

West Area Planning Committee

8th May 2013

Application Number: 13/00760/FUL

Decision Due by: 22nd May 2013

Proposal: Conversion of garage in to habitable space

Site Address: 24 Marlborough Court, Duke Street, **Appendix 1.**

Ward: Jericho And Osney Ward

Agent: N/A

Applicant: Emily Pinching

Recommendation: APPLICATION BE APPROVED

For the following reasons:

- 1 The proposal is acceptable in terms of its visual impact and would not be detrimental to the streetscene, or to the living conditions of neighbouring properties. The loss of the garage is compensated by the creation of an additional off-street parking space. The site is located in a sustainable location close to local amenities and a regular bus service. The proposal accords with policies CP, CP6, CP8 and CP10 of the Oxford Local Plan, HP14 and HP16 of the Sites and Housing Plan and CS11 and CS18 of the Core Strategy.
- 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 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Materials - matching
- 4 In accordance with Flood Risk Assessment
- 5 Ground resurfacing - SUDS compliant

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

CP10 - Siting Development to Meet Functional Needs

Core Strategy

CS11 - Flooding

CS18 - Urban design, town character, historic environment

Sites and Housing Plan

HP9 - Design, Character and Context

HP14 - Privacy and Daylight

HP16 - Residential car parking

Other Material Considerations:

National Planning Policy Framework

Relevant Site History:

98/01910/NOY - Demolition of existing commercial buildings. Outline application for the erection of 31x3 and 4 bed units. (All details reserved for subsequent approval.. PER 17th September 1999.

99/01989/NR - Construct 29x3 & 4 bed units (details of siting, design, external appearance, access & landscaping reserved by outline planning permission 98/01910/NOY. PER 3rd June 2000.

Representations Received:

11 Duke Street – need to consider impact on local parking pressure

At the time of writing this report the consultation period was still open; any further comments received will be reported verbally at Committee.

Statutory and Internal Consultees:

Highways Authority – no objection (see comments below)

Determining Issues:

- Visual impact
- Parking
- Flood risk

Officers Assessment:

Site

1. The application site comprises a three-storey end of terrace town house located in a close at the southern end of Duke Street, to the south side of Botley Road. The house has an integral garage to the side with an off-street parking space in front of it.

Proposal

2. Planning permission is sought to convert the garage into living accommodation to provide a study room and a larger kitchen/diner.
3. Planning permission is required for this alteration as a condition was placed on the consent for the development granted in 1999 (ref. 98/01910/NOY) which states:

Any garages which are approved shall not be changed or adapted for living purposes or used for any other purpose except as a private domestic garage without the prior written permission of the Local Planning Authority.

Reason: To ensure that a garage is always available for use with the house.

4. Officers consider the determining issues in this case to be the visual impact of the proposal, the loss of the garage in terms of parking provision, and any potential for increased flood risk.
5. The application comes before committee as the applicant is an employee of the Council.

Visual Impact

6. The external changes to appearance of the house are fairly minimal, with an existing garage door being replaced with a window to match existing ones. A condition is suggested requiring matching materials to be used when blocking up the garage entrance.
7. An existing small front garden area would be levelled to provide some extra parking space to the front, as well as the existing parking space to the side which would remain unaffected.
8. The visual impact of the proposal is considered to be acceptable and would not be harmful to the character of the existing building and surrounding area, and would not appear out of keeping with the overall character of the area. In this respect the proposal complies with policies CP1, CP8 and CP10 of the Oxford Local Plan and CS18 of the Core Strategy.

Parking

9. An existing off-street space would remain to the side of the house, and an additional space would be created in front the house by levelling the small garden area. This level of parking is deemed to be acceptable in this location and does not conflict with the aims of policy HP16 of the Sites and Housing Plan.
10. The site is not eligible for parking permits as it is outside of the West Oxford Controlled Parking Zone (CPZ). Duke Street immediately to the north is within the CPZ as is the rest of Marlborough Court which runs parallel to this section of the street so it is possible to control parking in the immediate area. As the application site is not eligible for parking permits officers are satisfied that the proposal would not lead to additional pressure on surrounding streets.
11. The Highway Authority has no control over highway matters on the section of Marlborough Court, which is a private road; however, they have commented that it is likely that the proposed parking arrangement for 2 parking spaces to the side and front of the dwelling will require multiple manoeuvres. However, this is not considered to create undue risks to safety as there are only a small number of properties served off the private access.. The Highway Authority has no objection to the proposal.
12. Other properties in this section of the street already park on the front garden areas and planning permission was granted last year for no. 20 Marlborough Road to convert their garage to habitable accommodation. In view of the off-street parking proposed, and the location of the dwelling in a private road shared by only 4 other dwellings, as well as the existence of a CPZ in the neighbouring streets, officers are of the view that the loss of the garage would not cause an increase in parking pressure in the local area.

Flooding

13. The site is located within a flood zone and as such a Flood Risk Assessment (FRA) has been submitted which confirms that the floor levels will not be lowered. A condition is suggested requiring the development to be carried out in accordance with the information submitted in the FRA.
14. A condition is also suggested requiring ground resurfacing works to be compliant with Sustainable Urban Drainage techniques, to prevent surface water flooding and in accordance with policy CS11 of the Core Strategy.

Conclusion: recommendation to approve subject to conditions.

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.

Contact Officer: Rona Gregory

Extension: 2157

Date: 25th April 2013

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