

**East Area Planning Committee**

4th December 2012

**Application Number:** 12/02285/FUL

**Decision Due by:** 1st November 2012

**Proposal:** Conversion of existing restaurant to provide an additional 1x2 bed flat, erection of a 1x2 bed dwelling and 1x3 bed dwelling [sall Use Class C3] with associated parking (amended plans) (Amended plans)

**Site Address:** 18 Cowley Road Littlemore Oxford [Appendix 1]

**Ward:** Littlemore Ward

**Agent:** Mr Damon Ball

**Applicant:** Mr Iftikhar Ahmed

Application called in by Councillors Tanner, Seamons, Lygo, Van Noojen, Rowley and Kennedy on grounds of overdevelopment, height, overlooking and local concerns.

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## **Recommendation:**

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposal is considered to form an appropriate visual relationship with the site and its surroundings and would preserve the special character and appearance of the Littlemore Conservation Area. Oxfordshire County Council as Local Highway Authority is not raising an objection to the application and the proposal complies with adopted policies contained in both the Oxford Local Plan 2001 - 2016 and the Oxford Core Strategy 2026.
- 2 Objections to the scheme have been received from Littlemore Parish Council, The Society of Work with International Centre of Newman Friends [9 College Lane] and two other local residents and the comments made have been carefully considered. However the Council takes the view that the points made do not constitute sustainable reasons for refusing planning permission and that the imposition of appropriate planning conditions will ensure a good quality form of development that would relate satisfactorily to neighbouring properties and to 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 Develop in accordance with approved plans
- 3 Samples in Conservation Area
- 4 Design - no additions to dwelling
- 5 Amenity no balcony
- 6 Amenity no additional windows north, south, east or west,
- 7 Obscure glazed first floor window
- 8 Velux rooflights - cill height of 1.7 m
- 9 New stone boundary wall
- 10 Boundary details before commencement
- 11 Landscape plan required
- 12 Landscape carry out by completion
- 13 Landscape hard surface design - tree roots
- 14 Sustainability design/construction
- 15 Cycle parking and bin stores
- 16 Permeable block paving for car park
- 17 Provision of bollards
- 18 Car parking spaces
- 19 Construction Travel Plan
- 20 Landscape Management Plan
- 21 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
- CP11** - Landscape Design
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities
- HE7** - Conservation Areas
- NE15** - Loss of Trees and Hedgerows
- 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

**HP13\_** - Outdoor Space

**HP14\_** - Privacy and Daylight

**HP15\_** - Residential cycle parking

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**Other Material Considerations:**

National Planning Policy Framework

This application is in or affecting the Littlemore Conservation Area.

**Relevant Site History:**

87/00380/PN: Conversion of barn to bar/games room and extension to first floor flat. Approved

10/00523/FUL: Erection of extraction flue and associated works. Approved.

10/01736/FUL: Demolition of garage and erection of conservatory and patio. Approved

The site the subject of this application was formerly known as the Blue Mile Public House which ceased trading in May 2009. The premises then opened as the Anglo/Asian Restaurant which ceased trading in March 2012.

**Representations Received:**

Letters of objection have been received from the occupiers of numbers 16 and 18 Piple Furlong and Ambrose Cottage, 9 College Lane to the rear of the site. The main points raised can be summarised as follows:

- Objection only to the new dwelling in the car park
- Loss of daylight and sunlight to gardens and living rooms at 18 and 17 Piple Furlong
- Impact of the shadow on pond and wildlife [17 Piple Furlong]
- The new building will dominate the sky line and appear overbearing and claustrophobic
- Additional noise from residents, cars and visitors
- The parking arrangement is inadequate and unworkable and there is no visitor parking proposed
- There is already parking stress in the local area
- Piple Furlong is a private road and the developer cannot assume access to the site will be permitted by the Management Company
- A new gravel surface to the car park would be noisy
- 18 Piple Furlong is sited 1 metre lower than the ground level of the proposed new dwelling and the living room is a glazed rear extension
- The proposed 6 metre high new dwelling would cause a sense of enclosure, be overbearing and overshadow the garden [number 18]
- The site must be properly managed in terms of landscaping
- The proposed new dwelling will block out sunlight from 2 – 3 pm in the

summer months and earlier in the winter [number 18]

- The new dwelling should be pulled away from the boundary with number 18 to ensure proper maintenance is possible
- If permission is granted a new, good quality stone wall should be erected along the boundary to number 18
- Windows in the new dwelling that face towards number 18 should be obscure glazed and velux rooflights should have minimum cill heights of 1.7 metres
- Both dwelling 1 and 2 are very close to the premises of The College and endangers the privacy of its garden which is used by many groups and visitors from around the world to meditate and pray in peace
- Dwelling 2 should be moved further away from Ambrose Cottage and should be single storey only

**Statutory and Internal Consultees:**

Littlemore Parish Council: Objection on grounds of adverse impact on neighbouring properties.

Thames Water: No objection on grounds of either surface water or sewerage infrastructure.

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

- Car parking area to be constructed of permeable paving and be SUDS compliant
- Provision of 8 off street car parking spaces, secure and sheltered cycle parking and bollards to front and side to prevent indiscriminate car parking
- No discharge of surface water onto the adjacent public highway
- Applicant to enter into a Unilateral Undertaking in respect of the provision of double yellow lines at the junction of Cowley Road and Pibley Furlong
- Approval of a Traffic Management Plan
- Entrance gates should not open outwards onto the highway
- Provision of visibility splays

**Issues:**

- Principle
- Form and appearance in the Conservation Area
- Highways and parking
- Private amenity space
- Balance of dwellings
- Impact on neighbours
- Trees and landscaping
- Bin and cycle storage

**Sustainability:**

The site lies in a sustainable location within easy access of shops, services and public transport links and the proposal to convert the existing buildings on the site to residential use and to erect a new family dwelling at the rear of the site would make more efficient use of an existing brownfield site which currently displays a large,

unused and unattractive car park.

The Design and Access Statement submitted with the application states that the new build will be heavily insulated and would be likely to achieve a minimum equivalent of code level 4 for sustainable homes. Low energy lighting and energy efficient appliances will be fitted throughout and the implementation of P.V's will be considered on the south facing slopes. It goes on to say that the existing stone buildings will be upgraded to meet current building regulations and will take advantage of natural solar gain. In addition sustainable surface water drainage will be implemented and rainwater butts will be added to each dwelling. A condition has been added requiring additional details in respect of sustainable construction and design.

### **Officers Assessment:**

#### Site location and description

1. The application site lies on the east side of Cowley Road with vehicle access off Piple Furlong. It accommodates a substantial, two storey, brick building which was erected in the 1920's or 1930's as a public house and displays multipane casement windows and gable features fronting Cowley Road. The building has been extended at the rear by way of a lightweight entrance structure that links the different parts of the building.
2. The accommodation currently comprises the ground floor restaurant and associated facilities which has been closed since March 2012, a first floor two bedroom flat which is occupied by the owner of the building and a single storey stone building which has been used as an additional bar and games room. The remainder of the site is a car park bounded by stone and brick walls of differing heights.
3. The site is surrounded by residential development – to the north are the two and a half storey Piple Furlong dwellings, to the south is the private garden of Ambrose Cottage which is occupied by Sisters belonging to The Society of the Work with International Centre of Newman Friends [The College] and to the east are numbers 18 and 17 Piple Furlong, a pair of older cottages together with their small gardens.
4. The site lies within the Littlemore Conservation Area.

#### The Proposal

5. The application seeks planning permission to convert the ground floor of the former restaurant to a two bedroom flat and convert and extend the existing stone building to form a two bedroom dwelling. Part of the rear extension of the building would be demolished to provide a private courtyard for the new, two bedroom flat, surrounded by a new stone wall.
6. The application also seeks planning permission for the erection of a new, three bedroom dwelling at the rear of the site and this would be erected using matching natural stone, red brick and clay roof tiles. Amended plans

have been submitted that pull the new dwelling away from the boundary with 18 Pibley Furlong and Ambrose Cottage by between 1.5 and 1.99 metres and reduce the height of the new dwelling to 5 metres adjacent to the boundaries of these neighbouring dwellings and 6 metres at its highest point.

7. The development would be served by a total of 8 on site car parking spaces with cycle parking being provided in the individual garden areas. A communal bin store is shown close to the entrance to the site. All of the existing walls on the site would be retained and repaired where necessary and the low stone wall along the boundary of the site with 18 Pibley Furlong would be increased in height to 1.8 metres.

### Principle

8. The National Planning Policy Framework [NPPF] was issued in March 2012 and has superceded previous Government guidance 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.
9. The NPPF stresses the importance of steering new development to previously developed land [PDL] and 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 adopted Oxford Local Plan and the Oxford Core Strategy. Both of these plans contain up to date policies that do not conflict with the general policies of the NPPF.
10. The change of use of the building from a public house to a restaurant was carried out as 'permitted development' under the terms of the 1987 Use Classes Order 1987 [as amended]. Drinking establishments comprise Use Class A4 and there is a permitted change to Use Class A3 – restaurants and cafes. However the only permitted change from Use Class A3 is to Use Class A1 [shops] or Use Class A2 [financial and professional services] and therefore the premises could not revert back to being a public house without planning permission. For this reason, officers take the view that the loss of the former public house is not a relevant consideration in the determination of this application. However the application is accompanied by an estate agent's letter which sets out how the premises have been marketed since September 2011 and it is the case that there is an existing public house in College Lane to the south of the application site.

### Form and appearance in the Conservation Area

11. Littlemore Conservation Area was designated in 1995 and includes the surviving features of the agricultural village and examples of the many types and styles of buildings among which they now stand. Littlemore

Conservation Area Appraisal [2008] was prepared with the aim of preserving and enhancing the character and appearance of this heritage asset.

12. In 1995 outline planning permission was granted for the 15 houses now known as Piplely Furlong and the following year consent was given for the necessary demolition of the disused dairy and other buildings on the site. An application to demolish 17 and 18 Piplely Furlong was resisted in 2001 on grounds of their historic interest being representative of a building type characteristic of a rural, farming community.
13. 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 does would be compatible with both the site itself and the surrounding area. Policy CP8 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. In addition policy HE7 states that development should preserve or enhance the special character and appearance of conservation areas.
14. Policy CS18 of the Oxford Core Strategy emphasises the importance of good quality urban design and architecture and its contribution towards an attractive public realm.
15. The existing building at 18 Cowley Road makes a positive contribution to the Cowley Road streetscene and this elevation would remain largely unchanged as a result of the development proposals except for some minor decorative improvements. Officers take the view that the removal of part of the more modern, rear extensions would positively improve the appearance of the rear of the building as viewed from Piplely Furlong and the sensitive conversion of the existing stone building which would include replacement doors and windows and the erection of a single storey, flat roofed extension would also benefit the overall appearance of the site. There is no proposal to increase the height of this building and its appearance as viewed from the car park would not materially change.
16. The proposed new dwelling at the rear of the site would be erected using a mix of natural stone, red brick and clay tiles and would be part single storey and part two storey with the provision of one bedroom and bathroom within the roofspace. It would have a maximum roof height of between 5 and 6 metres. The new dwelling would not be visible from the Cowley Road but would be visible from Piplely Furlong and some surrounding residential properties.

17. The proposal includes the removal of all the existing concrete surfaces and their replacement with permeable block paving. It is considered that this will significantly improve the visual appearance of the site and the conservation area given its current poor level of maintenance.

#### Highways and parking

18. Oxfordshire County Council as Local Highway Authority is not raising any objection to the application subject to the imposition of a number of conditions and informatives as set out earlier in this report. Revised plans have been submitted to show visibility splays, vehicle tracking and the provision of bollards at the front and side of the existing building to prevent indiscriminate parking on the roadside which are all matters that have been raised by the Local Highway Authority. Conditions 15 – 19 all relate to highway matters.

#### 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 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. Policy HP13 of the emerging Sites and Housing Plan 2012 is not so specific regarding garden sizes but states that new houses of two or more bedrooms should have a private garden of adequate size and proportions for the size of the house proposed and for exclusive use of the occupiers of that property.
21. The new three bedroom dwelling would have a south facing garden between 5 and 9 metres long and 17 metres wide and this is considered to be a generous garden area. The converted two bedroom dwelling would also have a south facing garden 6 metres long and 10.5 metres wide and this is also considered to be an acceptable garden area. The new ground floor, two bedroom flat would have an external courtyard with a new boundary wall that would measure approximately 8 metres in length and between 5 and 6 metres in width which is considered to be acceptable relative to the size of the flat.

#### Balance of dwellings

22. 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 adopted 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 wherein new developments of between 4 – 9 dwellings should include a proportion of three bedroom family houses. However for developments of up to 3 new dwellings, the only criteria is that there should be no loss of a family dwelling.

23. The proposal is for 2 x 2 and 1 x 3 bedroom additional units as the existing two bedroom first floor flat already exists. The proposal therefore complies with the BoDS SPD.

### Impact on neighbours

24. 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.
25. The properties potentially affected by the proposals, particularly the new dwelling, are numbers 18 and 17 Piplely Furlong to the east and Ambrose Cottage to the south. Objections to the original plans have been received from the occupiers of all three of these properties and the comments made are set out earlier in this report.
26. The revised plans that have been submitted pull the new dwelling away from the boundaries with 18 Piplely Furlong and Ambrose Cottage by between 1.5 and 1.99 metres and significantly reduce the bulk of the new dwelling. In terms of overall height, the new dwelling would be 1 metre lower than originally proposed adjacent to these joint boundaries and the form of the roof has been altered from a half hip to a full pitch which would slope away from the neighbouring properties. The eaves height of the new dwelling would be 2.4 metres.
27. Officers are aware that numbers 18 and 17 Piplely Furlong sit approximately 1 metre below the ground level of the application site and it is for this reason that the occupiers of these properties are concerned that the new dwelling would appear unacceptably overbearing in their outlook and would cut off light to their garden and living areas. Application of the 25/45 degree rule does indicate that the reduction in the bulk of the new dwelling, the lower roof height and the re-siting of the new dwelling further away from the joint boundary has resulted in there being no breach in terms of either a 25 or 45 degree line drawn from the ground floor living room window or the first floor bedroom window at number 18. There is another small ground floor living room window that is sited close to the 1.8 metre boundary fence. Given the lower ground level and the existing fence, this window is already compromised in terms of the light it receives and officers do not consider this situation would be significantly affected by the proposals. Furthermore the applicant has agreed to replace the existing fence by building up the section of the stone wall between number 18 and the site boundary to a height of 1.8 metres and the occupier of number 18 has confirmed her acceptance of this. This would mean that the new stone wall would be higher than the top of this window which

would compromise its outlook.

28. In terms of the impact on Ambrose Cottage, the new dwelling would project 4.3 metres in front of an existing single storey rear extension; however there would be no breach of a 45 degree line drawn from the ground floor window. Concerns have been raised by two resident Sisters that the proposal will cause additional noise and disturbance that would destroy the peace and quiet of the College gardens. The proposed dwelling is a modest family dwelling, the occupation of which is unlikely to result in excessive noise or disturbance. In addition, it is the case that should the premises re-open as a restaurant, the noise and disturbance from cars and customers arriving and leaving would be likely to be far more intrusive than a residential use.
29. Overall, officers are satisfied that the changes made to the proposed new dwelling render it acceptable in terms of its relationship with neighbouring properties. The new dwelling will be visible from 18 and 17 Piple Furlong and Ambrose Cottage. However it is considered that there will be no significant loss of daylight and sunlight and that the new dwelling would not appear unacceptably overbearing in the outlook from these neighbouring dwellings such as to warrant a refusal of planning permission.

#### Trees and Landscaping

30. There are a number of mature trees along the northern boundary of the site and at the site entrance and these are all proposed to be retained. They would not be affected by the new build but their roots could be damaged by the proposed resurfacing of the site with permeable interlocking blocks. For this reason a condition is recommended that would require a method statement for all new hard surfaces prior to the commencement of development.
31. An area of new planting is proposed as a buffer to the garden area at 18 Piple Furlong and details of this planting will be required together with other planting proposed in the private garden areas. It is also suggested that a Landscape Management Plan would ensure that the communal planting area is satisfactorily maintained.

#### Bin and cycle stores

32. The plans show individual cycle parking within the amenity areas of the three new residential units although no details have been provided as to their means of enclosure. A communal bin store is shown sited close to the site entrance although again there are no details of an enclosure. For this reason a condition is recommended that would require these details the provision of the facilities prior to the first occupation of the new dwellings.

## **Conclusion:**

33. The proposal is considered to form an appropriate visual relationship with the existing building and the surrounding development and would preserve the special character and appearance of the Littlemore Conservation Area. Oxfordshire County Council as Local Highway Authority is not raising an objection to the application 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:**

12/02285/FUL

**Contact Officer:** Angela Fettiplace

**Extension:** 2445

**Date:** 20th November 2012

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