

**East Area Planning Committee**

6<sup>th</sup> September 2012

**Application Number:** 12/01727/FUL

**Decision Due by:** 3rd September 2012

**Proposal:** Erection of detached single storey garden building to rear.

**Site Address:** 57 Wilkins Road Oxford Oxfordshire OX4 2HZ

**Ward:** Lye Valley Ward

**Agent:** B A Benham

**Applicant:** Mr Ran

Call in from Councillors Kennedy, Fry, Clarkson, Price, Canning, Tanner and Lygo over concerns relating to use of the building.

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## **Recommendation:**

APPLICATION BE APPROVED

For the following reasons:

- 1 The development is considered to form an acceptable visual relationship with the existing building and local area and is unlikely to have a significant effect on the current and future occupants of adjacent properties. The proposals therefore comply with Policies CP1, CP8, CP10, NE15 and HS19 of the adopted Oxford Local Plan 2001 – 2016 and Policy CS18 of the Core Strategy. No objections have been received from third parties.
- 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 Develop in accordance with approved plans
- 3 Materials as specified
- 4 Exclusion of other uses incidental uses (i.e. not for living accommodation), C3,

## **Main Local Plan Policies:**

### **Oxford Local Plan 2001-2016 (OLP)**

**CP1** - Development Proposals

**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

The Town and Country Planning (General Permitted Development) Order 1995. As amended. (GPDO).

### **Relevant Site History:**

No comments received

### **Representations Received:**

No comments received

### **Statutory and Internal Consultees:**

Local Highway Authority: No objection.

### **Issues:**

Design

Effect on adjacent occupiers

Use

### **Officers Assessment:**

#### Site description and proposal

1. 57 Wilkins Road is a semi detached house with a shared drive giving pedestrian access to the rear garden.
2. Permission is sought to construct a garden building at the bottom of the rear garden for uses incidental to the main dwelling (The application form states that it would be used as a games-room / gym / workshop.)

## Design

3. Oxford City Council desires that all new development should demonstrate high quality urban design where the siting, massing and design creates an appropriate visual relationship with the built form of the local area. The Local Development Plan provides policies to support this aim and CP1, CP8 and CS18 are key in this regard.
4. The proposed development will not be easily visible from the public domain, however it will be clearly visible from adjacent gardens. A number of substantial sheds and garden buildings are visible in surrounding gardens and subject to a condition to control the appearance of materials used in the build, the proposal is not considered to be materially out of character with the existing house or local area, and complies with Policies CP1 and CP8 of the OLP and CS18 of the Core Strategy.

## Effect on adjacent occupiers

5. Oxford City Council requires development proposals to safeguard the privacy and amenities of adjoining occupiers and policies CP1, CP10 and HS19 of the OLP support this aim. Appendix 6 of the OLP sets out the 45 degree guidance, used to assess the effect of development on the windows of neighbouring properties.
6. The proposal complies with the 45-degree guidance, is considered unlikely to have a material effect on adjacent occupiers, and complies with Policies CP1, CP10 and HS19 of the OLP. In addition, the building will not be overbearing to the neighbouring residential gardens.

## Use

7. The proposed building would provide 29.4 square metres of floor space, which is substantial for a garden building and could be accessed independently of the main house. A further grant of planning permission would be needed to change the use of the building to that of a self-contained dwelling, however, it is considered reasonable to make any grant of planning permission conditional on the building being used only for purposes incidental to the main dwelling, to ensure that the building is not used as primary accommodation ancillary to the main house and that the Local Planning Authority can properly consider any alternative use of the premises in accordance with the relevant policies of the Adopted Oxford Local Plan 2001-2016.

## **Conclusion:**

8. **The development is considered to form an acceptable visual relationship with the existing building and local area and is unlikely to have a significant effect on the current and future occupants of adjacent properties. The proposals therefore comply with Policies CP1, CP8, CP10, NE15 and HS19 of the adopted Oxford Local Plan 2001 – 2016 and Policy CS18 of the Core Strategy.**

## **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.

## **Background Papers: 12/01727/FUL**

**Contact Officer:** Tim Hunter

**Extension:** 2154

**Date:** 16th August 2012