framework

The proposals will affect the setting of a listed building.

#### **Relevant Site History:**

97/01142/NF - Change of use from hospital to provide 83 residential units: 6x2, 25x3 & 7x4 bed houses; 6x1, 29x2 & 10x3 bed flats; 149 parking spaces. Erection of new building to provide 25x3 & 11x4 bed houses with integral garages and forecourt parking; 45x2 bed flats with 75 parking spaces in parking courts. Site roads, use of existing access from Sandford Road and landscaped communal gardens and parkland amenity space..PER 2nd April 1998.

#### **Representations Received:**

Comments have been received from 1, 9, 41 and 64 Mandelbrote Drive, 74 The Crescent and 13 and 27 Radcliffe House. These comments can be summarised as objecting to the proposals on the grounds of visual appearance and the effect on parking.

### **Statutory and Internal Consultees:**

Local Highways Authority: No objection

Local Drainage Authority: No comment

### **Issues:**

Visual appearance and effect on listed building  
Parking

### **Officers Assessment:**

#### Site description and proposal

1. 2 Mandelbrote Drive is a terraced town house with an integral garage situated on the gated development in the grounds of the former Littlemore Hospital, the original parts of which are situated behind the houses along Mandelbrote Drive and are a Grade 2 Listed Building.
2. Permission is sought to convert the garage to living accommodation, Permitted Development rights having been removed by a condition of the original planning permission 97/01142/NF.

#### Visual appearance and effect on listed building

3. Oxford City Council 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. Policy HE3 of the OLP states that permission will only be granted for development that has due regard to the setting of listed buildings and uses materials that respect the character of the surroundings.
5. Although situated on a private road, the proposed development would be visible from the public domain and highly visible from surrounding communal areas of the development. Glimpses of the listed building behind can be obtained from the gated parts of Mandelbrote Drive as well as from outside the gates, however there are few points from which can be gained a clear view of both the garage and the listed building and the direct contribution of the front elevation of 2 Mandelbrote Drive to the setting of the listed building behind is highly limited.
6. There is a regular rhythm and uniformity to the elevations along the terrace and the proposed conversion of the garage would serve to interrupt this rhythm. However, the effect on visual amenity will be limited and whilst officers do not consider the proposal ideal in design terms, the level of harm would not be sufficient to reasonably justify refusal of the application on this basis.

7. Overall, the development is not materially out of character with the existing house and immediate local area, would not have an unacceptable effect on the setting of the listed building and complies with Policies CP1, CP8 and HE3 of the adopted Oxford Local Plan 2001 – 2016 Policy CS18 of the Core Strategy and Policy HP9 of the Sites and Housing Plan,

### Parking

8. Policy CP1 of the OLP states that permission will only be granted for development that is acceptable in terms of parking and highway safety. The Sites and Housing Plan makes it clear that different levels of parking will be suited to different areas, and that developers should have regard to current best practice. Oxfordshire County Council has published “Car parking standards for new residential developments” (parking standards) which includes a guide to maximum parking provision in Appendix A.
9. Appendix A of the above parking standards suggests that a maximum of two parking spaces should be provided for a house of more than one bedroom. The house currently provides one parking space in the garage that would be lost, and a further space in front. Officers note that garages are often not used for parking a vehicle, particularly when arranged in tandem.
10. Whilst Mandelbrote Drive is not a particularly sustainable location compared to most of Oxford, both a local shop and bus route are available within 250 metres. It is noted that the parking of cars along Mandelbrote Drive is only permitted in designated spaces, with parking on the roadway itself being liable to enforcement action by a private company. However on street parking is available on nearby Armstrong Road, the Local Highway Authority has no objection and the loss of the garage is considered acceptable in terms of parking, access and highway safety and complies with Policy CP1 of the adopted Oxford Local Plan 2001 – 2016 and the Sites and Housing Plan.

### Conclusion:

11. The proposed development would preserve an adequate level of parking for a house of this size in this location; the proposed changes to the frontage of the building not have an unacceptable effect on the character of the existing house, the wider local area or the visual setting of the adjacent listed building. There would be no material effect on the residential amenity of adjacent occupiers and the application therefore complies with Policies CP1, CP8 and HE3 of the adopted Oxford Local Plan, CS18 of the Core Strategy and HP9 and HP14 of the Sites and Housing Plan.

### 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: 13/00378/FUL**

**Contact Officer:** Tim Hunter

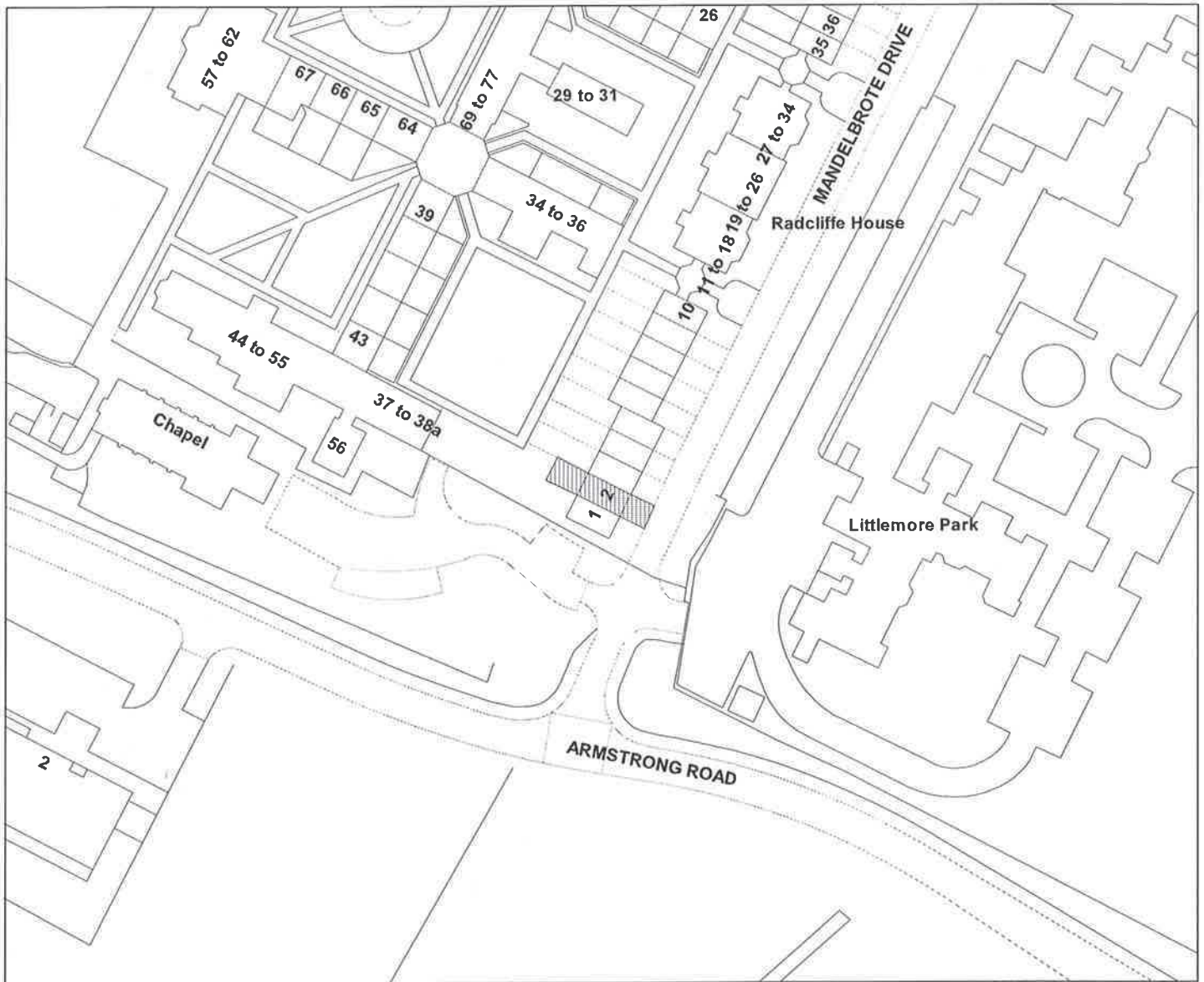
**Extension:** 2154

**Date:** 23rd May 2013

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# Appendix 1

## 2 Mandelbrote Drive 13/00378/FUL



Legend	



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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Not Set
<b>Date</b>	03 June 2013
<b>SLA Number</b>	Not Set

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North East Area Committee

-13<sup>th</sup> June 2013

**Application Number:** 13/00598/FUL

**Decision Due by:** 6th May 2013

**Proposal:** Erection of 1 x 4 bedroom dwelling with detached garage which includes ancillary accommodation

**Site Address:** Quarry House 38 Quarry Road (Site plan: Appendix 1)

**Ward:** Quarry And Risinghurst Ward

**Agent:** Mr Roy Wilkinson

**Applicant:** Mr Greg Kilkenny

**Application Called in –** by Councillors Sinclair, Clarkson, Baxter and Curran.  
For the following reasons - impact on highway safety, the glebeland fields and SSSI site nearby.

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## **Recommendation:**

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposed development is considered acceptable in design terms and would preserve the character and appearance of the Headington Quarry Conservation Area, and would not be harmful to local wildlife and ecology. The impact on neighbouring properties is acceptable and the proposal is also acceptable in highway and parking terms. The proposal accords with the relevant policies of the local development 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 Develop in accordance with approved plans
- 3 Samples of materials
- 4 Tree Protection Plan
- 5 Construction plan to indicate siting of all construction features
- 6 Services Plan to show location of underground services and soakaways
- 7 Landscape plan
- 8 Details of hard surface design
- 9 Accommodation over garage to be ancillary only
- 10 Removal of PD rights
- 11 Eaves detail
- 12 Working method statement for protection of great crested newts
- 13 No removal of hedgerows, trees or shrubs to take place between 1st March - 31st August for bird protection
- 14 Ivy covered trees to be soft felled
- 15 Native species only to be used in planting
- 16 Bird boxes to be incorporated
- 17 Phased risk assessment to assess contamination of land
- 18 Boundary details before commencement
- 19 Re-siting of pond
- 20 Bin and cycle storage details
- 21 Details of sustainability

**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  
**CP10** - Siting Development to Meet Functional Needs  
**CP11** - Landscape Design  
**NE15** - Loss of Trees and Hedgerows  
**HE7** - Conservation Areas  
**NE20** - Wildlife Corridors

### **Core Strategy**

**CS12**\_ - Biodiversity  
**CS18**\_ - Urban design, town character, historic environment

### **Sites and Housing Plan**

**HP2**\_ - Accessible and Adaptable Homes  
**HP9**\_ - Design, Character and Context  
**HP10**\_ - Developing on residential gardens  
**HP12**\_ - Indoor Space  
**HP13**\_ - Outdoor Space  
**HP15**\_ - Residential cycle parking  
**HP16**\_ - Residential car parking  
**HP11**\_ - Low Carbon Homes

### **Other Material Considerations:**

National Planning Policy Framework

### **Relevant Site History:**

60/10197/A\_H - Bungalow. PER 13th December 1960.

78/00776/A\_H - Demolition of existing garages and storage sheds and erection of four garages for domestic cars. PER 22nd November 1978.

### **Representations received:**

36 Quarry Road – no objection

42 Quarry Road – lack of consultation; impact on local area and wildlife corridor; overlooking; would set a precedent

### **Statutory and Internal consultees:**

Thames Water Utilities Limited – no objection. Informatives added

Oxford Preservation Trust – consideration must be given to the impact on openness of conservation area and views from the Glebe.

Friends Of The Quarry – Lack of consultation; harmful to conservation area; out of keeping with rural character; footprint too large; accommodation could be subdivided; unsuitable materials

Drainage Team Manager – drain development using SUDs techniques including porous paving

Oxfordshire County Council Highways – no objection subject to conditions

**Issues:**

Principle  
Design  
Impact on conservation area  
Trees  
Biodiversity  
Impact on neighbours  
Parking  
Other matters

**Sustainability:**

The application site represents land within an existing residential curtilage within a built-up area of Oxford. The development would make a more efficient use of land. A condition is suggested requiring how details of energy efficient technologies will be incorporated in to the development.

**Officers Assessment:**

**Site**

1. The application site comprises a parcel of land to the rear of no. 38 Quarry Road that once formed part of the garden of this dwelling but has since been sold off as a separate plot. The site is bounded to the north and east by open glebe land which is part of the Headington Quarry Conservation Area. The site itself falls just outside the conservation area. To the west of the site lies no. 38 Quarry and to the south is a garage block and beyond that lies no. 36 Quarry Road, a bungalow. The northern and eastern boundaries of the site are delineated by large trees.

**Proposal**

2. Planning permission is sought to erect a large 4-bed dwelling with detached garage. The dwelling would be sited in the middle of the plot and would have a garden that wraps around the house. The detached garage would provide parking for two cars and would have a self-contained unit of accommodation above accessed by an external staircase. The existing vehicular access that serves no. 38 Quarry Road and the garage block would serve the new dwelling.

**Principle**

3. Policy HP10 of the Sites and Housing Plan states that planning permission will be granted for new dwellings on residential garden land provided that the proposal responds to the character and appearance of the area, taking into account the views from streets, footpaths and the wider residential and

public environment; and the size of the plot is of an appropriate size and shape to accommodate the proposal.

4. In addition to this, policies CS2 of the Core Strategy and CP6 of the Local Plan encourage greater efficiency of use of land in sustainable locations to prevent unnecessary and unsustainable loss of greenfield land at the edge of the city.
5. The application site forms part of the garden of no. 38 Quarry Road but has for some time been separated off and left unattended. The proposal is for a low density development of just one dwelling which is appropriate given the sensitive nature of the plot on the edge of the urban fringe and adjacent to the conservation area. The development would provide a large family dwelling with a private garden within the built up area of Headington Quarry.

### **Housing mix**

6. The Balance of Dwellings Supplementary Planning Document (BoDS) ensures the provision of an appropriate mix of dwelling sizes in the different neighbourhood areas. For new residential developments of between 1 – 3 units, such as the one proposed, there should be no net loss of a family dwelling. In this case there would be a net gain of one family dwelling.

### **Residential amenity**

#### *Indoor space*

7. Policy HP12 of the SHP requires any family dwelling to have a minimum floor area of 75m<sup>2</sup>. The dwelling clearly exceeds this requirement and each room would benefit from adequate levels of light and outlook to ensure the living conditions of future occupiers would be acceptable.
8. The internal arrangements of the dwellings ensure that they are in accordance with the Lifetime Homes standards with level access between the off-street parking area and the front entrances of the properties.
9. The self-contained unit of accommodation above the double garage is capable of independent use so a condition is suggested requiring this to be used as ancillary accommodation to the main house only. The use of the accommodation by a member of the family would not cause undue disturbance to neighbouring properties.

#### *Outdoor space*

10. Policy HP13 of the SHP requires that new residential developments must provide direct access to a private garden with adequate space for children to play in, and for family activities. The City Council will expect an area of private garden for each family house which is at least equivalent to the original building footprint.
11. Due to the shape of the plot the garden would wrap around the dwelling with rooms opening out onto these outside spaces. Whilst the layout of the

garden is not conventional, the total area meets the requirements of the policy, is proportionate to the size of the dwelling and would provide an outside space of reasonable size and quality.

12. Bin and cycle storage areas are shown within the site and a condition is suggested requiring details of these to be approved.

## **Design**

13. The proposed dwelling would have a large footprint and would provide a substantial amount of living accommodation over 2 storeys. The mass of the building has been broken up by its layout and arrangement with differing ridge and eaves heights so that the whole mass is not appreciated in one viewpoint. The building is sited approx. 7 metres away from the eastern boundary which borders the conservation area and open glebe land in order to maintain the important trees which provide a natural boundary and screening of the plot.
14. The application site, whilst adjacent to this open glebe land is clearly separated from it by the border of trees that define the boundary and the existing developments that have already taken place (36 Quarry Road and the garage block). Officers therefore consider that the proposed development of this plot, subject to conditions to agree a landscape plan and boundary treatments, would not erode the sense of openness of the adjacent land, and due to the large trees which provide screening would not be harmful to the views enjoyed from the glebe land.
15. The submitted plans show concrete roof tiles and white upvc casement windows. These materials are not considered appropriate for the site and the applicant has agreed that either slate or clay tiles will be used as well as timber windows. Details of these will be secured by a condition. The design of the building is traditional in style and picks up features of the adjoining property no. 38 Quarry Road. Officers are of the view that subject to conditions requiring details of materials and the eaves to be agreed, the development is considered to form an appropriate visual relationship with no. 38 Quarry Road and is suitable for its setting.
16. Due to the sensitive nature of the site and the amount of development that could be carried out under permitted development (PD) rights, officers suggest it is reasonable and necessary to remove PD rights for this property to prevent large extensions and outbuildings from being built without the ability to consider their impact.

## **Impact on neighbours**

17. 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 are used to assess development, as illustrated in Appendix 7 of the SHP.

18. The nearest dwelling is no. 38 Quarry Road to the west of the site. The development has been designed to ensure that there are no windows at first floor level that will cause overlooking. The media room part of the development would be sited approx. 900mm away from the boundary with no. 38 but would be in the north-western corner of the site, away from the dwelling. Officers are of the view that the siting of the new dwelling would not give rise to any unacceptable harm to the residential amenity of the occupiers of no. 38 Quarry Road.
19. No. 42 Quarry Road to the north of the application site has raised concerns with overlooking, however this property is located approx. 35 metres away from the northern boundary of the site, which is sufficient distance to prevent any harmful overlooking or loss of privacy.
20. Large trees already provide screening and a landscape plan and details of boundary treatments are required by condition which will also ensure adequate screening is achieved.

### **Parking and highways**

21. The site is located on a private driveway off Quarry Road, a busy local road. The area is covered by a Controlled Parking Zone (CPZ). The proposal includes an area for parking (porous block paving) as well as a detached garage, providing ample off street parking for the dwelling. The dwelling will be accessed via an existing vehicular access that serves no. 38 Quarry Road. The new single dwelling will increase the use of this access onto Quarry Road. The existing access arrangement is considered to be acceptable to cater for an additional single residential dwelling, and the Highway Authority does not object to the proposal. They do however note that any further increase in vehicular access onto Quarry Road, at this location, is unlikely to be considered acceptable to the Local Highway Authority.

### **Trees and landscape**

22. The location of the site abuts the Headington Quarry Conservation Area on its northern and eastern sides. A Tree Preservation Order applies to trees within the site boundary of no. 38 Quarry Road covering selected individual trees; none of these are within the application site but require consideration in terms of tree protection measures. They are of significant quality and value and will probably require protection measures to avoid inadvertent injury from construction activity associated with the logistical requirements of the construction phase. A construction plan is required by condition no. 4, to demonstrate on-site and any off-site positions of construction plant, materials offices etc.
23. The site boundary is framed by mature trees sited on the conservation area side; the tree cover performs an important function in delineating the boundary of the conservation area and enclosing the rolling open pasture of the glebe land. Previous development, in the form of the existing garage block (adjacent to the site) has produced a harmful degradation of the character and quality of the conservation area boundary in the vicinity.

24. The development proposal generally sets the building outside of the Root Protection Areas (RPA), and beyond the crown spreads, of the existing trees to be retained. The construction zone extends at points into the Root Protection Area (RPA) of retained trees; however, this potential harm may be controlled through robust ground protection measures (e.g. inter-locking high density plastic, or metal pads/ track-way), which could be secured through an approved Tree Protection Plan (TPP).
25. The location indicated for a pond in plans is inappropriate given it would involve a significant excavation within the RPA of T4-Pine. A condition is suggested requiring this to be re-sited.
26. Four trees located along the eastern boundary with the conservation area boundary are indicated for removal. Three of the trees are of low quality and the fourth T6 is recommended for removal irrespective of development implications. Nevertheless the removals will have a modest impact on the integrity of the current canopy cover; however this impact could be adequately mitigated by appropriate replacement planting of native species such as Field maple and wild cherry, secured under condition.
27. The proposed scheme involves the loss of small number of low quality trees whilst retaining and preserving the important boundary trees. Landscape enhancement of the eastern boundary with the Headington Quarry Conservation Area can be secured through condition. The scheme is therefore acceptable in arboricultural terms.

### **Biodiversity**

28. The site is located adjacent to a wildlife corridor and to the south-east of the plot there is a Site of Local Importance for Nature Conservation (SLINC) which has a great-crested newt breeding pond within it. A bat and wildlife survey has been submitted with the application which found no evidence of bat roosts in either the trees or garage buildings on site. Due to the nearby pond, a method statement for the works to prevent death or injury to great crested newts must be agreed by condition before development starts. This is in the event that great crested newts could move across the site, although there is currently no suitable habitat on site for them. The Council ecologist has reviewed the survey and has no objection to the proposal subject to conditions to ensure no damage to wildlife occurs during the build. As such, conditions are suggested to control and agree how and when some of the vegetation can be removed to protect birdlife.
29. A number of biodiversity enhancements are suggested for the site and these can be secured by condition. These include providing a pond in the garden and incorporating bird boxes into the development. A condition is also suggested requiring all new planting to use native species to improve the habitat.

### **Other matters**

30. Concerns were raised about the lack of consultation on this application. A



site notice was posted outside the site, and following complaints that the notice was not seen, a further 3 notices were posted outside the site and further along the street in both directions and the consultation period was extended.

31. The application has been considered with respect to contaminated land and it is recommended that a condition requiring a phased risk assessment is attached. This recommendation has been made due to the sensitive nature of the proposed use (ie. residential dwellings with gardens) and that historic maps show the adjacent site was used for mineral extraction. The pit may have been filled in with contaminated materials. It is important that the developer demonstrates that the site is suitable for use. As a minimum, a desk study and documented site walkover are required to ensure that there are no sources of contamination on or near to the site and that the site is suitable for its proposed use.

**Conclusion:** Approve.

#### Human Rights Act 1998

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

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

#### Section 17 of the Crime and Disorder Act 1998

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

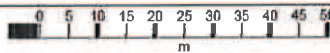
**Contact Officer:** Rona Gregory

**Extension:** 2157

**Date:** 31st May 2013

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# 38 Quarry Road



OS Mastemap  
21 November 2012, ID: BLJT-00191275  
[www.planningapplicationmaps.co.uk](http://www.planningapplicationmaps.co.uk)

1:1250 scale print at A4, Centre: 455349 E, 206648 N

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