

**West Area Planning Committee**

-15<sup>th</sup> August 2012

**Application Number:** 12/01494/FUL

**Decision Due by:** 10th August 2012

**Proposal:** Erection of bin and cycle stores. Insertion of replacement/new doors, windows and conservation rooflights. Erection of replacement roof and south rear wall (retrospective).

**Site Address:** 28 Walton Street, **Appendix 1.**

**Ward:** Jericho And Osney Ward

**Agent:** N/A

**Applicant:** Blue Sky Sustainable Developments

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This application has been called in to be heard by the West Area Planning Committee by Councillor Susanna Pressell supported by Councillors James Fry, John Tanner, Van Coulter and Mike Rowley. The application has been called in so that the issue may be heard in public and concerns regarding overlooking be addressed.

### **Recommendation:**

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

- 1 The proposal is considered to form an appropriate visual relationship with the dwelling and its surroundings and does not significantly impact on any neighbouring amenities or highway safety. As such the proposal complies with policies CP1, CP7, CP8, CP10, HS19, HE7 and TR4 of the Adopted Oxford Local Plan 2001-2016
- 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.

**Conditions:**

- 1 Samples of exterior materials to be used for the bin and cycle stores.
- 2 Permission relates to approved referenced plans only
- 3 Obscure glazing to the two first floor windows serving flat 2.

**Main Planning Policies:**

Oxford Local Plan 2001-2016

CP1 - Development Proposals

CP7 - Urban Design

CP8 - Design Development to Relate to its Context

CP10 - Siting Development to Meet Functional Needs

HE7 - Conservation Areas

HS19 - Privacy & Amenity

TR4 - Pedestrian & Cycle Facilities

Oxford Core Strategy 2026

CS 18- Urban design, town character, historic environment

**Other Material Considerations:**

1. National Planning Policy Framework.
2. The site falls within the Central Conservation Area.

**Relevant Site History:**

- 10/02372/FUL- Proposed alterations to building including insertion of new windows in north and south elevations, erection of bin and cycle store and retention of car parking area (Amended plans). Approved.
- 08/02420/FUL – Insertion of new windows and replacement windows, erection of bin and cycle stores, resurfacing of existing parking area and part demolition of existing boundary wall. Refused - 1. Failure to provide first floor plans. 2. Inadequate length of parking spaces and poor visibility at access.
- 08/02420/FUL – Installation of reflective bollards. Resurfacing of existing parking area. Refused - Inadequate space to park vehicles without encroaching onto public highway.

**Representations Received:**

Statutory and Other Consultees:

- County Highways And Traffic - No objections providing the cycle and bins storage meets Highway Standards
- Oxford Civic Society - No objections

Third Parties:

One Neighbour comment received- objects to the proposal for the following reasons;

- amount for development on site,
- impact on adjoining properties,
- height of proposal
- appears overbearing considering the size of the additional windows on the south elevation

### **Officers Assessment:**

#### **Site Description and Proposal**

1. The application site is an end of terrace three storey property comprising 5 flats, located on the western side of Walton Street, at the junction with Walton Crescent.
2. This application has been submitted to address the further works which became apparent during the implementation of application 10/02372/FUL, involving the removal of the original roof when the original timbers were deemed unsafe.
3. As the property is in use as flats, it does not benefit from 'permitted development rights' as enjoyed by householders of single dwelling houses and therefore the proposed replacement of the roof requires planning permission. At the time of the application site visit the roof was in part under construction and therefore this application is part retrospective.
4. In addition, included in the application description is the erection of a bin and cycle stores along with the insertion of a series of new and replacement windows.

#### **Principle of Development**

5. The insertion of the windows has already been approved under application 10/02372/FUL, above, and therefore the applicant has an extant permission in which to carry out these works as approved.
6. This also applies to the proposed bin and cycle stores as the layout of the bin and bicycle stores as shown on the details of the above application was considered practical and acceptable and subsequently approved. None of the plans submitted with this application differ from those previously approved, apart from the reference to the replacement roof details.
7. However it is noted that condition 2 of notice of permission 10/02372/FUL, relating to the submission of samples of the exterior materials to be used for the bin and cycle stores have not yet been submitted, despite work on site starting. It is considered necessary therefore to impose this condition again, should the application be approved, to ensure suitable materials are used in the construction of the bin and cycle stores.

8. Given the above it is not considered necessary to set out again the considerations of any impact of the windows, cycle and bins stores have on the Conservation Area as these issues have already been discussed in the assessment of the original application and the applicant has the extant permission in place to implement.
9. This report will therefore only consider the impact the replacement roof has on the Conservation Area and neighbouring amenity and not revisit issues previously assessed under the previous application.

### **Design and Impact on the Conservation Area**

10. The proposed roof alterations are for a like for like replacement in terms of the size angle of pitch and ridge height. The roof is proposed with two conservation type roof lights on the north elevation (facing Walton Crescent). This side elevation is proposed to be finished with the original slate roof tiles where possible as the tiles have been retained.
11. A dark grey Spanish slate roof tile is proposed for the south facing roof slope to match the original slate. The proposal to re-use the original slate tiles is considered acceptable and will respect the character of the area by using the original materials on the elevation of the development site which has the highest public visibility.
12. The introduction of a new roof slate material on the south elevation to match the original is likely to have a very limited impact on the character of the Conservation Area, if any, given the courtyard nature of development and positioning facing away from the main public view. The proposal is therefore considered to comply with policies CP1, CP8 and HE7 of the Oxford Local Plan 2001-2016.

### **Impact on Neighbouring amenity**

13. The replacement roof is proposed at the same height and pitch as the original roof so there are no additional impacts in terms of loss of light or overbearing than the existing situation.
14. The proposed roof alterations result in the addition of two rooflights which face on to the public highway. Due to the high level position of the rooflights and the public highway on to which they face the rooflights would not result in any harmful overlooking to towards the nearest neighbouring property at 29 Walton Street, across Walton Crescent. The proposal therefore is considered to comply with policies CP1 and HS19 of the Oxford Local Plan 2001-2016.
15. Due to concerns raised regarding privacy at no. 27 Walton Street during the consideration of the previous application a condition was placed to ensure the two first floor windows on Flat 2 (closest to Flat 4) were obscured glazed and non opening below 1.7m. The plans submitted with this application are annotated to indicate the obscure glazing of these

windows. However in the interest of protecting neighbouring amenities and in avoidance of any doubt it is suggested this condition is imposed again on this application, if approved.

### **Conclusion:**

This proposal is acceptable in design terms and will preserve the character of the Conservation Area. The proposal is not considered to adversely impact on the amenities of neighbouring properties or highway safety as parking arrangements remain unaffected. The proposal therefore complies with policies CP1, CP7, CP8, CP10, HE7 and HS19 of the Oxford Local Plan 2001-2016. Officers therefore recommend the Committee grant planning permission, 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 planning permission officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

**Background Papers:** 10/02372/FUL

**Contact Officer:** Hannah Revell

**Extension:** 2241

**Date:** 30<sup>th</sup> July 2012

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