

East Area Planning Committee

16th April 2013

Application Number: 13/00349/FUL

Decision Due by: 11th April 2013

Proposal: Sub division of existing plot and erection of 1x2 bed self-contained dwelling house (Class C3). Provision of vehicle parking and amenity space.

Site Address: 29 Balfour Road, Blackbird Leys (**site plan: Appendix 1**)

Ward: Blackbird Leys Ward

Agent: MSC Planning Ltd

Applicant: Mr M Crook

Application called-in by Councillors Humberstone, Seamons, Coulter, Van Nooijen, Pressel, and Curran on grounds of restricted access, and overdevelopment

Recommendation:

APPROVE

for the following reasons:

- 1 The proposed development would make an efficient use of previously developed land, and be designed in a manner whereby the level of development suits the sites capacity and creates an appropriate visual relationship with the built form of the existing terrace row and the Balfour Road / Wingate Close street scene. The proposal would be sited in a manner that would not have a detrimental impact upon the residential amenities of the surrounding properties including those adjacent to the site. The residential unit 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. The development would accord with 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 Materials - matching
- 4 Details of means of enclosure
- 5 Details of refuse and cycle storage
- 6 Details of parking areas and visibility
- 7 Sustainable Urban Drainage system

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

Core Strategy

CS2_ - Previously developed and greenfield land

CS18_ - Urban design, town character, historic environment

CS23_ - Mix of housing

Sites and Housing Plan

MP1 - Model Policy

HP2_ - Accessible and Adaptable Homes

HP9_ - Design, Character and Context

HP10_ - Developing on residential gardens

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

Relevant Site History:

57/06434/A_H - Outline application for housing and ancillary purposes including the stopping up of part of Long Lane and Sandy Lane: Approved

07/00760/FUL - Two storey extension to form dwelling house(3 bed) Parking for 4 cars on frontage: Application returned

08/00148/FUL - Two storey side extension to form dwelling house(3 bed). Creation of four parking spaces on frontage (2 for existing dwelling and 2 for new dwelling): Refused and dismissed on appeal.

11/02278/FUL - Erection of 3 bedroom end of terrace house. Provision of 2 car parking spaces to frontage: Refused and dismissed on appeal

Representations Received:

None

Statutory Consultees:

Blackbird Leys Parish Council:

- Objection on grounds of traffic and overdevelopment
- There is a previous refusal on this site.

Thames Water Utilities Limited: No objection

Oxfordshire County Council Drainage Team: Sustainable Urban Drainage system for drains and parking areas required.

Oxfordshire County Council Highways Authority: No objections

Officers Assessment:

Site Location and Description

1. The application site is situated in a prominent corner location on the northern side of Balfour Road at the junction with Wingate Close (**appendix 1**)
2. The site comprises a two-storey terraced dwelling with pitched roof that has the same established character as other similar aged properties within the area. The property has a small front garden, which also runs to the side along the Wingate Close return frontage. There is a private walled garden to the rear.

Proposal

3. Planning permission is sought for the sub-division of the existing plot and the erection of a two-storey side extension to 29 Balfour Road to create a 2 bedroom self-contained dwellinghouse (Class C3).
4. The permission will also include the provision of vehicle parking on the frontage, and a private amenity area to the rear.
5. Officers consider that the principle determining issues with regards to the proposal are as follows:
 - Principle of Development
 - Balance of Dwellings
 - Form and Appearance
 - Impact upon Adjoining Properties
 - Residential Uses
 - Highway Matters

Background

6. The site has been the subject of a number of attempts to create an additional dwelling on the land to the side of the existing dwellinghouse at 29 Balfour Road.
7. In October 2011 planning permission for the erection of a 3 bedroomed end of terrace dwellinghouse, and the provision of 2 car parking spaces to the frontage was refused under delegated powers on grounds that the proposed development would have a detrimental impact upon the character and appearance of the area.
8. An appeal against this decision [APP/G3110/A/12/2172508] was subsequently dismissed in September 2012. The Inspector concluded that the proposed extension would have a detrimental impact upon the character and appearance of the area as it would not relate well to the existing terraced row because the dwelling was too wide in comparison to other properties and this was exacerbated by the location of the main entrance on the frontage which did not reflect the design of the terrace row. This decision is a material consideration in the determination of this application. A copy of the decision notice can be found in **Appendix 2** of this report.

Principle of Development

9. The National Planning Policy Framework 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. The proposed building would be sited in the area to the side of the existing dwellinghouse, which has a small lean-to structure and boundary fence which is within part of the property that would be considered previously developed land rather than the private garden. Therefore there would be no objection to the principle under Policy CS2 of the adopted Oxford Core Strategy 2026.

Balance of Dwellings

10. 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. The Balance of Dwellings Supplementary Planning Document (BoDSPD) identifies the site as being located within the Blackbird Leys Neighbourhood Area. In these areas there is no specific target mix for residential dwelling types, and as such the proposal to create an additional 2 bedroom dwelling would accord with Policy CS23 of the Oxford Core Strategy 2026 and the BoDSPD.

Form and Appearance

11. 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 HP9 of the Sites and Housing Plan states that the form, layout, and density of the scheme should make an efficient use of land

whilst respecting site context; and the development exploits opportunities to make a positive contribution to local character and distinctiveness, and maintains natural surveillance of the public realm. This is supported by Policy CP8 of the Oxford Local Plan 2001-2016.

12. The built form and grain of Balfour Road is characterised by terraced properties of uniform size, set within similar sized plots with front gardens and reasonable sized private rear gardens that help establish a balanced appearance and rhythm to the street scene. As the site is a corner plot, it has an area of land to the side that helps establish a sense of openness at the corner, which leads into Wingate Close. The dwelling of 14 Wingate Close has a large front garden that joins the application site and further enhances this openness. The proposed two-storey side extension has been amended since the previous refusal (11/02728/FUL) to address the Inspectors concerns in the recent appeal decision (**Appendix 2**). The extension would measure approximately 7.2m (l) x 4.6m (w) x 7.2m (h) and would be sited in a manner which acts as a continuation of the terrace row. In order to address the Inspectors concerns, the extension has been reduced in width by approximately 800mm, and the entrance has been moved to the side elevation in order to balance out the terrace row. The proposed extension would now project approximately 1.2m beyond the building line of Wingate Close.
13. Officers consider that the proposed changes have resulted in a building which is of a size, scale, and design that creates a more appropriate visual relationship with the built form and symmetry of the existing terraced row and also the building line of Wingate Close. As such it is considered that this would not have an adverse impact upon the openness of this prominent corner plot at the junction of Balfour Road and Wingate Close. This would accord with the overall aims of Policy HP9 of the Sites and Housing Plan, Policy CS18 of the Oxford Core Strategy, and Policy CP8 of the Oxford Local Plan.

Impact upon Adjoining Properties

14. 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 dwellings 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.
15. The proposed two-storey side extension would be unlikely to create any privacy or amenity issues in terms of restricting light, overlooking and overbearing impact upon any of the adjoining properties in Balfour Road or Wingate Close that would conflict with the aims and objectives of Policy CP10 and HS19 of the Oxford Local Plan 2001-2016.

Residential Uses

16. The proposed dwelling would have a good standard of internal environment for a two bedroom dwelling that would comfortably exceed the requirements of Policy HP12 of the Sites and Housing Plan. At the same time the dwelling would appear to be of a suitable size to satisfy lifetime home standards in accordance with Policy HP2 of the Sites and Housing Plan.
17. The proposed and existing dwellings would both have private amenity areas that would satisfy the standards of Policy HP13 of the Sites and Housing Plan. A condition should be attached which requests details of the means of enclosure for these dwellings. Similarly there would be sufficient space to provide adequate refuse and cycle storage, and as such a condition should be attached requiring these to be provided.

Highway Matters

18. The proposed development is within a sustainable location with nearby shops and services and a bus stop immediately outside the address. Balfour Road is a busy residential road. The road is subject to a 30mph speed limit and is traffic-calmed. On-street parking occurs in the vicinity of no. 29 Balfour Road, where parking is unrestricted and the area is not covered by a Controlled Parking Zone (CPZ).
19. The proposed parking spaces, within the curtilage of the site, will require the provision of additional dropped kerbs for safe vehicular access. The Local Highways Authority has concluded that this would not create a highway safety concern in this location, where it is duly noted, that there is a bus stop, immediately outside the site. The position of the bus stop and waiting area for bus passengers would be clear of any required dropped kerb for vehicular access to the site.
20. The proposal level of off-street parking is considered to be acceptable and the submitted plans indicate that off-street parking will be practical and usable. As such no objection would be raised to the proposal in highway terms, subject to conditions requiring suitable visibility splays to be provided for the parking areas, and a sustainable urban drainage system for the hard surfacing.

Conclusion:

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

Background papers:- 13/00349/FUL, 11/02278/FUL

Contact Officer: Andrew Murdoch

Extension: 2228

Date: 21st March 2013

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