

East Area Planning Committee

16th April 2013

Application Number: 13/00309/FUL

Decision Due by: 10th April 2013

Proposal: Concrete patio slab to rear (retrospective).

Site Address: 8 Jersey Road Oxford Oxfordshire OX4 4RT

Ward: Rose Hill And Iffley Ward

Agent: Mr Robert Pope

Applicant: Mair Properties

Application Called in – by Councillors – Turner, Van Nooijen, Lygo and Curran
A retrospective application to keep some paving at the site of endless planning controversy; after an outbuilding was the subject of an enforcement notice.
Concerns: impact upon drainage. Happy to withdraw if recommended for refusal.
This site is the subject of a great deal of local interest and there is a petition about OCC's handling of applications by this developer, so there is some sensitivity.

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposal to retain the existing concrete slab with further work to finish so to be used as a patio by all occupiers of 8 Jersey Road is considered to be appropriate development; and in accordance with policies CP1, CP8, CP9, CP10, CP11 and CP13 of the Oxford Local Plan, CS18 of the Oxford Core Strategy, HP9 and HP13 of the Sites and Housing Plan. Objections to the proposal have been given careful consideration; however officer's views are that they do not amount to a reason for refusal.
- 2 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

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

- 1 Finish and materials

2 Access and usage

Main Local Plan Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals

CP8 - Design Development to Relate to its Context

CP9- Creating Successful New Places

CP10 - Siting Development to Meet Functional Needs

CP11 - Landscape Design

CP13- Accessibility

Core Strategy

CS18 - Urban design, town character, historic environment

Sites and Housing Plan - Submission

MP1 - Model Policy

HP9 - Design, Character and Context

HP13 - Outdoor Space

Other Material Considerations:

National Planning Policy Framework

Relevant Site History:

03/01677/FUL - Two storey side and rear extension.. PER 22nd October 2003.

03/02132/FUL - Erection of single storey rear extension.. PER 22nd December 2003.

04/00005/FUL - Two storey front extension.. REF 1st March 2004.

70/00623/M_H - Erection of rear lobby to give internal access to existing outside W.C.. PDV 11th September 1970.

04/01426/FUL - Two storey front extension. REF 27th August 2004.

12/00434/CEU - Application to certify that the conversion of a single family dwelling to 4 flats (4x1 bed) is lawful. PER 18th April 2012.

12/01048/FUL - Erection of garden building (retrospective).. REF 13th July 2012.

12/01563/FUL - Erection of two storey side and rear extensions and single storey rear extension. Conversion of building to provide 3 x 2 bedroom flats and 1 x 1 bedroom flat. Provision of car parking, bin stores and communal open space. (part retrospective).. WDN 30th July 2012.

12/02268/FUL - Alterations to unauthorised garden building to make smaller garden building. WDN 29th October 2012.

13/00309/FUL - Concrete patio slab to rear (retrospective).. PCO .

13/00757/FUL - Internal alterations to an existing, lawfully extended, building to provide enlarged flats (2 x 2-bed and 2 x 1-bed). Provision of vehicle parking, bin/cycle storage, communal amenity space and landscaping.. REC .

APPEALS

12/00035/ENFORC - Alleged erection of single storey garden building without planning permission. WITHDR 25th October 2012.

ENFORCEMENT NOTICES

12/00355/ENF - Enforcement Enquiry. NOTICE .

Representations Received:

Mr J. Laurol 6 Jersey Road: objects to the planning application.

For the following reasons:

1. It is unusual for patios to be at the end of gardens; they are usually next to the house. The concrete slab was originally built as the base for an oversized garden building, for which planning permission was not given, and so was demolished. Therefore, seeking to turn it into a patio seems to be an easy way not to have to break up the concrete slab.
2. Having been built as the base for a building it is unlikely to be of the porous and permeable material required for hard coverings of gardens. It is therefore likely that, underneath the proposed tiles, there will be accumulation of water. Thus the drainage in this area does not seem sustainable, with a lack of seepage.
3. The size of the patio is oversized compared with the size of the garden. The total concreted area means that more than half of the area of the original garden is covered with a hard surface.
4. Over the last 14 years, with 3 inhabited flats in the house, there has been no responsible maintenance of the garden. Therefore it is unlikely that the garden will now be fully maintained to a standard that can be enjoyed by the current dwellers of the property.
5. Even tiled, the outlook onto the garden is harsher than if it was just grass

Statutory and Internal Consultees:

Oxfordshire County Council Drainage: no comment

Issues:

Design

Impact on neighbouring properties

Other matters

Sustainability:

Officers Assessment:

Site description:

1. 8 Jersey Road is a semi-detached house that has previously been

substantially extended and the original house converted into flats. The property has off street parking to the front and a good sized rear garden. See Appendix 1.

Proposal:

2. The applicant is seeking permission for an existing development; a concrete slab to the rear of the property to be used as patio space for the benefit of the occupiers at 8 Jersey Road.
3. The concreted area originally formed the base of a garden building which was subject to an enforcement notice; and subsequently had to be removed.

Design:

4. Policy CS18 of the Oxford Core Strategy states that planning permission will only be granted for development that demonstrates high quality urban design. This is reiterated in policies CP1 and CP8 of the Oxford Local Plan. Policy CP1 states that planning permission will only be granted for development that respects the character and appearance of the area and which uses materials of a quality appropriate to the nature of the development, the site and its surroundings.
5. The concrete slab is adjacent to the rear boundary of the application site, and covers almost the width of the garden. The slabbed area is flat and covers an area of 10.5metres by 5metres; within a garden that is 16 metres in length and 11metres in width. The patio is of an appropriate size so as to be useful; and is well proportioned in terms of the garden as a whole.
6. The patio is in the preferred location at the rear of the garden; as it will be for the use of all the occupiers of 8 Jersey Road, and away from any private windows which could potentially cause harm for the occupiers of those rooms; if the patio were to be located alongside the house.
7. The concrete slab at present is not fit for the proposed purpose of a patio; an outside seating area and BBQ space; however with further landscaping treatment and finishing works it has the potential to be an asset to the occupiers at 8 Jersey Road. Provide an area which can be readily used and easily accessed by all residents for their enjoyment of the outdoor space.
8. The raised patio space will need to be levelled and finished to a high standard so that it can be a genuine asset and so to improve the current outlook onto this space both for present occupiers, potential future occupiers and neighbouring properties.

Impact on neighbouring properties:

9. The patio area does not impose any negative impacts on the neighbouring properties as it does not increase the potential to overlook other private

space. With the appropriate treatment and finishing it will improve the aesthetic of this rear garden; with the added benefit of needing limited maintenance in comparison to a grassed area which would require more upkeep.

Other matters:

10. There has been concern expressed about drainage issues; however the drainage team at Oxfordshire County Council had no comment or objection to make on the proposal. The patio area is flat so will not cause any issue of water run-off in any one direction. The rain water falling onto the hard-surfacing will drain naturally to the sides. Usually dwellings have unrestricted permitted development rights for unlimited hardstanding in rear gardens.

Conclusion: Approve

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

Background Papers: 13/00309/FUL

Contact Officer: Kerrie Gaughan

Extension:

Date: 26th March 2013

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