

**East Area Planning Committee**

8<sup>th</sup> January 2013

**Application Number:** 12/02698/FUL

**Decision Due by:** 19th December 2012

**Proposal:** Erection of single storey side and rear extension.  
Subdivision of dwelling house to form 3 self-contained flats  
(Class C3).

**Site Address:** 59 Littlemore Road, Oxford.

**Ward:** Littlemore Ward

**Agent:** G Soame Planning And  
Development Ltd

**Applicant:** Response Organisation

**Application Called in:** by Councillors Seamons, Fry, Rowley and Clarkson on the grounds that it is considered that a planning committee should consider the issues regarding this application. Whilst it is usually undesirable for a family sized house to be converted in this way the applicant's desire is to provide more move-on accommodation in line with the City Councils corporate objectives to reduce homelessness.

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## **Recommendation:**

APPLICATION BE REFUSED

For the Following Reasons:-

1. The proposed development would result in the loss of a family dwelling to 3 x 1 bed flats and therefore be contrary to the aims of policies HS11 of the Oxford Local Plan, HP12 of the Sites and Housing Plan, and the supporting Balance of Dwellings Supplementary Planning Document.
2. The proposed flats would fall short of the required minimum floorspace for an independent dwelling. As such the proposal is contrary to policy HP12 (d) of the Sites and Housing Plan.
3. The depth of the bedroom/living room extension in flat 59b would have an unacceptable impact upon the levels of light into the living/kitchen and dining area of flat no 59, which is contrary to the aims of policy HS19 of the Oxford Local Plan 2001-2016 and HP14 of the Sites and Housing Plan, by breaching the 45 and 25 degree guidelines.
4. The proposed development would result in the over development of the site, which cannot adequately provide for the needs and facilities required of 3 flats; which would be contrary to CP6 of the Oxford Local Plan 2001-2016.

5. The proposed development provides inadequate car parking provision, only providing parking spaces for 2 of the 3 flats, resulting in the need to park on the busy Littlemore road. As such the proposal would be contrary to TR3 of the Oxford Local Plan 2001-2016.

### **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  
**CP13** - Accessibility  
**TR3** - Car Parking Standards  
**TR4** - Pedestrian & Cycle Facilities  
**NE15** - Loss of Trees and Hedgerows  
**HS11** - Sub-Division of Dwellings  
**HS19** - Privacy & Amenity  
**HS20** - Local Residential Environment  
**HS21** - Private Open Space

#### **Core Strategy**

**CS18\_** - Urban design, town character, historic environment  
**CS23\_** - Mix of housing

#### **Sites and Housing Plan - Submission**

**HP1\_** - Changes of use to existing homes  
**HP2\_** - Accessible and Adaptable Homes  
**HP9\_** - Design, Character and Context  
**HP12\_** - Indoor Space  
**HP13\_** - Outdoor Space  
**HP14\_** - Privacy and Daylight  
**HP15\_** - Residential cycle parking  
**HP16\_** - Residential car parking

#### **Other Material Considerations:**

##### National Planning Policy Framework

- Balance of dwellings Supplementary Planning Document (Draft) June 2007
- Supplementary Planning Document (SPD): Parking Standards, Transport Assessments and Travel Plans Adopted Feb 2007.

#### **Relevant Site History:**

99/00296/P - Demolition of single storey rear addition. Construct single storey rear extension.. Permission not required 4th March 1999.

09/02613/FUL - Erection of single storey side and rear extensions and conversion of extended building to form 3 x 1 bed flats.. Withdrawn 26th January 2010 following concerns from the case officer regarding conflict with planning policy.

### **Representations Received:**

Objection received from resident at 57 Littlemore road: reasons for objection are effect on privacy, noise disturbance and parking provision:

'The dividing partition wall between our house 57 and number 59 does not currently stop sound travelling between the two houses sufficiently. We are able to hear clearly conversations, radio and Buddhist chanting. I'm sure that our neighbours find our TV and music a disturbance'.

There is concern that the division of the house into flats will increase the noise disturbance, to both downstairs and upstairs to their property.

There is also a concern about smell that travels between each property, the residents at 57 already experience the smell of tobacco, and are concerned that the smell of cooking will also travel through, into their upstairs bedrooms.

The objector is concerned about the provision of parking; and wonder whether the proposal will lead to an increase in on street-parking.

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

County Highways Authority- raise no objections to the proposed loss of off street parking within the curtilage of the development providing it is for the intended use specified in the application. They recommend that a condition be imposed which ensures that the dwelling is retained for the intended use specified in the application. This is in the interests of minimising on-street parking pressure which is likely to result from the addition of 3 self contained flats.

Thames Water Utilities Limited-raise no objection.

Oxfordshire County Council Drainage Team Manager-recommends that a full sustainable urban drainage system be incorporated for the development at the site.

### **Site Description:**

1. The property is situated on Littlemore Road in Cowley, and forms part of a pair of post war semi-detached dwellings. One off-street parking space is provided at the front of the property adjacent to a small front garden, although there is gated access to the side of the property which could potentially provide another parking space. To the south of the site lies a footpath which connects Littlemore Road to Van Diemens Lane to the rear.
2. The property is currently used as 3 bedsits, sharing a kitchen and bathroom. In accordance with the Town and Country Planning (Use Classes) Order 1987 (as amended), Class C3 allows dwelling houses to be used by a single person or by families. Class C4 allows dwelling houses to be used by up to six residents living together as a single household. The current use therefore falls

within Use Class C4.

3. The applicant also states that the current occupants are cared for by a Charity called the Response Organisation Mental Health Charity, which provides a diverse range of high quality accommodation, support and care services to meet the needs of those who experience enduring mental health problems in Oxfordshire and beyond. This property is occupied by 'vulnerable' people with mental health issues who can lead a semi-independent life, yet need daily supervision by competent staff from the charity.
4. The site lies well situated for access to Rose Hill and Cowley shopping areas. Littlemore Road is a busy road with on-street parking and is not within a Controlled Parking Zone.

#### **Proposed development:**

5. The application proposes the conversion of the property to 3 x 1 bedroom flats. On the ground floor, it is proposed to convert the existing bedroom, dining and living room into one flat. A single storey extension is proposed to the side and rear of the property which will create the second flat, borrowing some of the old kitchen. The third flat will occupy the top floor of the existing property providing a living room, kitchen/diner, bedroom and bathroom.
6. The application states that although bin and cycle store areas can be provided, as the current occupants are cared for by the Response Organisation, they and future occupants will not require either cycles or cars. However, the applicant has taken account of the long term possibility that flat owners might require cars, and two off street car parking spaces can be provided to meet needs in this particular location.

#### **Determining Issues:**

- Principle of development/ Loss of dwellinghouse
- Impact on living conditions and Amenity
- Highways issues.

#### **Officers Assessment:**

##### Principle of development / Loss of dwellinghouse/Design

7. Although the property is currently owned by a charity, the property is still classed as a family dwelling which should ultimately be protected. The Balance of Dwellings Supplementary Planning Document (SPD) provides for a balanced distribution of housing and the safeguarding of family dwellings. In the case of residential developments proposing one to three units, it states that there should be no net loss of a family unit (which is a dwelling house whose size as originally built or at 1 July 1948 should not exceed 110 m<sup>2</sup> (gross floorspace)). In relation to the creation of new flats either through conversion of a dwellinghouse over 110m<sup>2</sup> or new build, a flat suitable for a

family should comprise a minimum of three bedrooms, a floor area of at least 75m<sup>2</sup> and access to a private garden area. The property currently measures less than 90m<sup>2</sup> internal floorspace, therefore in accordance with this policy, it should be protected as a family dwelling.

8. Policy CP6 of the OLP states that development proposals should make efficient use of land by making best use of site capacity in a manner that does not compromise the surrounding area. The development proposed on the site would result in the plot being over-developed, the site is unable to cater for the needs required for the sub-division of a modest 3 bedroom family house into 3 separate flats. It would not be able to deliver adequate internal living space, levels of light, amenity space, car parking spaces, bins and cycle storage.
9. Under the Balance of Dwellings SPD, the application site falls within the Littlemore 'Neighbourhood Area' which is defined as an 'Amber' area which indicates that the scale of pressure is considerable and therefore requires both to safeguard family dwellings and achieve a reasonable proportion of new family dwellings as part of the mix for new developments.
10. Whilst the property is currently occupied by a charity, planning is concerned about the use of land and the planning implications of the proposal. The application to divide the property into 3 flats results in the loss of a family dwelling.
11. As a part of the application there is a single storey side and rear extension, which will form the majority of flat 59b. The extension would be subservient to the existing dwelling, and would be constructed of matching materials.

#### Impact on Living Conditions and Amenity.

12. Policy HP12 (d) of the Sites and Housing Development Plan Document (DPD) indicates that Planning permission will not be granted for new dwellings where any single dwelling would provide less than 39m<sup>2</sup> of floorspace (measured internally). The internal measurements of each flat have been calculated as follows: Flat 59b (side extension) =28m<sup>2</sup>; Flat 59 (main house) =31m<sup>2</sup>; and Flat 59a (upstairs) =35m<sup>2</sup>. Therefore the proposed accommodation falls short of the requirements of this policy and would provide an inadequate level of living conditions.
13. Concern is expressed regarding the proposed layout of the three flats, in that the depth of the bedroom/living room extension in flat 59b would have an impact upon the quality of light into the living/kitchen and dining area of flat no 59, which is contrary to the aims of policy HS19 of the Oxford Local Plan 2001-2016 and HP14 of the Sites and Housing Plan, by breaching the 45 and 25 degree guidelines. This is the Council adopted Standard and failure to adhere to this would result in unacceptable harm to the amenities of the adjoining residential occupiers.
14. The supporting information accompanying this application states that the garden would remain as existing for all residents to use as and when they may

wish to do so. Officers do not have particular concerns but if the application were recommended for approval would be seeking to secure the privacy of the occupants of the ground floor flats by preventing direct views into the habitable room windows.

#### Highways Issues.

15. Whilst the applicant states that provision can be made for two off-street parking spaces for the occupiers of the flats if necessary, no details are provided of this, and of course this would only make provision for two of the three flats on the basis of 1 off-street space per flat. The Highways Authority are of the view that the proposed development would only be acceptable if the development was restricted to the intended use specified in the application, and in the event that permission is granted, would recommend that a condition be imposed which ensures that the dwelling is retained for the intended use specified in the application in order to minimise on-street parking pressure which is likely to result from the addition of 3 self contained flats. However it would be difficult to undo such a conversion if permission were to be given, future residents of the property may have the need to own and use a car and would require parking. Without sufficient spaces off road for all 3 flats, the result would be to park on what is a busy road.

#### Other matters

16. Whilst officers appreciate the concerns of the objector regarding the issues and concerns about the insufficient partition wall, these matters are not a planning concern and cannot be dealt with through the planning system.

#### **Conclusion:**

Whilst the aims and objectives of the charity are commended, unfortunately the proposed development involves the loss of a dwellinghouse which is contrary to policies HS11 of the Oxford Local Plan, HP12 of the Sites and Housing Development Plan Document, and the supporting Balance of Dwellings Supplementary Planning Document. In addition the proposed flats are of insufficient floorspace to meet the Council's minimum space requirements and in general the application site is unable to adequately cater for the requirements of the proposal. The physical extension proposed to the dwelling house to create 59b would have a negative impact on the quality of light to the habitable room of flat 59 and the car parking provision is inadequate for the number of flats proposed.

#### Human Rights Act 1998

Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to refuse this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and

freedom of others or the control of his/her property in this way is in accordance with the general interest.

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

**Background Papers:** 12/02698/FUL.

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**Extension:** 2718

**Date:** 20th December 2012

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