

West Area Planning Committee

13th June 2012

Application Number: 12/00876/FUL

Decision Due by: 30th May 2012

Proposal: New first floor rear 2 bedroom apartment with separate ground floor entrance

Site Address: 241 Banbury Road (**site plan: appendix 1**)

Ward: Summertown Ward

Agent: Lee And Ross Architects

Applicant: Shepherd And Woodward Ltd

Application Called in by Councillors McCready, Campbell, Fooks, Wilkinson, and Brown on grounds of overbearing and overlooking impact on the Stratfield Road properties.

Recommendation:

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

- 1 That the proposed development would make an efficient use of land, and has been designed in a manner that would create an appropriate visual relationship with the existing building and the character and appearance of the surrounding area while also safeguarding the residential amenities of the adjoining Stratfield Road and Banbury Road properties. The proposed flat would create a good standard of internal and external living space for the future occupants of the dwellings, while being of an appropriate dwelling type for the Summertown District Centre. The development would accord with the National Planning Policy Framework and the relevant policies of the Oxford Core Strategy 2026 and the Oxford Local Plan 2001-2016.
- 2 In considering the application, officers have had specific regard to the comments of third parties and statutory bodies in relation to the application, however officers consider that these comments have not raised any material considerations that would warrant refusal of the applications, and any harm identified could be successfully mitigated by appropriately worded conditions.
- 3 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation

and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

Conditions:

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples of materials
- 4 Means of enclosure for amenity area
- 5 Details of Refuse and Cycle Storage
- 6 Obscure Glazed windows

Main Local Plan Policies:

Core Strategy

CS2_ - Previously developed and greenfield land

CS18_ - Urban design, town character, historic environment

CS23_ - Mix of housing

Saved Oxford Local Plan 2001-2016

CP1 - Development Proposals

CP6 - Efficient Use of Land & Density

CP8 - Design Development to Relate to its Context

CP9 - Creating Successful New Places

CP10 - Siting Development to Meet Functional Needs

TR3 - Car Parking Standards

TR4 - Pedestrian & Cycle Facilities

HS11 - Sub-Division of Dwellings

HS19 - Privacy & Amenity

HS20 - Local Residential Environment

HS21 - Private Open Space

Sites and Housing Plan

HP12_ - Indoor Space

HP13_ - Outdoor Space

HP14_ - Privacy and Daylight

HP9_ - Design, Character and Context

HP15_ - Residential cycle parking

HP16_ - Residential car parking

Other Material Considerations:

National Planning Policy Framework

Balance of Dwellings Supplementary Planning Document (January 2008)

Relevant Site History:

04/01173/FUL: Demolition of existing rear extension, single storey rear extension to provide additional accommodation for retail shop and storage space for adjacent shop. First floor extension and alterations to provide 1x1 bed flat and 1x2 bed flat and first and second floor levels: Approved

05/00757/FUL: New shop front. Roof mounted plant on single storey rear extension:
Split Decision

10/00475/FUL: Erection of first floor rear extension to form 1x1 bed flat and 1x2 bed maisonette. Erection of new stairwell (amended plans): Withdrawn

10/02512/FUL - Erection of 1st floor rear extension to form a 2-bed flat:

In November 2010 the application was refused under delegated powers on grounds that the size and scale of the proposed first floor extension would be out of character with the appearance of the area; and would have a detrimental impact upon the residential amenities of the adjacent Stratfield Road properties.

An appeal against this decision was dismissed in September 2011, with the Inspector concluding that the proposal would not have a harmful effect on the character and appearance of the area or living conditions of the nearby properties in Stratfield Road but would have an impact upon the living conditions of the first floor flat at 241 Banbury Road.

This appeal decision is a significant material consideration for the determination of this application, and a copy of the decision notice can be found in **appendix 2** of this report.

Representations Received:

The following addresses have made representations, which are summarised below :

16, 18, 24, 30, 32, 34, 38, 44, 46, 48, 56 Stratfield Road; 239 Banbury Road

- Affect local ecology
- Close to adjoining properties
- Conflict with the local plan
- Development too high
- General dislike of the proposal
- Inadequate access
- Inadequate parking provision
- Loss of light
- Loss of privacy
- Out of keeping with the character of the area
- Overdevelopment
- Strain on existing community facilities
- The proposed development will encroach upon the character of the area and increase the chance of the area becoming over populated.
- The site has already been considerably developed
- The additional storey is an ugly block liked structure that is out of scale and proportion with the main property and surrounding buildings.
- The first floor apartments will affect the privacy of the residential properties in Stratfield Road and also 239 and 243 Banbury Road

- The extension will have an overbearing impact and increase potential for noise pollution to the Stratfield Properties
- Permission should not have been granted for the first floor extension built behind the Clinkard shoe shop as this has an overbearing impact upon residential properties in the area.
- The proposal is an inappropriate and unwelcome addition to the community and there are already too many developments of this nature in the Summertown area.
- The Robinson Saunders student housing in South Parade had its plans greatly changed to respond better to the Stratfield Road properties
- The proposal would have an impact upon the green space at the rear of these properties in terms of plants, trees, and wildlife.
- The proposal may set a precedent for other similar sized developments
- The provision of windows facing 239 Banbury Road may prevent similar commercial / residential development of this property

Statutory and Internal Consultees:

Thames Water Utilities Limited: No objection

Oxfordshire County Highways Authority:

The Highway Authority has no objections in principle subject to the following:

- The development/proposed unit(s) shall be excluded from eligibility for parking permits prior to occupation. A cost of £1500 to amend the Traffic Regulation Order shall be met by the applicant through a Unilateral Undertaking (Contact Mike Ruse - 01865 815978).
- No surface water from the development shall be discharged onto the adjacent highway.

Issues:

- Principle of Development
- Balance of Dwellings
- Design
- Impact upon adjoining properties
- Residential Amenities
- Parking Provision

Officers Assessment:

Site Location and Description:

1. The site is located on the western side of Banbury Road, with the adjoining Banbury Road properties to the north and south, and the rear gardens of the Stratfield road properties to the east (**site plan: appendix 1**)
2. The site comprises a three-storey Victorian dwelling, which faces directly onto the Banbury Road. The building has a commercial unit on the ground floor that provides part of the Summertown District Frontage. There is a large single storey extension that extends the full length of the site, and provides additional

accommodation for the retail unit as well as storage for an adjacent retail unit. The upper floors of the building provide 2 flats [1x2 bed, and 1x1 bed], with associated amenity space.

Proposal

3. Planning permission is sought for the erection of a first floor rear extension to form a 2 bedroom flat with separate ground floor entrance.

Principle of Development

4. The National Planning Policy Framework [NPPF] encourages the effective use of land by reusing land that which has been previously developed, provided that it is not of high environmental value. This is supported by Policy CS2 of the Oxford Core Strategy.
5. The site would constitute previously developed land, as defined by Annex 2 of the NPPF and therefore the general principle of additional residential development on the site would be considered appropriate under national and local planning policy.

Balance of Dwellings

6. Policy CS23 of the Oxford Core Strategy 2026 requires residential development to deliver a balanced mix of housing to meet projected future household need, both within each site and across Oxford as a whole. The mix of housing relates to the size, type and tenure of dwellings to provide for a range of households.
7. The Balance of Dwellings Supplementary Planning Document (BoDSPD) provides guidance on how the Council will achieve this aim and states that District Centres have the potential to provide for higher densities, which would allow for a greater proportion of smaller units. The provision of a 2 bedroom flat would not conflict with the Policy CS23 and the BoDSPD.

Design

8. The National Planning Policy Framework recognises that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Policy CS18 of the Oxford Core Strategy 2026 requires development to demonstrate a high-quality urban design responding to the site and its surroundings; create a strong sense of place; attractive public realm; and provide high quality architecture. Policy CP8 of the Oxford Local Plan 2001-2016 also states that the siting, massing, and design of development should create an appropriate visual relationship with the form, grain, scale, materials, and details of the surrounding area. This is supported in Policy HP9 of the emerging Sites and Housing Plan.
9. The site is located on the western side of Banbury Road within the Summertown District Shopping Centre. The area is characterised by three-storey Victorian semi-detached and detached properties that are evenly spaced within uniform sized plots and have narrow gaps between them. There is a distinct public /

private realm relationship throughout the area. The ground floor of the Banbury Road properties contain commercial units that form the Summertown District Centre, the majority of which have had significant single storey extensions added to them.

10. In comparison to the scheme previously dismissed on appeal, the first floor extension has been reduced in height and length. It would still be sited 3.7m from the Stratfield Road boundary, but would measure 10.6m (l) x 5.5m (w) x 7.6m (h) [when measured from ground level] compared to the previous dimensions of 14m (l) x 5.5m (w) x 8.5m (h).
11. Although officers had recommended refusal of the previous application (10/02512/FUL) on the basis that the size and scale of the proposed first floor extension would be out of character with the appearance of the area, this objection was not upheld on appeal. The Inspector concluded that the first floor extension represented an innovative approach towards providing additional built form to the site, and although separate from the main frontage building it would create an appropriate relationship with the size and character of the main building. As the site would be set to the rear it would not intrude upon the public realm of the Banbury Road street scene. Therefore the Inspector considered that the proposed extension would not have a harmful effect on the character and appearance of the area (paragraph 9 of **appendix 2**). The only reason given for dismissing the appeal was the harm to the loving conditions of the occupiers of the existing first floor flat at 241 Banbury Road, especially in relation to its outlook, referred to below.
12. The Inspectors conclusions are clearly a material consideration in the determination of this application and therefore officers would raise no objection to the proposed first floor extension which has been reduced in size and scale from the one previously refused under 10/02512/FUL. As a result officers are of the opinion that the proposal would not conflict with the aims and objectives of Policy CS18 of the Oxford Core Strategy, Policies CP1, CP6, CP8, CP9 and CP10 of the Oxford Local Plan 2001-2016, and Policy HP9 of the emerging Sites and Housing Plan.

Impact upon Adjoining Properties

13. The Council seeks to safeguard the amenities of properties surrounding any proposed development. Policy HS19 states that permission will only be granted for development that protects the privacy or amenity of proposed and existing residential properties, specifically in terms of potential for overlooking into habitable rooms, sense of enclosure, overbearing impact and sunlight and daylight standards. This is also supported through Policy CP10.
14. The impact of a first floor extension to the rear of the application site upon the Stratfield Road properties was considered by the Inspector in the previous appeal. The Inspector concluded that the extension would be sited some 37m from the rear of 34 Stratfield Road. Although the extension would be a notable feature against the backdrop of the Banbury Road frontage in relation to the outlook from the rear of nearby dwellings in Stratfield Road and also from their

back gardens the size and massing of the extension, including the angled views of it, would not be harmful to the living conditions of the occupiers of these dwellings. Furthermore, even when viewed from the end of the adjacent gardens closest to the site, the set back from the rear boundary along with the substantial length of the back gardens of the Stratfield Road properties would not create any adverse sense of enclosure (paragraph 12, **appendix 2**). In terms of overlooking although there was a window in the west facing elevation of the extension, which some residents may find disconcerting, there is sufficient separation distance to prevent this having an impact upon the privacy of these properties. While this may overlook the adjacent parts of the nearby gardens, the window would be set back and could be partially or wholly obscure glazed to prevent any overlooking (paragraph 13, **appendix 2**)

15. Again these conclusions are a material consideration for the determination of this application. The proposed extension is again sited approximately 3.7m from the rear boundary with 34 Stratfield Road and extends the full plot width, but the overall height of 7.6m has now been reduced from the 8.5m. Therefore in light of these changes and the conclusions of the Inspector, officers consider that the impact of the proposed extension upon the Stratfield Road properties would not be so harmful to warrant refusal of the application. Furthermore while a window is still proposed in the west facing elevation, any loss of privacy to the adjoining properties could be addressed by a condition requiring this to be obscure glazed.
16. In terms of the Banbury Road properties, it is the impact upon the first floor flat at 241 Banbury Road which requires closer inspection. In considering the previous appeal, the Inspector concluded that the proposed extension would have an impact upon the outlook from this flat and the quality of the private amenity space (paragraph 16, **appendix 2**). The design of the proposed extension has been revised in order to improve the relationship with this flat. The separation distance between the rear of the existing first floor flat at 241 Banbury Road and the proposed extension has been increased from 8m to 9.7m in order to reduce the impact upon the flats outlook and a planted roof provided between both amenity areas. In light of these changes, officers consider that the proposed extension has addressed the Inspectors concerns and is designed in a manner that would safeguard the amenities of this property.
17. The proposed development would not have a detrimental impact upon the amenities of any of the first floor accommodation at 239 and 243 Banbury Road given the separation distance that exists between these properties. During the consultation process the owner of 239 Banbury Road has suggested that the provision of windows in the southern elevation of the extension would restrict the future development opportunities for this property. This would not be a reason to withhold planning permission and the majority of windows in these elevations are obscure glazed.

Residential Use

18. The proposed two bedroom unit would be self-contained and have an internal layout that would create a good standard on accommodation in accordance with Policy HP12 of the emerging Sites and Housing Plan.

19. In terms of amenity space the flat would be provided with its own terrace that would provide usable external space in accordance with Policy HP13 of the emerging Sites and Housing Plan. The flat would also have a refuse and recycling store at ground floor level.

Highway Matters

20. The proposal flat would not be provided with any off-street parking and given the sustainable location of the site within a District Centre with excellent links to public transport, shops, and services would be considered appropriate. The Local Highways Authority have raised no objection. A condition should be attached which allows the Highway Authority to exclude the flat from eligibility for parking permits within the Summertown Area controlled parking zone should be attached.

21. The scheme also proposes cycle stands towards the rear of the site, which would be necessary given the 'car-free' nature of the scheme. These should be secured by condition.

Other Matters

22. During the consultation process concerns have been raised that the proposed development will have a detrimental impact upon local ecology, and the existing vegetation that exists to the rear of the Stratfield Road properties. Having regards to the overall size, scale, and siting of the proposed extension it is unlikely to have an impact upon local ecology. The proposal would not result in the loss of any trees, and given the extent of the existing built form it would be difficult to suggest that the proposal will increase any surface water run-off.

Conclusion:

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

Human Rights Act 1998

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

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

Section 17 of the Crime and Disorder Act 1998

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

Contact Officer: Andrew Murdoch

Extension: 2228

Date: 23rd May 2012

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