

East Area Planning Committee

-16th April 2013

Application Number: 13/00311/FUL
13/00312/CAC

Decision Due by: 3rd April 2013

Proposal: 1 Planning Application

Partial demolition of existing house and demolition of existing garages and outbuildings. Erection of two storey side and rear extension. Provision of new access, car parking and turning area. Rebuilding of stone boundary wall fronting Old High Street. (Amended plans)

2 Conservation Area Consent

Partial demolition of existing house, boundary wall and complete demolition of existing garages and outbuildings. (Amended plans)

Site Address: 29 Old High Street Oxford Oxfordshire OX3 9HP

Ward: Headington

Agent: N/A

Applicant: Mr John Martin Young

Previous applications were called in on grounds of the site's long planning history and the high level of public interest and officers are therefore presenting this application to the East Area Planning Committee.

Recommendations

1 Planning application 13/00311/FUL

APPLICATION BE APPROVED

For the following reasons:

- 1 The size, scale, and siting of the proposed development would create an appropriate visual relationship with the built form and grain of the site and the surrounding area. Despite being a large and prominent addition to a property in a sensitive location within the Old Headington Conservation Area it is considered that the proposed development facilitates an enhancement of a currently dilapidated building and underused site without any significant adverse impact upon existing trees and is therefore acceptable in the context of saved policies CP1, CP11, NE15 and NE16 and HE.7 of Oxford Local Plan 2001-2016 and Policy CS18 of the Core Strategy 2012.

- 2 The development has been designed in a manner that would safeguard the residential amenities of the surrounding residential properties. The proposed development would not create any adverse impacts upon the local highway, archaeology or biodiversity that could not be dealt with by conditions. The proposed development would therefore accord with the relevant national planning policy and policies of the current development plan.

- 3 Officers consider that the proposal accords with the policies of the development plan as summarised below. Officers have taken into consideration all other material matters, including matters raised in response to consultation and publicity. Amended plans have been sought that respond to concerns and objections; these amended plans have been consulted on in advance of reaching the above decision. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

Subject to the following conditions:

1. Development must be begun within three years.
2. Development must be built in accordance with approved plans.
3. Existing outbuildings and extension shown to be demolished must be demolished prior to the erection of the approved extension.
4. Materials – samples must be provided of the manufactured stone blocks, mortar and slates.
5. Material specifications and details of Eastern Boundary Wall
6. Material specifications and details of Western Boundary Wall
7. Material specifications and details of vehicular and pedestrian gates
8. Visibility splays – details to be provided
9. Block up existing access
10. Details of parking area to be provided and retained
11. Contractor parking, deliveries and servicing to be provided on site – details to be approved.
12. Tree protection - Root Protection Area (RPA)
13. Tree protection – Arboricultural Method Statement (AMS)
14. Archaeology – programme of work
15. Bats – supervision by bat ecologist

Recommendation for 13/00312/CAC

APPLICATION BE APPROVED

For the following reasons:

- 1 The removal of the existing outbuildings and extensions within the site would not have a detrimental impact upon the visual amenity of the site or the Conservation Area. The proposed development would therefore accord with the relevant national planning policy and policies of the current development

plan.

- 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:

1. Development must be begun within three years.
2. Development must be built in accordance with approved plans.
3. Tree protection - Root Protection Area (RPA)
4. Tree protection – Arboricultural Method Statement (AMS)
5. Archaeology – programme of work
6. Bats – supervision by bat ecologist
7. No demolition prior to confirmation of contract for construction.

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

TR3 - Car Parking Standards

TR4 - Pedestrian & Cycle Facilities

HE7 - Conservation Areas

NE15 - Loss of Trees and Hedgerows

NE16 - Protected Trees

HS19 - Privacy & Amenity

HS21 - Private Open Space

Core Strategy

CS2_ - Previously developed and greenfield land

CS9_ - Energy and natural resources

CS12_ - Biodiversity

CS18_ - Urban design, town character, historic environment

Sites and Housing Plan

HP9_ - Design, Character and Context

HP14_ - Privacy and Daylight

HP15_ - Residential cycle parking

HP16_ - Residential car parking

Other Material Considerations:

National Planning Policy Framework

This application is in or affecting the Old Headington Conservation Area.

Relevant Site History:

84/00321/NFH and 84/00322/LH: Change of use of dwelling to offices and erection of two storey wing on the north and south sides of the main building. Refused

11/02325/OUT and 11/02326/CAC: Demolition of existing house, buildings and structures. Erection of 5 x 3 storey terraced houses with integral garages, parking and bin stores. Alteration to vehicle access. Refused and dismissed on appeal.

12/01765/FUL and 12/01766/CAC: Partial demolition of existing house and demolition of existing garages and outbuildings. Erection of two storey side and rear extension. Provision of new access, car parking and turning area. Rebuilding of stone boundary wall fronting Old High Street. (Amended plans) Partial demolition of existing house, boundary wall and demolition of existing garages and outbuildings. Withdrawn by applicant.

On 30th July 2010 a notice under Section 215 of the Town and Country Planning Act 1990 [as amended by the Planning and Compensation Act 1991] was served on the applicant in respect of repair and maintenance work at 29 Old High Street. The applicant appealed the serving of this notice in both the Oxford Magistrates Court [March 2011] and the Oxford Crown Court [September 2011] but the notice was upheld in its entirety in both cases.

The Council made the decision not to seek prosecution for non-compliance with the section 215 notice pending the outcome of the appeals against the refusal of planning permission and conservation area consent for the demolition of the existing house and outbuildings and the erection of 5 new dwellings. The applicant has since been advised that following the outcome of the current application, the Council will expect the requirements of the notice, as upheld by the courts, to be carried out without any further delay.

Representations Received:

Comments and objections were received from the occupiers of nearby residential properties (122 Beech Road, 33 Old High Street, and a property opposite 29 Old High Street) as well as The Friends of Old Headington.

The main issues raised were:

- Improvements to the appearance of the property and the rebuilding of the boundary wall are to be welcomed.
- Concerns about the design of the proposed windows.
- Concerns about loss of boundary wall (to create new vehicular entrance).
- The proposed extension is bulky and would dominate the neighbouring property at No.33 Old High Street.
- Impact on views from Old High Street into Bury Knowle Park.
- Concerns about the loss of the old outbuildings.
- The development is not subservient to the main dwelling.
- There should be a gap at first floor between the main house and No. 33 Old

High Street.

- There is nothing wrong with the application and the building needs sorting out

Statutory and Internal Consultees:

Oxford Civic Society: Welcome attempt to find an acceptable restoration of the house. Concerns that the rear extension is too large and bulky and would have a dominant impact on No. 33 Old High Street. Concerns about the large garage doors. Suggest that parking provision is made on site so as not to worsen the parking conditions on Old High Street.

Highways Authority: Comments, recommend approval with conditions.

Issues:

- Principle
- Form and Appearance in the Conservation Area
- Impact on Neighbours
- Highways and Parking
- Trees

Officers Assessment:

Site Location and Description

1. The application site extends to some 0.06 hectares and lies on the east side of Old High Street. The site lies within the Old Headington Conservation Area and backs onto a public car park which serves the local Waitrose supermarket and other shops that comprise the Headington District Shopping Centre.
2. The main house is sited at right angles to Old High Street with the original front of the house facing south (towards London Road) which is at odds with many of the surrounding residential properties. This situation originates from the history of the building which was once sited in substantial grounds that took in all the land between the application site and the London Road.
3. The site currently accommodates a 19th century dwelling and its curtilage. The house is a two storey, substantial building with an L-shaped range to the rear which abuts the side wall of the adjacent dwelling at 33 Old High Street. The house is unoccupied and in a poor state of repair.
4. The main house has rendered gable and rear elevations and a stone principal façade with a natural slate roof and there exists a red brick outbuilding which lies adjacent to Old High Street. The site is bounded to Old High Street by a natural stone wall which is approximately 1.5 metres high and in a poor state of repair. Works to this wall have recently been carried out involving the use of concrete blocks and the applicant has been made aware that these works are not acceptable and do not comply with the requirements of the Section 215 notice referred to above.

5. The site features a number of relatively substantial trees which are predominantly located along the southern part of the eastern boundary of the site, away from Old High Street and close to the rear garden of 23 Old High Street. The site lies in a predominantly residential area which is characterised by mainly detached and semi-detached properties of varying sizes and architectural styles.

The Proposal

6. The applications seek conservation area consent and planning permission for the partial demolition of the existing house and boundary wall together with the demolition of the existing garages and outbuildings and the erection of a two storey side and single storey rear extension to provide a 3 bedroom dwelling with an integral garage and a new vehicle access.
7. The extension would be erected using manufactured stone blocks and slates with matching timber windows and doors. The extension would be set well back from Old High Street and would have a slightly lower roof height than the main house.
8. The original plans submitted with the application sought permission for a full two storey rear extension and a two storey side extension that continued close to the boundary with No. 33 Old High Street. There were several significant concerns that were expressed about this scheme including the impact of the two storey rear extension on the canopy of nearby protected trees (including one of the large Beech Trees in the south-east corner of the site referred to on some of the plans as 'T.4'). Other concerns in relation to the side extension included the impact on the residential amenity of No. 33 Old High Street, impact of views in the Conservation Area and effect on its character and appearance, the size of the extension being too large and bulky and concerns about the impact on the street scene.
9. The concerns that were raised in relation to the submitted scheme led to the plans being amended and re-consulted upon. The amended scheme which is the subject of this report is referred to on the plans as 'Rev 3'. Part of the two storey side extension was reduced to being single storey and the rear extension is entirely single storey with a monopitch roof.

Principle

10. There is no objection in principle to the erection of an extension to 29 Old High Street to provide more spacious accommodation commensurate with the generous proportions of the site. The site comprises an existing residential plot and the proposed extension would be erected largely at the side of the house where there are existing buildings and structures. Part of the proposals are to demolish some of these outbuilding and structures which are of little architectural or conservation value.

11. The National Planning Policy Framework (NPPF) was published in March 2012 and replaces all the Planning Policy Guidance and Planning Policy Statements that previously encompassed Government guidance in planning. The NPPF largely carries forward existing planning policies and protections but in a significantly more streamlined and accessible form. It also introduces a presumption in favour of sustainable development which complies with an up to date Development Plan.
12. The NPPF re-affirms that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations. In relation to development affecting a designated heritage asset (e.g. a conservation area) the NPPF states that *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification”*.
13. The NPPF also states that *“Where a proposed development will lead to substantial harm or to total loss of significance of a designated heritage asset, Local Planning Authorities should refuse consent unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss”*.
14. In the context of the above two paragraphs it is important to state that although there is a presumption in favour of sustainable development in respect of this application it is also important to examine the impact of the proposed demolition and extensions on the character and appearance of the conservation area. Further to this it is important to make an assessment of the benefits or justification of the scheme if there is perceived to be any damage or harm caused to the Conservation Area. It is suggested that this assessment will be an important part of the recommendation for this application along with other material considerations such as design, living conditions, highways, parking, biodiversity, archaeology and the trees.

Form and Appearance in the Conservation Area

15. Policy CP1 of the Oxford Local Plan states that planning permission will only be granted for development that shows a high standard of design, which respects the character and appearance of the area and uses materials of a quality appropriate to the nature of the development, the site and its surroundings. Policy CP6 states that development proposals should make the best use of site capacity but in a manner that would be compatible with both the site itself and the surrounding area. Policy CP8 suggests that the siting, massing and design of any new development should create an appropriate visual relationship with the form, grain, scale, materials and detailing of the surrounding area.

16. Policy HE7 of the Oxford Local Plan states that planning permission will only be granted for development that preserves or enhances the special character and appearance of conservation areas and their settings and policy CS18 of the Core Strategy emphasizes the importance of good urban design that contributes towards the provision of an attractive public realm.
17. Central to the City Council's standard advice on the erection of two storey side extensions is that they should appear as subservient additions to the main house and not overwhelm or over dominate the host building. The advice also suggests that, in the main, extensions should have lower roof heights in order to appear subordinate and as separate additions to the property.
18. The proposed two storey side extension has a lower roof height and only extends part way along the side elevation at two storey height. It is the view of Officers that the part single storey element assists with ensuring that the proposed side extension appears subservient to the main dwelling and also makes the proposed side extension less bulky and overwhelming.
19. Concerns had previously been expressed in relation to previous schemes about the monolithic appearance of the two storey side extension which was proposed to extend near to or up to the boundary with No. 33 Old High Street. The amendments made for this scheme mean that a visual gap is maintained above single storey level between the two properties as well as maintaining views from Old High Street into Bury Knowle Park. It is suggested that the amendments that have been made to lower the height of a substantial part of the side extension respond to some of the local concerns that have been raised.
20. Following on from the above point it is the view of Officers that the proposed part single, part two storey side extension more sensitively reflects the built heritage of the Old Headington Conservation Area which contains some large houses set back from the road that maintain views into open spaces. In this respect the gap at first floor level between the main house and neighbouring property at No. 33 Old High Street more sympathetically mirrors some of the residual rural qualities of the Old Headington Conservation Area.
21. In addition to the side extension, a single storey rear extension is proposed. Previous schemes had proposed this to be at the same height as the adjoining main part of the house. At present, the site of the rear extension is occupied by a small lean to extension; it is proposed to replace this with a larger lean to single storey extension. In a similar way to the proposed side extension the lower height of the rear extension ensures that the proposal is visually subservient. In addition to this there were concerns expressed in relation to the impact of the proposed rear extension on nearby trees which are discussed later in this report.

22. Despite the positive views expressed above in relation to the design of the proposal, officers are still mindful of the bulk of the extension which is perceived to be substantial given the size of the original dwellinghouse. In particular it is considered that the development would radically alter the shape of the property such that it would be substantially more visible in the public realm (in particular from Old High Street and Waitrose Car Park). Officers have considered these concerns but would indicate that although the extensions are large and bulky the building is set back from the road and from public views from the car park to the rear. Also, despite being similar to previously unacceptable schemes on this site, the proposals for this application are a significant improvement and have removed the most intrusive elements that led to previous refusals.
23. Some aspects of the proposals lack the details that would be required to lead to a recommendation for outright approval for this development. In particular, it is suggested that the materials used in the external construction of the extensions, boundary walls and gates should be subject to samples being provided to ensure that they are satisfactory. This is particularly important given the context of the site in the Old Headington Conservation Area where the use of natural and high quality materials is a significant aspect of the local vernacular.
24. On the basis of the above assessment it is the view of Officers that these proposals are acceptable in terms of their design subject to the recommended conditions.

Living Conditions

25. Policy HS19 of the Oxford Local Plan states that planning permission will only be granted for development that adequately provides both for the protection of and/or creation of the privacy or amenity of the occupiers of the proposed and existing neighbouring, residential properties.
26. The only property potentially affected by the proposal is 33 Old High Street which abuts the northern boundary of the site. Amendments have been made to this scheme which have responded to the concerns raised previously about the impact of an extension on 33 Old High Street; these have already been discussed. No windows are proposed on any side elevation that would lead to overlooking into the private amenity space of 33 Old High Street. The extension is now reduced to single storey for the element abutting the side boundary with 33 Old High Street so that it is not considered to be overbearing or restrict the outlook from this neighbouring dwelling.
27. There are no windows in the side wall of 33 Old High Street that would be adversely affected by the proposal. The proposed extension would project beyond the rear wall of 33 by some 1.6 metres and would not result in any loss of light to the rear facing windows at this adjoining dwelling. Given the modest rear projection of the proposed extension, it would not appear

unacceptably overbearing in the outlook from 33 Old High Street.

28. Whilst the proposal includes the provision of additional windows on the rear elevation of the proposed extension, all these windows would look towards the rear garden of 29 Old High Street and beyond into the Waitrose Car Park and would not result in any direct overlooking of the garden area serving 33 Old High Street. Similarly the additional first floor bedroom windows in the front elevation would not unacceptably overlook the front amenity space at number 33 Old High Street given the garage and workshop structure which is located along the joint boundary.
29. In relation to the proposed windows at first floor level on the east elevation officers suggest that the windows could have a positive impact in terms of increasing passive surveillance of the Waitrose Car Park; this accords with Policy HP9 of the adopted Sites and Housing Plan (2013).
30. On the basis of the above Officers consider that the proposals are acceptable in the context of living conditions for neighbouring residential properties and the proposals accord with Policies HS19 of the Oxford Local Plan 2001-2016.

Highways and Parking

31. Oxfordshire County Council as Local Highway Authority has not raised an objection to the application. The revised plans show a single new vehicle access to replace the existing, an integral garage and a front parking area that could accommodate two cars. Conditions in relation to the formation of the vehicular access, cessation of the use of the existing access and the parking of contractors' vehicles have been recommended to ensure that the development accords with the requirements of highway safety and Policy CP1 of the Oxford Local Plan 2001-2016.

Trees

32. The application is accompanied by an Arboricultural Assessment which sets out the condition of all the trees on the site and confirms that the existing Cypress tree [T2] should be removed for reasons of safety. Almost all of the established trees on the site are located along the rear boundary of the site and would not be affected by the proposals.
33. Officers have carefully considered the proposals, particularly in relation to T4, a mature beech tree which would be affected by construction work required to be undertaken within its Root Protection Area (RPA). In general, new structures should not be constructed within the RPA's of retained trees unless there is an overriding justification to do so. If, however, there is an overriding justification (supported by evidence) then technical solutions might be available to prevent or minimise damage to the tree roots.
34. The applicant has now submitted details of a proposed pile foundation

that would be used within the RPA of the beech tree. Officers consider that a foundation system which uses mini-piles and beams could be used to minimise the harmful impacts on the roots of the adjacent trees as long as the system was flexible enough to allow piles to be located to avoid major structural roots, that beam piles are set above ground level and that a ventilated and irrigated void could be maintained beneath the floor slab. Two conditions in relation to tree protection measures have been suggested in order to respond to the requirements discussed above.

35. It should be noted that amendments were sought in relation to the side extension which was previously proposed to extend to two storeys. It is suggested that as a result of the amended plans featuring a single storey side extension the concerns that had previously been expressed in relation to the impact of the extension on the canopy has been removed.

36. Officers consider that the application is acceptable on its merits, albeit perhaps at the limits of acceptability in terms of the scale and bulk of the two storey rear extension and despite some concerns raised in relation to the impact of the extensions on protected trees. There is, however, the further benefit in approving the application in that it would facilitate the renovation of a prominent building in the Conservation Area. This is beneficial given the current dilapidated appearance of the property which currently has a harmful impact on the surrounding Old Headington Conservation Area.

Archaeology

37. The application site lies in an area which has archaeological interest because it is associated with a wider landscape of pre-historic and Roman rural settlement. It is also located in close proximity to a Saxon burial ground. The area also has more contemporary historical interest given its 19th Century origins as a farmhouse and its association with local market gardening. As a result of this historical sensitivity officers suggest that a condition should be applied to any approval securing a programme of archaeological work in order for the proposals to accord with Policy HE.2 of the Oxford Local Plan 2001-2016.

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

Background Papers:

11/02325/OUT and 11/02326/CAC

12/01765/FUL and 12/01766/CAC:

Contact Officer: Robert Fowler

Extension: 2104

Date: 28th March 2013