East Area Planning Committee 6th September 2012

Application Number: 12/00815/FUL

Decision Due by: 8th June 2012

Proposal: Erection of single storey 1 bedroom dwelling and 1 x car parking space accessed from Town Furze (retrospective) (amendment to 07/02540/FUL)

Site Address: 33 Dene Road (site plan at **Appendix 1**)

Ward: Lye Valley Ward

Agent: N/A **Applicant:** Mr G Higgison

Application Called in – by Councillors – Timbs, Coulter, Humberstone, Khan, McManners and Clarkson.
For the following reasons – not built in accordance with the approved plans

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Recommendation:

APPLICATION BE APPROVED

For the following reasons:

1 The development differs from the previously approved plans in terms of the additional height at eaves and ridge but with a reduced width. Although the building is more prominent in views from the street it is still single storey and seen as a subordinate building when compared to the existing housing. The reduced width has allowed for the retention of the existing mature planting abutting the boundary that may otherwise have been lost and will allow for further planting both of which will soften the appearance of the building and mitigate against the additional height. Overall any additional net visual impact over the approved scheme will be modest and insufficient to warrant refusal of the application. The building will still be an acceptable addition to the streetscene. The increased height will not have any unacceptable impact on daylight and sunlight to the existing neighbouring housing and due toe reduced width will not have an unacceptable overbearing impact on the neighbouring gardens. The new dwelling will be adequately served by amenity space, parking and bin and cycle storage. As such the proposal to retain the building will comply with policies CP1, CP6, CP8, CP10, TR3, TR4, HS19, HS20 and HS21 of the Oxford Local Plan 2001 – 2016, CS2, CS18, CS22 and CS23 of the Oxford Core Strategy and HP2, HP9, HP10, HP12, HP13, HP14, HP15 and HP16 of the Sites and Housing Plan Submission Document.

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.

3 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.

subject to the following conditions, which have been imposed for the reasons stated:-

1 Development begun within time limit

2 Development in accordance with approved plans

3 Amenity no additional windows (roof and any elevation),

4 Design - no additions to dwelling

5 Car parking space

6 Vision splays

7 SUDS - Lye Valley (Ecology)

8 Landscape plan required

9 Landscape carry out after completion

10 Boundary details before commencement and implementation before the development is occupied,

11 Provision of bins and bikes

12 No use of loft space as living accommodation.

Main Local Plan Policies:

Oxford Local Plan 2001-2016 (OLP)

CP1 - Development Proposals
CP6 - Efficient Use of Land & Density
CP8 - Design Development to Relate to its Context
CP10 - Siting Development to Meet Functional Needs
TR3 - Car Parking Standards
TR4 - Pedestrian & Cycle Facilities

HS19 - Privacy & Amenity
HS20 - Local Residential Environment
HS21 - Private Open Space

Core Strategy (OCS)

CS2_ - Previously developed and greenfield land
CS18_ - Urban design, town character, historic environment
CS22_ - Level of housing growth
CS23_ - Mix of housing

Sites and Housing Plan – Submission (SHP)

HP2_ - Accessible and Adaptable Homes
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

NB: The City Council has recently approved the Sites and Housing Development Plan Document (SHDPD) for consultation prior to public examination by an Inspector later this year. It forms part of Oxford's Development Plan Framework and although not formally adopted it does carry weight as a material consideration in determining planning applications.

Other Material Considerations:

National Planning Policy Framework March 2012 (NPPF)

NB: As of 27th March 2012 the National Planning Policy Framework replaced various Planning Policy Statements (PPS's) and Planning Policy Guidance Notes (PPG's) which are now withdrawn.

Relevant Site History:

02/00430/FUL - Single and 2 storey rear extension. PER 26th April 2002.

63/13378/A_H - Private garage. PDV 23rd April 1963.

67/19033/A_H - Conservatory. PDV 25th July 1967.

07/01614/FUL - Demolish garage and shed at rear. Erection of 2 storey 1 bed dwelling and 1 car parking space accessed from Town Furze. REF 11th September 2007.

07/02540/FUL - Demolish garage. Erection of single storey 1 bed dwelling and 1 car parking space accessed from Town Furze. PER 20th December 2007.

10/03221/CND - Details submitted in compliance with condition 3 (samples) of planning permission 07/02540/FUL. PER 14th December 2010.

Representations Received:

44 Town Furze, 39 Dene Road, 41 Dene Road, 45 Dene Road, 151 Dene Road, 23 Stanton Road. 67 North Way, 81 Old Road, 31 Dene Road, 16 Long Close, 58 Dene Road, 60 Dene Road, 35 Dene Road, 50 Town Furze, 1B Dene Road, 26 Wilkins Road, 16 Balfour Road, 25 Quarry Road, 20 Leafield Road, 37 Dene Road, 43 Town Furze

In Opposition
Development too high
Inadequate parking provision
Out of keeping with character of area
Strain on existing community facilities
Affect on local ecology
Close to adjoining properties
Conflict with local plan
Noise nuisance
Information missing from plans
Loss of privacy
Loss of light
Loss of views
Overdevelopment
Materials out of character of area

In Favour
Building replaces a dilapidated and dangerous garage
High standard of development
Sympathetic to local area
Alterations accommodate concerns of neighbours
Imaginative development
Enhance the neighbourhood
Has ample parking
It is definitely a one storey building
Less windows give better privacy to neighbours
Changes are simple
Will not cause any issues with regards to access to the street, loss of privacy or loss of light
Incremental development spreads the additional load on resources

Statutory and Internal Consultees:

Oxford Civic Society: bungalow built without permission and has been lived in for 5 years; it is an anarchic precedent for flouting of planning rules which should not be allowed if orderly urban organisation is to be fostered.
Thames Water Utilities Limited: no objection
Highway Authority: no objection subject to conditions regarding no water discharge

onto the highway; vision splays and car parking space dimensions.
Lye Valley Residents Association: Has a second floor, pitch on roof too steep, will set a precedent, overdevelopment, out of character, unsightly development,

Issues:

Principle
Design
Residential Amenity
Car Parking
Cycle Parking
Other

Officers Assessment:

Site Description

1. The application site lies to the rear of 33 Dene Road with access off Town Furze. Dene Road is characterised by semi detached residential properties set within reasonably large plots. The rear gardens back onto Town Furze with many having single storey garages accessed from Town Furze.

Proposal

2. The application is seeking amendments to a previously approved scheme for the erection of single storey 1 bed dwelling and 1 car parking space accessed from Town Furze. Planning permission was granted in December 2007 under reference 07/02540/FUL.

3. The building has been reduced in width by 0.75m from 8.2m to 7.45m. The height to the ridge has increased from 4.5m to 5m (from the damp proof course) an increase in 0.5m. The eaves have also increased in height from 2.4m to 2.98m (from the damp proof course) an increase of 0.58m.

4. Other changes include the reduction in the number of roof lights on the rear elevation from four to one and an increase in the number of roof lights on the front elevation from none to two. On the front elevation the porch has been increased in size from 1.3m to 2.1m in width and from 0.6m in depth to 1.0m. The height remains the same at 2.5m. The doors/windows on the front elevation have also been altered with the main door now having a window adjacent to it and the double patio doors being reduced to a door with a window adjacent to it. On the rear elevation a small high level window has been installed where none existed on the approved scheme to allow light to the kitchen.

5. All dimensions have been taken from the plans approved under 07/02540/FUL. However the applicant disputes these measurements and claims the approved plans show the building to be approved at 5m in

height. No plans have been forthcoming to prove this therefore the plans as approved and detailed on the website have been used.

Assessment

Principle

6. The National Planning Policy Framework (NPPF) encourages the effective use of land by reusing land that has been previously developed. It goes on to state that Local Planning Authorities should resist inappropriate development of residential gardens.

7. Policy CS2 of the OCS – Previously Developed and Greenfield Land resists development on large areas of greenfield land. It does not apply to residential gardens. Policy HP10 of the SHP is designed to strike a balance between the contribution of gardens to local character, and the need to ensure that suitable land can be used for well-designed residential development. The policy therefore defines residential garden land differently to 'greenfield' land, such that development can continue to come forward on appropriate sites in residential areas.

8. The principle of developing this site has been established by the granting of permission in December 2007 and the scheme was implemented by the digging of foundations albeit now not in accordance with the approved plans. The site was deemed appropriate for development and is still considered as such.

9. Policy CS23 of the Oxford Core Strategy 2026 seeks to ensure that residential development delivers 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.

10. The Balance of Dwellings Supplementary Planning Document (BoDs) sets out the appropriate housing mixes for each Neighbourhood Area within the City. The application site is located within the Lye Valley Neighbourhood Area which has be classified as an amber area which requires the City Council to safeguard family dwellings and achieve a reasonable proportion of new family dwellings as part of the mix for new developments.

11. The retention of the stock of family housing is particularly important in Oxford, given the relative lack of new family housing coming forward. There is a lack of new family housing being built, and a continuing trend for more conversions of family houses to smaller flats. In order to ensure a mixed and balanced community is encouraged, family housing needs to be retained, as well as new family housing being built to allow choice.

12. Whilst the proposal is not considered to be a family dwelling it will further add to the mix to achieving a balance and suitable distribution of dwelling types within the area.

Design

13. Policy CS18 of the Core Strategy (CS) states planning permission will only be granted for development that demonstrates high quality urban design. This is reiterated in policies CP1 and CP8 of the Oxford Local Plan (OLP). Policy CP1 states that planning permission will only be granted for development that respects the character and appearance of the area and which uses materials of a quality appropriate to the nature of the development, the site and its surroundings.

14. Policy CP8 of the Oxford Local Plan 2001-2016 suggests the siting, massing and design of the proposed development creates an appropriate visual relationship with the form, grain, scale, materials and details of the surrounding area.

15. The character of Town Furze is one of harsh and abrasive edges to the public realm composed of a variety of unattractive single storey garden buildings of varying heights. Although the proposal is larger than the existing garden buildings it is set back from the highway therefore its bulk, scale and height is less intrusive.

16. The proposal is a detached building not in association with the main dwelling therefore the use of materials to match the existing dwelling is not necessary and the approval of 10/03221/CND (details submitted in compliance with condition 3 (samples) of planning permission 07/02540/FUL) confirmed the acceptability of the materials used. The external materials are that of a brick finish compared to the render of the existing dwellings. This difference is considered acceptable for the reason given above. The visual appearance of the building and its appearance in the streetscene of Town Furze are therefore considered acceptable.

17. Prior to the granting of permission under 07/02540/FUL a scheme was refused (07/01614/FUL- demolish garage and shed at rear and erection of a 2 storey 1 bed dwelling and 1 car parking space accessed from Town Furze). This refused scheme was at a similar height to that now seeking permission but it was of a different design in that the was asymmetrical with the front and rear elevations being at different heights thus creating a discordant feature when compared to the current scheme which is symmetrical and therefore less intrusive. It was also refused for proposing too much accommodation that could not be adequately provided for by way of amenity space.

Residential Amenity

18. Policies HS19 and CP10 of the OLP and HP14 of the SHDPD require the correct siting of new development to protect the privacy of the proposed or existing neighbouring, residential properties and proposals will be assessed in terms of potential for overlooking into habitable rooms or private open space. The insertion of the window in the rear elevation will not lead to any issues of overlooking or loss of privacy due to its position within the rear elevation i.e. high level. Roof lights by their design do not lead to any issues of overlooking

or loss of privacy and the reduction in the numbers of roof lights on the rear roof slope will reduce the perception of being overlooked. There are no windows in the side elevations and a condition has been added to the recommendation to ensure none are inserted at a later date without planning permission. A further condition is recommended to ensure that the roof space is not used for living accommodation as this would add unacceptable opportunities for overlooking as well as placing a requirement for additional parking and amenity space.

19. Policy HS19 of the OLP and HP14 of the SHP sets out guidelines for assessing development in terms of whether it will allow adequate sunlight and daylight to reach the habitable rooms of neighbouring dwellings. This policy refers to the 45/25-degree code of practice, detailed in Appendix 6 of the OLP and Appendix 7 of the SHP. There will be no loss of light to neighbouring properties as the proposal is located towards the end of the garden and complies with the 45/25-degree code of practice despite the increase in height.

20. Policy HS19 also allows the City Council to assess proposals in terms of sense of enclosure or being of an overbearing nature. The proposal has been built away from the boundary when compared to the approved scheme thus allowing the existing boundary planting to be retained in the neighbouring gardens. A condition can be added to mitigate and soften the boundary even more to allow planting along the boundary within the application site which wasn't available on the approved scheme as the building approved by the original planning permission extended the full width of the plot right up to either boundary. It is acknowledged that the proposal is higher than that approved however the set back from the boundary mitigates this increase in height and therefore there will be no additional sense of enclosure or overbearing impact to neighbouring gardens..

21. Policy HS20 of the OLP states developments involving residential uses should provide a good environmental standard within and outside each dwelling. However policy HP12 of the SHP goes into more detail and also requires the space provided within each room to allow for reasonable furnishing, circulation and use of household facilities in each part of the home, including for desk based home working; and each dwelling should provide adequate storage space, taking account of the occupation intended. It also goes on to say planning permission will not be granted for new dwellings if any single dwelling provides less than $39m^2$ of floor space (measured internally). The ground floor area is $41.25m^2$ and it is considered there is enough space within each room for everyday living. Therefore the proposal is considered acceptable in terms of policies HS20 of the OLP and HP12 of the SHP. Only the ground floor area has been used as the space in the loft is to be used as storage. As stated above a condition is recommended to prevent any use of the loft space as living accommodation and any attempt to use the loft area as habitable space will be strongly resisted by the Council as the plot is not large enough to accommodate a family dwelling in terms of the additional servicing requirements that would otherwise be required.

22. Policy HS21 states that planning permission will not be granted for proposals involving residential uses where insufficient or poor quality private open space is proposed and policy HP13 of the SHP states planning permission will only be granted for new dwellings that have direct and convenient access to an area of private open space. Policy HS13 does not specify dimensions for amenity space. Given the proposal is for a small one bed unit the amount of amenity space proposed is considered acceptable to allow the occupants to enjoy fresh air and light in privacy.

Car Parking

23. Policy TR3 of the OLP states Planning Permission will only be granted for development that provides an appropriate level of car parking spaces, no greater than the maximum parking standards shown in Appendix 3 of the OLP. The maximum for a 1 bed dwelling is 1 space. It has been demonstrated that one car parking space can be provided on site and the Highway Authority have raised no objections.

Cycle Parking

24. Policy TR4 of the OLP states that planning permission will only be granted for development that provides good access and facilities for pedestrians and for cyclists and complies with the minimum cycle parking standards shown in Appendix 4. According to the Parking Standards SPD secure, and preferably sheltered, cycle parking should be integrated in the design of residential developments. The minimum requirement for residential dwellings is two spaces per residential unit. This is reiterated by policy HP15 of the SHP which requires houses and flats of up to 2 bedrooms to have at least 2 spaces per dwelling.

25. No cycle parking (or bin storage) is shown on the submitted plans therefore a condition is recommended to require details to be submitted and approved. It is considered that ample space is available to achieve this requirement.

Sustainability:

26. The site lies in a sustainable location within easy access of shops, services and public transport links and the proposal would constitute a sustainable form of development that would make more efficient use of the existing site.

Other matters

27. With regards to comments made it is accepted that there is no private "right to a view", that the planning system should protect, as stated in former PPG1 para.64.

28. Precedence is not a reason to grant or refuse planning permission, although this is the first development of its kind in this street, each application will be taken on a case by case basis and assessed against

the relevant policies in the Local Plan.

Conclusion:

29. The proposal is considered to be acceptable in terms of the relevant policies in the Oxford Core Strategy 2026, the Oxford Local Plan 2001-2016 and the Sites and Housing Plan – Submission therefore approval is recommended.

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.

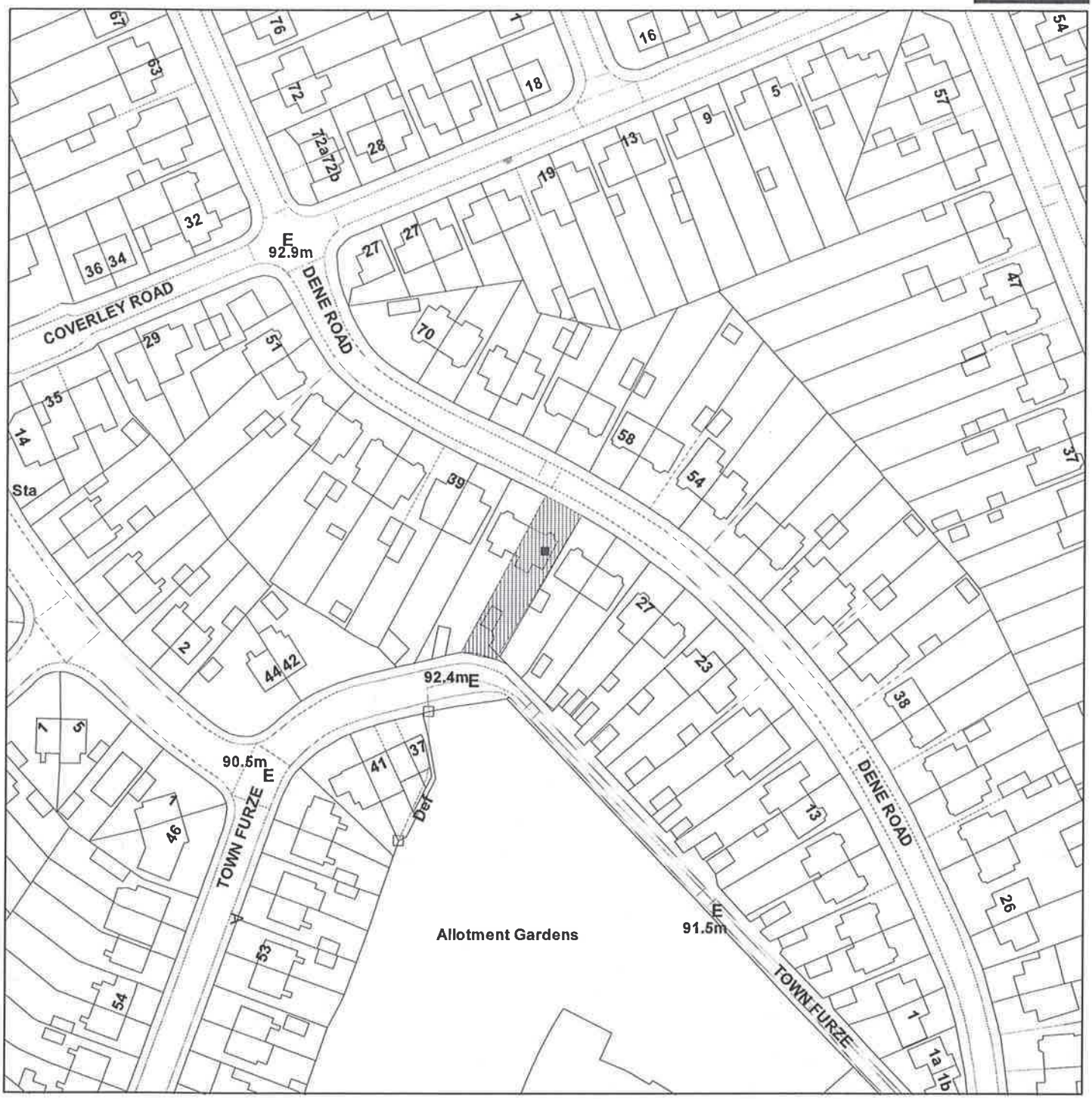
Section 17 of the Crime and Disorder Act 1998
Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation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

Background Papers:

Contact Officer: Martin Armstrong
Direct Line: 01865 252703
Date: 20th August 2012

Appendix 1

12/00815/FUL 33 Dene Road



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Department	Not Set
Comments	
Date	29 August 2012
SLA Number	LA100019348

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