

East Area Planning Committee

4th December 2012

Application Number: 12/02531/FUL

Decision Due by: 27th November 2012

Proposal: Conversion of existing 1x1 bedroom and 1x2 bedroom dwelling in to 2 x 3 bedroom dwellings [Use Class C3] following alterations to the front fenestration and a 2 storey extension to side and rear

Site Address: 109A And 109B Lime Walk, Oxford [Appendix 1]

Ward: Headington Ward

Agent: Mr Robert Pope

Applicant: Mr Zaid Bakhsh

Application called in by Councillors Rundle, Fry, Jones and Wilkinson on grounds of bulk and design.

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposal forms an appropriate visual relationship with the existing building and the surrounding development and would appear sympathetic with the character of the local area. The existing buildings are in a poor state of repair and the proposal would provide 2 new family dwellings. No objections have been received from statutory consultees and the proposal complies with adopted policies contained in both the Oxford Local Plan 2001 - 2016 and the Oxford Core Strategy 2026.
- 2 An objection has been received from a local resident and the comments made have been carefully noted. However it is considered that the points raised do not constitute sustainable reasons for refusing planning permission and that the imposition of appropriate planning conditions will ensure a good quality development that will relate satisfactorily to its neighbours and appear in keeping with the street scene.
- 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 Materials - matching
- 3 Develop in accordance with approved plans
- 4 Boundary details before commencement
- 5 Design - no additions to dwelling
- 6 Bin stores and cycle parking
- 7 Construction Travel Plan
- 8 Variation of Road Traffic Order
- 9 Sustainable design/construction
- 10 No additional windows – side elevations
- 11 Reinstate dropped kerbs prior to occupation
- 12 No first floor side windows
- 13 Tree Protection Plan
- 14 Use Class C3 only

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
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities
- NE15** - Loss of Trees and Hedgerows
- HS19** - Privacy & Amenity
- 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 - Submission

- HP9_** - Design, Character and Context
- HP10_** - Developing on residential gardens
- HP13_** - Outdoor Space
- HP15_** - Residential cycle parking
- HP14_** - Privacy and Daylight
- HP16_** - Residential car parking

Other Material Considerations:

National Planning Policy Framework

Relevant Site History:

None

Representations Received:

1 letter received from the occupier of 1 Nursery Close objecting on grounds that the proposal is completely out of character with the existing row of Victorian houses, would create multiple occupancy, noise and disturbance and would lead to overcrowding and car parking problems.

Statutory and Internal Consultees:

Thames Water: No objection on grounds of either surface water or sewerage infrastructure but recommends that the applicant makes contact regarding the details of the scheme.

Oxfordshire County Council as Local Highway Authority [LHA]: No objection subject to the following conditions and informatives:

- Each dwelling to be eligible for one residents parking space only
- The applicant to agree highway works for the reinstatement of dropped kerbs
- The submission and approval of a Construction Travel Plan

Issues:

- Principle
- Form and appearance
- Impact on neighbours
- Highways and parking
- Private amenity space
- Trees

Sustainability:

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

The Design and Access statement accompanying the application makes the following statements:

- Energy conservation construction measures and appliances will be used
- The building will be sealed from outside to prevent heat loss
- The dwellings will use appliances that result in the use of less water
- A waste management system throughout construction

Condition 9 requires the submission of further details regarding sustainable construction and design measures that would be incorporated into the dwellings.

Officers Assessment:

Site location and description

1. The application site lies on the east side of Lime Walk at its junction with Nursery Close and comprises a two storey brick building with a slate roof together with a glazed, single storey link that has been used in the past as a shop but has been unoccupied for some time and is in a semi-derelict state. The brick building is currently in use as a 1 x 1 bedroom flat on the ground floor and a 1 x 2 bedroom flat on the first floor. There is also a basement area which is used as a store and games room together with a rear amenity area which contains a number of dilapidated sheds.
2. Lime Walk is characterised by a mix of largely residential dwellings and lies in close proximity to the Headington District Shopping Centre.

The Proposal

3. The application seeks planning permission to demolish the commercial building together with all the dilapidated garden structures and erect two storey side and rear extensions to form 2 x 3 bedroom dwellings together with cycle parking, bin stores and private amenity space. The front elevation of the building would be altered by the addition of new entrance doors and new windows and at the rear of the building, the two storey extensions would be pulled in some 2 metres from both side boundaries of the site.
4. The rear extension would have a lower ridge height than the host dwelling and would be erected using matching facing brick and slates for the roof. Two new, ground floor side windows would be inserted to serve the new dining room. The basement area would provide two store areas to serve each dwelling.
5. The proposed development would be 'car free' with no off street parking facilities.

Principle

6. The National Planning Policy Framework [NPPF] was issued in March 2012 and has superseded previous Government advice set out in the various PPG's and PPS's. Whilst it may be a very substantial change in the form of national policy, the NPPF largely carries forward existing planning policies and protections in a significantly more streamlined and accessible form.
7. The NPPF stresses the importance of steering new development to previously developed land [PDL] but specifically excludes garden land from this. It also introduces a presumption in favour of sustainable development which means that Local Planning Authorities should approve applications that comply with the Development Plan, in this case the Oxford Local Plan and the Oxford Core Strategy. Both of these plans

contain up to date policies that do not conflict with the general principles of the NPPF.

8. The application site is a residential plot and there is no 'in principle' objection to the renovation and extension of the existing building.

Form and appearance

9. 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. Policy CP8 states 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.
10. Policy CS18 of the Oxford Core Strategy stresses the importance of good urban design and high quality architecture that will contribute to an attractive public realm.
11. The proposal would involve extending the existing brick building from its current width of 10 metres to 14.5 metres and from its current depth of 7.5 metres to 12.5 metres. The extensions would be erected in matching materials and officers take the view that the form of the extensions would appear in keeping with the character of the existing building and positively improve its appearance. Both the new front and rear elevations would be symmetrical in form and, whilst the building would increase in size, it is considered that it would retain a cottage style character when viewed from Lime Walk.
12. Pedestrian walkways would be retained at both sides of the new dwellings to enable bins and cycles to be moved to the front of the building.

Impact on neighbours

13. 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 occupiers of the proposed and existing, neighbouring, residential properties.
14. The application site lies on a corner plot and the only other property potentially affected by the proposed extensions is number 111 Lime Walk. Occupiers of the dwellings in Nursery Close to the side and rear of the site will be able to see the proposed extensions but the separation distances are such that there is unlikely to be any adverse impact in terms of overlooking and loss of privacy.

15. The proposed single storey rear extension would project some 4 metres from the rear wall of number 111 at a distance of 1 metre from the joint boundary. The two storey element of the scheme would be pulled in from the boundary by 2 metres. The proposal does not breach the 25/45 degree rule and it is considered that there would not be any adverse impact on the privacy and amenity enjoyed by the occupiers of number 111 Lime Walk.

Highways and parking

16. Oxfordshire County Council as Local Highway Authority is not raising any objection to the application on grounds that the site lies in a sustainable location, Lime Walk has parking restrictions on both sides of the road and is subject to a 20 mph speed restriction.
17. The LHA is content to allow the existing residential car parking permits for the two existing flats on the site to remain for the 2 proposed dwellings. Therefore the lack of any on site car parking is not an issue. Residents of the new dwellings will not be eligible for any further resident parking permits or any visitor parking permits. The two existing dropped kerbs need to be removed and the kerb reinstated which will provide an additional car parking space.
18. The LHA is also requesting that a Traffic Management Plan be submitted and approved before any works commence on site as the site lies within a sensitive area where parking is controlled and some car parking spaces will have to be temporarily suspended during construction work.

Private amenity space

19. 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 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.
20. The proposed new dwellings would both be served by private rear gardens measuring 10 metres in length and 8 metres in width and it is considered that this level of garden provision is acceptable.

Trees

21. Whilst there are no significant trees on the site that may be affected by the proposal, there is a fine Maple tree located in the communal grassed area adjacent to the site. Although the new extensions will encroach into the Root Protection Area of this tree, the area of encroachment is relatively small. Also given the age and physiological condition of the tree, officers are confident that it will not be harmed if appropriate care is taken

within the site during the construction phase of the development. It will probably be necessary to erect scaffolding between the building and the site boundary to construct the extensions and the ground should be protected from compaction in this area. In addition the building contractors should not use the grassed area to store materials or park vehicles. A condition is recommended that would require the submission and approval of a tree protection plan prior to the commencement of the development.

Conclusion:

22. The proposal forms an appropriate visual relationship with the existing building and the surrounding development and would appear sympathetic with the character of the local area. The existing buildings are in a poor state of repair and the proposal would provide two, new family dwellings. No objections have been received from statutory consultees and the proposal complies with adopted policies contained in 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:

12/02531/FUL

Contact Officer: Angela Fettiplace

Extension: 2445

Date: 15th November 2012

This page is intentionally left blank