

West Area Planning Committee

7 November 2012

Application Number: 12/02459/FUL

Decision Due by: 22 November 2012

Proposal: Erection of 2x2 bedroom semi- Detached dwellings (Class C3)

Site Address: Grove House Club, Grove Street, **Appendix 1.**

Ward: Summertown Ward

Agent: Mr Tony Reedman

Applicant: Mr V Patel

This application has been called in to be heard by the West Area Planning Committee by Councillor Van Nooijen, supported by Councillors Tanner, Price and Fry. The application has been called in so that the issue may be heard in public and consideration can be given whether this application gives rise to some of the same objections found in the previous application.

Recommendation:

The West Area Planning Committee is recommended to grant planning permission for the following reasons:

- 1 The proposal is considered to make a more efficient use of a brownfield site, in a manner that would be appropriate and sympathetic to the character and appearance of the area and the amenities of neighbouring properties. The development would create an acceptable residential environment and housing in a area of housing need. The development is sustainable and promotes the use of non-car modes of transport and will integrate within the existing street scene. The application therefore accords with policy CP1, CP6, CP8, CP10, TR3, TR4, HS19, HS20 and HS21 of the Oxford Local Plan 2001 - 2016 and CS2, CS18, CS20 and CS23 of the Oxford Core Strategy 2026.
- 2 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.
- 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.

Conditions:

1. 3 years time limit
2. In accordance with plans approved, none other without prior written consent
3. Submission of materials prior to commencement
4. Detailed plans of the cycle and bins stores
5. Landscaping and boundary treatments
6. Stone wall to the rear (south west) to be retained.
7. Exclusion of properties from Controlled Parking Zone.
8. Ground contamination – risk assessment.
9. Removal of PD rights.

Main Planning Policies:

Oxford Local Plan 2001-2016 (OLP)

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
TR3 - Car Parking Standards
TR4 - Pedestrian & Cycle Facilities
HS19 - Privacy & Amenity
HS20 - Local Residential Environment
HS21 - Private Open Space

Oxford Core Strategy 2026

CS2 - Previously developed and greenfield land
CS18 - Urban design, town character, historic environment
CS20 - Cultural and community development
CS23 - Mix of housing

Emerging Sites and Housing Plan

HP4 - Affordable Homes from Small Housing Sites

Other Material Considerations:

- National Planning Policy Framework
- Balance of Dwellings Supplementary Planning Document
- Sites and Housing Development Plan Document
- Parking Standards Supplementary Planning Document

Relevant Site History:

This site has been subject to several planning applications and is also currently awaiting an appeal decision. This relevant planning history is set out below;

10/03026/FUL - Demolition of existing club house. Erection of two and three storey

building to provide school boarding house with 24 bedrooms – Application withdrawn.

11/01131/DEM - Prior notification of proposed demolition of Grove House Club buildings – Prior approval not required.

11/01165/FUL- Demolition of existing building. Erection of two storey terrace (with accommodation in roof space) comprising 1 x 4-bed house and 3 x 3-bed houses. Provision of off street parking, bin and cycle storage. (Amended Plans and Description)- Approved – but not, to date, implemented

11/03335/FUL- Retention of 3 storey building to former Grove House Club and conversion to 1x4 bedroom house. Erection of detached 4 bedroom house. – Refused, currently awaiting appeal decision

12/00872/FUL- Proposed retention of 3-storey building of former Grove House Club for use as 1x4 bed dwelling. Approved and implemented.

12/01394/FUL- Erection of 2x2 bedroom dwellings. Provision of cycle parking, bin stores and private amenity- Refused

12/01457/VAR- Deletion of conditions 8, 9 and 10 to planning permission 12/00872/FUL (use as 1 x 4-bed dwelling), relating to use of roof terrace, ground contamination and residents parking permits respectively.- Approved

Representations Received:

Statutory and Internal Consultees:

- Thames Water: No objections
- Environmental Development: No objection subject to a phased contaminated land risk assessment
- County Highways and Traffic: No objections subject to the removal from the site from the controlled parking zone and provision of cycle and bins storage.

Third Parties:

None received at time of report drafting any later received will be verbally reported to the committee.

Officers Assessment:

Site Description and Proposal

1. The application site comprises of a currently vacant plot to the east of the former North Oxford Grove House Club, Grove Street, Summertown. The site originally consisted of an extended single storey building attached to the Club House.
2. The site was originally enclosed by a high stone boundary wall but this has more recently been removed as part of demolition works and the renovations to the Former Club house, immediately adjacent to the site.

3. This application seeks planning permission for the erection of the two x two bedroom semi- detached dwellings with private amenity space to the rear with a shared pedestrian access in the resultant space to the east of the former club house.

Background.

4. This application proposes a two x two storey dwellings on the land immediately east of the former Grove House Club, only. There is a varied planning history to this site with the most recent permission being the retention of The Former Grove House Club building as a single family dwelling under application 12/00872/FUL, amended by variation permission 12/01457/VAR. An appeal has been lodged with reference to earlier refusal 11/03335/FUL which included the erection of a 1x4 bed dwelling in the grounds of the site, to the west of the Original Club House. The site has therefore become 'split' by the virtue of these various applications. This application however relates to the site to the east of the Club House, only, as outlined on the site plan attached at **Appendix 1**.
5. This application has been submitted to overcome the previous refusal reasons for application 12/01394/FUL, also for 2 x 2 bed houses, which were;
 - *The proposed development would be unneighbourly due to the lack of privacy and overlooking of the neighbouring properties, especially the kitchen extension of no. 23, and*
 - *The proposed development is considered to constitute over development of the site and results in insufficient private garden and amenity space. The refused decision notice is attached at **Appendix 2**.*
6. The main changes within this proposal to overcome the reasons for refusal, above, are considered to be;
 - A fixed and obscured 1st floor window closest to no.23 Grove Street
 - The rear facade has been set back by 300mm in attempt to reduce general overlooking
 - The internal layout of the second floor has resulted in the en suites towards the outside of the properties and therefore, in turn, reduces the distances the balconies would be from no.23 creating a more acute angle and limited opportunity for overlooking.
 - The proposed balconies are set back in to the roof space with the screened balustrade proposed fixed and obscured as well as the provision to glaze the screen nearest to 23. with a fixed, obscure glass.
 - The depth of both units has been reduced by 800mm which has made provision for increasing the garden space by 3.6m² each.
7. Officers therefore consider the determining issues in the case to be:

- The Principle of the development
- The form and appearance of the development and its visual impact on the area,
- The quality of the proposed residential environment created by the proposal
- The impact of the proposal in the living conditions of the neighbouring properties
- Impact on parking and the highway network.

Principle of Development

8. The principle of a residential use on this site has already been established by the approval of application 11/1165/FUL, above, and therefore officers would raise no in principle policy objection to a residential use on this site.
9. Policy CP6 of the Oxford local Plan states that development proposals should make efficient use of land by making the best use of the site capacity. However CS23 of the Oxford Core Strategy encourages a mix in the balance of dwelling types and the policy therefore supports a balance of dwelling types in a particular locality. In support of policy CS23 is the Balance of Dwellings Supplementary Planning Document (BoDs). This document has assessed the housing stock within Oxford and has identified areas of different pressure of housing types and stock. The aim of the guidance is to ensure that any new development provides a balanced and mixed community within the neighbourhood in which it is proposed.
10. The application site falls within a neighbourhood area defined as 'amber' in the BoDs which is a scale to indicate the level of pressure the area faces. Amber indicates that the scale of pressure is considerable for this area and therefore family dwellings should form part of new development. This proposal would provide 100% two bed units so is therefore compliant with BoDs.
11. Issues regarding the principle of the development have previously been set out in the reports for both applications 11/01165/FUL and 12/01394/FUL. Officers consider the development of the site in a sustainable way for a modest residential scheme is appropriate for this site in this location and context.
12. The principle of the development did not form part of the reasons for refusal in 12/01394/FUL and therefore the principle of appropriate, residential development of this site is considered acceptable.

Form and Appearance

13. Policy CP8 of the Oxford Local Plan 2001-2016 suggests the siting, massing and design of development must create an appropriate visual relationship with the form grain and scale and materials and details of the surrounding area and CP10 furthers this by stating planning permission will

only be granted where proposed developments are sited so as to ensure that street frontage and streetscape are maintained, enhance or created.

14. The area is characterised by fairly dense residential development, and Grove Street is typical of this. Buildings are generally of domestic scale, two storeys with traditional form and appearance in brickwork, fenestration, layout and detailing.
15. The application site is roughly square except for a 'dog leg' in the south east corner of the plot, where the garden of no. 23 extends to the boundary of the gardens with Dudley Court. The site is bounded to the north by the street frontage of Grove Street.
16. The character of Grove Street is that of a fairly narrow road with buildings, at the western end of the street built hard up to the footway. The houses are generally terraces and two storey in height, apart from the former club house, adjacent, which is three storeys and uncharacteristic of the otherwise domestic scale of the houses in the area.
17. In response to the style of the properties within the street this application proposes two x two storey buildings to fill the space of the end of the existing terrace (23. Grove Street) and the Former Club House. The dwellings are proposed with a covered access walk way between them. The two houses are proposed at the same height as the existing terrace but are reduced in depth by 800mm from the glazed patio doors to existing rear elevation of no.23. The front elevation however is proposed as the existing terrace and will therefore be built hard up to the pavement.
18. The buildings are proposed in the same style as the existing, and the scale, mass and appearance designed so as to appear sympathetic with the character and appearance of the street. The materials are proposed as a red facing brick with reconstituted stone for the window and door lintels with a natural slate roof to match the existing properties. It is considered the proposed use of these materials is sympathetic to those already in use within the street and is therefore considered acceptable.

Proposed Residential Environment

19. Policy HS21 of the Oxford Local Plan states that residential development should have access to private amenity space and in the case of family dwellings of 2 or more bedrooms the amenity space should be exclusive to the residential property and generally in excess of 10m in length. It also states that private open space could also be in the form of a balcony.
20. The rear gardens as proposed measure slightly differently due to the 'dog leg' in the garden of the plot adjacent to no 23. This is proposed to be 6.2m wide narrowing to 3.0m for a proposed lawn area, 5.95m in length and approximately 26.64m² in area. The plot adjacent to the existing Club House is 4.55m in width and 6.0m long, with a more uniform rectangular form giving an approximate total area of 27.30m².

21. It is recognised the length of the gardens are not as great as policy HS21 generally stipulates, but the widths of the gardens are greater than is typical of terraced properties. The proposal is therefore still similar to the previously approved scheme of 11/01165/FUL for 4 houses, with the inclusion of modest garden sizes. Committee took the view that the reduced sized gardens were considered reasonable and acceptable in the circumstances of that case, given the natural constraints of the site. A similar scheme nearby in Century Row has rear gardens of a shorter length than those in this proposal.
22. Notwithstanding the refusal of application 12/01457/FUL due to its small garden size it is considered that the circumstances of this latest proposal is very similar to the above permitted 2011 application for 4 houses. The site is tightly constrained in nature and the applicant has remodelled the proposal so that it makes the most efficient use of the site whilst providing a good standard of both internal and external living space. Whilst policy HS.21 states that 10m garden length for family homes is appropriate in most cases, the emerging Sites and Housing Plan recognises that this approach does not take into account the overall site constraints and context of individual cases. The Plan therefore proposes that a more criteria based approach should be taken and suggests that for houses of 2 or 3 bedrooms provision should be made for a private garden of adequate proportions for the size of the house proposed, for exclusive use by those occupants. Whilst the Sites and housing Plan is not yet adopted it is to be attributed significant weight given the late stage the Plan is within the examination process.
23. This proposal provides private gardens for both of the plots which are adequate for the storage of both bin and bike stores, is private, and have provision of a patio/terraced area and a lawn area for playing and drying clothes etc. The proposal still presents an opportunity to re develop, a currently vacant, Brownfield site for two new dwellings. On balance officers are prepared to accept that the garden sizes for these modest 2 bedroom properties are acceptable despite the loss of the roof terraces as amenity space.

Impact on Neighbouring Properties

24. Policy HS19 of the OLP states that planning permission will only be granted for developments that adequately provide for the protection of the privacy or amenity of the occupants of the proposed and existing neighbouring residential properties.
25. The proposal would introduce new windows at both 1st and 2nd floor levels facing the eastern 'arm' of Dudley Court and part of the rear garden of no.23 Grove Street which did not exist before. The existing club house also has window which faces Dudley Court.
26. There is a distance of 11.5m from the rear wall of the proposed dwellings

to the flank wall of Dudley Court which does not have any windows and a distance of 25m to the nearest facing windows of Dudley Court. This separation in distance is considered to be acceptable and there is an existing 2m high stone wall between the application site and shared gardens of Dudley Court which is proposed to be retained which will allow sufficient privacy for the existing neighbouring, and any future occupiers.

27. The shared quad style gardens of Dudley Court would experience some overlooking, as would part of the rear garden of 23. Grove Street due to the inclusion in this proposal of the 2nd floor balconies. However officers believe any views from these windows would be obscured to a degree by the large mature trees and would not have an unacceptable impact given the overlooked 'quad' nature of the gardens of Dudley Court.
28. The internal arrangement of the second floor has been configured as such that any views from the balcony would be obscured by the position of the fixed balustrade and corner of the en suite, the angle of which would be so acute that any significant overlooking into the roof light window of the kitchen of no.23 would be limited.
29. Rear facing balconies are set within the roof, set back 300mm from the eaves line, in a fashion not dissimilar to the many rear box dormer windows which are prevalent and typical in the area. The new building proposed does not project beyond the rear elevation of the adjoining property on Grove Street, (in fact it is set back by 300mm), and are a suitable distance from Dudley Court and those opposite in Grove Street. As such there is no conflict with the 45 degree rule in horizontal or vertical plane from the cill height of neighbouring habitable room windows as advised in appendix 6 of the OLP.
30. Grove Street is a relatively narrow road approximately 9.5m in width. The proposal would introduce new windows facing into the street but this is not considered unacceptable due to the existing relationship between the facing buildings on the road which is typical of the area.
31. Concerns have previously been raised regarding the potential increase of noise and disturbance this proposal may result in. The immediate locality is characterised by fairly dense housing, mostly in terraces. The proposal site was originally adjoined to the store buildings which were in use in connection with the Club House which was open on evenings on weekdays and weekends. The proposed use of the site for dwellings is not considered to result in any harmful levels of noise or disturbance other than would be expected in normal, reasonable residential situations.

Trees

32. There are two large Yew Trees which are covered by Tree Preservation Orders situated on the western end of the adjacent Grove House Club site, which therefore do not fall within the application site. There are no other trees within the site although there is a concern raised regarding the

potential for storage of the necessary required building materials, should permission be granted, on the adjacent site, within the root protection areas of the trees under the preservation order. This issue cannot be controlled by condition to this application as it refers to land outside of the applicants' control. However an informative can be added to any permission granted reminding the applicant of his responsibilities, with the planning authority retaining powers to deal with any damage to the protected trees.

Parking

33. The development is proposed car free as was the previously refused application. The application site is within the Transport District Area. The local plan describes Transport District Areas as highly sustainable as they have good availability to both shops and services, with good access to public transport services as well. The Local Plan states that proposals for car free developments within Transport District areas will be treated favourably. In light of this officers regard the principle of a car free development acceptable.

34. Concerns have previously been raised during the consultation procedure about the potential increase for on street parking within the area as parking spaces are not provided within the scheme. Officers are mindful of these concerns and it is therefore recommended that the development be excluded from entitlement to apply for parking permits in order to prevent any pressure on on-street parking. A condition is therefore suggested accordingly, as recommend by the County Council Highways.

Conclusion:

This development, if approved, would make a more efficient use of a vacant brownfield site in a way that would be appropriate and sympathetic to both the visual and residential amenity of the area. The proposal forms a scheme that is considered well formed to enhance the site context and will provide two family dwellings in an area identified as under housing pressure.

Whilst the gardens proposed are modest in size and therefore do not fully meet the current Local Plan policy requirement they are, on balance, considered to be suitable and adequate to provide the amenity space needed for a 2 bedroom property, after giving careful consideration to the site constraints and circumstances of this case. The development will make a positive contribution to the area in terms of its design and will harmonise and integrate within the existing built development and street scene. Officers therefore recommend the Committee grant planning permission, 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, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers: 11/01165/FUL, 12/01394/FUL

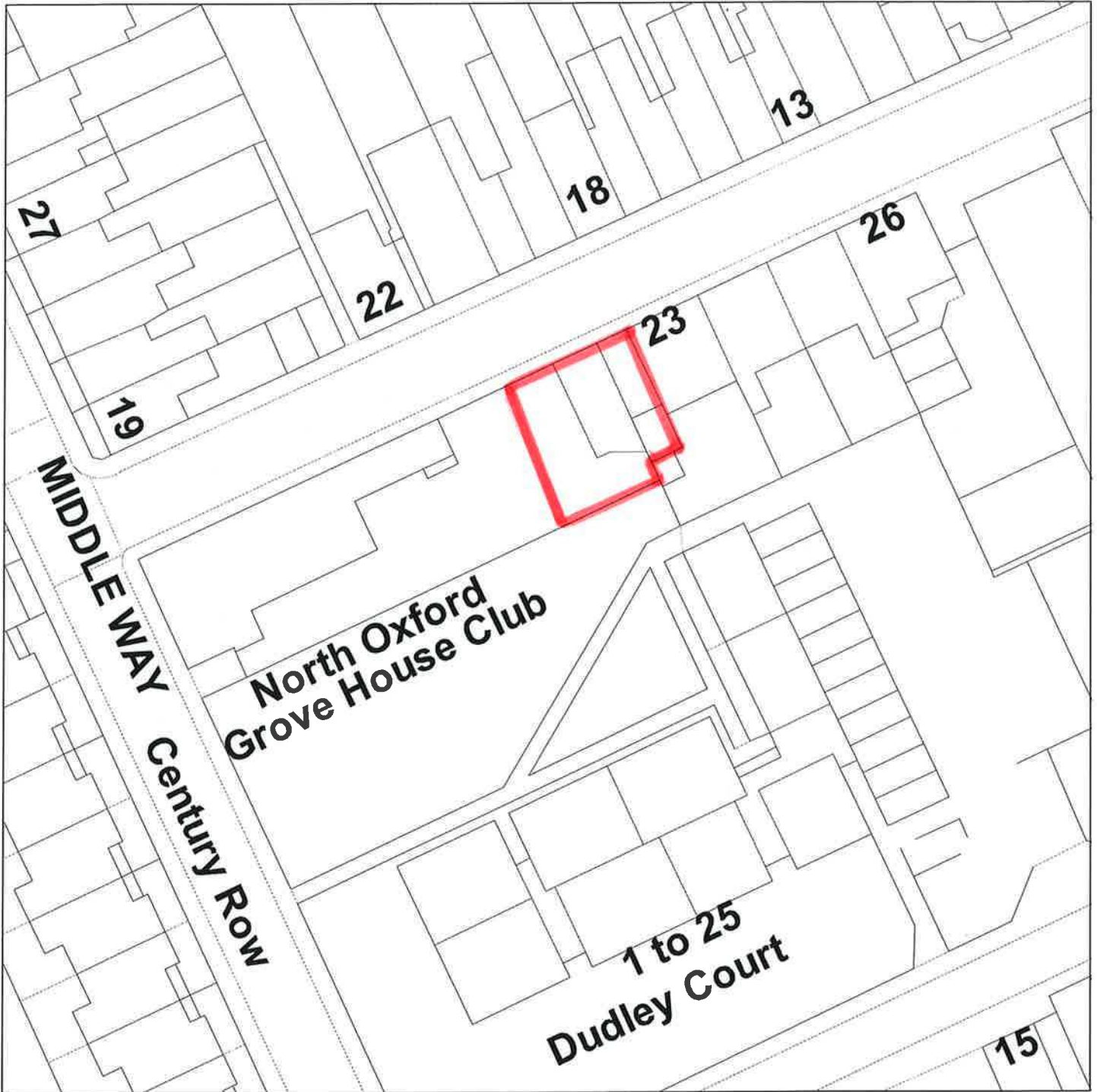
Contact Officer: Hannah Revell

Extension: 2241

Date: 29 October 2012

APPENDIX 1

Grove House Club, Grove Street



Scale : 1:500

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	Oxford City Council
Department	City Development
Comments	
Date	29 October 2012
SLA Number	Not Set

City Development
Planning Control and Conservation

E: planning@oxford.gov.uk F: 01865 252144

St Aldate's Chambers
109 – 113 St Aldate's
Oxford OX1 1DS

Central Number 01865 249811

www.oxford.gov.uk



On Behalf of: Mr V Patel
C/o Mr Tony Reedman
Oxford Architectural Design Ltd
Aelfric Court
2 Oxford Road
Eynsham
Oxfordshire
OX29 4HG

APPLICATION FOR PLANNING PERMISSION
Town and Country Planning Act 1990

DECISION DATE: 10th September 2012

PROPOSAL: Erection of 2x2 bedroom dwellings. Provision of cycle parking, bin stores and private amenity

AT: Grove House Club Grove Street Oxford

NOTICE OF REFUSAL OF PLANNING PERMISSION

12/01394/FUL

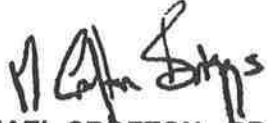
Following consideration of the application in respect of the proposal outlined above it was resolved to **REFUSE PLANNING PERMISSION** for the following reasons:-

REASONS :

- 1 The proposed development would be unneighbourly due to the lack of privacy and overlooking of the neighbouring properties, especially the rooflight to the kitchen extension of no.23. The development as proposed is therefore contrary to policies CP1, CP10, HS19 and HS21 of the Oxford Local Plan 2001-2016.
- 2 The proposed development is considered to constitute over development of the site and results insufficient private garden and amenity space contrary to policies CP1, CP6 and HS21 of the Oxford Local Plan 2001-2016.



**INVESTORS
IN PEOPLE**



MICHAEL CROFTON - BRIGGS
Head of City Development

IT IS IMPORTANT THAT YOU SHOULD READ THE NOTES ACCOMPANYING THIS NOTICE

This page is intentionally left blank