

West Area Planning Committee

11th July 2012

Application Number: 12/01169/FUL

Decision Due by: 6th July 2012

Proposal: Demolition of existing house and erection of 3 x 4 bed dwellings. Provision of car and cycle parking, bin storage and private amenity space. (Additional Information)

Site Address: 2 Upland Park Road, Oxford (**site plan: appendix 1**)

Ward: Summertown Ward

Agent: The Anderson Orr Partnership **Applicant:** Lucy Developments Ltd

Application called in by Councillors McCreedy, Wilkinson, Fooks and Brett on grounds that the proposal could represent a possible overdevelopment of the plot and have an impact upon the character of Upland Park Road.

Recommendation:

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

- 1 The proposed development would make an efficient use of previously developed land, and be designed in a manner whereby the level of development suits the sites capacity and creates an appropriate visual relationship with the built form and grain of the Upland Park Road street scene. Furthermore the proposal would be sited in a manner that would not have a detrimental impact upon the residential amenities of the surrounding properties including those adjacent to the site. The residential units would have a good standard of internal and external environment which adequately provide for the living conditions of future occupants of the dwellings, and would not have a detrimental impact upon highway safety. The development would accord with the relevant policies of the development plan. No third party objections have been received.
- 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 Samples of materials
- 4 Means of enclosure
- 5 Landscape plan required
- 6 Landscape carry out by completion
- 7 Refuse and Cycle Storage
- 8 Parking laid out as shown
- 9 Visibility splays
- 10 Sustainable Urban Drainage Scheme
- 11 Details of sustainability measures
- 12 Details of bat and bird boxes
- 13 Removal of PD rights
- 14 Details of underground services
- 15 Detailed specification of all hard surfaces

Main Local Plan Policies:**Oxford Local Plan 2001-2016**

CP1 - Development Proposals

CP6 - Efficient Use of Land & Density

CP8 - Design Development to Relate to its Context

CP9 - Creating Successful New Places

CP10 - Siting Development to Meet Functional Needs

CP11 - Landscape Design

TR3 - Car Parking Standards

TR4 - Pedestrian & Cycle Facilities

NE16 - Protected Trees

HS19 - Privacy & Amenity

HS20 - Local Residential Environment

HS21 - Private Open Space

Core Strategy

CS2_ - Previously developed and greenfield land

CS18_ - Urban design, town character, historic environment

Sites and Housing Plan - Submission

HP9_ - Design, Character and Context

HP10_ - Developing on residential gardens

HP12_ - Indoor Space

HP13_ - Outdoor Space

HP14_ - Privacy and Daylight

HP16_ - Residential car parking

HP15_ - Residential cycle parking

Other Material Considerations:

National Planning Policy Framework

Relevant Site History:

64/15841/AA_H - Conversion of bedroom over existing garage into a one bedroom flatlet (2A Upland Park Road): Refused

65/15841/A_H - Conversion of bedroom over existing garage into 1 bedroom flatlet (2A Upland Park Road) Approved

65/16564/A_H - Extension to living room and front entrance: Approved

72/26842/A_H - Construction of new double garage and new drives and repositioning of existing boundary fences (371 Banbury Road and 2 Upland Park Road): Approved

Representations Received:

None

Statutory and Internal Consultees:

Oxford Civic Society: The site would be somewhat overdeveloped. Two dwellings here, instead of the proposed three, would be preferable as being more in keeping with the surroundings.

Oxfordshire County Council Highways Authority: No objection, subject to the conditions; exclusion of properties from residents parking permits; alterations to the highway will be at the applicant's expense; surfacing to the parking area should be permeable; no surface water should discharge onto the highway; cycle and refuse stores provided to standard; and suitable vision splays be provided.

Issues:

- Principle of development
- Balance of dwellings
- Design
- Impact upon Adjoining Properties
- Residential Uses
- Trees
- Sustainability
- Biodiversity
- Highway Matters

Officers Assessment:

Site Location and Description:

1. The site is situated on the south-western corner of Upland Park Road at the junction with the Banbury Road. The site is bordered by residential development to the south and west respectively, and a small private road to the east (**site plan: appendix 1**)
2. The site comprises a large single dwellinghouse that is set back from the road and has an existing vehicular entrance at the north-eastern corner of the site serving the drive and detached garage adjacent to the eastern boundary. There

is a protected tree situated on the eastern side of the private drive that leads to 371 Banbury Road.

Proposal

3. Planning permission is sought for the demolition of the existing dwellinghouse and the erection of 3x4 bedroom dwellinghouses, off-street parking spaces, refuse and cycle parking, and amenity areas.

Principle of Development

4. The National Planning Policy Framework encourages the effective use of land by reusing land that has been previously developed, provided that it is not of high environmental value. This is supported by Policy CS2 of the Oxford Core Strategy 2026.
5. The proposed building would be sited within the footprint of the existing building and on part of the site that would be considered previously-developed land. The principle of redeveloping the site for residential use would accord with the NPPF and Policy CS2 of the adopted Oxford Core Strategy 2026.
6. The existing dwelling is not within a conservation area; is not statutorily listed; or on the Councils list of Buildings of Local Interest. The dwellinghouse could be demolished without the benefit of formal planning permission. As a result, officers would raise no objection to the demolition of this building, subject to a condition being attached requiring a method statement for the demolition works.

Balance of Dwellings

7. Policy CS23 of the Oxford Core Strategy 2026 requires residential development to deliver a balanced mix of housing to meet the 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.
8. The Balance of Dwellings Supplementary Planning Document (BoDSPD) sets out the appropriate housing mixes for each Neighbourhood Area within the City. The site is located within the Summertown Neighbourhood Area, where a reasonable proportion of new family dwellings are required within residential schemes.
9. The proposed development would provide 3x4 bedroom dwellings, which would deliver a balanced mix of housing type for this area in accordance with Policy CS23 of the Oxford Core Strategy 2026 and the BoDSPD.

Design

10. The National Planning Policy Framework recognises that good design is a key aspect of sustainable development, contributing to making places better for people. Policy CS18 of the Oxford Core Strategy 2026 requires development to demonstrate a high-quality urban design that responds to the site and its

surroundings; creates 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.

11. A recent appeal decision (APP/G3110/A/10/2156238) was allowed for a similar residential development on the opposite side of the street to the site at 1 Upland Park Road. A copy of the appeal decision letter and site plan can be found in **appendix 2** of this report. The Inspector recognised that Upland Park Road is a cul-de-sac of mainly detached dwellings many of which have a traditional appearance although there are a few examples of modern infill. The dwellings provide a fairly built up frontage to the road with varying gaps to boundaries and that the trees and other vegetation in the front gardens help give the road a pleasant and relatively spacious character.
12. In considering this appeal proposal the Inspector took the view that having regard to the existing pattern and scale of built form along Upland Park Road, particularly at its eastern end, then the development would provide an appropriate design solution to the site, and the siting would not harm the overall character and appearance of the streetscene and wider area. This appeal decision would represent a material consideration in the determination of this application given the similarities that exist between both schemes and that both involve the development of the plots at the entrance to the cul-de-sac.
13. The proposed development would effectively replace the existing dwelling with new building that would form a pair of semi-detached properties. This would be sited largely within the same footprint as the existing dwelling, and would maintain a consistent ridge height with the adjoining properties. An additional detached dwelling would then be sited in the gap between the pair of semi-detached properties and the private road that leads to the development at 371 Banbury Road. The design of the buildings would have a traditional appearance with detailing to reflect the adjoining properties.
14. Officers consider that the overall size, scale, massing, and design of the dwellings would not result in a significant increase in built form beyond within the plot. Moreover the recent appeal decision for the redevelopment at 1 Upland Park Road would make it difficult to object to the proposal on the grounds that it would have a detrimental impact upon the character and appearance of this prominent corner plot. In some respects it would be argued that the proposed development would help provide a sense of symmetry and balance to both plots at the entrance to the street. As such officers consider that the proposed development would accord with Policy CS18 of the Oxford Core Strategy 2026; Saved Policies CP1, 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

15. 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 adequately provides for the protection of 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 and also Policy HP14 of the emerging Sites and Housing Plan.
16. The property that would stand to be most affected by the proposed development would be the small infill dwelling at 2a Upland Park Road. In considering the impact of the proposal, it is important to understand the existing position of the two properties. This dwelling abuts the existing dwelling at 2 Upland Park Road and has a small passageway along the common boundary between the properties. The dwelling has a sitting room to the rear, which has two sources of light, the first being a window that faces to the rear and a second that faces onto the site. At first floor level there are two windows in the rear which serve a bedroom. Having regards to the existing situation, officers consider that the proposed development would not create any undue sense of enclosure, loss of light or overbearing impact upon this relatively small infill property.
17. The proposed development would not create any adverse privacy or amenity issues for the adjoining residential properties that are currently under construction on the plot of the former dwelling at 371 Banbury Road in terms of loss of light, overbearing impact, and overlooking.

Residential Uses

18. The proposed development would create a total of 3x4 bedroom dwellings all of which would have a good standard of internal environment that accords with Policy HS20 of the Oxford Local Plan 2001-2016, and Policy HP12 of the emerging Sites and Housing Plan.
19. The dwellinghouses would each be provided with individual private gardens that are 10m in length. They would be south facing and as such receive sufficient levels of natural sunlight and daylight, which would improve the quality of the spaces. As such officers consider that the proposal would satisfy Saved Policies CP10, HS20, and HS21 of the Oxford Local Plan 2001-2016, and Policy HP13 of the emerging Sites and Housing Plan.
20. There would be sufficient space for each of the units to be provided with suitable refuse and cycle storage which is in an accessible and practical location in accordance with Policies CP10, HS19, and HS20 of the Oxford Local Plan 2001-2016, and Policy HP13 of the emerging Sites and Housing Plan.

Trees

21. The proposed development would result in the loss of 5 trees from within the site, all of which would be considered low quality and whose loss could be adequately mitigated by the replacement tree planting and landscape proposals provided within the application.

22. The proposed development would not have an impact upon the protected tree on the eastern side of the private road that forms the eastern boundary of the adjacent plot.
23. The application would therefore be acceptable in arboricultural terms, and satisfy the aims of Policy NE15, CP1, and CP11 of the Oxford Local Plan 2001-2016. It would be appropriate to attach conditions requiring details of the underground services for the development, the landscape plan to be carried out, and detailed specification of the all the hard surfaces.

Sustainability

24. The design and access statement indicates that sustainability and energy efficiency are core elements of the scheme, with the dwellings designed to be assessed by a BRE licensed Code for Sustainable Homes (CfSH) assessor to achieve Code Level 3. A condition should be attached which requires further details of the methods to be employed within the building design in order to achieve such a rating.

Biodiversity

25. The proposal would result in the loss of 2x *Betula Pubescens* trees and the submitted planting scheme would have a lack of native species within the scheme which would reduce the biodiversity value of the development. A revised plan should be submitted which includes more native species within the scheme (such as a replacement *Betula pubescens*, and *Sorbus aucuparia*).
26. In addition due to the size of the development it is considered that there would be scope to include bird and bat boxes on the buildings or bat roosting tiles. Bearing in mind the extent of vegetation within the street it is likely that the boxes and roosts would be used. This could be secured by condition.

Highway Matters

27. The site is located within a Controlled Parking Zone (CPZ) and is within 20 metres of bus stops which link the site both with the nearby local area of Summertown and Oxford city centre. The site is also close to existing cycle networks. It is considered a sustainable location.
28. With regards to parking, the proposal would provide 2 off-street parking spaces for each of the dwellings. The parking provision would satisfy the standards of Policy TR3 of the Oxford Local Plan 2001-2016 and Policy HP16 of the emerging Sites and Housing Plan. Similarly the cycle parking proposed would satisfy the relevant standards set out in Policy TR4 of the Local Plan and Policy HP15 of the emerging Sites and Housing Plan.
29. The Local Highways Authority have raised no objection subject to conditions requiring the scheme to be removed from eligibility from residents parking permits; suitable visibility splays to be provided; and for surface water to not be

discharged on the highway.

Conclusion:

30. The proposal is considered to be acceptable in terms of the relevant policies of the Oxford Core Strategy 2026; Oxford Local Plan 2001-2016; and the emerging Sites and Housing Plan. 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.

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Date: 27th June 2012