

East Area Planning Committee

13th June 2013

Application Number: 13/00820/FUL

Decision Due by: 3rd June 2013

Proposal: Erection of 2x3 bed dwellings and 1x2 bed dwelling (Class C3) in terraced block with associated bin and cycle stores.

Site Address: Land to the rear of 82 84 and 86 Windmill Road, Oxford
[Appendix 1]

Ward: Headington Ward

Agent: Ifor Rhys Ltd

Applicant: Haseley Homes Ltd

Application called in by Councillors Rundle, van Nooijen, Canning and Coulter on grounds that the site has been the subject of repeated applications including a successful appeal and which is accessed off Norton Close.

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposal forms an appropriate visual relationship with the site and the surrounding development and would appear in keeping with the street scene. The scheme would provide 2 x 3 bedroom dwellings and 1 x 2 bedroom dwelling, would be served by 2 car parking spaces in the garage block to the west of the site and would provide cycle parking, bin stores and private amenity areas. There is an extant planning permission, allowed on appeal, for a similar form of development to provide the same mix of dwellings together with 2 car parking spaces. It is considered that the proposal complies with adopted policies contained in the Oxford Core Strategy, the Sites and Housing Plan and the Oxford Local 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, which have been imposed for the reasons stated:-

- 1 Development begun within time limit

- 2 Develop in accordance with approved plans
- 3 Amenity no additional windows north, south, west or east,
- 4 Design - no additions to dwelling
- 5 Samples
- 6 Landscape plan required
- 7 Landscape carry out by completion
- 8 Cycle parking details required
- 9 Variation of Road Traffic Order - Norton Close/Windmill Road
- 10 Sustainability design/construction
- 11 Bin stores
- 12 Suspected contamination - Risk assess
- 13 Link use of garages to new houses
- 14 Class C3 use only
- 15 Construction Travel Plan

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

Core Strategy

- CS2_** - Previously developed and greenfield land
- CS9_** - Energy and natural resources
- CS10_** - Waste and recycling
- CS11_** - Flooding
- CS18_** - Urban design, town character, historic environment
- CS23_** - Mix of housing

Sites and Housing Plan

- HP9_** - Design, Character and Context
- HP11_** - Low Carbon Homes
- HP12_** - Indoor Space
- HP13_** - Outdoor Space
- HP15_** - Residential cycle parking
- HP16_** - Residential car parking

Other Material Considerations:

National Planning Policy Framework
 Balance of Dwellings Supplementary Planning Document [BoDS SPD]

Relevant Site History:

09/02036/FUL: Erection of a terrace of 3 x 2 bedroom dwellings together with bin

and cycle stores. Approved

10/00050/FUL: Erection of a terrace of 3 x 2 bedroom dwellings together with bin and cycle stores. Refused on grounds of inadequate rear gardens only.

10/01946/FUL: Erection of a terrace of 3 x 2 bedroom dwellings with bin and cycle stores. [Amendment to 09/02036/FUL] Approved

11/02994/FUL: Erection of 2 x 3 bedroom dwellings, 2 x 2 bedroom flats and 1 x 1 bedroom flat in a terraced block with bin and cycle stores. Refused and dismissed on appeal

12/00660/FUL: Erection of 2 x 3 bedroom dwellings and 1 x 2 bedroom dwelling in a terraced block with bin and cycle stores. Refused and allowed on appeal.

Representations Received:

None

Statutory Consultees:

Thames Water: No objection with regard to sewerage infrastructure.

With regard to surface water drainage it is recommended that the applicant ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. It is also recommended that the applicant contact Thames Water.

Oxfordshire County Council as Local Highway Authority: The site lies within the Headington CPZ and there is parking pressure where on-street parking is over subscribed. The proposal includes the use of two garages, in a garage block, for each of the 3 bedroom dwellings. The garage block is unlit and the parking spaces are below the latest standards for practical and useable parking. However each of the new dwellings should be excluded from eligibility for resident parking permits although eligibility for visitor parking permits is considered to be acceptable.

No objection subject to the following conditions:

- No occupation until the TRO has been varied to exclude the site from eligibility for resident parking permits
- Submission and approval of a Construction Travel Plan

Issues:

- Principle
- The Appeal Decision
- Private Amenity Space

Sustainability:

The site lies in a sustainable location within easy access to shops, services and public transport links and the proposal constitutes a sustainable form of development that would make more efficient use of an existing brownfield site.

The design and access statement submitted with the application states that the new dwellings would be designed to achieve Level 3 of the Code of Sustainable Homes. In addition, materials will be sourced locally and energy efficient fittings and appliances will be used.

Officers Assessment:

Site location and description

1. The site lies to the rear of numbers 82, 84 and 86 Windmill Road and currently accommodates a block of 5 garages which are accessed by way of an unmade track leading off Windmill Road. The garages have not been used for a number of years.
2. The site lies adjacent to numbers 21 and 22 Norton Close which is a cul-de-sac leading off Bateman Street. The site appears neglected and unsightly from the side door and windows of number 22 Norton Close.
3. The site also includes two garages located in the adjacent garage block. The end garage has had its side, rear and front walls removed and provides a hard surfaced car parking space. The other garage within the block has had its front door removed.

The Proposal

4. The application seeks planning permission for the demolition of the existing garage block and the erection of a terrace of 2 x 3 bedroom dwellings and 1 x 2 bedroom dwellings. The two larger dwellings would both have access to a car parking space in the adjacent garage block but the two bedroom dwelling would be car free. The occupiers of the new dwellings would however be eligible to apply for visitor parking permits.
5. The scheme proposes the provision of cycle parking and bin stores for each new unit together with private rear gardens. Pedestrian access in and out of the site would be onto the turning head area of Norton Close.
6. The new building would have a width of 18.5 metres, a depth of 12 metres and a height of 8.1 metres. It would be erected using a mix of render and facing bricks with a tiled roof incorporating two rear dormer windows and a double sized rooflight.
7. The proposal differs from the scheme allowed on appeal in January of this year having regard to the proposed building having a 1.5 metre deeper footprint at ground and first floor level which provides more spacious living and bedroom accommodation. No changes are proposed to the accommodation within the roofspace which remains as approved.

Principle

8. There are currently two extant planning permissions for the erection of a building on the site to provide 2 x 3 bedroom dwellings and 1 x 2 bedroom dwellings together with cycle parking, bin stores and private amenity space. The first permission [without any accommodation in the roofspace] was approved in August 2010 [10/01496/FUL]. The more recent planning permission [12/00660/FUL] was allowed on appeal in January 2013.

9. Having regard to the extant planning permissions, officers take the view that the principle of the erection of 2 x 3 bedroom dwellings and 1 x 2 bedroom dwelling is not at issue.

The Appeal Decision

10. A copy of the appeal decision is attached at Appendix 2 and Members are advised that it is only appeal A that is directly relevant to the current proposal. The application the subject of the appeal was refused for only one reason relating to inadequate parking provision for the new dwellings.
11. In allowing Appeal A, the Inspector comments that the alterations made to the two garages have improved their accessibility and that, although the garage block is not lit, both the garage plots provide proper parking accommodation in accordance with adopted local plan policies. The Inspector goes on to say that the Local Highway Authority has raised no objection to the application and concludes that the proposal would not have a severe effect on highway safety in Norton Close. The current application proposes the same arrangement as regards car parking provision.
12. In paragraph 32 the Inspector considers the Council's suggestion that if planning permission is granted and the appeal is allowed, a condition should be imposed removing permitted development rights in respect of extensions to the new dwellings and the erection of garden buildings. The Inspector states "*The circumstances of the proposal under Appeal A would not however be sufficiently exceptional to require such a response to prevent harm and such a condition would therefore not be necessary*".
13. The current proposal incorporates an additional building depth of 1.5 metres at ground and first floor levels. Under the Town and Country Planning [General Permitted Development] Order 1995 [as amended], a single storey extension up to 3 metres in depth is permitted development, not requiring planning permission. A first floor extension of up to 3 metres can also be permitted development depending on distances to boundaries. In this case part of the proposed first floor extension would not be permitted development; however what could be erected without planning permission would appear contrived and unsightly and officers take the view that the most logical approach to this issue is to approve the current proposal for 1.5 metre deep rear extensions and to remove further permitted development rights by condition. In this way the Council would retain control over the erection of any further extensions or garden buildings.

Private amenity space

14. Policy HP13 of the Sites and Housing Plan 2012 states that houses of 2 or more bedrooms must provide a private garden, of adequate size and proportions for the size of the house proposed for exclusive use by the

occupants of that house. The policy goes on to say that other factors will need to be taken into account including proximity to public open space, orientation, enclosure and overlooking and the overall shape of the space to be provided.

15. The gardens proposed would have a depth of 8.5 metres and widths varying between 6 and 8.5 metres and officers consider this to be acceptable. In addition, it is clear that the Inspector did not consider garden sizes to be an issue given that he did not take away permitted development rights for the new dwellings which would enable 3 metre deep single storey extensions to be erected without planning permission. This would result in the length of the private gardens being reduced to 7 metres.

Conclusion:

16. The proposal forms an appropriate visual relationship with the site and the surrounding development and would appear in keeping with the street scene. The scheme would provide 2 x 3 bedroom dwellings and 1 x 2 bedroom dwelling, would be served by 2 car parking spaces in the garage block to the west of the application site and would provide cycle parking, bin stores and private amenity space. There is an extant planning permission, allowed on appeal, for the erection of 3 dwellings on the site and the proposal complies with adopted policies contained in the Oxford Core Strategy, the Sites and Housing Plan and the Oxford Local Plan.

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:

09/02036/FUL

10/00050/FUL

10/01496/FUL

11/02994/FUL

12/00660/FUL

13/00820/FUL

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Date: 9th May 2013

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