

West Area Planning Committee

-12th December 2012

Application Number: 12/02208/FUL

Decision Due by: 23rd October 2012

Proposal: Demolition of existing building comprising 2 x flats. Erection of a pair of semi-detached dwellings (class C3). Provision of car parking, bin and cycle stores, landscaping and private amenity space. (Amended plans)

Site Address: 13 and 13A Blenheim Drive – Appendix 1

Ward: Wolvercote Ward

Agent: JPPC Chartered Town Planners

Applicant: Gomm Developments

Application Called in – by Councillors – Gotch, Fooks, Campbell and Wilkinson for the following reasons – overdevelopment of the site and deleterious effect on neighbours

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposal forms an appropriate visual relationship with the site and surrounding development and will be in keeping with the character and appearance of the area. The proposal will not have a detrimental impact on the residential amenities enjoyed by adjacent properties, nor on vehicle or pedestrian movements. While the loss of trees is regrettable their removal is not unacceptable and new planting will help to mitigate these losses. No objections have been received from statutory consultees and the proposal complies with adopted policies contained in the Core Strategy 2026, the Oxford Local Plan 2011-2016, and the Sites and Housing Development Plan Document 2011-2026.
- 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.
- 4 The Council has tried to work positively and proactively with the applicant(s) and their agent(s), including the offer of pre-application advice, discussions during the course of determination of the application and the opportunity to submit amended proposals where appropriate, in order to implement planning policy objectives, secure sustainable development and satisfy the requirements of the National Planning Policy Framework. On occasions, however, it will not have been possible to achieve acceptable proposals and applications will be refused.

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 Sustainable design/construction
- 4 Design - no additions to dwelling
- 5 Amenity no additional windows side,
- 6 Samples
- 7 Tree Protection Plan (TPP) 1
- 8 Landscape plan required
- 9 Landscape carry out after completion
- 10 Boundary details before commencement
- 11 Cycle parking details required
- 12 Bin storage
- 13 Provision of permeable parking area
- 14 Vision splays
- 15 Sustainable drainage details
- 16 Amenity windows obscure glass first and second floor bathroom windows,
- 17 No felling lopping cutting

- 18 Details of solar panels
- 19 Bio-diversity enhancements
- 20 Contaminated Land - Desktop study etc.
- 21 Construction Traffic Management Plan

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
- NE15** - Loss of Trees and Hedgerows
- HS20** - Local Residential Environment
- CP10** - Siting Development to Meet Functional Needs
- CP11** - Landscape Design
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities
- HS21** - Private Open Space
- HS19** - Privacy & Amenity
- HS20** - Local Residential Environment
- HS10** - Loss of Dwellings
- HS20** - Local Residential Environment
- NE23** - Habitat Creation in New Developments

Core Strategy

- CS23_** - Mix of housing
- CS12_** - Biodiversity
- CS18_** - Urban design, town character, historic environment

Sites and Housing Plan - Submission

- HP10_** - Developing on residential gardens
- HP12_** - Indoor Space
- HP13_** - Outdoor Space
- HP14_** - Privacy and Daylight
- HP15_** - Residential cycle parking
- HP16_** - Residential car parking
- HP9_** - Design, Character and Context
- HP1_** - Changes of use to existing homes
- HP11_** - Low Carbon Homes

Other Material Considerations:

National Planning Policy Framework

Relevant Site History:

61/10376/AH: conversion to 2 flats and extension - approved

76/00997/AH: garage – approved

89/00425/NF: conversion of garage to study and new porch – approved

Representations Received:

Representations have been received from the following addresses and their comments are summarised below:

Blenheim Drive: 1, 1A, 2, 2A, 3, 4, 7, 8, 9, 11, 12, 13, 13A, 14, 15, 16, 17, 18, 21, 22, 23, 23A, 24, 25, 26, 27, 29, 30, 31, 32, 33, 35, 36, 39, 41, 44, 45, 47, 57, 63, 65, 67; 19 Northfield Road; 12 Wyndham Way.

Statutory and Original Consultees:

- There was no pre-application consultation, an omission which should be taken into account in determining the application
- Blenheim Drive has detached family homes, one dwelling per plot, houses have front gardens, a leafy appearance, individually designed mixed styles of houses, but making a homogenous whole. Even where houses have been extended they maintain the individual and distinctive character of this well-loved road
- The character and appearance of Blenheim Drive has remained unchanged owing to the very strong design and layout principles upon which it was planned and supported by a covenant restricting development to a single house: this should guide determination of the application
- The townscape/landscape character assessment of Wolvercote Ward is high
- The current house is perfectly sound well constructed. It is located in an important corner plot and is the only one that can be fully seen from Woodstock Road. Its demolition would affect negatively the Blenheim Drive street scene.
- The proposed building would be too bulky for the plot, incongruent and discordant, dominant and out of place in the view from both directions, it would not suit the site's capacity and would create an inappropriate visual relationship with the adjoining buildings, a gross overdevelopment of the plot with a footprint that would be almost twice that found at present
- The width and height would intrude into the sense of space around the buildings. The view through between the properties will be much diminished
- The 'chalet style' is very substantially out of keeping, it does not preserve or enhance the character and appearance of the street scene, nor does it respect the unique townscape and character that exists in this neighbourhood.
- It will destroy an unusually and increasingly rare homogenous 1930s streetscape a signal that there is no protection for interesting 1930s design in North Oxford, just as there was once no protection for Victorian North Oxford. This should be a matter of great regret.
- The value of the existing properties would be changed.
- An individually designed detached house, of some architectural merit or 2 smaller semi detached, 3 or 4 bedroom houses would be more appropriate

- Within the proposed frontage, the site layout appears cramped with the two parking spaces per property shoe horned into a single forecourt hard against the boundaries and only a 1 m gap leading around the building.
- The size and massing of the proposed semi-detached properties and extent of rearward projections, as well as the proximity to the common boundaries, would affect the privacy of the current and future occupants. It would also mean a loss of free movement and quietness for all of them.
- The proposed houses would be too close to the neighbouring houses and because of their scale would have a detrimental impact upon the amenity of the neighbouring properties, particularly numbers 11 and 15 Blenheim Drive, blocking light, overlooking gardens, enforce a sense of enclosure
- Blenheim Drive is a well established and respected community and the residents have the right to have their own space without invasion of privacy
- The development will dominate and shade a side (west) facing bay window at number 11 Blenheim Drive which is 10 feet from the boundary and will seriously impact any evening light and direct sunlight significantly
- There are windows which will directly overlook the rear garden of No. 11. This will result in a loss of privacy to the private open space.
- On the proposed third storey (west elevation) of the semi closest to 11 Blenheim Drive, a dormer window is proposed to provide natural light to the new bathroom on the second floor. This new window will directly overlook 11 Blenheim Drive, and will have views which will overlook the side elevation velux windows of the bedroom accommodation on this floor.
- The 45 Degree Rule: the drawing is inaccurate, and shows the line taken from the middle window of the ground floor bay window to the sitting room on the rear elevation which is not the nearest window to the proposed development. Instead it should have been taken from the side window of the bay. Also the line shown from the first floor window on the rear elevation of the bedroom at 11 Blenheim Drive to the proposed development is inaccurate.
- The building extends double the distance into the rear garden and fails to respect the rear building line which respects each individual properties' space.
- Greater overlooking into gardens across the road
- The front garden at this property will be transformed into a parking area with bins and no sense of a garden area
- Due the size of the proposed semi-detached houses (5 dorms each), the amount of new residents, plus their corresponding cars and other vehicles, would mean a higher level of noise, rubbish and traffic unsuitable for such size of space and unbearable for the adjoining buildings' occupants
- If the new parking slots provided are not enough for all the new residents' vehicles, the amount of them parked off-site, on the street, would increase considerably, and therefore would affect the other residents' capacity of parking their own cars on the street too
- On-street parking is likely on this narrow blind corner and will increase traffic flows and the road-safety hazard. The road gets very crowded during school drop-off and pick-up times. Cars will not be able to turn round into the plot and so will reverse into the road increasing danger for inhabitants, drivers, pedestrians and cyclists.
- There will be increased traffic dangers during the construction phase

- The lilac trees sited within the boundary of 11 Blenheim Drive adjacent to the application site are mature, and also in good condition. The proposal will be within approximately 2 metres of the trees, fails to account for root protection
- The tree in the front garden is a spectacular example of an ornamental tree which adds to the visual diversity of the road
- The rear garden is a valuable wildlife corridor with a diverse habitat. The size of the rear garden would be very substantially reduced, and its division would be detrimental to wildlife: slow-worms, grasshoppers, crickets and hedgehogs, increasingly threatened in an urban context, are seen in the garden frequently.
- Retained gardens are too small for children to play in.
- The loss of trees in the rear garden is most regrettable, has to be questioned
- The existing fan-shaped back garden is one of the highlights of a walk in St Edwards School Golf Course which this development would ruin completely.
- the reduced garden and removal of trees and bushes would be detrimental to the surrounding landscape. This is against the general interest of a greener environment and public health, and would constitute a precedent for reducing other green zones in the area as well
- The proposed scheme design has failed to include any mitigation measures or enhancement through habitat creation
- This is speculative development based on greed with no regard for the interests of the residents of Blenheim Drive
- It will set a dangerous precedent in the road for placing two five bedroom properties of such height and bulk within one plot.
- Need to consider current and future residents

Statutory and Internal Consultees:

Highways Authority: no objections subject to conditions and informatives concerning size of parking spaces, surface water drainage, vehicle crossover, vision splays, cycle parking, bin storage, Construction Traffic Management Plan, access protection markings. These have been attached.

Thames Water Utilities Limited: no objections, informative concerning water pressure attached

Oxford Civic Society: the existing house, which fits harmoniously into the 1930's development of this end of Blenheim Drive, where individual detached houses relate comfortably to each other, with well-spaced but not excessive gaps, is proposed to be replaced by a pair of large semis, almost filling the frontage. It would be a bulky pretentious structure, much more obtrusive than the existing house, and would extend much further down the garden than the existing. Both its neighbours' gardens would suffer overlooking, and a sense of overbearing. No 11 would lose evening sunlight from the west, which is a significant feature of its siting. The chosen chalet style would be alien to the neighbourhood. The building would have several large gables with many windows, facing both the garden and the road, and would challenge privacy in them both.

The proposed accommodation seems out of scale. Each of the new dwellings would offer a large array of ground floor accommodation and five bedrooms, mainly with ensuite bathrooms. The sustainability implications of demolition and replacement in this case which already provides two units of accommodation are questionable, as is the provision of only four off-road parking spaces for ten bedrooms. Meeting car parking space standards will leave little scope for attractive landscaping to the front, which is such a significant feature of the character of the street.

Issues:

Demolition of the existing building
Principle of 2 semi-detached houses on this site
Impact on the street scene
Impact on neighbouring properties
Garden space and residential amenities
Impact on trees
Impact on biodiversity
Highway Matters
Contaminated land
Sustainability

Officers Assessment:The Site and its Surroundings

1. Blenheim Drive is characterised by two-storey detached houses within relatively generously sized plots. The houses are set back from the street by front gardens and have good sized often very large private gardens to the rear. There are street trees which, together with the mature trees and shrubs in front and rear gardens give the street a verdant, tree-lined appearance. This effect is enhanced by the trees and open spaces in the wider surroundings such as the St Edwards School Golf Course located to the south and east and the large residential gardens in the adjacent streets.
2. Blenheim Drive is wide with footpaths on both sides which, together with the set back of the houses gives the street a spacious feel. Where spaces are retained between buildings there are views through adding to this effect. In some parts of the street there is a more contained feel because properties are located close to their side boundaries and others have been extended close to their side boundaries. In addition some houses have been subdivided into two properties. Many houses have garages, hard-surfaced driveways and/or on-plot parking in the front garden. There is controlled on-street parking.
3. Overall in Blenheim Drive, there is a range of building ages, sizes and architectural styles, plot frontage widths, gaps between buildings and boundaries, and a variety of front garden planting, fencing/walling and parking arrangements. Notwithstanding this variety there is a pleasing and characterful unity to Blenheim Drive arising principally from the visual rhythm of large buildings set behind mature front garden planting.
4. 13/13a Blenheim Drive dates from the 1930s and is a substantial brick-built single dwelling which was converted into 2 two-bedroom flats following the grant of planning permission in February 1961.
5. The application site is located on the south side of Blenheim Drive on the outside of a corner where the street turns from a SW/NE orientation through 90 degrees to a SE/NW orientation. It is visible from the junction of Woodstock Road and Blenheim Drive although it does not dominate that view

being distant with other intervening houses and trees, and being set at an angle to the road. Moving south-west up Blenheim Drive the run of 6 buildings on the south side of Blenheim Drive (from number 3 to number 15) set up a rhythm of large properties set in spacious plots with attractive front gardens and on-plot parking. 13/13a recedes in prominence and numbers 11 and particularly 15 gradually become more dominant. 13/13a is not visible south-eastwards down Blenheim Drive because of its set-back from, and angle to the road and because it is obscured by trees and shrubs. In that view 11 Blenheim Drive which presents a much larger building frontage to the street dominates. It is understood that when in bloom, the cherry tree in the front garden of 13/13a is a significant feature of the street in its own right and when viewed from either direction.

6. The application site is one of the largest plots in Blenheim Drive (0.11ha) extending southwards in a 'fan' shape from a 13.4 metre frontage to a 31 metre rear plot width within a 48 metre plot depth. It backs onto the St Edwards School Golf Course.
7. Numbers 11, 13/13a and 15 are oriented at slight angles to one another in a 'fan' arrangement around the street corner. 13/13a was built well within its boundaries leaving significant gaps to the boundaries on both sides. The neighbouring properties are located much closer to the shared boundaries. The 2-storey gaps between them are as follows:
 - between 13/13a and 11 Blenheim Drive at the front corner is 4.2 metres and at the back 6.2m (number 11 is 1.4m from the boundary at the front and at the back; 13/13a is 2.8m at the front and 4.6m at the back);
 - the 2-storey gap between 13/13a and 15 Blenheim Drive at the front corner is 7m (with a garage intervening), and at the back 8m (number 15 is 1m from the boundary at the front and 2.8m at the back; 13/13a is 7m at the front and 5.2m at the back).
8. The roof at 13/13a is hipped from the front and steeply pitched at the sides adding to the spacious feel around it. At the rear there is a 2 storey front-to-back pitched element which is not readily visible from the street until close up or directly opposite at which points it tends to close the visual gap between numbers 13/13a and 15.
9. The rear garden contains patios, a sunken garden, lawns, mature ornamental and fruit trees together with a Robinia and a Birch, and shrub planting. The front garden has shrub planting, a mature ornamental cherry tree 6m high which the applicant has assessed as being in average condition, a low brick wall, a hard standing for a car for the residents of number 13 and a tarmac driveway and side garage for 13a. Access is via 2 dropped kerbs.

The Proposal

10. The application seeks planning permission for demolition of the existing building and the erection of a pair of 5 bedroom semi detached dwellings each with 2 off-street car parking spaces and covered cycle parking and bin stores to the required standard. At the request of officers, amended plans have been

submitted. The principal changes included reduction in the width (by 0.4m on each side) of the ground floor single storey rear element, and reduction of the height (by 1.5m) and projection (by 1.0m) of the first floor rear elements.

11. The proposed new building as amended has:
 - a main range of two storeys with rooms in the roof which is located largely on the existing footprint of buildings on the site;
 - a rear two-storey element extending centrally 4.3 metres deep by 10.3 metres wide and 6.5m high; and
 - a single storey flat-roofed element extending a further 2.9 metres rearwards into the garden (8.4 metres from the original building/proposed main range) 18.2 metres wide and 'wrapping' round the sides of the two storey element.
12. The proposed building contains two semi-detached properties which are identified in the front elevation by the incorporation of two steeply angled gables with 2-storey projecting bays with tiled roofs, joined by a central tiled covered porch extending over both front doors. The second floor rooms are contained within the apex of the gables together with side facing dormers and a hipped roof truncated by a flat roof in which are located flush solar panels.
13. The gables are replicated in the rear view with the addition of the hipped part flat-roofed first floor projection and an extensive area of single storey flat roof for the kitchen and family rooms. Chimneys are incorporated on both side walls.
14. The existing ridge heights at 11, 13/13a and 15 Blenheim Drive are 8.68m, 7.81m and 8.50m respectively. The proposed ridge height (at the apex of the gables) is 8.78m with the mid-roof matching the existing ridge height at 13/13a.
15. The proposed building is positioned in the site so that it replicates the position of the existing building and therefore maintains the front building line. The proposed building is however wider than the existing building (14.7m proposed, 8.6m existing) and thus the gaps between the proposed building and its neighbours will be less than exist at present (as previously noted, 11 and 15 Blenheim Drive are located significantly closer to the boundary than the existing building 13/13a):
 - the 2-storey gap between 13/13a and 11 Blenheim Drive at the front corner will be 2.8 metres (both 11 and 13/13a will be 1.4m from the boundary) and 4.4m at the back (number 11 is 1.4m from the boundary and 13/13a will be 3m);
 - the 2-storey gap between 13/13a and 15 Blenheim Drive at the front corner will be 2.5m (13/13a will be 1.5m from the boundary and 15 is 1m), and 5.6m at the back (both 11 and 15 will be 2.8m from the boundary).
16. The scheme proposes relatively plain, contemporary windows throughout; constructed of painted timber with natural stone heads and sills. Doors are to be painted timber. The walls are to be facing brickwork with painted timber bargeboards in the apex of the gables and on the side walls of the two storey rear extension. Sloping roofs are to be plain roof tiles.
17. The existing front gardens will be remodelled with hard standings for parking two cars at each property together with new planting the details of which will be

assessed through submission of a landscape plan. This meets the requirements of Policy HS2I of the adopted Oxford Local Plan 2001-2016 concerning the provision of private open space.

18. Individual rear private gardens (including patios) will be retained for the two properties extending rearwards by some 23 metres along their common boundary. In both cases 12 metres wide at the back of the house and 15 metres wide at the end of the garden. This meets the requirements of Policy HS2I of the adopted Oxford Local Plan 2001-2016 concerning the provision of private open space.

Demolition of the existing property

19. Notwithstanding the high value attached by local residents to the character and appearance of the existing building it is not of sufficient quality to be listed nor is it in a conservation area. No controls are therefore available to the Council to resist its demolition or to insist on its retention within a development scheme for the site.

The principle of 2 semi-detached houses on this site

20. Policy HP10 of the Sites and Housing DPD allows for suitably designed development on residential gardens provided that any biodiversity losses are avoided or mitigated. The site constitutes an existing residential plot and there is therefore no 'in principle' objection to its residential redevelopment subject to consideration of design and biodiversity.
21. Policy CP6 of the Oxford Local Plan states that suitably designed development proposals should make maximum and appropriate use of land and best use of a sites capacity in a manner that does not compromise the character of the surrounding area. Permission to divide the existing property into 2 flats was given in February 1961 and subsequently implemented: redevelopment of the site for 2 houses is therefore appropriate in principle, subject to suitable design.
22. While 2 houses on this site would not increase housing supply, it will be maintained in accordance with Policy CS23 of the Core Strategy, the Balance of Dwellings SPD and Policy HP1 of the Sites and Housing DPD all of which resist net housing losses.

Impact on the Street Scene

23. Policies CP1, CP6 and CP8 of the Oxford Local Plan, together with Policy CS18 of the Core Strategy and Policy HP9 of the Sites and Housing DPD combine to require that development proposals incorporate high standards of design and respect local character.
24. Although the proposed building is to house two properties, the main range appears as a single building which maintains the flow and grain of built form in

Blenheim Drive. The fact that it is semi-detached is not out of keeping with Blenheim Drive where other properties have been subdivided.

25. The proposed building has a greater scale and bulk than the existing building and will be more prominent in the street scene. Although it sits on the existing front building line a greater proportion of building is in the front plane particularly at first floor and in the gables and because of the increased width of the proposal compared to the existing. The width of the proposed building narrows the gaps to 11 and 15 Blenheim Drive (which are themselves located very close to the boundaries) making the proposal more dominant within the site itself.
26. The street scene will therefore be changed by this proposal but the issue is whether that effect will be unacceptable.
27. The proposed roof height corresponds with the roof of the neighbouring properties so the proposal will not be dominating at roof level. The steeply angled gables help to retain a sense of space around the second storey. Significantly smaller but still reasonable gaps are retained at the front to 11 and 15 Blenheim Drive: 2.8 metres and 2.5 metres which are acceptable in this location and correspond to many other gaps in Blenheim Drive. The development will not therefore appear unacceptably cramped in the street scene; many other properties in Blenheim Drive are located with small boundary gaps.
28. Further, there is no dominant architectural style or building age in Blenheim Drive indeed there is considerable variety including gable-fronted properties. The unity of character of the street is created by the flow of buildings behind street-side vegetation rather than resulting from a unifying architectural feature. The proposed design draws on traditional architectural styles found in north Oxford. It is proposed to be constructed in brick and clay tile with stone opening surrounds and timber boards all of which will weather and soften the appearance and blend with neighbouring properties which are brick built with tile rooves. The design and external appearance of this scheme will not be discordant in this part of Blenheim Drive nor in the wider context given the variety of architecture that exists.
29. The scheme proposes 4 front garden off-street parking spaces. The existing property has 2 off-street spaces (and a garage). Many other properties in Blenheim Drive have hard landscaped areas in their front gardens used for off-street car parking which, over the years have become softened by matured planting, hedging and trees. There is room for some limited planting in the front garden of the proposed scheme which together with a retained hedge and a replacement tree will over time serve to soften the impact of the proposed parking and re-integrate the site into the verdant street scene. This can be required by condition and its suitability will be judged against Policy CP11 of the Oxford Local Plan.
30. It is therefore concluded that although the proposed development will change the street scene in this part of Blenheim Drive it will not dominate or be

discordant, nor appear cramped between its neighbours. Its architectural style and detailing will be a suitable addition to the variety of architectural styles in the street and will be further softened in time with weathering and as the proposed front garden planting matures.

Impact on neighbouring properties

31. Policy HS19 of the Oxford Local Plan and Policy HP14 of the Sites and Housing DPD require that reasonable privacy and daylight are allowed for occupants of existing and new homes.
32. The rear single storey element of the building extends some 8.4 metres into the back garden with the two storey element projecting 4.3 metres out. Because of the southward down-slope of the site, the floor and roof levels of these elements are set lower down than would be predicated by the main range (they are accessed down the level change via internal steps).
33. The applicant has demonstrated that these rear extensions from the main range would not breach the 45/25 degree code when measured from principal windows to habitable room at 15 Blenheim Drive but would clip the line at 11 Blenheim Drive by a small measure and at some distance from the affected window. Given the angled orientation of the three properties and their due-south facing aspect it is judged that the light available to and outlook from the principal windows to habitable rooms in adjacent properties will not be unduly affected by the new development. The development will not therefore dominate or overbear the adjacent gardens or unacceptably enclose the outlook from them.
34. Using the 45/25 degree guidelines, assessments have also been made of the potential impact of the scheme on the side facing windows in the adjacent properties and all have been found to be acceptable principally because the gabled roof creates space for light penetration to those windows.
35. Side facing window and doors in the proposed building at ground floor will not create unacceptable overlooking or other loss of amenity to neighbouring properties; and at first floor and in the roof serve bathrooms and would be obscure glazed.

Garden Space and residential amenities

36. Policies CP10, HS20, HS21 and TR4 of the Oxford Local Plan; and Policies HP 12, 13, 15 and 16 of the Sites and Housing DPD set out the functional requirements for residential developments.
37. The proposed new dwellings will have a deeper footprint and therefore higher site coverage than the existing building. The proposed gardens are still however large and meet policy requirements. Their size is in keeping with other garden sizes in Blenheim Drive; and the reduced garden area will not adversely affect the character and quality of the public realm. All other functional requirements such as for cycle parking, indoor space, waste

storage are met subject to conditions requiring details of their design and construction.

Impact on Trees

38. Policy NE15 of the Oxford Local Plan specifically refers to the retention of trees, hedgerows and other landscape features where their removal would adversely impact upon public amenity or ecological interest. The same restrictions are referred to in many of the other design policies already referred to.
39. In the back garden the scheme results in the loss of one tree assessed by the applicant as being good condition (Cherry, 9 metres high) and a fruit tree in poor condition. While it is regrettable that any tree should be lost these trees are not protected in any way and could be removed as part of normal garden planning and maintenance. They do not perform any role in the public realm or terms of screening between properties and are to be replaced by new trees elsewhere in the garden. Their loss is therefore judged to be acceptable.
40. In the front garden a Cherry tree will be lost which is 6 metres high and is assessed by the applicant as being in average condition. This is a very attractive mature street tree, significant when in bloom in the street scene, but in this position it would prevent the accommodation of two off-street parking spaces for the property. Given that a replacement tree is proposed its loss, although regrettable, is judged to be acceptable.
41. There is a variety of mature forest, ornamental, and fruit trees and hedging within the adjacent gardens along their boundaries with the development site. At the request of officers a root protection plan relating to boundary trees has been submitted as part of the application and it is clear that the proposed development will not impinge on these areas. These trees can be adequately protected during site works and will not be adversely affected by the scheme.

Impact on Biodiversity

42. Policy CS12 of the Core Strategy states that developments will not be permitted that result in a net loss of sites and species of ecological value; and where there is an opportunity, development will be expected to enhance Oxford's biodiversity. In this respect, the inclusion of new features beneficial to biodiversity within new developments is particularly applicable.
43. Local residents commenting on this application have mentioned the loss of garden shrubs and trees; and the role of the existing rear garden as a wildlife corridor, including for slow-worms and hedgehogs, both species that are of conservation concern, but whose habitat is not legally protected.
44. The wildlife impact of the loss of garden shrubs has been assessed by the Council as being minimal, as is the loss of part of the garden. In addition the applicants have undertaken to plant native shrubs which are likely to have a higher wildlife value than those lost.

45. The new building will be south facing, and the area is good for bird and bat feeding and bat flyways. There are nearby records for bats. These factors indicate that biodiversity enhancement by condition is appropriate. The new building provides an opportunity to provide bat boxes and bird boxes and possibly a roosting chamber for bats in the roof space. A condition is recommended requiring the installation of these biodiversity enhancements.

Highway Matters

46. Each new property would be provided with 2 off-street parking spaces accessed from the existing individual vehicle cross-overs. The Local Highways Authority considers that provision of 2 spaces per dwelling is acceptable in accordance with Policy TR3 of the Oxford Local Plan and Policy HP16 of the Sites and Housing DPD given the sustainable location of the site; and has raised no objections to the development subject to conditions relating to vision splays, sustainable drainage of the parking area and other highways matters. A Construction Traffic Management Plan is to be submitted for review by the Local Highway Authority prior to any demolition and construction works being carried out.

Contaminated Land

47. The application has been considered with respect to contaminated land and a condition is recommended requiring a phased risk assessment due to the sensitive nature of the proposed development being residential properties with gardens. Whilst the site is not known to be contaminated, it is important that the developer demonstrates that the site is suitable for the proposed use.

Sustainability

48. Policy CS9 of the Core Strategy 2026 encourages the use of renewable energy sources and the promotion of energy efficiency. The proposal includes the use of flush solar panels on the top flat part of the roof of each dwelling. A condition is recommended requiring further details of these panels.

Conclusion

49. The proposal forms an appropriate visual relationship with the site and surrounding development and will be in keeping with the character and appearance of the area. The proposal will not have a detrimental impact on the residential amenities enjoyed by adjacent properties, nor on vehicle or pedestrian movements. While the loss of trees is regrettable their removal is not unacceptable and new planting will help to mitigate these losses. No objections have been received from statutory consultees and the proposal complies with adopted policies contained in the Core Strategy 2026, the Oxford Local Plan 2011-2016, and the Sites and Housing Development Plan Document 2011-2026.

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 permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers: 12/02208/FUL

Contact Officer: Fiona Bartholomew

Extension: 2159

Date: 30th November 2012

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