

East Area Planning Committee

- 29<sup>th</sup> May 2012

**Application Number:** 12/00382/FUL

**Decision Due by:** 19th April 2012

**Proposal:** Erection of outbuilding to rear (retrospective).

**Site Address:** 28 Merewood Avenue Oxford

**Ward:** Barton And Sandhills Ward

**Agent:** N/A

**Applicant:** Mr Naveed Ramzan

The application needs to be determined by Committee because the applicant is a Council employee, in accordance with the Councils constitution. The report has been checked by the Councils Monitoring Officer.

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## **Recommendation:**

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposal would not cause unacceptable levels of harm to neighbouring properties, and with an appropriate finish would appear acceptable in design terms. The proposal is therefore considered to comply with policies CP1, CP6, CP8, CP10 and HS19 of the Oxford Local Plan 2001 and policy CS18 of the Core Strategy.
- 2 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.
- 3 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

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

- 1 Building to be painted in agreed colour within 8 weeks
- 2 Use to be incidental to dwelling, no primary living accommodation

**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

**HS19** - Privacy & Amenity

**Core Strategy**

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

**Other Material Considerations:**

National Planning Policy Framework

**Relevant Site History:**

None

**Representations Received:**

32 Merewood Avenue – object on grounds of overlooking and development appears out of character

**Statutory and Internal Consultees:**

Highways Authority - no objection subject to a condition restricting the use to ancillary.

Risinghurst & Sandhills Parish Council – no comment received

**Issues:**

Design

Impact on neighbours

**Officers Assessment:**

Site

1. The application site comprises a semi-detached dwelling located on the northern side of Merewood Avenue in Sandhills. The property has a narrow back garden with close boarded timber fencing along both common boundaries. Previously the garden had a garage, now demolished and the base of which can still be seen, and a small shed where the new building is now sited.

Proposal

2. Planning permission is sought retrospectively for a garden building that has been erected at the bottom of the garden. The building is single storey with a tiled pitched roof and measures 3.9 metres in width along the forward facing elevation and 3.1 metres deep. The height to the ridge is 3

metres, although the building has been constructed on a raised area, approximately 300mm above adjacent ground level. There is a single pane window and a door on the front elevation.

### Design

3. Policies CP1 and CP8 of the OLP state that planning permission will only be granted for development that respects the character and appearance of the area and which uses materials of a quality appropriate to the nature of the development, the site and its surroundings. Policy CS18 of the Core Strategy states that planning permission will only be granted for development that demonstrates high quality urban design and responds appropriately to the site and its surroundings.
4. Currently the garden building is finished in breeze blocks and is unattractive. The applicant has stated that the garden building is unfinished and were planning permission granted for the retention of the building, it would be painted. This would soften its appearance and help it to blend in to its garden setting. A condition is therefore suggested requiring the building to be painted in a colour to be agreed with the LPA within 8 weeks of the granting of consent.
5. The other gardens in the immediate area all have garden buildings of various sizes, and officers consider that in this context, the garden building, when painted, would not appear out of character in the area. The footprint of the garden building is proportionate to the size of the garden and there is adequate amenity space remaining.
6. The building does appear higher than others in neighbouring gardens because it has been erected on a raised area. The building has a modest footprint, measuring 3.1 metres deep and 3.9 metres wide at its widest point, and it is sited at the bottom of the garden. Officers are of the view that it does not appear unacceptably overbearing and is not, on balance, harmful to the appearance of the area.

### Impact on neighbours

7. Policy HS19 of the OLP states that the Council must assess proposals in terms of the potential for overlooking, sense of enclosure, overbearing nature and sunlight and daylight standards.
8. The garden building has been erected on a raised area which has the effect of increasing its height by approximately 300mm. Therefore, when viewed from the neighbouring properties it has an eaves height of approximately 2.6 metres and a ridge height of 3.3 metres. The building has been erected up against the rear boundary of the site and is therefore approximately 19.5 metres away from the rear of the house, and the adjoining houses. Officers consider that this is sufficient distance to prevent any overlooking into the rear facing windows of the neighbouring properties, particularly when taking into account the incidental use of the building, which is used for storage. A condition is suggested requiring the use to be incidental to the enjoyment of the dwelling house and preventing

it from being used as primary living accommodation such as a bedroom or living room.

9. There is a window (obscure glazed) and a door on the front elevation, and concerns have been raised by the occupiers of no. 32 Merewood Avenue that these allow for direct views into their house. The building is not to be lived in and due to the angle of the gardens the building does not face directly towards no. 32 Merewood Avenue. The building is visible from the neighbouring properties and rear gardens but officers are of the view that this would not lead to any significant harm to the living conditions of the occupiers of these properties or prevent the enjoyment they should expect from using their gardens.

10. There are no windows on the side elevations

**Conclusion:** the building in its current form is not attractive but this would be greatly improved by painting it. The building is not to be used as living accommodation, and does not lead to an unacceptable loss of privacy for neighbouring properties. The application is recommended for approval subject to conditions.

### **Human Rights Act 1998**

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

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

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

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

**Background Papers:** 12/00382/FUL

**Contact Officer:** Rona Gregory

**Extension:** 2157

**Date:** 15th May 2012