

North East Area Committee

-13th June 2013

Application Number: 13/00598/FUL

Decision Due by: 6th May 2013

Proposal: Erection of 1 x 4 bedroom dwelling with detached garage which includes ancillary accommodation

Site Address: Quarry House 38 Quarry Road (Site plan: Appendix 1)

Ward: Quarry And Risinghurst Ward

Agent: Mr Roy Wilkinson

Applicant: Mr Greg Kilkenny

Application Called in – by Councillors Sinclair, Clarkson, Baxter and Curran.
For the following reasons - impact on highway safety, the glebeland fields and SSSI site nearby.

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposed development is considered acceptable in design terms and would preserve the character and appearance of the Headington Quarry Conservation Area, and would not be harmful to local wildlife and ecology. The impact on neighbouring properties is acceptable and the proposal is also acceptable in highway and parking terms. The proposal accords with the relevant policies of the local development plan.
- 2 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.
- 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.

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 Samples of materials
- 4 Tree Protection Plan
- 5 Construction plan to indicate siting of all construction features
- 6 Services Plan to show location of underground services and soakaways
- 7 Landscape plan
- 8 Details of hard surface design
- 9 Accommodation over garage to be ancillary only
- 10 Removal of PD rights
- 11 Eaves detail
- 12 Working method statement for protection of great crested newts
- 13 No removal of hedgerows, trees or shrubs to take place between 1st March - 31st August for bird protection
- 14 Ivy covered trees to be soft felled
- 15 Native species only to be used in planting
- 16 Bird boxes to be incorporated
- 17 Phased risk assessment to assess contamination of land
- 18 Boundary details before commencement
- 19 Re-siting of pond
- 20 Bin and cycle storage details
- 21 Details of sustainability

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
CP11 - Landscape Design
NE15 - Loss of Trees and Hedgerows
HE7 - Conservation Areas
NE20 - Wildlife Corridors

Core Strategy

CS12_ - Biodiversity
CS18_ - Urban design, town character, historic environment

Sites and Housing Plan

HP2_ - Accessible and Adaptable Homes
HP9_ - Design, Character and Context
HP10_ - Developing on residential gardens
HP12_ - Indoor Space
HP13_ - Outdoor Space
HP15_ - Residential cycle parking
HP16_ - Residential car parking
HP11_ - Low Carbon Homes

Other Material Considerations:

National Planning Policy Framework

Relevant Site History:

60/10197/A_H - Bungalow. PER 13th December 1960.

78/00776/A_H - Demolition of existing garages and storage sheds and erection of four garages for domestic cars. PER 22nd November 1978.

Representations received:

36 Quarry Road – no objection

42 Quarry Road – lack of consultation; impact on local area and wildlife corridor; overlooking; would set a precedent

Statutory and Internal consultees:

Thames Water Utilities Limited – no objection. Informatives added

Oxford Preservation Trust – consideration must be given to the impact on openness of conservation area and views from the Glebe.

Friends Of The Quarry – Lack of consultation; harmful to conservation area; out of keeping with rural character; footprint too large; accommodation could be subdivided; unsuitable materials

Drainage Team Manager – drain development using SUDs techniques including porous paving

Oxfordshire County Council Highways – no objection subject to conditions

Issues:

Principle
Design
Impact on conservation area
Trees
Biodiversity
Impact on neighbours
Parking
Other matters

Sustainability:

The application site represents land within an existing residential curtilage within a built-up area of Oxford. The development would make a more efficient use of land. A condition is suggested requiring how details of energy efficient technologies will be incorporated in to the development.

Officers Assessment:

Site

1. The application site comprises a parcel of land to the rear of no. 38 Quarry Road that once formed part of the garden of this dwelling but has since been sold off as a separate plot. The site is bounded to the north and east by open glebe land which is part of the Headington Quarry Conservation Area. The site itself falls just outside the conservation area. To the west of the site lies no. 38 Quarry and to the south is a garage block and beyond that lies no. 36 Quarry Road, a bungalow. The northern and eastern boundaries of the site are delineated by large trees.

Proposal

2. Planning permission is sought to erect a large 4-bed dwelling with detached garage. The dwelling would be sited in the middle of the plot and would have a garden that wraps around the house. The detached garage would provide parking for two cars and would have a self-contained unit of accommodation above accessed by an external staircase. The existing vehicular access that serves no. 38 Quarry Road and the garage block would serve the new dwelling.

Principle

3. Policy HP10 of the Sites and Housing Plan states that planning permission will be granted for new dwellings on residential garden land provided that the proposal responds to the character and appearance of the area, taking into account the views from streets, footpaths and the wider residential and

public environment; and the size of the plot is of an appropriate size and shape to accommodate the proposal.

4. In addition to this, policies CS2 of the Core Strategy and CP6 of the Local Plan encourage greater efficiency of use of land in sustainable locations to prevent unnecessary and unsustainable loss of greenfield land at the edge of the city.
5. The application site forms part of the garden of no. 38 Quarry Road but has for some time been separated off and left unattended. The proposal is for a low density development of just one dwelling which is appropriate given the sensitive nature of the plot on the edge of the urban fringe and adjacent to the conservation area. The development would provide a large family dwelling with a private garden within the built up area of Headington Quarry.

Housing mix

6. The Balance of Dwellings Supplementary Planning Document (BoDS) ensures the provision of an appropriate mix of dwelling sizes in the different neighbourhood areas. For new residential developments of between 1 – 3 units, such as the one proposed, there should be no net loss of a family dwelling. In this case there would be a net gain of one family dwelling.

Residential amenity

Indoor space

7. Policy HP12 of the SHP requires any family dwelling to have a minimum floor area of 75m². The dwelling clearly exceeds this requirement and each room would benefit from adequate levels of light and outlook to ensure the living conditions of future occupiers would be acceptable.
8. The internal arrangements of the dwellings ensure that they are in accordance with the Lifetime Homes standards with level access between the off-street parking area and the front entrances of the properties.
9. The self-contained unit of accommodation above the double garage is capable of independent use so a condition is suggested requiring this to be used as ancillary accommodation to the main house only. The use of the accommodation by a member of the family would not cause undue disturbance to neighbouring properties.

Outdoor space

10. Policy HP13 of the SHP requires that new residential developments must provide direct access to a private garden with adequate space for children to play in, and for family activities. The City Council will expect an area of private garden for each family house which is at least equivalent to the original building footprint.
11. Due to the shape of the plot the garden would wrap around the dwelling with rooms opening out onto these outside spaces. Whilst the layout of the

garden is not conventional, the total area meets the requirements of the policy, is proportionate to the size of the dwelling and would provide an outside space of reasonable size and quality.

12. Bin and cycle storage areas are shown within the site and a condition is suggested requiring details of these to be approved.

Design

13. The proposed dwelling would have a large footprint and would provide a substantial amount of living accommodation over 2 storeys. The mass of the building has been broken up by its layout and arrangement with differing ridge and eaves heights so that the whole mass is not appreciated in one viewpoint. The building is sited approx. 7 metres away from the eastern boundary which borders the conservation area and open glebe land in order to maintain the important trees which provide a natural boundary and screening of the plot.
14. The application site, whilst adjacent to this open glebe land is clearly separated from it by the border of trees that define the boundary and the existing developments that have already taken place (36 Quarry Road and the garage block). Officers therefore consider that the proposed development of this plot, subject to conditions to agree a landscape plan and boundary treatments, would not erode the sense of openness of the adjacent land, and due to the large trees which provide screening would not be harmful to the views enjoyed from the glebe land.
15. The submitted plans show concrete roof tiles and white upvc casement windows. These materials are not considered appropriate for the site and the applicant has agreed that either slate or clay tiles will be used as well as timber windows. Details of these will be secured by a condition. The design of the building is traditional in style and picks up features of the adjoining property no. 38 Quarry Road. Officers are of the view that subject to conditions requiring details of materials and the eaves to be agreed, the development is considered to form an appropriate visual relationship with no. 38 Quarry Road and is suitable for its setting.
16. Due to the sensitive nature of the site and the amount of development that could be carried out under permitted development (PD) rights, officers suggest it is reasonable and necessary to remove PD rights for this property to prevent large extensions and outbuildings from being built without the ability to consider their impact.

Impact on neighbours

17. Policy HP14 of SHP states that planning permission will only be granted for new residential development that provides reasonable privacy and daylight for the occupants of both existing and new homes and that does not have an overbearing effect on existing homes. In respect of access to sunlight and daylight, the 45°/25° guidelines are used to assess development, as illustrated in Appendix 7 of the SHP.

18. The nearest dwelling is no. 38 Quarry Road to the west of the site. The development has been designed to ensure that there are no windows at first floor level that will cause overlooking. The media room part of the development would be sited approx. 900mm away from the boundary with no. 38 but would be in the north-western corner of the site, away from the dwelling. Officers are of the view that the siting of the new dwelling would not give rise to any unacceptable harm to the residential amenity of the occupiers of no. 38 Quarry Road.
19. No. 42 Quarry Road to the north of the application site has raised concerns with overlooking, however this property is located approx. 35 metres away from the northern boundary of the site, which is sufficient distance to prevent any harmful overlooking or loss of privacy.
20. Large trees already provide screening and a landscape plan and details of boundary treatments are required by condition which will also ensure adequate screening is achieved.

Parking and highways

21. The site is located on a private driveway off Quarry Road, a busy local road. The area is covered by a Controlled Parking Zone (CPZ). The proposal includes an area for parking (porous block paving) as well as a detached garage, providing ample off street parking for the dwelling. The dwelling will be accessed via an existing vehicular access that serves no. 38 Quarry Road. The new single dwelling will increase the use of this access onto Quarry Road. The existing access arrangement is considered to be acceptable to cater for an additional single residential dwelling, and the Highway Authority does not object to the proposal. They do however note that any further increase in vehicular access onto Quarry Road, at this location, is unlikely to be considered acceptable to the Local Highway Authority.

Trees and landscape

22. The location of the site abuts the Headington Quarry Conservation Area on its northern and eastern sides. A Tree Preservation Order applies to trees within the site boundary of no. 38 Quarry Road covering selected individual trees; none of these are within the application site but require consideration in terms of tree protection measures. They are of significant quality and value and will probably require protection measures to avoid inadvertent injury from construction activity associated with the logistical requirements of the construction phase. A construction plan is required by condition no. 4, to demonstrate on-site and any off-site positions of construction plant, materials offices etc.
23. The site boundary is framed by mature trees sited on the conservation area side; the tree cover performs an important function in delineating the boundary of the conservation area and enclosing the rolling open pasture of the glebe land. Previous development, in the form of the existing garage block (adjacent to the site) has produced a harmful degradation of the character and quality of the conservation area boundary in the vicinity.

24. The development proposal generally sets the building outside of the Root Protection Areas (RPA), and beyond the crown spreads, of the existing trees to be retained. The construction zone extends at points into the Root Protection Area (RPA) of retained trees; however, this potential harm may be controlled through robust ground protection measures (e.g. inter-locking high density plastic, or metal pads/ track-way), which could be secured through an approved Tree Protection Plan (TPP).
25. The location indicated for a pond in plans is inappropriate given it would involve a significant excavation within the RPA of T4-Pine. A condition is suggested requiring this to be re-sited.
26. Four trees located along the eastern boundary with the conservation area boundary are indicated for removal. Three of the trees are of low quality and the fourth T6 is recommended for removal irrespective of development implications. Nevertheless the removals will have a modest impact on the integrity of the current canopy cover; however this impact could be adequately mitigated by appropriate replacement planting of native species such as Field maple and wild cherry, secured under condition.
27. The proposed scheme involves the loss of small number of low quality trees whilst retaining and preserving the important boundary trees. Landscape enhancement of the eastern boundary with the Headington Quarry Conservation Area can be secured through condition. The scheme is therefore acceptable in arboricultural terms.

Biodiversity

28. The site is located adjacent to a wildlife corridor and to the south-east of the plot there is a Site of Local Importance for Nature Conservation (SLINC) which has a great-crested newt breeding pond within it. A bat and wildlife survey has been submitted with the application which found no evidence of bat roosts in either the trees or garage buildings on site. Due to the nearby pond, a method statement for the works to prevent death or injury to great crested newts must be agreed by condition before development starts. This is in the event that great crested newts could move across the site, although there is currently no suitable habitat on site for them. The Council ecologist has reviewed the survey and has no objection to the proposal subject to conditions to ensure no damage to wildlife occurs during the build. As such, conditions are suggested to control and agree how and when some of the vegetation can be removed to protect birdlife.
29. A number of biodiversity enhancements are suggested for the site and these can be secured by condition. These include providing a pond in the garden and incorporating bird boxes into the development. A condition is also suggested requiring all new planting to use native species to improve the habitat.

Other matters

30. Concerns were raised about the lack of consultation on this application. A

site notice was posted outside the site, and following complaints that the notice was not seen, a further 3 notices were posted outside the site and further along the street in both directions and the consultation period was extended.

31. The application has been considered with respect to contaminated land and it is recommended that a condition requiring a phased risk assessment is attached. This recommendation has been made due to the sensitive nature of the proposed use (ie. residential dwellings with gardens) and that historic maps show the adjacent site was used for mineral extraction. The pit may have been filled in with contaminated materials. It is important that the developer demonstrates that the site is suitable for use. As a minimum, a desk study and documented site walkover are required to ensure that there are no sources of contamination on or near to the site and that the site is suitable for its proposed use.

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.

Contact Officer: Rona Gregory

Extension: 2157

Date: 31st May 2013

This page is intentionally left blank