

East Area Planning Committee

9th October 2012

Application Number: 12/01643/FUL

Decision Due by: 28th August 2012

Proposal: Proposed removal of existing porch and erection of single storey extension with a dormer window.

Site Address: 1 Elsfield Road Oxford Oxfordshire OX3 0PR
(Site Plan – Appendix 1)

Ward: Marston Ward

Agent: The Anderson Orr Partnership **Applicant:** Mrs J Fletcher

Application Called in - by Councillors - Clarkson, Tanner, Clack, Price and Kennedy
- for the following reasons - impact on the Marston Village Conservation Area.

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The development is considered to form an acceptable visual relationship with the existing building and Marston Village Conservation Area and is unlikely to have a significant effect on the current and future occupants of adjacent properties. The effect on parking and trees is considered acceptable and any effect on other issues such as archaeological remains can be controlled by condition to ensure the development complies with Policies CP1, CP8, CP10, TR3, NE15, NE16, HE2, HE7 and HS19 of the adopted Oxford Local Plan 2001 – 2016 and Policy CS18 of the Core Strategy.
- 2 Marston Parish Council has objected to the development, mainly based on the size and visual appearance of the extension. The issues raised are addressed in the officers' report. An adjacent occupier has also raised issues relating to the position of windows. This has led to the recommendation of a condition.
- 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 Deemed in accordance with approved plans
- 3 Samples in Conservation Area
- 4 Amenity - no additional windows
- 5 Design - no additions to dwelling
- 6 Arch - Implementation of programme Old Marston Village,
- 7 Details excluded submit revised plans the north facing rooflights to the main extension,
- 8 Tree Protection Plan (TPP) 1

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
- HE7 - Conservation Areas
- HS19 - Privacy & Amenity
- TR3 - Car Parking Standards

Core Strategy

- CS12_ - Biodiversity
- CS18_ - Urban design, town character, historic environment

Other Material Considerations:

National Planning Policy Framework

This application is in or affecting the Marston Village Conservation Area.

Oxford City Council Planning Design Guide 5 – Rear Dormers
(Design Guide 5)

Relevant Site History:

84/00555/SON - Demolition of boundary wall to highway, single storey extension comprising bathroom and kitchen. PER 30th October 1984.

85/00377/PN - Erection of new porch.. PER 19th August 1985.

98/01047/CAT - Fell cypress tree in the Old Marston Conservation Area at Cross Cottage, 1 Elsfield Road, Marston, Oxford. ROB 8th October 1998.

06/00225/PDC - PERMITTED DEVELOPMENT CHECK - Proposed extension. WDN 5th May 2006.

06/01077/PDC - PERMITTED DEVELOPMENT CHECK - Part conversion of garage into office. PNR 15th June 2006.

11/02111/TPO - Fell Thuja tree referenced T.1 on the Oxford City Council - Elsfield Road (No.1) TPO, 1998.. REF 7th October 2011.

11/02997/FUL - Removal of existing porch and provision and erection of single and two storey side extension.. REF 19th January 2012.

12/00740/FUL - Removal of existing porch and erection of single storey side extension. Insertion of dormer window.. WDN 15th May 2012.

12/01643/FUL - Proposed removal of existing porch and erection of single storey extension with a dormer window.. PDE .

Representations Received:

Horsley Farm Stafford (on behalf of adjoining properties): No objection subject to amended position of roof windows.

2 Mill Lane: In support – will add to the supply of family homes in the area.

Statutory and Internal Consultees:

Marston Parish Council: Object – A 30% increase in the size of the property is too large and will spoil views of cottages and the street scene. The extension is too large on a row of cottages considered positive buildings and there is a failure to preserve or enhance special features.

Local Highway Authority: No objections.

Issues:

Design in a Conservation Area
Archeology
Effect on adjacent occupiers
Trees
Parking

Officers Assessment:

Site description

1. 1 Elsfield Road sits in a somewhat elevated position at the junction with Mill

Lane and Oxford Road. Although the site is bounded by mature planting in parts, the end wall and upper parts of the house are highly visible from the public domain. The house forms the end of a short terrace of stone cottages built in a vernacular style and running parallel to Mill Lane. Some relatively minor additions have been formed to houses in the terrace, but the original form and setting of the terrace in the conservation area are still clear.

Background and Proposal

2. Permission was refused under application 11/02997/FUL for a substantial two storey extension to the side of the house for the following reason:
3. *Due to its height, width, projection to the rear and overall bulk, coupled with its prominent position within the street scape and upon the terrace of properties upon which it sits, the proposed two storey extension would fail to create an appropriate visual relationship with the historic form and scale of the house and terrace on which it sits, materially alter the architectural design and historic interest of the property and remove or obscure features which are important to the character of the local area and would therefore fail to preserve or enhance the special character and appearance of the Marston Village Conservation Area, contrary to the aims of Policies CP1, CP8 and HE7 of the adopted Oxford Local Plan 2001 – 2016 and Policy CS18 of the adopted Oxford Core Strategy 2026.*
4. After suggesting several alternative schemes, the current application seeks permission for a single storey side extension, a small dormer and a new bay window. These changes attempt to address the previous reason for refusal.

Design in a Conservation Area

5. 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.
6. Policy HE7 of the OLP states that planning permission will only be granted for development that preserves or enhances the special character and appearance of the conservation area or its setting. Policy CS18 of the emerging Core Strategy requires that developments demonstrate high quality urban design that respects the unique townscape and character in different areas of Oxford.
7. The overview document for Marston Village Conservation Area notes that “the prevailing architectural character of the village is principally derived from the large number of small houses and cottages built in the local vernacular style”, and officers consider that 1 Elsfield Road is typical of this type of building. PPS5 states that local planning authorities should require applicants to provide a description of heritage assets that would be affected by proposed

development and their setting along with an assessment of the impact of the proposal.

8. The form and appearance of 1 Elsfield Road and the terrace of cottages on which it sits are considered important heritage assets that contribute substantially to the special character and setting of the Marston Village Conservation Area. The application includes a design and access statement that goes some way to describing the building and its setting but does little to assess the impact of the proposed development on the house or its setting.
9. The proposed side extension is now situated at the end of the terrace. A slight set back under the behind the existing side wall and the boundary wall softens the visual effect on the public domain whilst helping the extension to remain visually subservient. The height of the extension is also reduced and this reduces the effect on the existing roof slope facing Mill Lane, as well as reducing the expanse of new roof and overall bulk that would be visible from Elsfield Road and Mill Lane. The result is that whilst still large, the extension will appear as a subservient wing or range to the terrace and will read as a vernacular addition. This is considered an appropriate approach to a sensitive building and location.
10. The bay window will not be highly visible from the public domain, but is in any case considered an attractive addition to the house. The dormer window, whilst situated on the side roof, is considered acceptable, will have relatively little visual impact and is in keeping with the character of the house and area. The additions will not therefore appear out of place on the house or terrace and will preserve the special character and appearance of the Marston Village Conservation Area.
11. The chosen materials of natural stone and clay tiles will also reflect the existing buildings, whilst helping to ensure a high quality development in this highly visible location. On this basis, it is considered reasonable to require samples of the materials to be used, to ensure the development is successful in these aims and complies with the aims of policies CP1, CP8 and HE7 of the OLP and CS18 of the Core Strategy.

Archaeology

12. The National Planning Policy Framework states the effect of an application on a non-designated heritage asset should be taken into account when determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgment is required having regard to the scale of any harm or loss and the significance of the heritage asset. Where appropriate, local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (in whole or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generate) publicly accessible.
13. Policy HE2 of the Oxford Local Plan requires that where archaeological

deposits that are potentially significant to the historic environment are suspected to exist anywhere in Oxford, planning applications should incorporate sufficient information to define the character and extent of such deposits. Where the existence and significance of such deposits is confirmed, planning permission will only be granted where provision has been made for the preservation or investigation and recording of archaeological remains in accordance with an approved scheme.

14. The site is of interest because it lies within the historic core of Old Marston, on the frontage of a central road junction opposite the site of the medieval cross. The evolution of the hamlet is currently poorly understood, however recent work 60m to the north of the application site, on Mill Lane, has provided evidence for the laying out of plots fronting the road in the Norman period. A recent excavation behind the Bricklayers Arms, located 140m to the north east, produced evidence suggesting the contraction of the settlement in the 14th century. It is therefore considered likely that development of the site will reveal evidence of value to the understanding of the evolution of the area.
15. The application does not contain information sufficient to satisfy Policy HS2. No specific assets are recorded on the site, but it is considered appropriate that any grant of planning permission be subject to a condition requiring implementation of a programme of archaeological work in accordance with a written and approved scheme of architectural investigation to ensure the development complies with policy HE2 of the Oxford Local Plan. Such a scheme should take the form of a watching brief followed by further work if required. The work should be undertaken by a professionally qualified archaeologist working to a brief issued or approved by the Local Planning Authority.

Effect on Adjacent Occupiers

16. The Local Planning Authority 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.
17. The proposal would be highly visible from the adjoining properties but the 45-degree guidance indicates that there is unlikely to be a material loss of light to adjacent properties. Officers consider that there would be no material loss of outlook or creation of an overbearing effect. The proposals would not lead to an increase in overlooking, but the north facing roof lights would have the potential to increase overlooking if a first floor level were to be added within the main extension. It is noted that a previous version of the proposals did contain a mezzanine floor and it is considered that the roof lights should be excluded from the scheme in their current position to ensure the development does not lead to an increase in overlooking in the future and continues to comply with policies CP1, CP10 and HS19 of the OLP.

Parking

18. Policy CP1 of the OLP states that permission will only be granted for development that is acceptable in terms of access, parking and highway safety. Policy TR3 states that planning permission will only be granted for development that provides an appropriate level of car parking spaces no greater than the maximum car-parking standards shown in the plan's Appendix 3.
19. There would be no change to the parking situation at the property. An increase in bedrooms from 2 to 3 would not change the threshold in Appendix 3 of the OLP, the location is relatively sustainable and there are few on street pressures. The LHA has no objection and the situation is considered to comply with Policy TR3 of the OLP.

Trees

20. NE15 of the OLP states that permission will not be granted for development proposals which include the removal of trees that form part of a development site where this would have a significant adverse impact upon public amenity or ecological interest, whilst NE16 states that permission will not generally be given for proposals that involves major surgery to, or loss of protected trees.
21. The site contains a large cedar tree that is prominent in the street scene and is subject to a Tree Preservation Order. Officers consider that adequate protection of the tree during construction could be secured by condition. However there is some concern that reducing the size of the garden may result in pressure for this large tree to be removed. It is noted that the agent acting for the applicants has confirmed that this issue has been considered by the applicants and they are happy with the relationship between house, garden and tree that would result from the proposed development.
22. In any event, it is not considered that concerns about the future of the tree amount to a valid reason for refusal as the proposals comply with policies NE15 and NE16 of the Oxford Local Plan

Conclusion:

23. The development is considered to form an acceptable visual relationship with the existing building and Marston Village Conservation Area and is unlikely to have a significant effect on the current and future occupants of adjacent properties. The effect on parking and trees is considered acceptable and any effect on other issues such as archaeological remains can be controlled by condition to ensure the development complies with Policies CP1, CP8, CP10, TR3, NE15, NE16, HE2, HE7 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: 12/01643/FUL

Contact Officer: Tim Hunter

Extension: 2154

Date: 24th September 2012

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