

West Area Planning Committee

13th March 2013

Application Numbers: 12/02637/LBD & 12/02636/FUL

Decision Due by: 6th March 2013

Proposal: i) 12/02637/LBD – Demolition of existing conservatory. Toilet block and garage. Erection of two storey extension, porch and conservatory, new garage and garden studio. New timber and metal gates, railings and piers. Internal alterations including new openings, removal of existing walls and partitions and staircase. Insertion of new staircases, new partitions and lift.

ii) 12/02636/FUL – Change of use from education establishment (use class D1) to single dwelling house (use class C3). Erection of part single storey, part two storey, detached garage, garden studio, new timber and metal gates, railings and piers. Provision of private amenity space, car parking and bin and cycle stores (additional plans).

Site Address: 7 Norham Gardens, Oxford – **Appendix 1**

Ward: North

Agent: Riach Architects, 65 Banbury Road, Oxford Applicant: Mr and Mrs Willetts

Called in by Councillors Armitage, Rundle, Fooks and Campbell

For the following reasons –

1. Possible over-dominant effect on the neighbouring house at 9 Norham Gardens.
2. Unsatisfactory treatment of the street-facing side of the house
3. Unclear statements about which trees may be removed, and about how existing trees will be protected during building works.

Recommendation: - APPLICATIONS BE APPROVED

For the following reasons:

- 1 The Council considers that the proposal accords with the policies of the development plan and Government advice on the management of the historic environment. Any harm to the heritage assets that the works would otherwise give rise to can be justified and mitigated by detailed design, which the

conditions imposed would control.

- 2 The works correspond with conversion back to a single family dwelling and will reverse a number of insensitive alterations allowing the use for which the building was originally designed to be reinstated. Whilst there will be some impacts on the listed building it is considered that these impacts have been mitigated by design and are justified. Overall the proposals will secure a viable use of the listed building in support of its long term conservation. The proposed extensions are of an appropriate design for the context and will preserve the special interest of the listing building and character and appearance of the conservation area, justify granting listed building consent and planning permission.

subject to the following conditions, which have been imposed for the reasons stated:-

12/02637/LBD

- 1 Commencement of works LB/CAC consent
- 2 LB/CAC consent - approved plans
- 3 7 days notice to LPA
- 4 LB notice of completion
- 5 Further works - fabric of LB - fire regs
- 6 Repair of damage after works
- 7 Materials - samples
- 8 Retain internal features – partitions, openings, staircase, doors, fireplaces, cornices etc
- 9 Further Details – new windows, staircase balustrading, new internal doors, basement railing, glazed lantern etc
- 10 Methodology for repair and upgrade of windows and doors
11. Boundary treatment
12. Archaeological watching brief
- 13 Extraction/fumes
- 14 Retain historic doors
- 15 Walls/openings to match adjoining
- 16 Window details
- 17 Gate details

12/02636/FUL –

- 1 Development begun within time limit
 - 2 Develop in accordance with approved plns
 - 3 Samples in Conservation Area
 - 4 Archaeological recording
 - 5 Boundary details
 - 6 Amenity – no additional side windows
 - 7 Provision of cycle parking and bin stores prior to first occupation
 - 8 Gates not to open over the highway
 - 9 Restricted boundary treatments either side of access points
 - 10 Conservation rooflight in side elevation to be 1.6 metres above ffl
 - 11 Use of garden pavilion to be ancillary to enjoyment of main house
 - 12 Drainage to be SUDS compliant
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13	Variation of Road Traffic Order – Norham Gardens
14	Porous materials for new driveway areas
15	Landscape Plan
16	Arboricultural Method Statement Foundation details & protection of tree roots
17	Landscape carry out by completion
18	Landscape hard surface design – tree roots
19	Tree Protection Plan
20	Details of refurbished gates
21	Details of boundary wall

Main Local Plan Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals

CP8 - Design Developmt to Relate to its Context

HE3 - Listed Buildings and Their Setting

HE7 - Conservation Areas

CP13 – Accessibility

NE15 – Loss of Trees and Hedgerows

NE16 – Protected Trees

NE17 - Biodiversity

HE2 – Archaeology

Core Strategy 2026

CS18 – Urban design, townscape, character and the historic environment

Other Material Considerations: The applications are in the North Oxford Victorian Suburb Conservation Area. The development is affecting a Grade II Listed Building.

Relevant Site History:

Recent planning history as follows:

- 10/03409/LBD – APPROVED. Listed Building Demolition for extension and alterations involving demolition associated with the subdivision of the existing building to form 2 dwellings. Works include: Demolition of toilet block, conservatory and detached garage; erection of two storey extension; internal works to block existing and form new openings, removal of modern partitions, removal of staircase between ground and first floor, insertion of new door, staircases and partitions; form new opening with gate in front boundary wall.
- 10/03407/FUL – APPROVED. Change of use and erection of two-storey side extension, from existing educational use, to form two dwellings, including garden studio building and bike stores.
- 10/03408/CAC – APPROVED. Demolition of existing art block and existing garage.
- 11/01307/FUL – Approved - Change of use from educational use to single dwelling. Erection of two-storey side extension and erection of garden studio, involving removal of existing classroom building. (Amended plans)
- 11/01308/LBD – APPROVED - Demolition of existing conservatory, toilet block and garage. Erection of two-storey extension. Internal alterations including new openings, removal of existing partitions, new staircase and new partitions. (Amended plans)

Representations Received:

1. Oxford Preservation Trust – pleased the applicants intend to return property to its original use as a single family dwelling but concerned that the extensive use of crenellations are in danger of creating a pastiche that marks the original intent of the architect. Suggest the new porch could be a more honest and less intrusive addition through the use of simpler design elements. Design should relate better to the original design intent of the architect.
2. Oxford Civic Society - pleased the house is to return to a single family dwelling but numerous extensive alterations and additions proposed would be unsuitable, making the house taller, wider, larger overall and more intrusive than the existing house and its neighbours.
3. Oxfordshire Architectural and Historical Society –
 - Principal objection to the street elevation especially the proposed battlemented new entrance.
 - New NE extension at odds with asymmetrical and informal character of the house, the oriel window is unsuitable.
 - Objects to treatment of interior including loss of walls, new openings, loss of secondary staircase, isolation of chimney breast.
 - Conservatory should be retained - new conservatory design large and pretentious.
 - No justification for new garden pavilion and considers its design unsuitable and improper in Conservation Area
 - dislike the triplet windows over entrance doors on N and W elevations
- 5a Norham Gardens – considers the plans will succeed in bringing the current and rather derelict property back to life, whilst remaining true to its original character.
- 9 Norham Gardens:
 - impact on the residential amenity
 - erection of a two-storey extension
 - loss of planting
 - noise and nuisance
 - Loss of privacy
 - loss of light and outlook
 - issues with overlooking

Statutory Consultees:

1. Highways & Transport – Have no objections to the development subject to sustainable drainage, parking standards, gates which open inwards, vision splays, cycle parking bin storage.
2. Thames Water – Proper provision required for surface water drainage, no objections with regard to sewerage or water infrastructure.

3. English Heritage - Have no objections to the proposal but state the application does not include an assessment of the significance of the building and the impact on significance of the walls to be removed. Nor is there any justification submitted for their removal. The local authority should satisfy itself that there are benefits which outweigh the harm caused by the proposed demolition.

Issues - impact of the proposal

- on the grade II listed building and Conservation Area. However, it is also necessary to have regard to the following other issues:
- residential amenity of neighbouring property
- Trees
- Highways and parking

Sustainability - protection of historic environment, continued use of historic building stock

Officers report:

1. This is a revised scheme to that previously approved at West Area Planning Committee on the 13th July 2012. A copy of the previous report by officers is attached as **Appendix 2**, which covers the main issues and impacts. The differences between the approved applications and the previous scheme are

Internal:

- Use as one house (previous approval was for subdivision into two)
- Removal of surviving part of service staircase from basement to first floor
- Insertion of new platform lift from ground to second floor
- Removal of walls and doors and formation of new openings and insertion of new partitions on the ground, first and second floors
- Insertion of new basement staircase

External:

- two storey crenulated entrance porch on the North elevation
- bike storage where
- removal of T2 (yew tree) on front boundary – 8 trees in total to be removed
- proposed conservatory larger and different in appearance
- design and appearance of two storey extension on North elevation including addition of new Oriel window
- new three storey extension on the East elevation
- Reinstatement of railings and gates to front boundary wall

Assessment of Impact to listed building and conservation area

2. Internally, works are proposed to correspond with conversion back to a single family dwelling from institutional use. They involve some remodelling of the interior plan form to provide a primary entrance on the north elevation, facing the street. This changes the original design concept for the building of the

principal elevation and principal rooms facing out over the parks with the main entrance on the west end of the building, with the service rooms on the north elevation, effectively turning its back to the street. The works maintain the principal rooms on the ground floor and the service function of most of the rooms on the north side (except for the new entrance space). The alterations are in the same vein as the earlier approved scheme, although there are some notable differences, which will be discussed below. Returning the building to single residential use will allow a use for which the building was originally designed. This proposed use also provides the opportunity to restore and reinstate missing internal features such as fireplaces, doors and window shutters and external features such as windows and the front boundary gates and railings.

3. The walls to principal rooms on the ground and first floors that are modern insertions are proposed for removal, to allow the original proportions of the main rooms to be rediscovered.
4. The service staircase to the first floor is very narrow and difficult to access and has been redundant for a number of years and floored over on the first floor. The staircase does provide evidence of the original layout and social division between service and primary spaces, although it has been altered with parts removed and the remainder unused, boxed in behind cupboards. The loss of the staircase will cause some harm, but on balance is justified as it allows the building to return to single residential use and involves reinstatement of other features that have been lost – railings, fireplaces. A new staircase will be inserted which will help to retain understanding of the ‘upstairs/ downstairs’ hierarchy.
5. The additive nature of the proposed extensions is a characteristic of the listed building and the provision of the new crenulated entrance porch and conservatory reflects the treatment of parapet walls on the South and West elevations. The extensions on the north elevation will change the appearance of this part, albeit the spirit of the approach is intended to reflect the gothic principles of the original. The building has evolved to suit the needs of its occupants, having been extended and altered several times. The existing elevation presents a very blank elevation to the street and includes existing utility elements such as the toilet block. The previous approval included changes to this elevation and the changes proposed in this application are considered to be acceptable, which when considered in the context of the internal layout allows understanding of the building’s evolved layout to be understood.
6. A new addition to the previously approved scheme is the introduction of railings to the front boundary wall. The design proposed is taken from the North Oxford Railing Guide and is an appropriate pattern for the property. Traditional iron railings were once an important and distinctive feature of the North Oxford Victorian Garden Suburb. The reinstatement of the railings will reinstate character and adds interest and allow views into the landscape behind. It is proposed to repair and refurbish the existing timber vehicular gates with a new pedestrian gate to be inserted and a condition on any

consent can be used to secure details of the this.

Impact on Neighbours

7. Policy HS19 of the Oxford Local Plan and policies HP9 and HP14 of the Oxford Core Strategy all seek to ensure that new development does not adversely impact upon the standard of residential amenities enjoyed by the occupiers of adjacent residential properties. In this case the only other dwelling affected by the proposals is number 9 Norham Gardens which is located to the east of the application site.
8. The application proposes the erection of a substantial two storey extension to the side of the dwelling closest to number 9 and a replacement garden pavilion that would also be close to the boundary with number 9. This replacement garden building is of the same design and proportions as previously approved. The proposal also includes the erection of a single, replacement garage close to the boundary of the site with number 5 Norham Gardens and this is also the same as previously approved.
9. As regards the proposed two storey extension, this would be between 8 and 8.4 metres away from the side wall of number 9 at ground floor level with this distance increasing to 9.5 metres at first floor level. Officers have visited the neighbouring dwelling at number 9 and viewed the proposals from the side windows facing towards the application site which include living room and bedroom windows. Whilst it is accepted that the view from these side facing windows will be affected by the proposal, given the separation distances involved, officers consider that the proposal would not appear unacceptably overbearing in the outlook from the side windows affected or result in any overlooking as the only windows proposed in the side wall of the new extension would serve a bedroom and a bathroom and these would both have minimum cill heights of 1.6 metres above finished floor level. There is no breach of the 45 degree rule.
10. It is also the case that there is a mixed species hedge along that part of the joint boundary which separates numbers 7 and 9 Norham Gardens and it is proposed that this would be augmented by the planting of a pleached hornbeam hedge thereby improving privacy for the occupiers of both properties.

Archaeology

11. This site is of archaeological interest because evidence from aerial photographs and excavations demonstrates the presence of an extensive prehistoric ritual and funerary landscape across this part of the Oxford gravel terrace. A number of potential late Neolithic / early Bronze Age barrows have been identified from parch marks in the adjacent University Parks. The parch marks and nearby excavation also indicate the presence of extensive Iron Age /Roman agricultural field systems and subsequent Saxon settlement in the locality.

12. The archaeological investigation should take the form of a watching brief. The work should be undertaken by a professionally qualified archaeologist working to a brief issued by ourselves. This will be controlled by condition.

Trees

13. The proposals as they relate to trees and landscape have 'evolved' since the application was initially submitted; this is a positive outcome of negotiations with the applicant, the result being that fewer trees are now to be removed and retained trees are given improved protection.
14. The Arboricultural Report includes a tree survey and an assessment of the quality and value of existing trees which is consistent with good practice. The report accurately assesses the constraints that existing trees impose on the layout of development and includes an Arboricultural Implications Assessment which reasonably identifies the impact of the development on existing trees.
15. The proposals now include the removal of 8 existing trees and part of a group of shrubs as follows:

From the front garden along the boundary with Norham Gardens:

- T2 – early mature yew of moderate quality and value;

From the garden on the west side of the house:

- T8 – mature holly of low quality and value;
- T9 – mature box of low quality and value;

From the rear garden:

- T11 – mature, multi-stemmed cypress of low quality and value;
- T14 – dead spruce which should be removed regardless of whether the proposed development takes place;
- T15 – mature, multi-stemmed cherry plum of low quality and value;
- T16 – diseased semi-mature horse chestnut tree of low quality and value;
- T17 – Mature crab apple of low quality and value;

From the garden on the east side of the house:

- SG1 – a group of shrubs (mixed species) standing along the boundary with 9 Norham Gardens. To be removed in part.

16. Only the removal of T2, an early mature yew tree, will have a significant effect on public views; this tree is to be removed to provide a new pedestrian access from the street direct to the door on the north elevation of the building. However, other larger trees such as the Corsican pine, T1, and the Wellingtonia, T6, dominate views of the site from the street in Norham Gardens and these, together with the other smaller trees which stand along the boundary of the front garden ensure that while there will be a minor change to the existing view, public amenity will not be harmed.
17. While collectively the other trees make a contribution to the appearance and character of the site in internal views, the presence of other trees means that

none is significant in public views from either the street or the University Parks. It is proposed to landscape the gardens once the construction phase of development is complete and the planting of appropriate trees and shrubs can be expected to enhance a somewhat neglected garden. A detailed landscape plan including a planting plan and schedule should be required by condition if planning permission is granted.

18. The layout of the development requires demolition and construction work to be undertaken in close proximity to several important trees. However, the proposals respond to the need to avoid significant damage to the roots of these trees in the design of building foundations and hard surfaces; for example, where the proposed extension encroaches towards Corsican pine T1 it will be cantilevered above existing ground levels from piled foundations constructed within the footprint of the existing extension (to be demolished). If planning permission is granted it should be conditional upon full details of the design of foundations for the extensions, garage and garden studio buildings and details of the design of hard surfaces being approved before work starts on site.
19. The Arboricultural Report includes provisional Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) which describes the working practices and tree protection measures (combination of barrier fencing and ground protection) that are appropriate to ensure that valuable retained trees are not damaged. It is intended that a project arboriculturalist will supervise and monitor demolition and construction activity near the trees. If planning permission is granted it should be conditional upon final detailed AMS and TPP being approved before work starts on site. The AMS should include; details of the Arboricultural Watching Brief to be undertaken by the project arboriculturalist; details of induction training on tree protection that should be given to all construction workers; a Construction Method Statement for all demolition and construction activities within the Root Protection Area of any retained tree .
20. Underground services and drainage soakaways will need to be located away from the rooting area of retained trees if development takes place. If planning permission is granted it should be conditional upon a plan showing services and soakaways being approved before work starts on site.
21. The proposals include the removal of existing 8 trees and part of a group of shrubs, but the presence of other trees which will be retained and protected, with new landscaping proposals ensures that public amenity can be managed effectively. The appearance and character of the site should be enhanced if appropriate new trees and shrubs are planted as part of final landscaping.
22. The development requires demolition and building work to be undertaken in close proximity to retained trees and these are at risk of being damaged unless they are robustly protected during demolition and construction work. This will be controlled by condition.

Conclusion:

23. Many listed buildings can sustain some degree of sensitive alterations or extension to accommodate continuing or new uses. The revised scheme has been designed to minimise the impact on the special character and appearance of the listed building and the new additions designed to reflect its character and context. Internal alterations seek to better reveal features and improve layout and functionality and reverse inappropriate interventions. Some existing features will be lost but on balance the proposals will result in a heritage benefit and approval is recommended.

Human Rights Act 1998**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 these applications, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to approve, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant listed building consent and 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.

Background Papers: 12/02637/LBD & 12/02636/FUL

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Extensions: 2640/2147

Date: 26/02/2013