

Agenda

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West Area Planning Committee

Date: **Tuesday 12 July 2016**

Time: **6.00 pm**

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

For any further information please contact:

Catherine Phythian, Committee and Member Services Officer

Telephone: 01865 252402

Email: democraticservices@oxford.gov.uk

As a matter of courtesy, if you intend to record the meeting please let the Contact Officer know how you wish to do this before the start of the meeting.

West Area Planning Committee

Membership

Chair	Councillor Louise Upton	North;
Vice-Chair	Councillor Tom Landell Mills	St. Margaret's;
	Councillor Colin Cook	Jericho and Osney;
	Councillor Jean Fooks	Summertown;
	Councillor Alex Hollingsworth	Carfax;
	Councillor Jennifer Pegg	Northfield Brook;
	Councillor Bob Price	Hinksey Park;
	Councillor John Tanner	Littlemore;
	Councillor Marie Tidball	Hinksey Park;

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

HOW TO OBTAIN A COPY OF THE AGENDA

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- Downloaded from our website
- Subscribed to electronically by registering online at mycouncil.oxford.gov.uk

AGENDA

	Pages
1 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS	
2 DECLARATIONS OF INTEREST	
3 16/01511/FUL: 9 UNION STREET, OXFORD, OX4 1JP Site address: 9 Union Street, Oxford, OX4 1JP Proposal: Erection of single-storey rear extension. Officer recommendation: to approve the application subject to the following conditions: Conditions 1 Development begun within time limit 2 Develop in accordance with approved plans 3 Materials as specified	11 - 16
4 16/00752/FUL: 9 CHALFONT RD Site address: 9 Chalfont Road Oxford Oxfordshire OX2 6TL Proposal: Erection of part single, part two storey rear extension. Erection of single storey side extension(amended plans) Officer recommendation: that the application be approved subject to the following conditions: 1 Development begun within time limit 2 Develop in accordance with approved plans 3 Samples in Conservation Area 4 Amenity no additional windows	17 - 24
5 15/03464/FUL AND 15/03465/LBC: FLAT 1, CAUDWELLS CASTLE, 5 FOLLY BRIDGE Site address: Flat 1, Caudwells Castle, 5 Folly Bridge, Oxford Proposal: (1) 15/03464/FUL Erection of timber balustrading, trellis, platform and access ladder to form roof terrace with alterations to the colour of the roof top extension (retrospective) (2) 15/03465/LBC	25 - 32

Retention of timber balustrading, trellis, platform and access ladder forming roof terrace (retrospective)

Officer recommendation: to refuse planning permission and listed building consent for the following reason:

Reasons for Refusal: (1) 15/03464/FUL & (2) 15/03465/LBC

1. By reason of its siting, height and design, the terrace with its associated timber balustrading and trellis, appears an incongruous addition to the listed building, detracting from its distinctive crenulated roof form and Gothic features, and its special architectural character and appearance. Therefore, the retention of the terrace would harm the architectural significance of the grade II listed building, which in turn would lessen the positive contribution the building makes to the Folly Bridge area of the Central Conservation Area and harming its character and appearance. The application would conflict with sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraphs 132 and 134 of the NPPF, policies CP1, CP8, HE3 and HE7 of the Oxford Local Plan 2001-2016, policy CS18 of the Oxford Core Strategy and policy HP9 of the Sites and Housing Plan.

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|----------|---|---------|
| 6 | OXFORD CITY COUNCIL – HAMILTON ROAD (NO.1) TREE PRESERVATION ORDER, 2016
Site address: 68 Hamilton Road, Oxford

Officer recommendation: To confirm the Oxford City Council – Hamilton Road (No.1) Tree Preservation Order 2016 without modification. | 33 - 44 |
| 7 | PLANNING APPEALS 2016/17
Summary information on planning appeals received and determined during May 2016.

The Committee is asked to note this information. | 45 - 50 |
| 8 | MINUTES
Minutes of the meetings of 14 June 2016

Recommendation: That the minutes of the meeting held on 14 June 2016 are approved as a true and accurate record. | 51 - 52 |
| 9 | FORTHCOMING APPLICATIONS
Applications for consideration by the committee at future meetings are listed for information. They are not for discussion at this meeting. This | |

is not a definitive list: applications may be added to or deleted from this list.

- 15/01601/FUL: 26 Norham Gardens:
- 15/02352/FUL: 18 Hawkswell Gardens
- 15/03524/FUL: Oxford Spires Four Pillars Hotel, Abingdon Road
- 16/00391/FUL: 24 Rosamund Road
- 16/00791/FUL: 1 Richmond Road
- 16/00684/FUL: Old School, Upper Wolvercote
- 16/00470/FUL: 1A Cranham Street:
- 16/00068/FUL & 16/00069/LBC: Grove House, Iffley Turn
- 16/01026/FUL: 118 Southfield Road
- 16/01290/FUL: North Oxford Garage Ltd, Wolvercote Roundabout, Woodstock Road, OX2 8JP
- 16/01530/CT3: Tennis Courts, Pegasus Road, OX4 6JL
- 16/01220/FUL & 16/01221/FUL: 16 Northmoor Road
- 16/01413/FUL: Land Adjacent 279 Abingdon Road
- 16/01541/FUL: The Honey Pot, 8 Hollybush Row, OX1 1J

Railway applications:

Current ref no	Refers to	Subject
16/01634/CND	15/01978/CND Condition 1	NSoA for route section I2
16/01635/CND	15/01978/CND Condition 1	VSoA for route section I2
16/01410/VAR	13/03202/CND Condition 3	Vibration monitoring on plain line, route section H
16/01411/VAR	14/00232/CND Condition 3	Vibration monitoring at switches and crossings, route section H
16/01406/VAR	15/00956/CND Condition 4	Noise monitoring route section H
16/01412/VAR	15/03587/CND Condition 3	Vibration monitoring on plain line, route section I1
16/01409/VAR	15/03503/CND Condition 4	Noise monitoring route section I1
Request for condition to be discharged by letter. Additional information to be submitted.	15/00956/CND 15/03503/CND Condition 2	Rail dampening/ SilentTrack

10 DATES OF FUTURE MEETINGS

The Committee will meet at 6.00pm on the following dates:

2 Aug 2016

13 Sep 2016
11 Oct 2016
8 Nov 2016
13 Dec 2016



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 Committee and Member Services Officer before the meeting starts 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 Committee and Member 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 Committee and Member Services Officer written statements to circulate to committee members, and the planning officer prior to the meeting. Statements are accepted and circulated by noon, two working days 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 Committee and Member 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 and press can record the proceedings of any public meeting of the Council. If you do wish to record the meeting, please notify the Committee clerk prior to the meeting so that they can inform the Chair and direct you to the best plan to record. You are not allowed to disturb the meeting and the Chair will stop the meeting if they feel a recording is disruptive.

The Council asks those recording the meeting:

- Not to edit the recording in a way that could lead to misinterpretation of the proceedings. This includes not editing an image or views expressed in a way that may ridicule, or show a lack of respect towards those being recorded.
- To avoid recording members of the public present unless they are addressing the meeting.

For more information on recording at meetings please refer to the Council's [Protocol for Recording at Public Meetings](#)

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; or
- (d) seek to re-design, or negotiate amendments to, an application. The Committee must determine applications as they stand and may impose appropriate conditions.

a)

b)

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West Area Planning Committee – 12 July 2016

Application Number: 16/01511/FUL

Decision Due by: 1 August 2016

Proposal: Erection of single-storey rear extension.

Site Address: 9 Union Street. **Appendix 1**

Ward: St Clement's Ward

Agent: N/A

Applicant: Nadia Robinson

Recommendation:

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

- 1 The proposed extension is acceptable in design terms and would not cause unacceptable levels of harm to the amenities of the neighbouring properties. The proposal therefore accords with policies CP1, CP6, CP8 and CP10 of the Oxford Local Plan, HP9 and HP14 of the Sites and Housing Plan and CS18 of the Core Strategy.
- 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.

Conditions

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

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

Core Strategy

CS18_ - Urban design, town character, historic environment

Sites and Housing Plan

HP9_ - Design, Character and Context

HP14_ - Privacy and Daylight

MP1 - Model Policy

Other Material Considerations:

- National Planning Policy Framework
- Planning Practice Guidance

Relevant Site History:

- 58/06809/A_H - Extension to form bathroom: Permitted Development
- 93/01232/NF - First floor rear extension. Installation of glazed roofing to existing ground floor extension: Approved

Representations Received:

- No third party comments received.

Statutory and Non-Statutory Consultees:

- Highways – no comment.
- Natural England – no comments received.
- East Oxford Community Association – no comments received.
- Jeune Street Residents' Association – no comments received.

Issues:

- Design
- Residential Amenity

Officers Assessment:

Site and proposal:

1. 9 Union Street is a mid-terraced Victorian property that was built as a pair with 10 Union Street. Both were built with a single-storey outrigger to the rear. The single-storey outrigger was extended in the 1950s to create a ground-floor bathroom. The property was then extended at first floor in the 1990s to create a first-floor bathroom, and the ground floor bathroom was amalgamated into one room with the kitchen which resulted in the existing kitchen/dining area.
2. As a result of the extensions to the property, the house has a long side passage between the kitchen/dining area and the neighbouring property at 8 Union Street. A single-storey flat roofed extension is proposed to infill this side

passage and wrap around the rear of the existing two storey rear extension. The changes proposed relate only to the rear and ground floor of the property.

3. The applicant is an employee of Oxford City Council and therefore the application is to be determined by West Area Planning Committee. The Monitoring Officer has confirmed that the application has not had any special treatment.

Design:

4. The extension has been designed as a flat roof contemporary addition which wraps around the existing two storey rear projection allowing for the existing traditional L-shaped plan form of the property still to be read. The extension projects no further than existing projections to the property or those in the host terrace and is therefore not considered to be out of scale with the surrounding area.
5. The exterior materials of the rear elevation would be imperial bricks to match the original dwelling house which also form an appropriate visual relationship with the surrounding area. The flat roof, coping for the upstand/low parapet and fascia would be constructed in a combination of EPDM rubber roof or felt and metal, all in mid/dark grey which suit the contemporary appearance of the extension.
6. The proposal is therefore considered to comply with policies CP1, CP6 and CP8 of the Oxford Local Plan, CS18 of the Core Strategy and HP9 of the Sites and Housing Plan.

Residential Amenity:

7. The proposed extension has a depth no greater along the boundary with 10 Union Street than the single storey existing extension. This property has a rear-facing full-height single glazed door serving a kitchen at ground floor. The kitchen is also served by a north-facing window. The rear wall of this kitchen is set back from the existing rear wall of number 9 and so the wall that forms part of the north elevation of number 9 runs along the boundary between the two properties. This wall is proposed to be retained, and the pitched roof removed from the single-storey extension. It is proposed to raise the height of the wall along the boundary to complete the flat roof, a glazed corner is proposed made up of three glazed panels. This will allow light to pass through the new structure, resulting in no material change to the light for number 10.
8. Due to the outrigger and vast expanse of wall of 8 Union Street along the boundary the proposal is not considered to have a detrimental impact on this property in terms of overbearing impact or loss of light.
9. The proposed fenestration mainly faces the long rear back garden or is in the form of high level windows and rooflights and is therefore not considered to overlook neighbouring properties.

10. The proposal is therefore considered to comply with policy CP10 of the Oxford Local Plan and HP14 of the Sites and Housing Plan.

Conclusion:

Officers recommend that the application should be approved subject to conditions.

Human Rights Act 1998

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

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

Section 17 of the Crime and Disorder Act 1998

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

Background Papers:

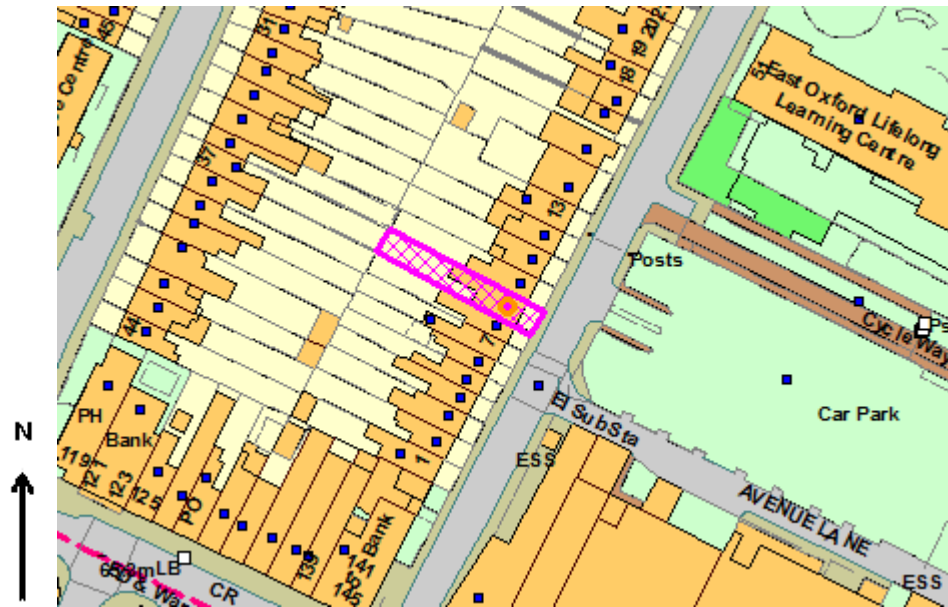
16/01511/FUL

Contact Officer: Sarah Orchard

Date: 23 June 2016

Appendix 1

16/01511/FUL - 9 Union Street



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Ordnance Survey 100019348

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WEST AREA PLANNING COMMITTEE

12 July 2016

Application Number: 16/00752/FUL

Decision Due by: 12th May 2016

Proposal: Erection of part single, part two storey rear extension.
Erection of single storey side extension.(amended plans)

Site Address: 9 Chalfont Road Oxford Oxfordshire OX2 6TL

Ward: St Margarets Ward

Agent: Mr Ben Holland

Applicant: Ms Lynne Patmore

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposed development is acceptable in design terms and would not cause unacceptable levels of harm to the Conservation Area or amenities of the neighbouring properties. The proposal therefore accords with policies CP1, CP6, CP8, CP10 and HE7 of the Oxford Local Plan, CS18 of the Core Strategy and HP9 and HP14 of the Sites and Housing 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 Samples in Conservation Area
- 4 Amenity no additional windows

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;

HE7 - Conservation Areas;

MP1 - Model Policy;

Core Strategy

CS18 - Urb design, town character, historic env;

Sites and Housing Plan

HP9 - Design, Character and Context;

HP14 - Privacy and Daylight;

Other Material Considerations:

This application is in or affecting the North Oxford Victorian Suburb Conservation Area

National Planning Policy Framework
Planning Practice Guidance

Relevant Site History:

06/01177/FUL - Removal of existing garden shed and erection of detached garden office and attached shed - Approved 16.08.2006.

Representations Received:

Amended plan were received and neighbours were re-consulted for 4 days on 9th May 2016.

Four objections were received to the original set of plans. Neighbours have concerns over the size or the extension, loss of light to neighbouring properties, increase in light pollution and the difference in ground levels making the extension appear overbearing.

Objections were maintained and reiterated following publication of second set of amended plans.

Statutory and other consultees:

Environmental Health – no objection.

Victorian Group (comment on original set of plans) – Object to the side extension closing the gap between the properties and consider the extension to the rear to not being in keeping with the property.

St Margaret's Area Society (object to both original and revised drawings) – object on grounds of light pollution, overbearing nature of extension and loss of light to neighbouring properties.

Issues:

- Design in the conservation area
- Impact upon neighbouring properties

Officers Assessment:

Application site:

1. The application site is a 3 storey residential property located within the 'North Oxford Victorian Suburb' Conservation Area. The site comprises the main house (subject of this application), and the garden office & shed that is located in the rear garden. Access to the rear garden is made via the North side of the house via a private driveway accessed from Chalfont Road. Parking is to the front of the property. The boundaries are defined to the rear and side by garden walls. Land levels alter along the road and this site is in an elevated position when compared with No.7 Chalfont Road.

Proposal

2. Planning permission is sought to remove the existing 7m deep timber frame and brick extension, and extend the original dwelling line on two storeys to the rear; the ground floor extension measures 8.4m deep and the first floor extension 1m deep. The side extension is proposed to the ground floor only and is for the erection of a single storey side and rear extension. Amended plans were received on the 9th May 2015 removing glazing, amending fenestration details and setting the extension further in from No.11 Chalfont Road.

Assessment of material considerations

Design in the Conservation Area

3. The property as existing is a matching pair with No.1 Chalfont Road. It's considered that the proposal to extend up to second floor by projecting a further 1m to the rear will have an impact upon the character of this pair and whilst it is regrettable that they won't remain identical, it is considered that the projection of 1m will not harm the character and appearance of the property or the conservation area so much as to warrant refusal. It is also considered that the extent of the alterations up to first floor level is not so great as to disproportionately alter the property from its original form.
4. The proposed single storey rear extension infills a side return and projects to the rear 1.4m further than the existing single storey rear element. It has a pitched roof with some glazing and fully glazed doors to the rear opening into the garden. A lean to element is retained close to the boundary with No.11 which retains a small connection between what is currently the matching pair.
5. It was considered that the extent of the proposed glazing applicable to the entire design was too great and detracted from the overall character of the property. As a result of the amendments made to the scheme it is considered that this has now been addressed and a balance has been achieved between a contemporary design and respecting the character of the original property.
6. The gaps between the properties will be reduced as a result of the proposals however the proposed extension to the rear does not seek to wrap around and extend the overall width of the property further than the extent of the side

elevation facing No.7.

7. Objections have also been raised about the introduction of a side porch extension with regard to maintaining gaps in the conservation area. It is considered that by virtue of its size and the fact the side extension is set back considerably from the front elevation, the gaps between the properties will still be perceptible and the original form appreciated.
8. It is considered that whilst the proposed extension provides a considerable amount of additional floor space, it still allows the original form of the building to be read and appreciated and will not detract from the character and appearance of the conservation area.
9. Conditions will be applied to ensure that the materials and finish of the proposed works including doors and glazing are of an appropriately high quality that they would not detract from the character and appearance of the conservation area.
10. The proposal is therefore considered to comply with policies CP1, CP6, CP8 and HE7 of the Local Plan, HP9 of the Sites and Housing Plan and CS18 of the Core Strategy.

Residential amenity

11. Objection has been raised by both neighbouring properties as to the impact upon their amenity. The difference in land levels as described in the description of the application site is acknowledged and has been viewed whilst on site.
12. With regard to loss of privacy, one new window is proposed in the side elevation at first floor window. This window is proposed to be obscured as shown on Plan no. 03.05 revC. As a result of the obscurity, it is not considered that this window will give rise to overlooking or loss of privacy.
13. Concern has been raised regarding the extent of glazing in the new extension and an increase in light pollution. As a result of amended plans, the extent of glazing has been reduced. This amendment was sought on design grounds as explained above, as it is not considered that this proposal on a residential nature would give rise to unacceptable levels of light pollution however by virtue of the reduction in glazing, there will be a reduction in light spill.
14. The proposed extension complies with 45 degree guidelines under policy HP14 of the Sites and Housing Plan. Despite this, it has been considered important to scrutinise the proposals with regard to the change in land levels. Whilst the gap between No.7 and No.9 will be reduced as part of these proposals a gap is still retained and the rear extension set in from the boundary. No.7 is also set in from the boundary to the rear of the property. As a result it is considered that the proposals will decrease the feeling of openness to the rear of the properties, the gaps that are maintained ensure that this will not have an impact upon No.7 that warrants refusal of this

application.

15. The single storey rear extension element of the proposals have been set in from the boundary with No.11. This meets the 45 degree test and the direction No.11 also lies to the south of No.9 meaning that as a result of the proposals there will not be a detrimental loss of light to the property.
16. The extension at first floor level alters the appearance of the rear of the property as described in the design assessment above however it is not considered that the modest increase in projection by 1m will result in a detrimental impact upon residential amenity .
17. Having assessed the proposal with regard to impact upon neighbouring amenity it is considered that they comply with policies CP10 of the Local Plan and HP14 of the Sites and Housing Plan.

Conclusion:

18. Having had regard to the above it is considered that on balance the proposal comply with the policies listed above and it is recommended that planning permission is granted subject to condition.

Human Rights Act 1998

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

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

Section 17 of the Crime and Disorder Act 1998

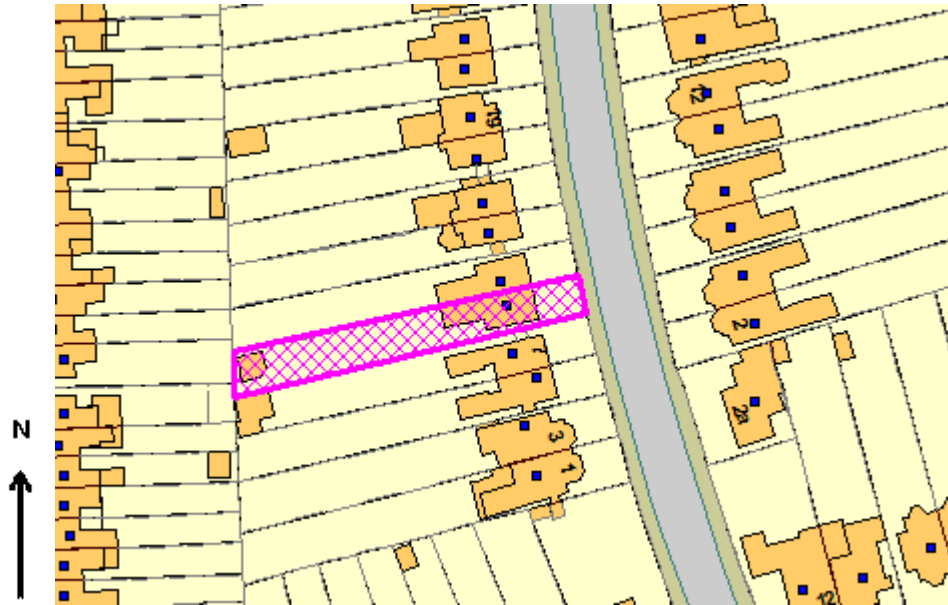
Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to approve, officers consider that the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

Background Papers: 16/00752/FUL

Contact Officer: Sarah Jones
Extension: 2186
Date: 3rd June 2016

Appendix 1

16/00752/FUL - 9 Chalfont Road



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Ordnance Survey 100019348

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West Area Planning Committee

12 July 2016

Application Number: (1) 15/03464/FUL

(2) 15/03465/LBC

Decision Due by: 25 January 2016

Proposal: (1) Erection of timber balustrading, trellis, platform and access ladder to form roof terrace with alterations to the colour of the roof top extension (retrospective)

(2) Retention of timber balustrading, trellis, platform and access ladder forming roof terrace (retrospective)

Site Address: Flat 1, Caudwells Castle, 5 Folly Bridge (**site plan: appendix 1**)

Ward: Hinksey Park

Agent: N/A

Applicant: Dr Henry Marsh

Application Call In: Officer referral to West Area Planning Committee.

Recommendation:

The West Area Planning Committee is recommended to refuse planning permission and listed building consent for the following reason:

Reasons for Refusal: (1) 15/03464/FUL & (2) 15/03465/LBC

1. By reason of its siting, height and design, the terrace with its associated timber balustrading and trellis, appears an incongruous addition to the listed building, detracting from its distinctive crenulated roof form and Gothic features, and its special architectural character and appearance. Therefore, the retention of the terrace would harm the architectural significance of the grade II listed building, which in turn would lessen the positive contribution the building makes to the Folly Bridge area of the Central Conservation Area and harming its character and appearance. The application would conflict with sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraphs 132 and 134 of the NPPF, policies CP1, CP8, HE3 and HE7 of the Oxford Local Plan 2001-2016, policy CS18 of the Oxford Core Strategy and policy HP9 of the Sites and Housing Plan.

Principle Planning Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals

CP8 - Design Development to Relate to its Context

HE3 - Listed Buildings and Their Setting

HE7 - Conservation Areas

Oxford Core Strategy 2026

CS18 - Urban design, town character and the historic environment

Sites and Housing Plan

HP9 - Design, Character and Context

HP14 - Privacy and Daylight

Other Planning Documents

National Planning Policy Framework

Other Material Considerations:

The development is affecting a Grade II Listed Building.

This application is in or affecting the Central Conservation Area.

Planning Practice Guidance

Relevant Site History:

82/00870/NFH - Conversion of single family dwelling to six flats (retrospective):
Approved

93/00198/L - Listed Building consent for erection of railings to flat roof to create roof terrace. Construction of roof light and access hatch to Flat 1: Refused

93/00199/NFH - Erection of railings to flat roof to create roof terrace. Construction of roof light and access hatch to Flat 1: Refused

Representations Received:

Five representations were submitted from members of the public. Four were in support of the applications and one objecting to the applications (several representations were received in objection, however as these were from the same individual they are taken as one representation).

Reasons for support:

- The roof terrace is a tasteful, appropriate and pleasant addition to the building, unobtrusive, so that it is quite difficult to see from most angles, unless one's attention has been drawn to it.
- The roof terrace is a genuine improvement to the building, and its removal would be a real loss.
- The roof terrace is in keeping with the quirky character of Caudwells Castle

- The roof terrace is not an unsightly addition and is an improvement to the building.

Reason for objections:

- Fail to see how the application has shown attention to a 'high standard of design...that respects the character and appearance of the area' and would not comply with policy CP1.
- The proposal fails to comply with policy CP8 – use of materials of a quality appropriate to the nature of the development, the site and surroundings. The site is highly publicly visible at a gateway to Oxford and the design fails to enhance the style and perception of the area. The current development detracts from the appearance of the area.
- Issue of noise generated from the roof terrace and that this is causing a loss of amenity to neighbours.

A petition of fourteen signatures was submitted in support of the application.

Reasons for support in the petition centred on:

- From the early 1990s until last year, our view of Caudwells roof garden from the Thames towpath was dominated by an ugly stairway and crude, rotting railings that gave a derelict look to this listed building. The renovation of the roof terrace is in keeping with the fanciful nature of an eclectic Victorian building.
- The balustrade is in keeping with the spirit of Caudwells Castle.

Statutory Consultees:

Oxfordshire County Council Highways Authority: No comment

Officers Assessment:

Site Location and Description

1. Caudwells Castle is a grade II listed building sited on the island in the Folly Bridge area of the Central Conservation Area. The building fronts the Abingdon Road, and its southern elevation is built onto the southern side of the island and is highly visible from public vantage points along the Abingdon Road, the pedestrian bridge and tow path.
2. The building dates to 1849 and was constructed as a 'gothic' folly from red and grey brick with crenulated parapet walls, protruding brick window and door arches, wrought iron balconies and stone statues in the wall niches. The architectural detail and decoration of the building is fine and rather ornate, both externally and internally, with elaborately designed wrought iron balustrading and finely detailed stone statues characterising the prominent east and south elevations.
3. The building was extended in the latter half of the 20th century with a flat roof addition extending from the top floor flat (Flat 1) and across the roof of the lower section of the building to the west. Towards the end of the 20th century

consent was sought for the creation of a terrace and the installation of railings of a utilitarian design on top of the flat roof extension (refs: 93/00198/L and 93/00199/NFH). Consent was refused on the grounds that the railings would represent an unacceptable feature of change to the battlemented roofline, affecting the special architectural appearance of the listed building and failing to preserve or enhance the special character and appearance of the conservation area. Notwithstanding this refusal of consent, it is evident that the development was implemented.

Proposal

4. Listed building consent and planning permission are sought for the retention of a new roof terrace situated on the existing flat roof extension which comprises timber balustrading, trellis, floor tiles and an access ladder. The timber balustrading features a simple, bold zig-zag pattern, and simple spearhead finials on the posts, whilst the trellis is of a simple grid pattern. The timber balustrading, trellis and ladder are finished a dark green colour.
5. Officers consider that the principle determining issues in this case are
 - Impact on the special architectural interest of the grade II listed building.
 - Impact on the special character and appearance of the conservation area.
 - Impact on neighbour amenity.

Impact on listed building and conservation area

6. The terrace and its associated fixtures project substantially above the surrounding roof line on which it is situated (the lower three-storey element of the building), and only slightly lower than the height of the adjacent chimneys and the top of the four-storey element. The design of the proposed timber balustrading and trellis is simple and bold, which does not reflect the ornate and finely detailed character and appearance of the listed building.
7. By reason of its height, design and siting, the terrace with its timber balustrading and trellis, appears an incongruous addition to the building detracting from the Gothic features of the building such as the three chimneys and the decorative crenulated brickwork, harming its architectural character and significance.
8. For the reasons stated above, the terrace and its associated fixtures would detract from the character and appearance of the listed building and the conservation area, lessening the positive contribution the building makes to this part of the Central Conservation Area and harming its special character and appearance.
9. It is recognised that the development is of a high quality design and workmanship; however, for the reasons stated above, it is not considered that this would outweigh the harm caused to the architectural significance of the listed building and the character and appearance of the conservation area. Furthermore, in accordance with NPPF paragraph 134, the scheme does not present any public benefits which would override the harm caused to the

listed building and the conservation area.

10. The applications would fail to comply with sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraphs 132 and 134 of the NPPF, policies CP1, CP8, HE3 and HE7 of the Oxford Local Plan 2001-2016, policy CS18 of the Oxford Core Strategy and policy HP9 of the Sites and Housing Plan, which require great weight to be given to the conservation and preservation of the special architectural interest, character and appearance of designated heritage assets, and are of an appropriate design in context with local character.
11. It is felt that there may be potential for an alternative type of balustrading of a more suitable, sympathetic and discreet design, which would not have the same harmful impact on the character and appearance of the listed building and the conservation area. This should be explored through seeking pre-application advice from the Local Planning Authority.

Impact upon Neighbouring Amenity

12. Sites and Housing Plan Policy HP14 states that permission will only be granted for development that protects the privacy and amenity of proposed and existing residential properties, and will be assessed in terms of potential for overlooking into habitable rooms, sense of enclosure, overbearing impact and sunlight and daylight standards. This is also supported through Local Plan Policy CP10.

Privacy

13. In respect of privacy, the roof terrace does not directly overlook habitable rooms of neighbouring flats. The pontoon area is overlooked by the roof terrace but this is an area specifically designed for boats and is not amenity space for the flats within Caudwells Castle. This area is also overlooked by the balconies of other properties and the addition of the roof terrace is not considered to exacerbate the existing overlooking to an unreasonable harm to amenity. The roof terrace also does not create an overbearing impact on neighbouring properties due to being set away from neighbouring flats.

Natural light

14. In respect of natural light, the roof terrace does not cause loss of natural light to properties within in the building due to being sited on the roof away from any windows of neighbouring flats.

Noise

15. Representations have been submitted stating concern over noise. Although some noise will be generated from human activity on the roof terrace, the property is located on an arterial route into Oxford and the traffic noise generated from Folly Bridge will mean that any impact on amenity will be minimal and is not viewed as causing unreasonable harm to neighbouring

amenity.

16. In summary, the roof terrace is considered to be in compliance with Policy CP10 of the Oxford Local Plan and Policy HP14 of the Sites and Housing Plan.

Conclusion

17. Having regard to the material considerations and all other matters raised the Local Planning Authority considers the timber balustrading and trellis harms the architectural significance of the grade II listed building and the special character and appearance of the Central Conservation Area.
18. Therefore officers recommendation to the committee is to refuse planning permission and listed building consent for the proposed development on the basis that it would conflict with sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraphs 132 and 134 of the NPPF, policies CP1, CP8, HE3 and HE7 of the Oxford Local Plan 2001-2016, policy CS18 of the Oxford Core Strategy and policy HP9 of the Sites and Housing Plan.

Human Rights Act 1998

Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to refuse these applications. 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

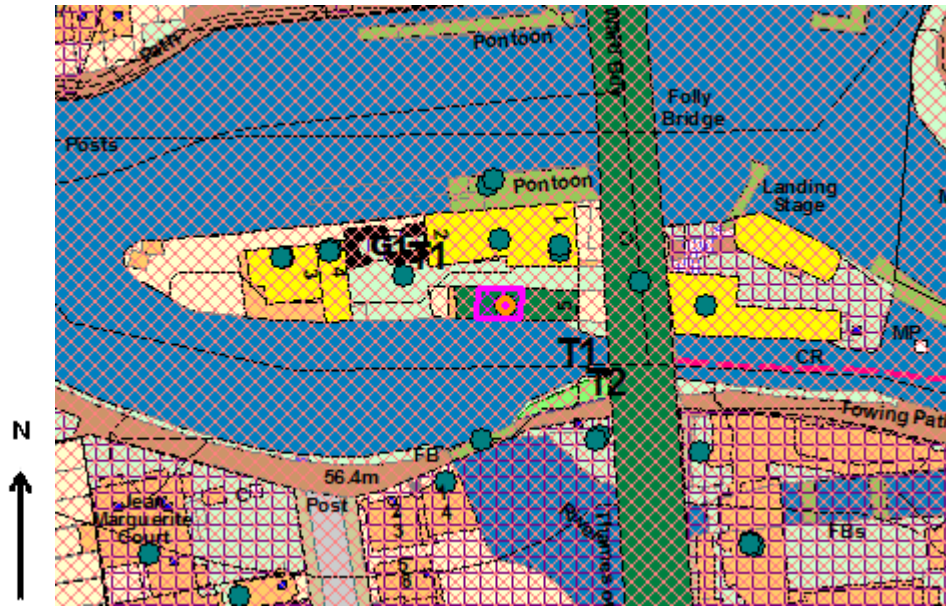
Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to refuse planning permission and listed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

Contact Officer: Matthew Watson / Amy Ridding

Date: 29 June 2016

Appendix 1 – Site Plan

15/03464/FUL / 15/03465/LBC



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Ordnance Survey 100019348

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WEST AREA PLANNING COMMITTEE

12 July 2016

Order Name: Oxford City Council – Hamilton Road (No.1) Tree Preservation Order, 2016

Decision Due by: 17 August 2016

Site Address: 68 Hamilton Road, Oxford

Ward: Summertown Ward

Recommendation

To confirm the Oxford City Council – Hamilton Road (No.1) Tree Preservation Order 2016 without modification.

Background

1. The Oxford City Council – Hamilton Road (No.1) Tree Preservation Order, 2016 was made on 17th February 2016. It is an 'Individual' designation Order, which specifically includes a mature silver birch shown on the Tree Preservation Order (TPO) plan (Appendix 1).
2. The TPO was made following the Council's decision to refuse planning permission for a rear extension to the property (15/03519/FUL). The reasons for refusal of planning consent included arboricultural implications, i.e. the likely loss of the silver birch. This tree adds significant amenity value to the public realm and its loss would have a detrimental impact on the street-scene contrary to Policy CP11 of the Oxford Local Plan 2001-2016.

Reasons for making order

3. To protect a tree that makes a significant positive contribution to the landscape in public views along Hamilton Road and King's Cross Road.
4. To prevent the potential removal of the tree in order to overcome reasons for refusal of a planning application for an extension that would cause damage to the tree's root zone.

Relevant Site History

5. The relevant planning history for the site is;

15/03519/FUL: Erection of a single storey ground and first floor rear extension. Formation of 1No. dormer window to side roof slope in association with loft conversion. Replacement of window for door on west elevation.- Refused 02.02.2016

16/01295/FUL: Erection of a single storey ground and first floor rear extension with associated landscaping. Replacement of window for door on west elevation. –Pending consideration.

Representations Received

6. One representation in objection to the TPO has been received from the property owners and residents of 68 Hamilton Road; this is presented at Appendix 2. The objection was received shortly after the stated consultation period ended but was accepted; thus the decision whether to confirm the Order thereby making it permanent became a non-delegated decision to be made by Members of the West Area Planning Committee.

Officers Assessment:

Site

7. The application site is a corner residential plot at the junction between Hamilton Road and Kings Cross Road, with the property being located on the south side of Hamilton Road and the east side of King's Cross Road. The property has an existing extension at ground floor level, with a flat roof. The property has been heavily altered over time.

Trees and their amenity:

8. A number of trees and shrubs are located within the application site with the most significant being a mature silver birch tree facing onto King's Cross Road which provides significant visual amenity benefit to the street-scene in views from the junction of King's Cross Road and Hamilton Road and along King's Cross Road from the north and south.
9. The silver birch is a mature specimen approximately 17m tall with a crown diameter of between 9 and 10 metres. The tree is in good (or normal) physiological condition and is estimated (based on species longevity) to have a remaining useful contribution to public amenity of between 20 and 40 years.
10. The tree has been subjected to poor pruning practice, known as 'Topping' in the relatively recent past; a point noted by an independent arboricultural consultant instructed by the tree owner in relation to their current revised planning application. Despite this the tree remains an attractive natural feature in the street-scene (an assessment also in accord with that of the arboricultural consultant). It is prominent because of the relative absence of any other significant large trees in the local vicinity, and this therefore increases its amenity significance.

Public Comments: Property owners

11. The property owner's objections to the TPO have been summarised below (the full submission is reproduced at Appendix 2).

(1) The family appreciates the tree and have never had any intention of removing it. They report that they have also been advised by a structural engineer that their property might be adversely affected by ground 'heave' if the tree was to be

removed.

- (2) The dimensions of the proposed rear extension have been reduced in line with the recommendations of an independent arboricultural consultant so as avoid damage to roots and preserve the tree.
- (3) The Council has used its powers to make a TPO as a means of blocking their planning application; as evidenced by the timing of the service of the TPO 15 days after notice of planning refusal.
- (4) The tree owners '*are comfortable to the TPO being on a provisional basis as proof of our commitment to modify our rear extension plans in order to preserve the tree.*'

Officer's response to comments:

12. It is not the case that the Tree Preservation Order (TPO) was made as a means of blocking the house holder's planning application. In fact a TPO has no legal affect if a full planning permission is granted and removal, pruning or any other prescribed operation is required in order to implement that planning permission.
13. The TPO was made because the implied loss of the tree formed one of a number of reasons for refusal of the planning application. The tree is considered to have significant public visual amenity benefit, and there arose the perceived threat that it could be removed quite lawfully as a means to remove one of the impediments to the development either at appeal or under a future planning application scheme.
14. The TPO simply creates a planning control, which requires that anyone wishing to carry out any tree work must obtain the written consent of the Council as Local Planning Authority. Essentially the TPO enables the Council to prevent the removal of the tree, or any other forms of works that would be harmful to public visual amenity, without there being good reason or lawful exemption such as a planning permission.
15. Under Section 197 of the Town and Country Planning Act 1990 planning authorities have a general duty in respect of trees; thus all trees are a material consideration in planning. TPOs have no affect if a full planning permission is granted (and work is required to implement the permission) because the public amenity value of trees is considered at the planning stage and any harmful impacts are balanced against other material considerations in accordance with the Council's adopted Local Plan Policies.
16. Following refusal of planning permission and the making of the TPO, the householders of 68 Hamilton Road have made a fresh planning application and sought professional arboricultural advice in the process. The current scheme has been reduced in its footprint to take account of the tree's root system and also the tree's canopy, although some crown lifting may be required to facilitate the volume of the extension and scaffolding requirements. The tree officer's advice to the planning case officer was that these amendments now make the scheme acceptable in terms of arboricultural impacts in relation to Adopted Local Plan Policies CP1, CP11, NE15 and NE16.
17. Nevertheless it remains expedient for the TPO to be confirmed; this is because the provisional status of the Order will lapse on the 17th of August, which may be before

determination of the current planning application (it will certainly be prior to completion of any consented development). One of the rationales for Local Planning Authorities having the power to make TPOs is in connection with the granting of planning permission so as to give added legal weight to tree protection conditions, such that breaching those conditions could constitute a criminal offence. This is stated at Section 197 (b) of the Town and Country Planning Act 1990.

Conclusion:

18. The birch tree covered by the TPO provides significant visual amenity benefit to the street-scene in views from the junction of King's Cross Road and Hamilton Road and along King's Cross Road from the north and south.

19. The TPO does not hinder appropriate development of the site. Trees are a material consideration in the planning process whether they are legally protected or not. The TPO prevents preemptive removal of the tree as a constraint and provides legal weight to a tree protection condition that may be applied to any planning consent.

Recommendation:

20. Taking into account the objections that have been received to the Order, officers recommend that the Oxford City Council – Hamilton Road (No.1) Tree Preservation Order, 2016 be confirmed without modification.

Human Rights Act 1998

Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to confirm this Tree Preservation Order with modifications. They consider that the interference with the human rights of the land owner 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 confirm this Tree Preservation Order with modification, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers:

1. Oxford City Council – Hamilton Road (No.1) Tree Preservation Order, 2016.
2. Letter of objection to TPO from the house holders.

Contact Officer: Chris Leyland

Extension: 2149

Date: 10 June 2016

Oxford City Council – Hamilton Road (No.1) Tree Preservation Order, 2016- Map



COMMITTEE REPORT

Public Comments

APPENDIX 2

68 Hamilton Road
Oxford,
OX2 7QA
11 April 2016

City Development
Planning Control and Conservation
St Aldates Chambers
109-113 St Aldate's
Oxford OX1 1 DS
Att: Patsy Dell
Head of Planning and Regulatory Services

Dear Ms Dell,

Re The Oxford City Council – 68 Hamilton Road (No.1) Tree Preservation Order 2016

I am writing to you in accordance with Regulation 6 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 with regard to the following:

1. TOWN AND COUNTRY PLANNING ACT 1990, Oxford City Council – 68 Hamilton Road (No. 1) Tree Preservation Order 2016
2. Citation "Oxford City Council – 68 Hamilton Road (No.1) Tree Preservation Order 2016
3. Schedule 1 of the above citation "Specification of trees"
4. Tree T1 (as encircled in black on the map, Silver Birch standing in the rear of garden 68 Hamilton Road Oxford.

In accordance with, but not limited to the above and to Regulation 6 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012, I object to the Tree Preservation Order Oxford City Council – 68 Hamilton Road (No. 1)) Tree Preservation Order 2016 as detailed above.

The Council in general and your good self specifically, as the Head of Planning and Regulatory Services, have made this order on two grounds:

1. To protect a tree that makes a significant positive contribution to the landscape in public views along Hamilton Road and King's Cross Road; and
2. To give prevent the potential removal of the tree in order to overcome reason for refusal of a planning application for a side extension that would cause damage to the tree's root zone.

Dealing with the second ground first, I object to this ground for the following reasons:

- a) At no time since my wife, Clare and I purchased 68 Hamilton Road have we considered "removal of the tree in order to overcome reason for refusal of a planning application";
- b) At great expense to Clare and I we:
 - ✓ Sought the advice of a structural engineer in May 2015 to ensure minimum the impact on any future extension to the silver birch described as "T1" in the Tree Preservation Order (TPO) we are objecting to;

COMMITTEE REPORT

- ✓ Secured the services of a highly recommended and independent arboricultural consultancy in February 2016 to input into our rear extension plans to ensure they would not cause damage to the tree's root zone;
- c) No tree works application has ever been submitted by us to remove this tree which;
- d) We are not planning a "side extension"; and
- e) The wording "To give prevent the potential" in the councils TPO does not make sense.

Our silver birch is a wonderful tree. It is the first large tree that we have owned and that my young family have been able to climb. During the summer months my children and their friends relax under its shade, often using this shade to enjoy playing table tennis during their Cherwell School lunch break.

The position of our rear garden means we get the full impact of the midday sun. Without the shade that our tree provides it would be too hot to eat outdoors which is a key part of our family way of life. A large garden umbrella does not provide sufficient shade from the direct sunlight and would also create a claustrophobic experience.

When we undertook the structural engineer review in May 2015 we were informed that if we removed the silver birch, it would cause "heave" affecting the foundations of our house.

The structural engineer reported that

"..The proposal of lengthening of the extension bringing the foundations for the new rear and side walls closer to the existing tree should not affect them as there appears to be an outcrop of gravels underlying the site."

This gave us confidence that a rear extension would not pose a threat to the silver birch and hence why we subsequently submitted a rear extension planning application.

Working with the arboricultural consultancy we have modified our extension plans in line with their recommendations to ensure it does not cause damage to the tree's root zone.

In summary, our evidence that we would never remove the silver birch to "overcome reason for refusal of a planning application" implied by the council and The Head of Planning and Regulatory Services (Patsy Dell) via this TPO is as follows:

- a) It would destroy our family memories and experiences;
- b) It would prevent us from enjoying family meals outside;
- c) We have never submitted any tree works application, even under a provisional basis, to remove our tree;
- d) It would create "heave" and be a disaster for our family home;
- e) We took advice from a structural engineer in May 2015 to ensure no damage to the tree would occur as a result of our desire for a rear extension; and
- f) We have reduced the dimensions of our proposed rear extension in line with the recommendations of the independent arboricultural consultancy.

COMMITTEE REPORT

The reasons above clearly show why Clare and I have never had and never will have any intention to remove the silver birch (Tree T1 in the OCC -68 Hamilton Road (No. 1) Tree Preservation Order 2016).

Neither the council nor the Head of Planning and Regulatory Services (Patsy Dell) has provided evidence that suggests there is the potential for removal of our silver birch by Clare or I.

Therefore in relation to this Tree Preservation Order (TPO) there is **no** potential for

“removal of the tree in order to overcome reasons for refusal of a planning application for side extension that would cause damage to the tree’s root zone”

With regard to ground 1, we object to this ground for the following reasons:

1. The tree is not at risk from us for the reasons outlined above;
2. The tree does not need a TPO as our family will protect it (please see signatures below of the whole family);
3. The council has used Town and Country Planning (Tree Preservation) (England) Regulations as a means of blocking our planning application as evidenced by the following:
 - a. At no point during this whole process has the Planning and Regulatory Service made any effort to contact us to understand our intentions with regard to the silver birch (my wife noted a stranger peering over our side fence to look into our garden then quickly scurrying off- perhaps the council should check their records to ensure this person was not a member of their staff or their representative); and
 - b. The silver birch is likely to be over 20 years old BUT the council only decided on February 17th, 2016 that it *“makes a significant positive contribution to the landscape in public views along Hamilton Road and King’s Cross Road”*. We have lived in this house for over five years and the only time that the council has shown any interest in this tree is some 15 days after we received “NOTICE OF REFUSAL OF PLANNING PERMISSION 15/03519/FUL”. This cannot be a co-incidence.

My family and I have clearly demonstrated:

- a) that the silver birch is not at risk of being removed and therefore does not need protection from us; and
- b) the TPO has been used by the council as a crude way to block our application for planning permission as opposed to protect the tree and therefore is ultra vires.

Therefore their grounds for objection are not valid.

Having said that, my family and I are more than comfortable with this TPO being on a provisional basis as proof of our commitment to modify our rear extension (not side extension as per the

COMMITTEE REPORT

council's TPO) plans in order to preserve the tree. We suggest that, if the Council still feels the tree is under threat by my family, when the six months for this TPO has expired they initiate a new TPO.


We are working with our Architect and Arboricultural consultancy to redraft our planning application to ensure our proposed ground floor rear extension "would cause no damage to the tree's root zone". If it would help I am more than happy to provide you with a copy of our original plan and, when completed, our draft "after plan".

All the reasons and possible actions listed above address the council's concerns and clearly negate the need for the use of the TOWN AND COUNTRY PLANNING (Tree Preservation) (England) Regulations 2012 in this particular case.

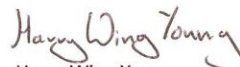
We do not believe there is anything more that council needs from us to prove that the TPO is unnecessary. Summertown is our home, we love the area and we are not property developers looking for a quick buck before moving off to the next job.

However if the Council feel there is something more they need to satisfy themselves then please ask.


With kind regards


Peter Wing Young


Clare Goodson


Harry Wing Young


Oliver Wing Young


Ella Wing Young

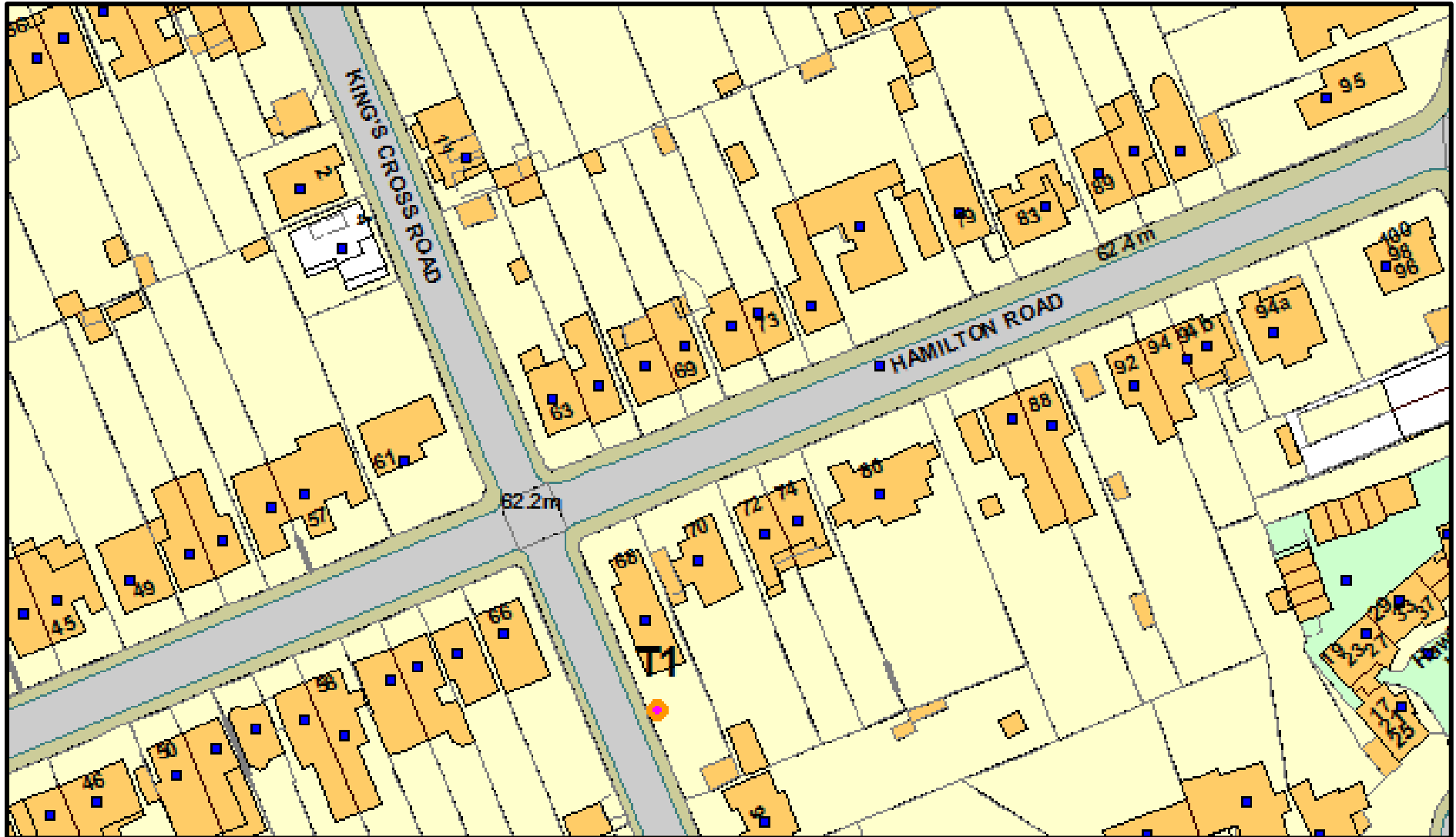
P.S. I attach copies of the following documents that are to be read in conjunction with this objection:

- a) Oxford City Council – 68 Hamilton Road (No. 1) Tree Preservation Order 2016 letter from Patsy Dell
- b) TOWN AND COUNTRY PLANNING ACT 1990, Oxford City Council – 68 Hamilton Road (No. 1) Tree Preservation Order 2016
- c) SCHEDULE 1: PECIFICATION OF TREES showing our tree as T1 encircled in black on the map
- d) Email from Chris Leyland giving us till Friday April 15th, 2016 to appeal to this TPO

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68 Hamilton Road - Site Plan

43



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Monthly Planning Appeals Performance Update – **May 2016**

Contact: Head of Planning & Regulatory Services: Patsy Dell

Tel 01865 252356

1. The purpose of this report is two-fold:
 - i. To provide an update on the Council's planning appeal performance; and
 - ii. To list those appeal cases that were decided and also those received during the specified month.

Best Value Performance Indicator BV204

2. The Government's Best Value Performance Indicator BV204 relates to appeals arising from the Council's refusal of planning permission and telecommunications prior approval refusals. It measures the Council's appeals performance in the form of the percentage of appeals allowed. It has come to be seen as an indication of the quality of the Council's planning decision making. BV204 does not include appeals against non-determination, enforcement action, advertisement consent refusals and some other types. Table A sets out BV204 rolling annual performance for the year ending **30 April 2017**, while Table B does the same for the current business plan year, ie. **1 April 2016 to 31 March 2017**.

Table A	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No.	%	No.	No.
Allowed	20	41.67%	4	16
Dismissed	28	58.33%	5	23
Total BV204 appeals	48	100%	7	41

**Table A. BV204 Rolling annual performance
(1 June 2015 to 31 May 2016)**

Table B	Council performance		Appeals arising from Committee against officer recommendation	Appeals arising from Committee with officer recommendation	Appeals arising from delegated refusal
	No	%	No.		No.
Allowed	5	41.67%	0	0	5
Dismissed	7	58.33%	0	0	7
Total BV204 appeals	12	100%	0	0	12

**Table B. BV204: Current business plan year performance
(1 April 2016 to 31 March 2017)**

All Appeal Types

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

Table C	Appeals	Performance
Allowed	28	45.16%
Dismissed	34	54.84%
All appeals decided	62	100%
Withdrawn	3	

**Table C. All planning appeals (not just BV204 appeals)
Rolling year 1 June 2015 to 31 May 2016**

4. When an appeal decision is received, the Inspector's decision letter is circulated (normally by email) to the committee chairs and ward councillors. If the case is significant, the case officer also subsequently circulates committee members with a commentary on the appeal decision. Table D, appended below, shows a breakdown of appeal decisions received during **May 2016**.
5. When an appeal is received notification letters are sent to interested parties to inform them of the appeal. The relevant ward members also receive a copy of this notification letter. Table E, appended below, is a breakdown of all appeals started during **May 2016**. Any questions at the Committee meeting on these appeals will be passed back to the case officer for a reply.
6. All councillors receive a weekly list of planning appeals (via email) informing them of appeals that have started and been decided, as well as notifying them of any forthcoming hearings and inquiries.

Table D

Appeals Decided Between 01/05/2016 And 31/05/2016

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

DC CASE	AP CASE NO.	DECTYPE:	RECM:	APP DEC	DECIDED	WARD:	ADDRESS	DESCRIPTION
15/00978/FUL	15/00061/REFUSE	DEL	REF	DIS	09/05/2016	LYEVAL	90 Wilkins Road Oxford Oxfordshire OX4 2JB	New 1 Bedroom Dwelling With Disabled Access
15/03060/FUL	16/00006/NONDET	DEL	SPL	ALC	18/05/2016	SUMMTN	3C Chapel Row Squitchey Lane Oxford Oxfordshire OX2 7LB	Erection of one and a half storey side extension and conservatory at rear.
15/03062/FUL	16/00005/NONDET	DEL	REF	ALC	18/05/2016	SUMMTN	3D Chapel Row Squitchey Lane Oxford Oxfordshire OX2 7LB	Erection of one and a half storey side extension
15/03063/FUL	16/00007/NONDET	DEL	PER	ALC	18/05/2016	SUMMTN	3B Chapel Row Squitchey Lane Oxford Oxfordshire OX2 7LB	Erection of conservatory
15/02752/FUL	15/00068/REFUSE	DEL	REF	DIS	25/05/2016	LITTM	23 - 25 Spring Lane Littlemore Oxford OX4 6LE	Erection of 4 x 3-bed dwellings (Use Class C3). Provision of car parking and private amenity space.

Total Decided: 5

Table E

Enforcement Appeals Decided Between 01/04/2016 And 30/04/2016

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

EN CASE	AP CASE NO.	APP DEC	DECIDED	ADDRESS	WARD:	DESCRIPTION
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Total Decided: 0

Table F

Appeals Received Between 01/05/2016 And 31/05/2016

DC CASE	AP CASE NO.	RECEIVE	TYPE	OFFICER	ADDRESS	DESCRIPTION	AGENT
15/02793/VAR	16/00020/REFUSE	04/05/2016	W	Andrew Murdoch	29 Balfour Road Oxford Oxfordshire OX4 6AE	Variation of condition 2 (approved plans) of planning permission 13/00349/FUL (Erection of 1 x-2 - bed dwellinghouse) to allow a single storey rear extension to be added.	Mr Martin Crook
16/00431/CPU	16/00021/REFUSE	18/05/2016	W	Jo Cooper	2 Piper Street Oxford Oxfordshire OX3 7AR	Application to certify that proposed dormer extension to rear roofslope and insertion of 1No rooflight in association with loft conversion is lawful development.	Mr S Shakeshaft
16/00526/CPU	16/00022/REFUSE	19/05/2016	W	Jo Cooper	24 Mill Street Oxford Oxfordshire OX2 0AJ	Application to certify that proposed roof extension and formation of dormer window and insertion of rooflights in association with loft conversion is lawful development.	
15/02997/FUL	16/00023/REFUSE	26/05/2016	W	Nadia Robinson	23 Westlands Drive Oxford Oxfordshire OX3 9QR	Erection of a two storey side extension to create 1 x 2-bed and 1 x 1 bed flats (Use Class C3). Provision of private amenity space, bin and cycle store.	

Total Received: 4

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MINUTES OF THE WEST AREA PLANNING COMMITTEE

Tuesday 14 June 2016



COUNCILLORS PRESENT: Councillors Upton (Chair), Mills (Vice-Chair), Cook, Fooks, Hollingsworth, Pegg, Price and Tanner.

OFFICERS PRESENT: Michael Morgan (Lawyer), Andrew Murdoch (Development Control Team Leader), Catherine Phythian (Committee Services Officer) and Sarah Stevens (Planning Service Transformation Consultant)

16. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Cllr Tidball.

17. DECLARATIONS OF INTEREST

There were no declarations of interest.

18. 29 APSLEY ROAD, OX2 7QX: 16/00809/FUL

The Committee considered an application for the demolition of an existing house; erection of 2 x 4 bed dwelling houses (use Class C3); provision of car parking spaces, private amenity space and bin storage (amended plans) at 29 Apsley Road, OX2 7QX.

The Planning Officer presented the report and addressed the concerns raised by the occupants of neighbouring properties regarding the gaps between and alignment with those properties. He also assured the Committee that the application complied with the Council's sunlight/daylight standards.

Mr Froude-Williams, agent, spoke in support of the application.

The Committee asked questions of the planning officer and agent to clarify details of the application. They agreed to amend condition 4: Landscape Plan to include a requirement to plant mature trees and other plants so as to create an immediate impact on the street scene. The Committee was pleased to note that the amended plans for access arrangements meant that there would be no net loss of on street parking. The Committee further considered that it was not reasonable to prevent the owners of the new properties applying for a parking permit given that the occupants of the existing property enjoyed that right. They asked officers to address this in discussion with the Highways Authority and

include it in Condition 15: Variation of Road Traffic Order North Summertown Controlled Parking Zone (CPZ).

The Committee resolved to grant planning permission for application 16/00809/FUL subject to the following conditions, as amended below (conditions 4 and 15):

1. Development begun within time limit.
2. Develop in accordance with approved plans.
3. Samples.
4. Landscape plan required – *to include a requirement for the planting of mature trees and other plants.*
5. Landscape carry out by completion.
6. Tree Protection Plan (TPP) 1.
7. Car/cycle parking provision before use.
8. Bin stores provided before occupation.
9. Design - no additions to dwelling.
10. Amenity no additional windows.
11. Amenity windows obscure glass first and second floor side elevations.
12. Boundary details before commencement.
13. Details of solar panels.
14. SUDS.
15. Variation of Road Traffic Order North Summertown Controlled Parking Zone (CPZ) – *to include requirement for both dwellings to be included in the CPZ with a limited number of permits (details to be determined by planning officers).*
16. Vision splays.
17. Biodiversity enhancement.

19. PLANNING APPEALS

The Committee noted the report on planning appeals received and determined during April 2016.

20. MINUTES

The Committee resolved to approve the minutes of the meeting held on 25 May 2016 as a true and accurate record.

21. FORTHCOMING APPLICATIONS

The Committee noted the list of forthcoming applications.

22. DATES OF FUTURE MEETINGS

The Committee noted the dates of the future meetings.

The meeting started at 6.00 pm and ended at 6.30 pm