

West Area Planning Committee

13th March 2013

Application Number: 12/03138/FUL

Decision Due by: 1st February 2013

Proposal: Erection of a 1 x 6-bedroom dwelling (Class C3). (additional info)

Site Address: Land Adjacent 385 Woodstock Road Oxford (**site plan: Appendix 1**)

Ward: Wolvercote Ward

Agent: N/A

Applicant: Mr Henry Chopping

Recommendation:

The West Area Planning Committee is recommended to approve planning permission for the following reasons:

- 1 The proposed development would make an efficient use of land and has been designed in a manner whereby the level of development suits the sites capacity. Although the proposal would involve development on residential garden land, this is not considered to be of a high amenity value and the proposal would not have an adverse impact upon the prevailing character of the area and be appropriate in terms of size, scale, and layout. The proposal would be sited in a manner that would not have a detrimental impact upon the residential amenities of the surrounding properties. The residential units would have a good standard of internal and external environment which adequately provide for the living conditions of future occupants of the dwellings, and would not have a detrimental impact upon highway safety, trees, or biodiversity. The development would therefore accord with the aims of the National Planning Policy Framework and the relevant policies of the development plan.
- 2 In considering the application, officers have had specific regard to the comments of third parties and statutory bodies in relation to the application. However officers consider that these comments have not raised any material considerations that would warrant refusal of the applications, and any harm identified could be successfully mitigated by appropriately worded conditions.

- 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.

Conditions:

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Sample Materials
- 4 Details of means of enclosure
- 5 Landscape plan required
- 6 Tree Protection Plan (TPP) 2
- 7 Arboricultural Method Statement (AMS) 2
- 8 Landscape carry out by completion
- 9 Details of refuse and cycle storage
- 10 Details of Parking Area and Visibility
- 11 Details of Sustainability Measures
- 12 Biodiversity enhancements
- 13 Construction Traffic Management Plan
- 14 Amenity no additional windows
- 15 Design - no additions to dwelling

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
- NE15** - Loss of Trees and Hedgerows

Core Strategy

- CS2_** - Previously developed and greenfield land
- CS12_** - Biodiversity
- CS18_** - Urban design, town character, historic environment
- CS23_** - Mix of housing

Sites and Housing Plan - Submission

- MP1** - Model Policy
- HP2_** - Accessible and Adaptable Homes
- HP9_** - Design, Character and Context
- HP10_** - Developing on residential gardens
- HP12_** - Indoor Space
- HP13_** - Outdoor Space
- HP11_** - Low Carbon Homes

HP15_ - Residential cycle parking

HP16_ - Residential car parking

Other Material Considerations:

National Planning Policy Framework

Relevant Site History:

92/01094/U - Application to certify that existing use of premises for multi-occupation (2 bedrooms, kitchen, washroom & toilet within Class 3, & accommodation max. 8 bed-sitting rooms with shared use of facilities is lawful: Permission not required

12/02963/FUL - Demolition of existing house in multiple occupancy and erection of 2 x 5-bed semi-detached dwellinghouses (use class C3), provision of car and cycle parking, bin stores and private amenity space (Additional info): Approved

Representations Received:

3 First Turn:

- Object to the proposal
- The proposal would develop part of 385's garden
- There are inaccuracies and omissions on the plan
- The proposed access onto Woodstock Road would cause conflict between the pedestrian crossing, and bus stop
- This is a very busy junction and area which is well used by vehicles, pedestrians, cyclists
- This proposal would not help the housing shortage in Oxford as it would create a luxurious new house which does not contribute towards affordable housing
- It is overdevelopment of the plot
- The proposal would eat substantially into a existing garden and would impinge on our property
- We will lose privacy, light and space since a high wall and hedge around the garden will block our view and light
- The residents will likely add conservatories etc eating further into the garden
- The development will result in the loss of a beautiful acacia tree

381 Woodstock Road

- Do not object to the application subject to suitable boundary treatments between properties
- A brick wall provided between properties of a brick to be agreed with the owners either through condition or informative
- The boundary wall to be 3m and 2m in the areas specified on the submitted plans
- That the Traffic Monitoring System to the front of 381 Woodstock Road shall be relocated to the frontage of your property
- That a construction management plan is in place to prevent disturbance to this property

Statutory and Internal Consultees:

Thames Water Utilities Limited: No objection

Oxfordshire County Council Highways Authority: No objection subject to conditions

Oxfordshire County Council Drainage Team: Development to be drained via Sustainable Urban Drainage

Officers Assessment:

Site Location and Description

1. The site is a parcel of land that was formerly part of the rear gardens of 385 Woodstock Road and 1 First Turn. The site is bordered to the south and west by the residential properties of Woodstock Road and First Turn respectively (**appendix 1**)
2. The site comprises part of the garden of a large detached dwelling which is sited to the north and accessed from First Turn and has a return frontage along the Woodstock Road. Planning permission has recently been granted for the redevelopment of this dwelling to form 2x5 bedroom semi-detached properties under 12/02963/FUL.

Proposal

3. The proposed development is seeking planning permission for the erection of a detached two-storey 6 bedroom dwellinghouse, which would front onto the Woodstock Road and have a private garden sited to the rear.
4. A new vehicular access would be created onto the Woodstock Road which would lead to a parking area to the front of the dwellinghouse.
5. Officers consider that the principle determining issues with regards to the proposal are as follows:
 - Principle of development
 - Impact upon character and appearance of the area
 - Impact upon adjoining properties
 - Balance of Dwellings
 - Residential use
 - Tree Matters
 - Highway Matters
 - Sustainability
 - Biodiversity
 - Other Matters

Principle of Development

6. The National Planning Policy Framework [NPPF] encourages the effective use of

land by reusing land that has been previously developed, provided that it is not of high environmental value. This is supported by Policy CS2 of the Oxford Core Strategy 2026.

7. The NPPF excludes residential gardens from the definition of previously developed land, but goes on to state that Local Planning Authorities should set out policies that resist inappropriate development of residential gardens, where such development would cause harm to the local area.
8. As a result Policy HP10 of the Sites and Housing Plan states that permission will be granted for new dwellings on residential garden land provided that it responds to the character and appearance of the area, taking account the views from streets, footpaths and the wider residential and public environment; the size of the plot to be developed is of an appropriate size and shape to accommodate the proposal, taking account of the scale, layout and spacing of the existing and surrounding buildings, and the minimum requirements for living conditions set out within Policies HP12, HP13, and HP14; and any loss of biodiversity value on the site will be mitigated, and where practicable measures to enhance biodiversity through habitat creation are incorporated.
9. The proposed development would seek to make an efficient use of land however the general principle of development would depend on the proposal satisfying the criteria of Policy HP10 which will be discussed in more detail below.

Impact upon Character and Appearance of the Area

10. Policy CS18 of the Oxford Core Strategy 2026 requires development to demonstrate a high-quality urban design that responds to the site and its surroundings; creates a strong sense of place; attractive public realm; and provide high quality architecture. Policy CP8 of the Oxford Local Plan 2001-2016 also states that the siting, massing, and design of development should create an appropriate visual relationship with the form, grain, scale, materials, and details of the surrounding area. This is supported in Policy HP9 of the emerging Sites and Housing Plan.
11. The residential suburb is characterised by large residential properties set within reasonable sized plots. These plots follow a linear development pattern with the dwellings set back from the road by front gardens of varying size and spacious gardens to the rear. The built form is made up predominantly of two-storey detached dwellings mainly within Woodstock Road, with some semi-detached properties in First Turn. The rear garden of 385 Woodstock Road forms a return frontage onto Woodstock Road which creates an undeveloped separation distance between the properties on the western side of Woodstock Road and the First Turn properties to the north.
12. The design and access statement submitted with the application suggests that the development of this parcel of garden land would not have an adverse impact upon the character and appearance of the area. It concludes that the garden of 385 Woodstock Road is unusual in the street scene as it disrupts the built up frontages of properties on the Woodstock Road and has a minimal contribution to

the character and appearance of the area as it is screened from the public realm by the boundary planting. The proposed development would not result in a significantly loss of a large area of private garden, and would be sited in a manner that would respect the linear development pattern of the Woodstock Road properties. While the footprint would be larger than existing buildings, the gaps retained between neighbouring properties, and would not appear cramped or overdeveloped in the context of the surrounds.

13. Officers would not necessarily agree with the conclusion that the undeveloped separation distance between the Woodstock Road and the First Turn properties disrupts the built form on the Woodstock Road as this arrangement is a typical at corner plots of many of the residential suburbs which follow the linear development pattern across the city. Nevertheless officers would agree that the new dwelling would be sited in a manner that respects the linear development pattern of Woodstock Road and would maintain the gaps that exist between buildings along this side of the road. Therefore it would a limited impact upon long and short street views. Furthermore the siting of the building in this matter would not result in a significant loss of garden space, and would maintain the distinct public and private realm relationship of the buildings and the spacious garden areas to the rear of these dwellings.
14. The overall size, scale, and massing of the two-storey building would be appropriate for the site and would be of a residential scale that sits comfortably alongside the adjoining properties. In terms of design the dwelling would have a pitched roof and relatively simple traditional appearance in comparison to other properties. It would be brick built with timber windows although the materials could be agreed by condition.
15. In light of the above, officers consider that the proposed development would make an efficient use of land in a manner that would respect the prevailing character of the area. The overall size, scale, massing of the design of the proposed dwelling would create an appropriate visual relationship with the built form and grain of the surrounding properties and be well integrated into the street scene. As such the proposal would accord with Policies HP9 and HP10 (a) and (b) of the Sites and Housing Plan, Policy CS18 of the Oxford Core Strategy 2026, and of HP10 and Policies CP1, CP8, CP9, and CP10 of the Oxford Local Plan 2001-2016

Impact upon Adjoining Properties

16. The Council seeks to safeguard the amenities of properties surrounding any proposed development. Policy HP14 of the Sites and Housing Plan states that residential development should provide reasonable privacy and daylight for the occupants of existing and new homes. In making any assessment the following factors will be considered; whether the degree of overlooking to and from neighbouring properties or gardens resulting from development will compromise privacy of existing or new homes; the orientation of windows in existing and new dwelling in respect of access to daylight, sunlight and solar gain, and that existing and proposed walls hedges, trees and fences help protect privacy and also do not create an overbearing impact. This is also supported through Policy CP10.

17. In terms of the existing dwellinghouse at 385 Woodstock Road this lies to the north of the application site. Planning permission has recently been granted for the provision of 2x5 bedroom dwellings within this site. Although the proposed dwelling lies to the south of these dwellings, it would be sited some 14m away from the rear and would not have an adverse impact upon its amenities in terms of loss of light, overbearing impact, and privacy.
18. The adjoining property at 381 Woodstock Road lies to the south of the application site, and the proposed dwelling has been designed in a manner that it would not result in a loss of light to any habitable rooms in this property or significantly overbear the rear garden. Similarly the windows in the rear elevation would not give rise to any loss of privacy to the rear garden of this property over and above the existing level of mutual overlooking that exists amongst properties on this side of Woodstock Road. The owners of 381 Woodstock Road have not objected to the proposal, but have requested that a boundary wall of set heights (3m & 2m) be erected between the properties. This has been agreed with the applicant, and as such should be secured by appropriately worded condition.
19. The property at 1 First Turn lies to the north-west of the site. The proposed dwelling would not have an adverse impact upon this property in terms of loss of light, overbearing impact or privacy. The proposal makes use of land that was formerly part of the rear garden 1 First Turn. While this has reduced the available amenity space for this adjoining property, the remaining space would be suitable for a property of this size.
20. To the west of the site lies the adjoining property at 3 First Turn. The rear garden of this property forms the rear boundary of the application site. During the consultation process concerns have been raised by the residents of this property that the proposed development will result in a loss of light, privacy and space to their rear garden because a wall or high hedge will be provided along the boundary, furthermore the development will block their view or light. In the first instance, the loss of a private view does constitute a material consideration for the determination of the application. The proposed dwelling would be sited a sufficient distance from this property to prevent any loss of amenity in terms of loss of light, privacy, or overbearing impact. While the rear garden of the proposed dwelling would abut the rear garden of 3 First Turn, this would not alter the existing situation whereby a rear garden already forms the common boundary with the property. While the applicant may wish to provide a new means of enclosure at the end of their property, there is a permitted development right to erect a boundary fence up to 2m in this location and as such any new means of enclosure would be unlikely to have an adverse impact upon the amenity value of the adjoining rear garden.
21. Therefore officers consider that the proposed development would not have an adverse impact upon the residential amenities of the adjoining properties that would conflict with the aims of Policy HP14 of the Sites and Housing Plan and Policy CP10 of the Oxford Local Plan 2001-2016.

Balance of Dwellings

22. Policy CS23 of the Oxford Core Strategy 2026 requires residential development to deliver a balanced mix of housing to meet the projected future household need, both within each site and across Oxford as a whole. The mix of housing relates to the size, type and tenure of dwellings to provide for a range of households.
23. The Balance of Dwellings Supplementary Planning Document (BoDSPD) sets out the appropriate housing mixes for each Neighbourhood Area within the City. The site is located within the Wolvercote Neighbourhood Area, where a reasonable proportion of new family dwellings are required within residential schemes. The proposed development would provide 1x6 bedroom dwelling, which would accord with Policy CS23 of the Oxford Core Strategy 2026 and the BoDSPD.

Residential Uses

24. The proposed dwellings would have a good standard of internal environment that would accord with Policy HP12 of the Sites and Housing Plan.
25. The proposed dwelling would have a private garden that would be approximately 24m in length and 12m wide. The gardens would be west facing as with the other Woodstock Road properties on the western side of the road and would receive sufficient levels of natural sunlight and daylight. There would be sufficient space for each of the units to be provided with suitable refuse and cycle storage which could be in an accessible and practical location whether that is located to the front or rear of the property. The location and size of the storage could be dealt with by condition. As such officers consider that the proposal would satisfy Policy CP10 of the Oxford Local Plan 2001-2016, and Policy HP10 (b) and HP13 of the Sites and Housing Plan.

Tree Matters

26. The application has been accompanied by a Tree Survey Report (Jan 2013). The survey identifies three trees within and around the site that would be affected by the proposed development. There are two trees (Robinia and Apple) within the site which would need to be removed, while the Lime Tree in the rear garden of 1 First Turn would be retained. These trees are not protected but in accordance with Policy NE15 of the Oxford Local Plan the Tree Survey has provided the reasons for their removal. The survey concludes that the Apple tree (T4) makes little visual contribution to the wider locality and that while the Robinia (T4) can be seen from the Woodstock Road there are other trees within the surrounding area which would ensure that the local area would not be devoid of tree cover if this was to be removed.
27. Having reviewed the submitted tree survey, officers would raise no objection to the findings of the report and suggest that the loss of these trees could be mitigated by appropriate replacement planting. Any permission should also be conditional on the submitted landscape plan being carried out, and also appropriate tree protection for the retained tree in the garden of 1 First Turn.

Highway Matters

28. The development site is located on the corner of First Turn, a busy local road with Woodstock Road, a busy main route. There is a well-used bus stop on Woodstock Road, adjacent to the eastern boundary of the development site, and a controlled pedestrian crossing is located on Woodstock Road, immediately to the south of the development site.
29. The Local Highways Authority has indicated that there is a considerable level of activity in the vicinity of the development site, with crossover of traffic, cyclists and pedestrians at the junction of Woodstock Road with First Turn, along the shared footway/cycleway and at the pedestrian crossing, adjacent to the development site.
30. The proposal would involve the creation of a new vehicular access onto the Woodstock Road. There are examples of vehicular accesses adjacent to bus stops and pedestrian crossings throughout Woodstock Road. However, the Local Highways Authority has given full consideration to the implications of creating a new access at this location. Their accident data demonstrates that there are few accidents in the vicinity of the development site associated with private driveways, over the previous 5 year period. As the development site does not have an existing access onto Woodstock Road it will result in trips that are new to the highway network. A Transport Statement prepared by Glanvilles has accompanied the application and concludes that the proposed dwelling is likely to generate 6 two-way movements over the course of a typical day from a new access onto Woodstock Road. The TRICs data for trip generation based on surveys of similar sites demonstrates that the number of trips generated by the development site is likely to be low.
31. A Road Safety Audit has been undertaken as part of this planning application and has suggested that suitable visibility would need to be provided at the proposed access. Based on the submitted information, the new access onto Woodstock Road could achieve an acceptable standard of visibility in either direction along Woodstock Road on exit from the development site, where appropriate boundary treatments could be provided by the applicant. It is duly noted that visibility requirements across the footway/cycleway and grass verge are within the control of the Local Highway Authority and do not involve any third parties. Any visibility splays would need to be provided in accordance with the Design Manual for Roads and Bridges for vehicular inter-visibility, where Manual for Streets is not appropriate on this busy main route and vertical obstructions including wall/fences/vegetation will be required to be kept to a maximum height of 0.6 metres. Visibility splays to ensure inter-visibility between both vehicles emerging from the dwelling and pedestrians on the footway and cyclists travelling along the cycleway on the west side of Woodstock Road will need to be provided. It should be noted that visibility for 20 metres in either direction along the cycleway from a setback of 2 metres will need to be provided. The plans, as submitted, indicate that the turning area within the frontage of the development is acceptable, as it will enable vehicles to egress onto the Woodstock Road in forward gear.
32. Having regards to these details, the Local Highways Authority considers that the

proposal to create a new access onto Woodstock Road would not create undue risks to highway safety. The creation of the access would need to be carried out in accordance with the Local Highway Authority's standards and would need a licence from the Authority to conduct these works, and any street furniture that is removed will need to be carried out at the applicants' expense.

33. The level of on-site car parking provision is acceptable for this dwelling in this sustainable location, where this is good access to regular bus services to Oxford City Centre and opportunities for walking and cycling. Furthermore, on-street parking is restricted by double yellow lines in the vicinity of the development site, where it is also within a Controlled Parking Zone (CPZ).

34. The Local Highways Authority has raised no objection to the proposal in accordance with Policies CP1, and CP10 of the Oxford Local Plan 2001-2016 and Policies HP15 and HP16 of the Sites and Housing Plan. Conditions should be attached which require the parking spaces and visibility splays to be provided; a sustainable urban drainage system; a construction traffic management plan.

Sustainability

35. The design and access statement indicates that sustainability and energy efficiency are core elements of the scheme, with the dwellings designed to achieve Level 3 of the Code for Sustainable Homes. Energy efficiency will be achieved through the detailed design of the development by adhering to the code for sustainable homes. A condition should be attached which requires further details of the methods to be employed within the building design in order to achieve such a rating.

Biodiversity

36. The proposed development would not have an adverse impact upon local biodiversity. However due to the size of the development it is considered that there would be scope to include bird and bat boxes on the buildings or bat roosting tiles. This could be secured by condition. As such the proposal would accord with Policy HP10 (c) of the Sites and Housing Plan, and Policy CS12 of the Oxford Core Strategy.

Other Matters

37. The Oxford City Council Environmental Department Service have recommended that a phased contaminated land risk assessment be carried out prior to development. This is due to the sensitive nature of the proposed development, such as a residential development in a rear garden. Whilst the site is not known to be contaminated, it is important for the developer to demonstrate that the site is suitable for its use.

38. A condition should be attached requiring any hard surfacing to utilise a sustainable urban drainage system in order to prevent any impact from surface water flooding in the area.

Conclusion:

39. The proposal is considered to be acceptable in terms of the relevant policies of the Oxford Core Strategy 2026, Oxford Local Plan 2001-2016, and Sites and Housing Plan and therefore officer's recommendation to the Members of the West Area Planning Committee is to approve the development.

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.

Contact Officer: Andrew Murdoch

Extension: 2228

Date: 21st February 2013

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