

East Area Planning Committee

9th October 2012

Application Number: 12/02139/FUL

Decision Due by: 15th October 2012

Proposal: Demolition of existing bungalow and erection of 1 x 3 bed dwelling house, 1 x 2 bed flat and 1 x bed flat.

Site Address: The Bungalow 35 Barton Road Oxford Oxfordshire

Ward: Barton And Sandhills Ward

Agent: N/A

Applicant: S Khanam

Application called in by Councillors Rowley, Seamons, Fry, Curran, Coulter, Canning and Kennedy on grounds of overdevelopment and overbearing impact on the neighbouring bungalow in Blackthorn Close.

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposal forms an appropriate visual relationship with the surrounding development and would not unacceptably impact on neighbour amenity in a detrimental way. Planning permission was granted for an identical development in May 2009 and, although this permission has now lapsed, this previous permission is an important material consideration. No objections have been received from third parties and the proposal complies with adopted policies contained in both the Oxford Local Plan 2001 - 2016 and the Core Strategy 2026.
- 2 An objection has been received from Oxford Civic Society on grounds of visual impact. However it is considered that the comments made do not constitute sustainable reasons for refusing planning permission, particularly having regard to the expired permission and that the imposition of appropriate conditions will ensure a good quality development that relates satisfactorily to its neighbours.
- 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.

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 plns
- 3 Samples
- 4 Boundary details before commencement
- 5 Landscape plan required
- 6 Landscape carry out by completion
- 7 Formation of new access
- 8 Variation of Road Traffic Order Barton Road,
- 9 Construction Travel Plan
- 10 Provision of parking spaces
- 11 Vision splays
- 12 Rear rooflights - cill height no less than 1.6 metres
- 13 Bin and cycle stores
- 14 Sustainable design/construction measures

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

Core Strategy

- CS2_** - Previously developed and greenfield land
- CS9_** - Energy and natural resources
- CS10_** - Waste and recycling
- CS11_** - Flooding
- CS18_** - Urban design, town character, historic environment
- CS23_** - Mix of housing

Sites and Housing Plan

- HP9_** - Design, Character and Context
- HP11_** - Low Carbon Homes
- 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:

07/01693/FUL: Demolition of existing bungalow and erection of 2 x 3 bedroom semi detached dwellings. Approved

09/00536/FUL: Demolition of existing bungalow. Erection of two storey building to provide 1 x 3 bedroom dwelling, 1 x 2 bedroom flat and 1 x 1 bedroom flat. Approved MAY 2009

Representations Received:

At the time of writing this report, no letters from third parties have been received. Any comments which are submitted will be reported verbally at the committee meeting.

Statutory and Internal Consultees:

Thames Water: No objection

Oxford Civic Society: Objection. The site would be better developed as two semi detached dwellings. Neither of the flats are spacious and the upper one will probably have restricted headroom. The gardens are small and there would be an impact on the neighbouring bungalow.

Oxfordshire County Council as Local Highway Authority: No objection subject to the imposition of the following conditions and informatives:

- Exclusion of the site from the controlled parking zone
- Provision of parking spaces prior to occupation
- Parking spaces to be constructed using permeable paving to be SUDS compliant
- No discharge of surface water onto the public highway
- Applicant to obtain a vehicle crossing license
- Provision of dropped kerbs to be at the applicant's expense
- Provision of vision splays
- Cycle parking to be sheltered and secure
- Provision of bin stores

Issues:

- Principle
- Form and appearance
- Impact on neighbours
- Highways/parking
- Private amenity space
- Balance of dwellings

Sustainability:

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 an existing, residential plot of land.

Officers Assessment:

Site Location and Description

1. The application site comprises a detached, brick built bungalow which is located on a prominent corner plot at the junction of Barton Road and Blackthorne Close. The bungalow is a single storey, 2 bedroom property which has front and rear gardens, a brick/stone boundary wall and access off Blackthorne Close which leads to a single detached garage building.
2. The nearest neighbouring residential property is number 1A Blackthorne Close which is also a bungalow and was built on part of the original site of 35 Barton Road, the subject of this application. The remaining dwellings in the vicinity of the application site, apart from the bungalow opposite the site at number 37 Barton Road, are generally two storey dwellings.

The Proposal

3. The application seeks planning permission for the demolition of the existing bungalow and garage and the erection of a two storey building to form 1 x 3 bedroom semi detached dwelling, 1 x 2 bedroom ground floor flat and 1 x 1 bedroom first floor flat.
4. The new dwelling would be served by 2 car parking spaces to the front of the building and a rear garden area. The two flats would each have a single car parking space accessed off Blackthorne Close and a small private amenity space.
5. The new building would be erected using facing bricks and concrete tiles and would have a height of 7.5 metres. It is an identical proposal to that which was granted planning permission in May 2009 [09/00536/FUL].

Principle

6. The previous planning permission for the proposal is an important material consideration in the determination of the current application although officers accept that the permission has now lapsed.
7. In terms of site circumstances, there have been no changes that would warrant deviation from a recommendation of approval in line with the previous permission.

8. In terms of planning policy, the National Planning Policy Framework [NPPF] was approved in March of this year and has superceded all the previous PPS's and PPG's that represented Government advice. The NPPF largely carries forward planning policies and protections in a significantly more streamlined and accessible form and introduces the presumption in favour of sustainable development which means approving applications that accord with the Development Plan. The Oxford Core Strategy has also been adopted since the previous approval, but neither it nor the NPPF are documents such as to warrant a different approach to the development of the site however.
9. The proposal is a sustainable form of development that would make efficient use of land and officers therefore consider that the principle of the development is acceptable subject to the recommended conditions.

Form and Appearance

10. Policy CP1 of the Oxford Local Plan states that planning permission will only be granted for development that shows a high standard of design, that respects the character and appearance of the area and uses materials of a quality appropriate to the nature of the development, the site and its surroundings. Policy CP6 states that development proposals should make the best use of site capacity but in a manner that would be compatible with both the site itself and the surrounding area.
11. Policy CP8 of the Oxford Local Plan suggests that the siting, massing and design of any new development should create an acceptable visual relationship with the form, grain, scale, materials and detailing of the surrounding area and policy CP10 states that planning permission will only be granted where proposed developments are sited to ensure acceptable access, circulation, privacy and private amenity space.
12. Policy CS18 of the Oxford Core Strategy states the planning permission will only be granted for development that demonstrates high quality urban design and contributes to an attractive public realm.
13. The new building would have a larger footprint than the existing bungalow and would be sited 1.5 metres closer to the Barton Road frontage and 2.6 metres closer to the Blackthorn Close frontage. Officers consider this to be acceptable as there is no obvious building line in Blackthorne Close and the site abuts open land [the former Cricket club site] on Barton Road. In addition this layout was approved in 2007 [permission for a pair of semi detached dwellings] and 2009 [permission identical to the current proposal].
14. The new building would be erected using facing bricks and concrete tiles to be approved [condition 3 refers] and would have symmetrical front gable features fronting onto Barton Road. The rear elevation would incorporate one dormer window and 3 rooflights.

15. The new building would have a width of 14 metres, a depth of 11 metres and a height of 7.5 metres. Officers consider that both the size and appearance of the new building would appear sympathetic to and in keeping with the character of the local area.

Impact on Neighbours

16. Policy HS19 of the Oxford Local Plan states that planning permission will only be granted for development that adequately provides both for the protection and/or creation of the privacy or amenity of the occupants of the proposed and existing neighbouring, residential properties.
17. It is considered that the only dwelling directly affected by the proposal is number 1A Blackthorne Close which is a bungalow that has been erected in the former garden of number 35 Barton Road. Number 1A is sited approximately 1 metre from the boundary of the application site and has no windows in the flank wall that faces towards the garage serving number 35.
18. The new building would be sited 6.4 metres distant from the boundary of the site with number 1A. The roof of the new building would slope away from this adjoining bungalow and would have one dormer window and 3 rooflights in its rear roof slope, as in the previous permission. The dormer window would overlook the parking area and front garden of number 1A and the 3 rooflights would all have minimum cill heights of 1.6 metres above finished floor level [condition 12 refers] to avoid overlooking.
19. The proposed new building would be higher than the existing dwelling on the site but no higher than previously approved in 2009. Officers have concluded that the increase in height would not unacceptably impact upon sunlight and daylight levels experienced by the occupiers of number 1A given the distances involved or appear unacceptably overbearing in the outlook from the garden of this property.

Highways and Parking

20. Oxfordshire County Council as Local Highway Authority is not raising an objection to the application subject to the imposition of a number of conditions and informatives as set out earlier in this report. The County has requested that the site be excluded from the controlled parking zone to ensure that the development does not exacerbate on street parking in the local area.

Private amenity Space

21. Policy HS21 of the Oxford Local Plan states that planning permission will not be granted for development proposals involving residential uses where inadequate or poor quality private open space is proposed. It goes on to say that each dwelling should have access to a private open space, possibly in the form of a balcony and that family dwellings of two or more

bedrooms should have exclusive use of an area of private open space, which should generally have a length of 10 metres.

22. Policy HP13 of the emerging Sites and Housing Plan states that private gardens serving dwellings of 2 or more bedrooms should be proportionate to the size of the dwelling and that proximity to public open space should be taken into account when considering the adequacy of the proposed amenity space. It also states that one or two bedroom flats should have access to a terrace or balcony or direct access to a shared or private garden.
23. The 1 x 1 and 1 x 2 bedroom flats would each have a private open space measuring approximately 4 x 6 metres and this is considered to be acceptable. The proposed 3 bedroom dwelling would have direct access to a private garden measuring 8 x 6.5 metres; whilst this does not meet the 10 metre standard in the Oxford Local Plan, it is considered to be proportionate to the relatively modest size of the proposed house [bedroom 3 is very small] and it is also the case that there is a public recreation ground on the opposite side of Barton Road in close proximity to the application site. For these reasons, officers take the view that the provision of private open space is acceptable.

Balance of dwellings

24. The Balance of Dwellings [BoDS] Supplementary Planning Document [SPD] was adopted in January 2008 to elaborate upon the provisions of policy HS8 of the Oxford Local Plan [now superseded by policy CS23 of the Core Strategy] and to ensure the provision of an appropriate mix of dwelling sizes in the different neighbourhood areas, set out in the SPD as red, amber and green. The site lies in an amber area where the pressure on family houses is considerable and for schemes that involve the erection of between 1 – 3 dwellings, the SPD states that there should be no loss of a family unit.
25. In this case, the proposal involves the demolition of an existing bungalow and the erection of 3 new units, one of which would be a replacement 3 bedroom family dwelling. Therefore the proposal accords with the requirements of the BoDS SPD.

Conclusion:

26. The proposal forms an appropriate visual relationship with the surrounding development and would not impact on neighbour amenity in a detrimental way. Planning permission was granted in May 2009 for an identical development and, although this permission has now lapsed, this previous permission is a material consideration. No objections have been received from third parties and the proposal complies with adopted policies contained in both the Oxford Local Plan 2001 – 2016 and the Oxford Core Strategy 2026.

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:

07/01693/FUL

09/00536/FUL

12/02139/FUL

Contact Officer: Angela Fettiplace

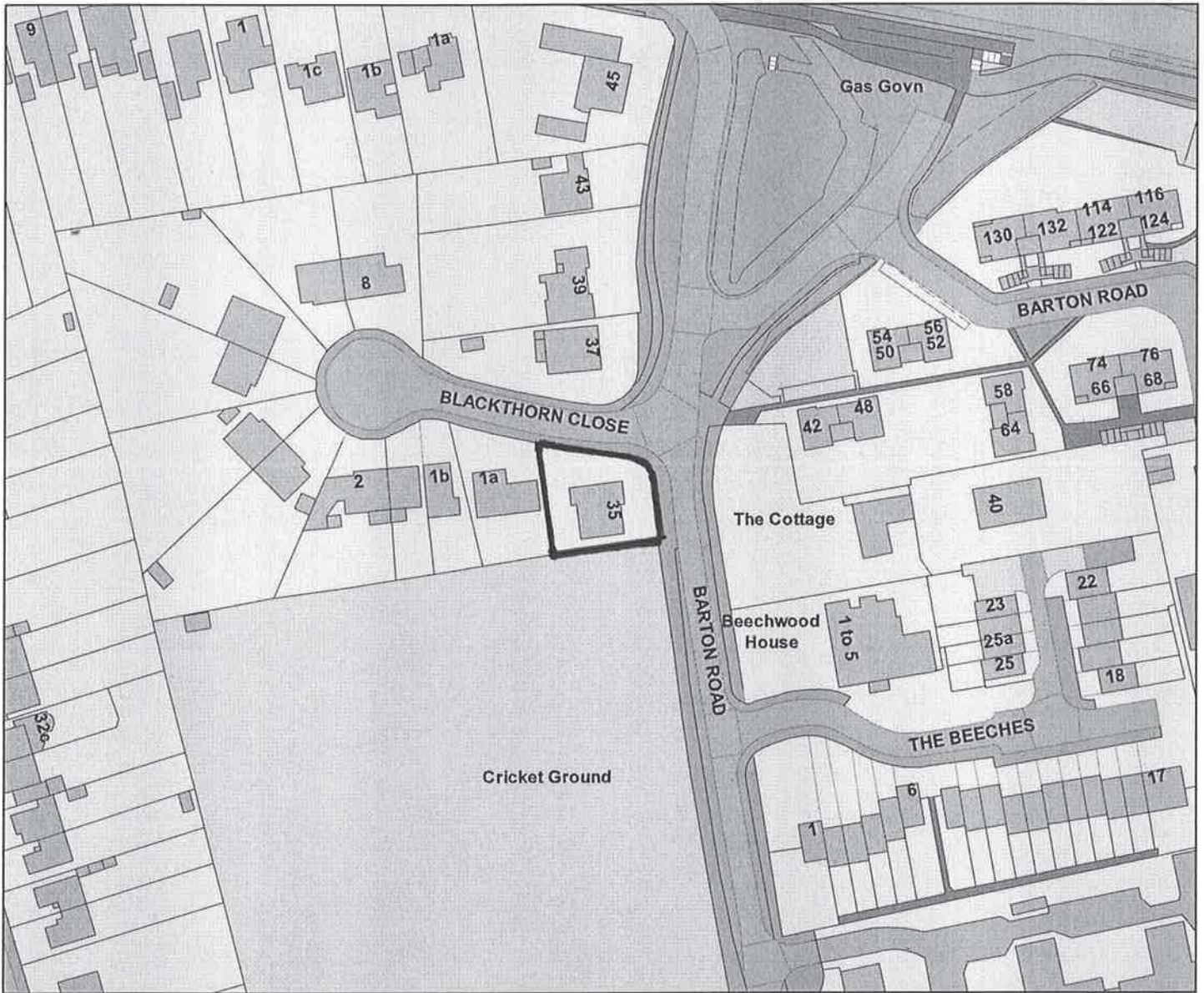
Extension: 2445

Date: 18th September 2012



Appendix 1

The Bungalow, 35 Barton Road



Legend	
Scale:	1:1250



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Organisation	Not Set
Department	Not Set
Comments	
Date	19 September 2012
SLA Number	Not Set

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