

**West Area Planning Committee**

-7th November 2012

**Application Number:** 12/01294/FUL

**Decision Due by:** 2nd August 2012

**Proposal:** Extension of basement to form habitable space. Provision of fire escape to front elevation and light well to rear.  
(Retrospective) (Amended plan)

**Site Address:** 30 Bartlemas Road  
**(Site Plan: Appendix 1)**

**Ward:** St Clement's Ward

**Agent:** Mr Stephen Ingram

**Applicant:** Mr Rana

**Application Called in –** by Councillors – Clack, Malik, Coulter, Clarkson, Rowley and Curran

for the following reasons – Potential over-development

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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 and subject to the proposed conditions will not lead to residential accommodation of a poor environmental standard or have a significant effect on the current and future occupants of adjacent properties . The proposals therefore comply with Policies CP1, CP8, CP10, HS19 and HS20 of the adopted Oxford Local Plan 2001 – 2016 and Policy CS18 of the Core Strategy.
- 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.

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 No more than six residents
- 4 Basement accommodation not to be used as bedrooms

**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

**TR3** - Car Parking Standards

**HS15** - Housing in Multiple Occupation

**HS19** - Privacy & Amenity

**Core Strategy**

**CS18\_** - Urban design, town character, historic environment

**Sites and Housing Plan - Submission**

**HP7\_** - Houses in Multiple Occupation

**Other Material Considerations:**

National Planning Policy Framework

**Relevant Site History:**

76/00324/A\_H - Extension to form W.C. and kitchen. PER 11th June 1976.

12/00292/FUL - Proposed single storey rear extension and front fire-escape from basement (Amended plans).. PER 2nd April 2012.

**Representations Received:**

Comments and objections have been received from:

18, 30, 31, 32, 33, 34, 42, 52 and 58 Bartlemas Road

3 and 49 Southfield Road

33 Bartlemas Close

These comments and objections can be summarised as follows:

Intensification of HMO use in an area already overcrowded with HMOs.

Parking pressures

Increase in noise, disturbance and intensification of use

Loss of privacy

Loss of amenity

Loss of light,

Effect on local ecology

Risk of flooding

Effect on character of area

Information missing from plans

Overdevelopment

Access

Effect on existing community facilities

Increase in pollution

Unrealistic description of rooms.

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

Local Highway Authority: No objections

### **Issues:**

Design

Intensification of use

Effect on adjacent occupiers

Internal environment

Parking / traffic

### **Officers Assessment:**

#### Site description and background

1. 30 Bartlemas Road is a detached brick built house with a cellar under part of the house. The current owner has developed the property with a single storey rear extension approved under application 12/00292/FUL, which also gave permission for the provision of a fire escape to the existing basement space to the front of the house.
2. These works have now been completed, along with the digging out and formation of a further habitable space under the rear of the house, which the applicant appeared to believe to be permitted development not requiring planning permission.
3. However, the works on digging out the basement and providing the fire escape / lightwell commenced as part of the same operation as the works that did require planning permission and therefore also required planning permission. It is noted that the current application includes the provision of the fire escape, although this was approved by the previous application.

### Use of site

4. Officers are satisfied from their records that the current legal use of 30 Bartlemas Road is as a Class C4, small HMO. This use was established before 24<sup>th</sup> February 2011 and is therefore not subject to the Article 4 direction that was served on that date.
5. A Class C4, small HMO will allow occupation by up to 6 unrelated persons, whilst occupation by more than 6 unrelated persons would constitute a sui generis, large HMO according to the Town and Country Planning (Use Classes) 1987 (as amended).
6. The plans provided with the application show three bedrooms, a large L shaped kitchen plus four further rooms described as: Dining room, living room, study / computer room and games / sitting room. Officers consider that in terms of the accommodation provided, the property would lend itself to accommodating more than 6 tenants as a sui generic, large HMO.
7. It is noted that such a change of use is not proposed as part of the current application, and that a change of use to a large HMO would require permission. The applicant has indicated that there will be no more than 6 tenants on site and that the basement accommodation will not be used as bedrooms, thus not increasing the potential capacity of the property, and they will accept a condition to this effect.

### Principle of development

8. The main issues for consideration are considered to be: Design, Intensification of use, Effect on adjacent occupiers, Internal environment, Parking.

### Design

9. 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.
10. The front fire escape / light well creates an opening in the ground to the front of the bay window that is clearly visible from the public domain. However such arrangements are common in the wider local area and it is not considered to be harmful to visual amenity, particularly as the bay window will be extended below current ground level.
11. In any event, the fire escape already has the benefit of planning permission and it is not considered that the digging out of the basement and rear light well have a material effect on visual amenity. The proposal is not considered to be materially out of character with the existing house or local area, will not be

harmful to visual amenity and complies with Policies CP1 and CP8 of the OLP and CS18 of the Core Strategy.

#### Intensification of use

12. All residential properties will create a level of noise and disturbance and it would be unreasonable to suggest that tenants sharing a house will create more noise and disturbance than other patterns of occupation. However, where there are substantial numbers of unrelated persons sharing a property, the pattern of disturbance may be increased or extended, in terms of multiple activities taking place at the same time or multiple comings and goings to the property throughout the day.
13. In this case, officers are concerned that the increase in rooms could facilitate an increase in the number of tenants which may lead to such an increase in disturbance.
14. However, the house was until recently a three bedroom house with two reception rooms, let as a small HMO. Bearing in mind that two of the rooms could be described as double rooms, the accommodation could have supported 6 tenants, if not more. The digging out of the basement has extended the accommodation, but the current C4 use is defined by the Use Class order as up to 6 tenants, with more than 6 tenants being in a use of its own and therefore requiring an application for a change of use.
15. It is considered therefore that denying planning permission because of an intensification of use within the existing use class would be unreasonable. However it is noted that no change of use class is proposed as part of the application, and it is considered prudent and reasonable to confirm this situation by a condition of planning permission.

#### Effect on adjacent properties

16. The development is considered to form an acceptable visual relationship with the existing building and local and subject to the proposed conditions will not lead to residential accommodation of a poor environmental standard or have a significant effect on the current and future occupants of adjacent properties. The proposals therefore comply with Policies CP1, CP8, CP10, HS19 and HS20 of the adopted Oxford Local Plan 2001 – 2016 and Policy CS18 of the Core Strategy.
17. 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.

#### Internal environment

18. Policy HS19 also requires development to provide adequately for the protection or creation of the privacy and amenity of the occupant of existing

properties and policy HS20 states that developments involving residential uses should provide a good environmental standard within each dwelling.

19. The inclusion of the fire escape and a lightwell to the rear of the property will bring natural light into areas of the basement that would otherwise be overly dark, and overall, the proposals are considered likely to result in a reasonable standard of residential amenity for current and future occupants and policies HS19 and HS20 of the OLP.
20. It is considered prudent and sensible for any grant of planning permission to be conditional on the development being carried out entirely in accordance with the approved plans and that the basement accommodation be used as part of the existing house and not subdivided.

### Parking and traffic

21. 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.
22. Appendix 3 of the OLP gives a maximum standard of two parking spaces for a three bedroom house and three spaces for a house with four or more bedrooms. There is currently no parking at the property and none is proposed.
23. It is noted that no increase in bedrooms is proposed in the application, but that the additional space could easily be used as bedrooms subject to the limitations of the existing use class. Were the additional accommodation used to facilitate a more intensive use of the building, this may lead to an increased pressure on parking and on local traffic movements.
24. With this in mind, officers consider that a reasonable approach would be to grant planning permission subject to a condition excluding other uses of the building (such as a large HMO) to ensure the development complies with Policy TR3 of the adopted Oxford Local Plan 2001 – 2016.

### Other issues

25. Officers have considered the likely effect of the development on local ecology, flooding, pollution and existing community facilities. Whilst the development may have an effect in these areas, the likely scale of any effect is not considered such that it would be a material consideration in the determination of the application.
26. Officers note the comment relating to the description of rooms on the plans and are mindful that three bedrooms could reasonably provide six bed spaces. Use of the communal rooms as bedrooms may not require a further

grant of planning permission, but consider that were the number of tenants to exceed six persons, then this would constitute a large (Sue Generis) HMO and are of the opinion that such a use would require a further grant of planning permission. A condition has been recommended to confirm this.

27. Officers note the comments relating to the effect of the development on the structure of adjacent property. Unfortunately this is not is not a planning matter and can not form part of the process of determination of the application.

**Conclusion:**

28. For the reasons set out above, officers consider that on balance, the development forms an acceptable visual relationship with the existing building and local area and subject to the proposed conditions will not lead to residential accommodation of a poor environmental standard or have a significant effect on the current and future occupants of adjacent properties. The proposals therefore comply with Policies CP1, CP8, CP10, HS19 and HS20 of the adopted Oxford Local Plan 2001 – 2016 and Policy CS18 of the Core Strategy. The application is therefore recommended for approval.

**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: 12/01294/FUL**

**Contact Officer:** Tim Hunter

**Extension:** 2154

**Date:** 24th October 2012

# 30 Bartlemas Road

12/01294/FUL



**Legend**

Scale: 1:1250



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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	
<b>Date</b>	29 October 2012
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