

# Agenda

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## Planning Review Committee

Date: **Wednesday 9 July 2014**

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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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# Planning Review Committee

## Membership

### Chair

### Vice-Chair

Councillor Laurence Baxter	Quarry and Risinghurst;
Councillor Jean Fooks	Summertown;
Councillor James Fry	North;
Councillor Stephen Goddard	Wolvercote;
Councillor Sam Hollick	Holywell;
Councillor Pat Kennedy	Lye Valley;
Councillor Mark Lygo	Churchill;
Councillor Dee Sinclair	Quarry and Risinghurst;
Councillor Ed Turner	Rose Hill and Iffley;

**The quorum for this Committee is 5 members.**

## **HOW TO OBTAIN AGENDA**

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# AGENDA

## Pages

**1 ELECTION OF CHAIR FOR THE COUNCIL YEAR 2014/15**

The Planning Review Committee elects Councillor .... to be the Chair for the Council Year 2014/15

**2 ELECTION OF VICE-CHAIR FOR THE COUNCIL YEAR 2014/15**

The Planning Review Committee elects Councillor .... to be the Vice Chair for the Council Year 2014/15.

**3 APOLOGIES FOR ABSENCE**

**4 DECLARATIONS OF INTEREST**

**5 157 GREEN RIDGES, 08/05/2014**

1 - 10

The Head of City Development has submitted a report which details a planning application to erect a boundary fence and change of use of amenity land to private garden land (retrospective).

**Officer recommendation:** That the Committee APPROVE the planning application subject to the following condition:

1. Landscaping by end of next planting season

**6 MINUTES**

11 - 14

Minutes from 30 October 2013

**Recommendation:** That the minutes of the meeting held on 30 October 2013 be APPROVED as a true and accurate record.

## **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.

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;
  - (d) 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;
  - (e) 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 Officers and/or other speakers); and
  - (f) voting members will debate and determine the application.

#### **4. Preparation of Planning Policy documents – Public Meetings**

At public meetings Councillors should be careful to be neutral and to listen to all points of view. They should take care to express themselves with respect to all present including officers. They should never say anything that could be taken to mean they have already made up their mind before an application is determined.

#### **5. Public requests to speak**

Members of the public wishing to speak must notify the Chair or the Democratic Services Officer before the beginning of the meeting, giving their name, the application/agenda item they wish to speak on and whether they are objecting to or supporting the application. Notifications can be made via e-mail or telephone, to the Democratic Services Officer (whose details are on the front of the Committee agenda) or given in person before the meeting starts.

#### **6. Written statements from the public**

Members of the public and councillors can send the Democratic Services Officer written statements to circulate to committee members, and the planning officer prior to the meeting. Statements are accepted and circulated up to 24 hours before the start of the meeting.

Material received from the public at the meeting will not be accepted or circulated, as Councillors are unable to view proper consideration to the new information and officers may not be able to check for accuracy or provide considered advice on any material consideration arising.

#### **7. Exhibiting model and displays at the meeting**

Applicants or members of the public can exhibit models or displays at the meeting as long as they notify the Democratic Services Officer of their intention at least 24 hours before the start of the meeting so that members can be notified.

#### 8. Recording meetings

Members of the public are reminded that the recording of the meeting (audio or visual) is not permitted without the consent of the Committee, which should be sought via the Chair.

#### 9. Meeting Etiquette

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.

10. 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.

## Planning Review Committee

9 July 2014

**Application Number:** 13/02629/FUL

**Decision Due by:** 17th March 2014

**Proposal:** Erection of boundary fence and change of use of amenity land to private garden land (retrospective).

**Site Address:** 157 Green Ridges Oxford Oxfordshire OX3 8LX

**Ward:** Barton And Sandhills

**Agent:** N/A

**Applicant:** Mr David Moore

**Application Called in** – Called in by Councillor Wilkinson and supported by Cllr Altaf-Khan, Cllr Benjamin, Cllr Brett, Cllr Campbell, Cllr Fooks, Cllr Gotch, Cllr Goddard, Cllr Simmons, Cllr Royce, Cllr Rundle and Cllr Wolff

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### **Recommendation:**

APPLICATION BE APPROVED

For the following reasons:

- 1 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.
- 2 The change of use of the small amount of land and the relocation of the boundary fence are acceptable in terms of visual appearance and the height, design and siting of the fence. It is considered that the existing planting adjacent to the boundary has softened the appearance of the fence to a certain degree and ensures that the quality of the amenity of the adjacent cycle path has been retained. A condition has been included that will allow for additional planting that will further reduce the impact of the fence and ensure that the design of the development is acceptable. The loss of the amenity land and incorporation of the amenity land into the private amenity space of 157 Green Ridges is acceptable; the small area lost was not useable public space and its loss has not had a materially detrimental impact on the public realm. In the determination of this application officers have been mindful of the objections and comments made by nearby residential occupiers. In addition to this officers have considered the justification put forward by the applicant that

the development was carried out to improve their security and protect their property. On the basis of the assessment of the application it is considered that the development is acceptable in the context of Policies CP1, CP8 and CP10 of the Oxford Local Plan 2001-2016 and Policy CS18 of the Core Strategy (2011); the development is acceptable in its existing form and can be approved.

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

1. Landscaping by end of next planting season

### **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

#### **Core Strategy**

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

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

**HP13**\_ - Outdoor Space

**HP14**\_ - Privacy and Daylight

### **Other Material Considerations:**

National Planning Policy Framework

### **Relevant Site History:**

12/02549/FUL - Erection of a 1.8 metre high timber fence to the side elevation, facing the cycle path – Application Returned

### **Representations Received:**

#### **Objections**

Green Ridges Freehold Company (c/o Breckon and Breckon), Mrs Mainstone (93 Green Ridges), Mr Pozzi (8 Lesparre Close, Drayton), Mr Bajowski (15 Green Ridges), Green Ridges Management Company (c/o Breckon and Breckon), Mr Jones (57 Green Ridges), Mrs Sly (129 Green Ridges), 166 Green Ridges (Mrs Carter), Mr Carter (81 Ravenscroft), Mrs Skinner (43 Green Ridges), Dr Lewis (169 Green Ridges), Mr Welch (77 Green Ridges), Mrs Everett (55 Green Ridges):



In summary the objections raised concerns about:

- Negative effect on the character of the area,
- Negative effect on adjoining properties,
- The land should be available to all as it is amenity land,
- Fencing used has a negative aesthetic impact on the area,
- Supposed to be an open space area,
- Removal of trees and shrubbery without permission
- Design concerns about fence
- Poor quality landscaping
- Sets a dangerous precedent

### **Comments in Support**

It should be noted that some of the comments received in support of the application were submitted after the statutory consultation period.

Mr Samuel (Bayswater Farm Road), Mr Boman, Mr Treble (119 Green Ridges), Mr Corrick (163 Green Ridges), Mrs Colwell (151 Green Ridges), Justyna (44 Green Ridges), Mrs Green (4 Burdell Avenue), Mr Rodrigues (129 Green Ridges), Mrs Cork, Ms Fallahi (59 Waynflete Road), Dr Fisher (121 Green Ridges), Mr Head (135 Green Ridges), Mr Shott (165 Green Ridges), Mrs Smith, Mr Koshinski (77 Green Ridges), Mr Mwangangi (133 Green Ridges), Mr Charlton (93 Green Ridges):

- Design of fence is acceptable
- Development is an improvement
- Improved security
- Decrease in dog fouling and litter because of development
- Pathway is less overgrown

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

Risinghurst & Sandhills Parish Council: No comment received

### **Issues:**

Design

Impact on public amenity area

Highway impact (cycle/pedestrian)

Security/public safety

Landscaping/vegetation

### **Officers Assessment:**

#### **Site Description**

1. 157 Green Ridges is an end of terrace property in the Barton area. The property is sited at the end of a cul-de-sac where the road narrows to form a cycle and pedestrian path that joins Green Ridges with the A40 (London Road). As a result the property would be best described as

occupying a corner plot with a slightly wider rear garden than neighbouring properties and the rear garden borders the cycle and pedestrian path. Between the cycle and pedestrian path and fence enclosing the rear garden of 157 Green Ridges is a narrow strip of amenity land; this is within the ownership of the applicant but does not form part of their residential curtilage.

### **Planning History**

2. In 2012 a planning application was submitted (reference 12/02549/FUL) for a replacement fence of approximately 1.8m in height. The fence was proposed to be constructed of close boarded timber. The previous fence was 1.8m in height and stained dark brown. Importantly the amenity land between the original fence and the cycle and pedestrian path contained a substantial amount of mature vegetation that meant the original fence was not visible.
3. The 2012 planning application proposed that the fence be sited closer to the cycle and pedestrian path. The plans submitted with the 2012 planning application set out that the original fence was approximately 1m from the cycle and pedestrian path; the proposed fence would be sited approximately 370cm from the pedestrian and cycle path.
4. The 2012 planning application was submitted as a householder planning application; this means that a householder application form was used and the relevant process was followed. Subsequent to the submission of the application it was realised that in fact the proposals would result in a change of use of the land (from amenity land to garden land forming part of the residential curtilage of 157 Green Ridges); this meant that the application should have been submitted as a full planning application. Because the incorrect application form was used the application was made invalid. The 2012 application was returned to the applicant and not determined.
5. Subsequent to the application being returned to the applicant the development proposed in the 2012 planning application was carried out and this led to a planning enforcement investigation. The development carried out was unauthorised and it is this development that is the subject of this planning application (reference 13/02629/FUL).
6. This application was considered by the East Area Planning Committee on 8<sup>th</sup> May 2014. The Committee resolved to **refuse** the planning application because the relocation of the boundary fence and loss of some of the open amenity land to form enclosed garden land has led to unacceptable visual harm to the locality.
7. Following the release of the minutes from the East Area Planning Committee the application was called in to the Planning Review Committee. The reason stated for the call in was:

*That the proposal accords with the policies of the development plan as listed in the officers' report. 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 by the planning officers, namely: landscaping by end of next planting season.*

8. The application has not been altered or amended between its consideration by the East Area Planning Committee and the writing of this report.

## **Proposals**

9. As set out above, planning permission is sought for the retention of an existing fence and a change of use of former amenity land that now forms part of the residential curtilage of 157 Green Ridges. To clarify, this application is retrospective.
10. The plans submitted with this application differ from those submitted in 2012 but it is the view of Officers that planning permission is sought to retain the existing development; the plans submitted with this application have been corroborated with the observations made on site and the photographic record of the site before the development was carried out to provide an accurate description of the development for which permission is sought.
11. The fence erected is 1.8m in height (and 2.2m in height to the top of the trellis which is atop the fence). The siting of the fence is a particularly important consideration for this application because it encloses amenity land as previously mentioned. The siting of the new fence differs from the original fence in two respects. Firstly, the new fence is sited closer to the cycle and pedestrian path; the original fence had been 1m from the edge of the cycle and pedestrian path whereas the new fence is approximately 370cm from the edge of the cycle and pedestrian path. Secondly, an area to the side of 157 Green Ridges has been enclosed near to the door on the side of the property which has created an additional section of side garden approximately 3.5m<sup>2</sup>. To clarify this point, whereas the fence had been set in at the corner it now extends towards the cycle and pedestrian path creating a prominent junction of the two sections of fence.
12. When the work was carried out to erect the fence and enclose the amenity land it involved the clearance of the mature vegetation that had originally been on the strip of land between the original fence and the cycle and pedestrian path. There are Tree Preservation Orders (TPOs) in close proximity to the application site but none of the vegetation lost was protected and therefore the loss of this vegetation in itself did not require the prior consent of the Local Planning Authority. When the work was carried out to erect the new fence, planting was provided in the remaining strip of amenity land between the fence and the cycle and pedestrian path.

The planting that has been provided is not as dense or mature as the original vegetation. The application does include details about more planting being proposed which is described fully in this report.

## **Design**

13. The fence that has been erected is acceptable in terms of its design. Although it is higher than the previous fence it is considered that the height itself is not unacceptable; fences of this height are a common boundary treatment in residential areas.
14. Concerns have been raised by local residents about the design of the fence; specifically that it has a stark and obtrusive appearance. It is the view of officers that the fence appears particularly bright in colour because it is newer but this will soften in time. It is considered particularly important to consider the acceptability of the current fence in the context of the original fence which was less obtrusively sited as it was further from the cycle and pedestrian path and was not visible because of the dense vegetation. In fact the current fence is not significantly higher than the original fence and although it is sited closer to the pedestrian and cycle path, a condition requiring extra planting could be included that reduces its prominence and enables its impact to be reduced. This is expanded upon in the next section of this report and specifically in Paragraph 5.5.
15. Some residents have objected to the design of the fence because the rails were originally on the outside of the fence and were visible from the cycle and pedestrian path. It is customary for fences erected as boundary treatments for the rails to be on the inside of the fence so that the external appearance is tidier when viewed from the public realm and to increase security as the rails can be used to climb over. Immediately prior to the submission of this application the fence was 'double-sided' so that boards were installed to the outside of the fence. This work was carried out to improve the appearance of the fence and it is suggested that this work has substantially improved its design by ensuring it is tidier when viewed from the cycle and pedestrian path.
16. On the basis of the above officers consider that the design of the fence as approved in the application is acceptable in the context of adopted planning policies and specifically policies CP1 and CP8 of the Oxford Local Plan 2001-2016.

## **Vegetation and Loss of Amenity Land**

17. As previously set out the development resulted in the loss of some of the amenity land that bordered the cycle and pedestrian path. The quantity of the amenity land that has been lost as a result of this development is fully described in Paragraph 3.3 of this report. In addition to the loss of the amenity land the development also resulted in the loss of mature

vegetation that occupied the amenity land. Prior to assessing the impact of this development it is important to consider the value and quality of the amenity land that is affected by this application. It is suggested that the main function of the amenity land in this area serves to provide a pleasant border along the cycle and pedestrian path. The contribution the amenity land makes is achieved by providing separation between the private gardens and fences to the gardens and the pathway itself; creating a more open aspect and reinforcing the separation between the public and private realm. In addition to this the amenity land has a positive impact on the cycle and pedestrian path by providing space for planting which enables the path to have a verdant and semi-rural character.

18. Officers consider that the loss of both the strip of amenity land adjacent to the cycle and pedestrian path as well as the additional portion of land that has been enclosed into the garden nearer to the front of the house at 157 Green Ridges is not sufficiently harmful to warrant a recommendation to refuse the application. The justification for this is threefold and is set out in detail below. It should be noted that in the determination of the acceptability of the loss of amenity land officers have been mindful of the objections made by residents and these have been responded to in the justifications set out below.
19. Firstly, the actual quantity of amenity land that has been lost is a relatively small amount of land; the strip of amenity land along the cycle and pedestrian path that has been lost is approximately 0.7m. It is suggested that the loss of this amount of amenity land is not sufficiently harmful to warrant a recommendation for refusal in itself. Concerns have been raised by local residents about the loss of amenity land and the encroachment of the fence (and widened garden) on the public realm. There have also been concerns about precedent that would result from allowing for the loss of the amenity land. In response to these concerns it is suggested that each application is looked at on its merits and the enclosing of any amenity land into residential curtilage of a dwelling requires planning permission and the Council is therefore in a position as Local Planning Authority to assess the merits of each application of this kind. In this instance, on balance the loss of a very small section of amenity land does not warrant a recommendation for refusal.
20. The second justification for the acceptability of loss of the amenity land is that the development has not resulted in the remaining amenity land not being able to fulfil its function as previously described in Paragraph 5.1. Specifically the retained portion of amenity land creates a pleasant border to the cycle and pedestrian path and contributes positively to its open aspect. It is the view of officers that the development has not resulted in the amenity land being sufficiently eroded in quality to the extent that the application should be refused.
21. Lastly, it is important to consider the loss of the vegetation that was brought about by the development as the opportunity to include conditions with an approval would arguably present a significant opportunity to

remedy any perceived harm that has resulted in the erection of the fence and enclosing of amenity land. Significant concerns have been raised in objections to the application about the loss of the mature vegetation that bordered the cycle and pedestrian path. As this vegetation was not protected and no prior consent of the Local Planning Authority was required for its removal it could not form a reason for refusing the application. However, in order to remedy the limited harm that has arisen from the loss of amenity land and higher and more prominent fence, a condition has been recommended by officers that would require further planting along the retained amenity land which would be to the benefit of the public realm. This condition would serve to remedy any visual harm caused by the relocation of the fence and to some extent the loss of the original planting.

### **Pedestrian and Cycle Access**

22. The impact of the development on the cycle and pedestrian path has already been discussed in some detail above. However, it is important to specifically point out that it is the view of officers that the development has not had a detrimental impact on the accessibility of the cycle and pedestrian path and the loss of the amenity land has not damaged the functionality of the highway.

### **Security, Crime and Safety**

23. The applicant has partially justified the work that was carried out on the basis that it has improved the security of his property and specifically that the additional land enclosed nearer to the front of the house at 157 Green Ridges was carried out following the advice of the police. The applicant has provided information about a number of attempts by intruders to enter his property or garden; the fence was installed to improve security by providing a more robust and higher fence.
24. Following on from the above, it should be noted that a number of residents have made comments that relate to the improvement to security and safety that has been brought about because of the erection of the new fence. It is suggested that the clearance of the vegetation has meant that the cycle and pedestrian path is more open and this reduces the risk or perceived risk of crime. In addition to this some local residents have commented that as a result of the reduced amount of vegetation there are less instances of dog fouling and litter.
25. Officers have been mindful of the justification for the development made by the applicant on the grounds that the fence has improved security. Officers have also considered the positive comments made by some residents in relation to the perceived improvement of the public realm that has been facilitated by the development.

## **Conclusion:**

26. On the basis of the above officers recommend that the application be approved as the design of the fence and the change of use of the amenity land accord with all the relevant planning policies and specifically Policies CP1, CP8 and CP10 of the Oxford Local Plan 2001-2016 and Policy CS18 of the Core Strategy. One condition is recommended to provide landscaping within an appropriate timeframe that will counter the intrusion of the fence on the cycle and pedestrian path and the loss of some of the amenity land. In reaching the conclusion to recommend approval of the planning application officers have been mindful of the objections and comments made by residents and specifically the impact of the development on the cycle and pedestrian path and the public realm.

## **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 subject to a condition officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

## **Background Papers:**

12/02549/FUL

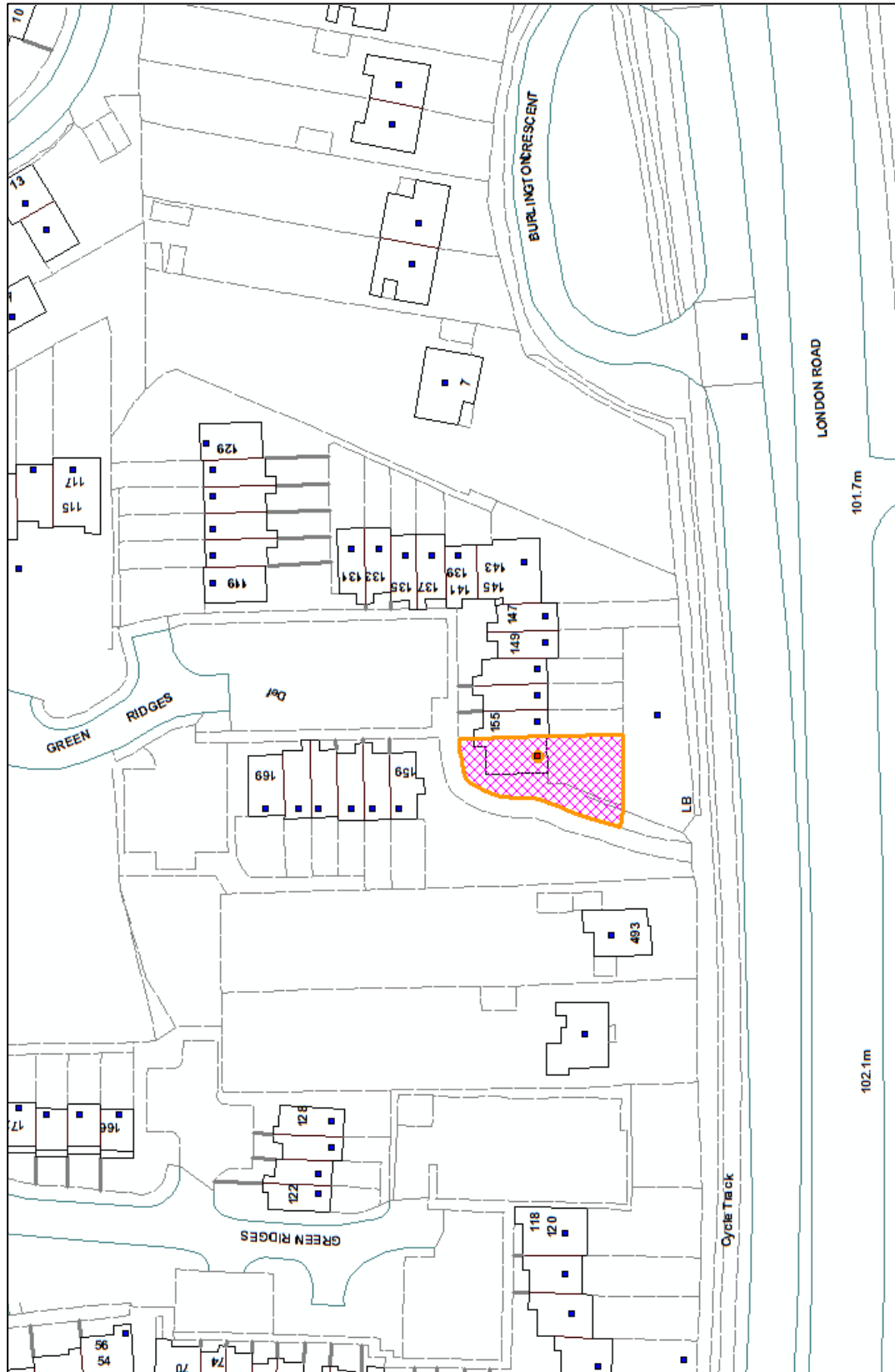
13/02629/FUL

**Contact Officer:** Robert Fowler

**Extension:** 2104

**Date:** 23<sup>rd</sup> June 2014

157 Green Ridges





## PLANNING REVIEW COMMITTEE

**Wednesday 30 October 2013**

**COUNCILLORS PRESENT:** Councillors Baxter (Chair), Fooks (Vice-Chair), Clarkson, Cook, Goddard, Kennedy, Lygo, Sinclair and Wolff.

**OFFICERS PRESENT:** Lois Stock (Democratic and Electoral Services Officer), Michael Morgan (Law and Governance), Murray Hancock (City Development) and Lisa Green (City Development)

### **8. APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Khan – Councillor Cook substituted, and Councillor Turner – Councillor Clarkson substituted.

### **9. DECLARATIONS OF INTEREST**

Councillor Clarkson declared a personal interest in agenda item 3 – planning application for 81 Edgeway Road (minute 9 refers) – on the grounds that she had spoken with both objectors and applicants in order to hear as many points of view as possible. She approached this meeting with an open mind.

Councillor Lygo declared a personal interest in agenda item 3 – planning application for 81 Edgeway Road (minute 9 refers) – on the grounds that he was the County Councillor for the area.

### **10. 81 EDGEWAY ROAD**

The Head of City Development submitted a report (previously circulated now appended) which detailed a planning application to demolish the existing bungalow and garages and the erection of 1 x 4-bed dwelling (use class C3).

Murray Hancock (Planning Officer) presented the report to the Committee.

In accordance with the criteria for public speaking, Amanda Jeffries, Mark Arnold and Janet Montgomery spoke against the application, and made the following points:-

- Concern about overlooking and overshadowing;
- This was a radical change from a bungalow to a three storey house;
- Proposal was too big and would impact on neighbour's privacy;
- It would affect the view from neighbouring properties, particularly from the rear of those in Ferry Road, and would be overbearing;
- Proposal was too bulky, too tall and too wide – there was no other house in Edgeway Road or Ferry Road which contained all the features of this one;
- There would be harm to the neighbourhood;
- Proposal should be on a bigger plot.

In accordance with the criteria for public speaking, Garry Tan and Katja Ziegler (Applicants) spoke in favour of it and made the following points:-

- This is an extremely energy efficient home and designed to be so;
- The height is similar to others in the road – it is not the tallest house in the road;
- The applicant had liaised with the planners and amended plans more than once in response to their suggestions;
- The distance between the back of the house and those at the rear exceeds the Council's guidelines;
- The back of the house does not project as far back as one neighbouring property;
- Several properties in Ferry Road have large attic conversions which overlook neighbouring gardens;
- There are double width properties in Edgeway Road already;
- The front elevation is not monolithic – elements are set back.

The following additional information was provided by the Planning Officer in response to questions from Councillors:-

- The existing property was part of the CPZ (controlled parking zone) and therefore eligible for a parking permit, it was expected that the new property would be the same. No comments had been received from the Highways Authority on this matter;
- The proposed garage could take a normal sized car;
- The proposed footprint of the new building is larger than the existing, but the plot is double width and has a larger than average garden;
- The height of the proposed building had been lowered, but it will be difficult to reduce it any further because the roof needed a certain pitch to it (and it was of a prefabricated nature);
- The height of properties in this road varies a great deal, especially on the side of the road where this application site is situated;
- A neighbouring property has solar panels on the roof, and a solar impact survey had been carried out. The impact of this building on the neighbouring solar panels was not sufficient (at less than 10%) to justify refusal;
- The proposed building had a rendered finish and the colour could be conditioned if desired. Buildings in the road came in a variety of colours;
- There was a great variety of building styles in Edgeway Road, particularly on the side of the street where this application site was situated.

Members of the Committee then discussed the application and made the following points during discussion:-

- It was noted that building styles in Edgware Road were very diverse – an eclectic mix;
- Overall, it is a good application;
- Overlooking was marginal and overshadowing debatable;
- The proposal was too bulky and too big for the site;
- There is an issue of “gaps” between the houses, which had not been mentioned but which was significant;
- Overlooking can be an issue in roads in this area, particularly with property extensions;

- Gaps between houses are actually not an issue as this proposal preserves the gaps – and some properties do not have any gaps;
- This is a very large plot, and it could easily take a pair of semi-detached houses;
- It is a desirable development, and energy wise is an exemplar. Because of the nature of what it is, it will be built very quickly so minimising disruption to neighbours;
- There is no overshadowing of properties in Ferry Road;
- The proposed property is the same distance from rear properties as the existing bungalow, and is further away than some of the neighbouring properties;
- The applicants have tried hard to accommodate neighbours' comments;
- This is an urban environment with high density housing, it is wise to make the best use of the plot;
- Happy that this will be a family house.

Having taken all submissions into account, both written and oral, the Committee resolved to APPROVE the application for the reasons set out in the Planning Officer's report, and with conditions itemised below; and that the Head of City Development be authorised to issue the notice of permission.

Conditions:

- (1) Development to begin within the time limit;
- (2) Develop in accordance with approved plans;
- (3) Samples;
- (4) SUDS;
- (5) Pedestrian vision splays;
- (6) Design – no addition to dwelling;
- (7) Shed/cycle parking.

## **11. MINUTES**

Resolved to confirm as a correct record the minutes of the meeting held on 26th June 2013

## **12. DATES OF FUTURE MEETINGS**

Resolved to note the dates of future meetings as follows (subject to any proposal being called in):-

27<sup>th</sup> November 2013  
23<sup>rd</sup> December 2013

**The meeting started at 6.00 pm and ended at 7.00 pm**

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