

West Area Planning Committee

15th August 2012

Application Number: 12/01287/FUL

Decision Due by: 19th July 2012

Proposal: Erection of 4 bedroomed detached house on 3 floors.
Provision of 2 car parking spaces to frontage.

Site Address: 32 Victoria Road, Oxford.

Ward: Summertown Ward

Agent: Patrick Russell

Applicant: Mr Patrick Russell

Application called in by Councillors McCreedy, Fooks, Brett and Campbell for the following reasons:-

- 1- To permit public discussion of whether the proposed design fits the character of Victoria Road.

Recommendation:

West Area Planning Committee are recommended to grant planning permission subject to conditions for the following reasons:

- 1 Given the extant planning permission for a similar development on the site it is considered that the revised scheme is acceptable and in accordance with the relevant policies of the Oxford Local Plan. Whilst objections have been raised regarding overdevelopment, size and impact upon living conditions, it is considered that the development would not have an adverse effect on the amenities currently enjoyed at nearby properties or impact upon the character of the street scene.
- 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 Design - no additions to dwelling

- 3 Samples
- 4 Landscape plan required
- 5 Cycle parking details required
- 6 Car/cycle parking provision before use
- 7 Exclusion from Controlled Parking Zone

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
- CP13** - Accessibility
- CP17** - Recycled Materials
- CP18** - Natural Resource Impact Analysis
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities
- TR13** - Controlled Parking Zones
- HS19** - Privacy & Amenity
- HS20** - Local Residential Environment
- HS21** - Private Open Space

Core Strategy

- CS2_** - Previously developed and greenfield land
- CS9_** - Energy and natural resources
- CS18_** - Urb design, town character, historic env
- CS22_** - Level of housing growth
- CS23_** - Mix of housing

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
- HP15_** - Residential cycle parking
- HP16_** - Residential car parking

Other Material Considerations:

National Planning Policy Framework

Relevant Site History:

07/02520/FUL - Erection of detached 3/4 bed dwelling. (Amended plans)..
Withdrawn 21st November 2007.

08/00257/FUL - Erection of three storey 3 bed house. Approved 25th April 2008.

08/01086/CND - Discharge of conditions 3 (Samples of materials), 4 (Landscaping Details) ,5 (Cycle Storage Details) & 8 (Vision Splays to be approved) of planning permission 08/00257/FUL. Approved 27th June 2008.

Representations Received:

Representations have been received from the occupiers of 28 and 34 Victoria Road raising the following objections:

- Amount of development on site
- Effect on adjoining properties
- Loss of Light-Daylight/sunlight. Continue to object to loss of light in three rooms on this side of 28 Victoria Road. In the proposed 4 bedroom house, light will now additionally be blocked from main living area, in spite of the applicants assertion that this is not a habitable room. Question the definition throughout the document of what constitute habitable rooms.
- Impact on on-street parking
- Parking provision
- Objections remain as presented in the hearing of the North Area Committee 3 April 2008, only now faced with an expanded 4 bedroom property which magnifies the problems to which we objected before.
- Permitted Development Rights were removed from the previous consent to avoid further loss of light in No.28 in the future. This is rendered meaningless if the same applicant is now able to reapply for planning permission for a larger 4 bedroom house, ignoring this condition.
- Contest previous assertion under permission 08/00257/FUL that the design of No 28 anticipates a house being built on the vacant plot. We know from the history of the house that this was not the case.
- Subsidence-history of subsidence of our house caused by excavation activity on plot 30 and we are very concerned about a 3,500 litre underground rainwater harvesting tank being dug so close to our property.
- Under previous application, planning officer did not visit no 28 to assess concerns over light, subsidence and quality of living.
- Refuse and recycling bins. In the proposed plans Refuse and recycling bins are to be located opposite the window of our main living space and our patio area which is used as a leisure area during the good weather.
- The online map provided with this planning application is wrong and outlining the current No. 32 and not the proposed No. 30.

- As neighbours directly and adversely impacted by these proposals we would like it noted that we have received no written notification of this new planning application, only finding out about it by chance. We also note that in the Design and Access statement it is stated that work was undertaken on this project in March 2011; we were not notified of this either despite our concerns over subsidence and the obligation under the Party Wall Act to notify us of proposed excavations.
- The occupiers of no 34 Victoria Road raise concern that digging the foundations and installing water tank could result in subsidence to neighbouring properties.

Statutory and Internal Consultees:

Thames Water Utilities Limited-raise no objections in respect of sewerage or water infrastructure. In respect of surface water it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground water. Where the developer proposes to discharge to a public sewer prior approval from Thames Water Developer Services will be required.

Oxfordshire County Highways And Traffic- raise no objections to the proposed development subject to the following conditions 1) The surfacing to the parking area should be permeable paving and a condition should be applied to any permission to ensure that prior to occupation the parking area is constructed SUDS compliant. Reason to accord with Sustainable Drainage Systems (SUDS). 2) No surface water from the development shall be discharged onto the adjacent highway. Reason: To avoid localised flooding

Determining Issues:

- Principle of development
- Impact upon streetscene
- Impact on living conditions of neighbouring properties
- Parking provision
- Sustainability.

Site Description:

1. The application site is situated on the southern side of Victoria Road. It is about 150m from Banbury Road and bus services and about 500m on foot from Summertown shops.
2. The plot is between Nos. 28 and 32, part of a double width plot in the same ownership as No.32. The plot takes a full half of the double width.
3. Houses adjacent are of varying styles and design, with a mix of semi-detached and some detached two and three storey houses.

Proposed Development:

4. Planning permission was granted in 2008 (08/00257/FUL) for the erection of three storey 3 bed house on this plot between numbers 28 and 32 Victoria Road. The application was approved by members at North Area Committee on the 3rd April 2008.
5. The approved development is very similar to that which is presented in this application in terms of style, design, and general appearance. It will be finished in an ivory coloured render with blue brick plinth up to damp proof course level, pre-weathered blue-grey zinc roofing and dark grey polyester powder coated aluminium clad timber window frames. Refuse and recycling bins are to be screened in a stained 'hit and miss' timber enclosure beneath the zinc clad entrance canopy as previously approved.
6. This application currently under consideration proposes some changes to the permitted dwelling, the main differences being:
 - The plot size is now bigger. The 2008 approved development proposed a slightly smaller garden measuring 12m deep. This has now been extended in the new application to run the full depth of the plot from the rear of the dwelling (29m).
 - The footprint of the dwelling now proposed is slightly bigger creating a total floor area of 176m². The single storey element extends out into the rear garden slightly further but no further than the rearmost elevation of no 28. The two storey element is deeper measuring a total of 10m in depth rather than 7.8m deep as approved.
 - The new application proposes a 4 bedroom house rather than a 3 bedroom house. Accommodation is still provided over 3 floors. The approved scheme proposed a master bedroom and dressing room with bathroom on the second floor but as a result of some internal alterations and increased depth of the building the applicant now proposes the master suite on the first floor with 2 smaller bedrooms and a bathroom on the second floor.
 - The currently proposed dwelling is approximately 0.5m higher than that approved.
7. Conditions relating to the 2008 planning consent have all been approved as of 27th June 2008.
8. The proposed dwelling will be of a contemporary design featuring a number of sustainable/energy efficient measures such as solar (hot water) and photovoltaic (electricity) panels on the roof, underground rainwater harvesting tank, and an air source heat pump to serve underfloor heating. The building has been designed to achieve a minimum level of Code 4 under the Code for Sustainable Homes standards. It will provide 2 off street parking spaces (as before), pedestrian access and landscaping to the front.

Officers Assessment:

Principle of Development.

9. Planning permission has already been granted for a dwelling at the site, and details required under condition have been approved and requirements of those conditions discharged. Work on foundations commenced but then ceased, therefore the developer can already construct a dwelling on the site. The dwelling currently under consideration will appear very similar to that which has already been approved on the site albeit with an additional bedroom, and slightly larger footprint. The matter for consideration here is whether these differences explained above would result in a development which is now unacceptable in terms of its impact upon the streetscene or adjoining neighbours.

Impact upon the streetscene.

10. The development will appear very similar to that which has already been approved on the site in terms of design and style. Whilst the proposed dwelling is very contemporary, it has already been accepted that it is suitable in the setting and would enhance the streetscene. No significant changes are proposed to the front of the dwelling or to its appearance. It is not considered that the additional height of the property (0.5m) would have a detrimental impact upon the character of the streetscene or impact upon neighbouring properties
11. Concerns have been expressed from neighbours regarding the amount of development on the site but in fact, the plot is now bigger than previously proposed and provides a much larger rear garden than that approved. The footprint is larger than approved however, given the size of the plot and footprint of neighbouring properties, it is not considered that this additional floorspace would have an adverse impact upon neighbouring properties.

Impact on living conditions of neighbouring properties.

12. The current application proposes a dwelling which is slightly deeper (2m) than the approved scheme. It will be the same distance from the boundary as the previously approved dwelling.
13. One of the main areas of objection raised by the adjoining occupier at no 28 is the impact of the proposed development on their living conditions and loss of sunlight/daylight. In assessing the extant planning permission, it was considered that all habitable rooms of the proposed house would have adequate natural light. In terms of the impact on no 28 Victoria Road, it was accepted that the occupiers would lose light to the ground floor and first floor bathroom windows and ground floor utility rooms, however these are not classed as 'habitable' rooms. It is acknowledged that the development would also impact upon the side window of the kitchen of this property, however this room does benefit from French doors to the

rear and two skylights so the side windows are not the sole providers of light to this room. On the first floor, the only side windows are to a bathroom which again, is not considered to be a habitable room.

14. In terms of impact on no 32, as previously accepted, the development would result in light being lost to a kitchen window in the side wall, however this was considered to be a secondary window as the main source of light to the room is French windows in the rear elevation. Whilst the proposed dwelling is slightly deeper than that previously proposed, it does not breach the 45 degree line from the rear window of no 32 Victoria Road. There would be loss of light to first floor flank windows that serve a bathroom and dressing room which, not being habitable rooms are not protected by the 45 degree code.

Parking.

15. The development proposes 2 off-street parking spaces and therefore it is considered appropriate that any permission granted excludes the occupiers of this dwelling from the controlled parking zone on Victoria Road.
16. It is proposed that both parking areas and pedestrian access will be constructed with permeable materials as previously proposed, however, Conditions will be imposed to ensure that all surfaces are porous and free draining.

Sustainability.

17. The development meets the aims of policies CP15 and CP16 of the Oxford Local Plan and will result in a low carbon, low energy sustainable dwelling (see text above).

Structural Issues.

18. Concerns have been expressed from both adjoining neighbours regarding the potential risk for subsidence arising from development on this site. Unfortunately these are not matters that can be considered in determination of this application, as they would be covered under Building Regulations Control.

Contamination.

19. It is recommended that all new residential developments have as a minimum a desk study to ensure that the site is suitable for use. Therefore, it is recommended that a condition be imposed to require a phase 1 and phase 2 investigation is undertaken.

Conclusion:

20. It is not considered that the changes now proposed to the development

would have a detrimental impact upon the living conditions of the neighbouring properties, or amenity of the surrounding area. It is therefore recommended that planning permission be granted 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 subject to conditions, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers: 12/01287/FUL and 08/00257/FUL

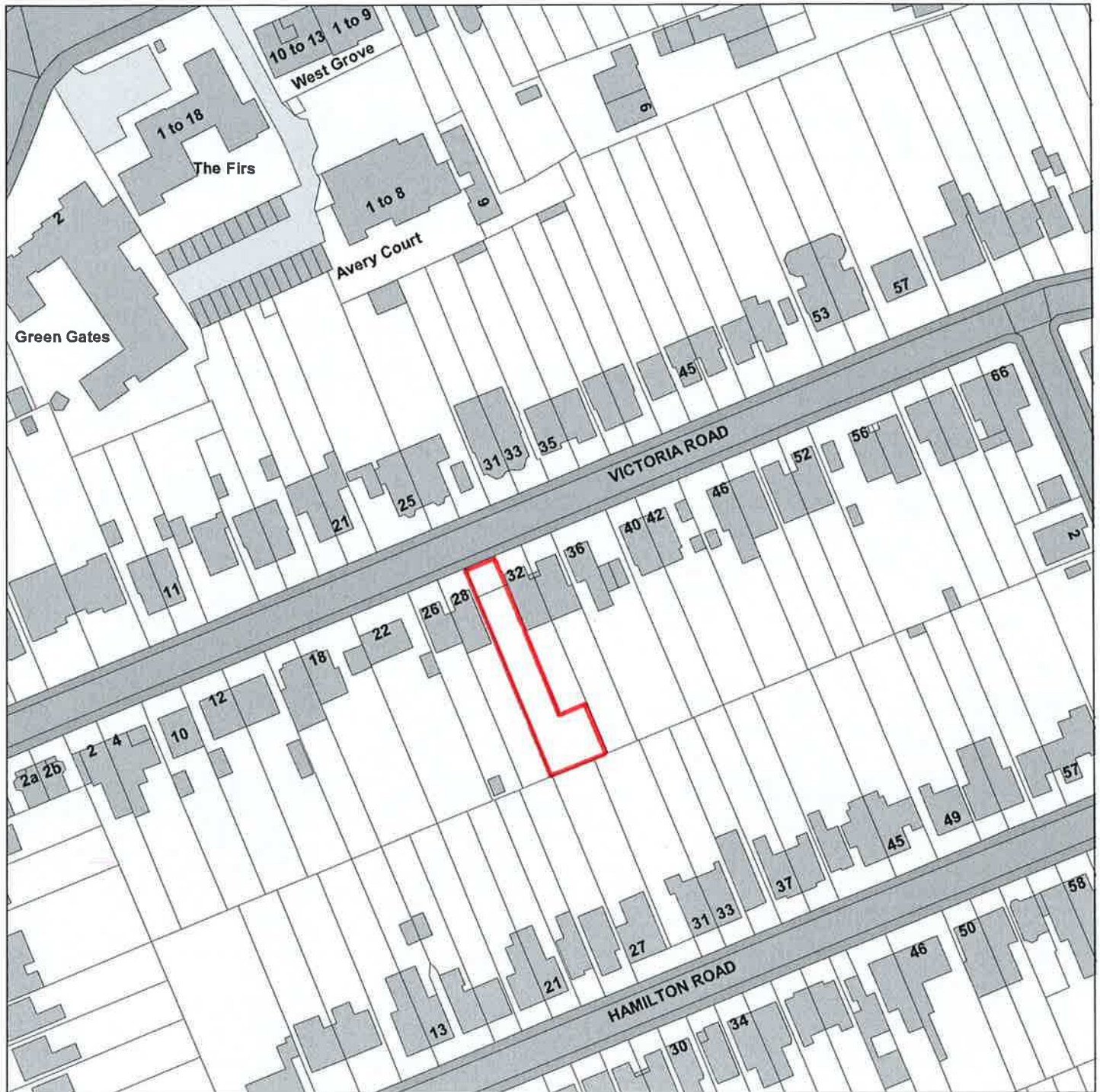
Contact Officer: Amanda Rendell

Extension: 2477

Date: 1st August 2012

Appendix 1

Land adjacent to 32 Victoria Road



Scale : 1:1250

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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	01 August 2012
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