

East Area Planning Committee

-7th August 2013

Application Number: 13/01102/FUL

Decision Due by: 5th July 2013

Proposal: Erection of two storey side extension to form 1 x 1 bed dwelling (Class C3). Provision of associated parking, bin store and amenity space.

Site Address: 114 Kestrel Crescent, Appendix 1.

Ward: Northfield Brook

Agent: AK Architects Ltd

Applicant: Mr Sokol Collaku

Application Called in – by Councillors – Seamons, Rowley, Baxter and Khan for the following reasons - overdevelopment and parking problems

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The development is considered to be located on an appropriate site, form an acceptable visual relationship with the existing building and local area and will not have a significant effect on the current and future occupants of adjacent properties. The dwelling will allow future adaptation for occupation by a disabled person, concerns over flooding, parking and the storage of bins and cycles can be dealt with by condition and the proposals therefore comply with Policies CP1, CP6, CP8, CP9 and CP10 of the adopted Oxford Local Plan 2001 - 2016, Policies CS11, CS18 and CS23 of the Core Strategy and Policies HP2, HP9, HP10, HP12, HP13, HP14, HP15 and HP16 of the Sites and Housing Plan. No objections have been received from third parties.
- 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 Amended parking layout
- 5 Submission of further matters of cycle and bin stores,

Main Local Plan Policies:

Oxford Local Plan 2001-2016 (OLP)

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

CS11_ - Flooding

CS18_ - Urban design, town character, historic environment

CS23_ - Mix of housing

Sites and Housing Plan (SHP)

MP1 - Model Policy

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

Oxford City Council Planning Design Guide 1 – Corner Site Extensions
(Design Guide1)

Oxford City Council Planning Design Guide 2 – Side Extension (Design Guide 2)

Relevant Site History:

None relevant

Representations Received:

No comments received

Statutory and Internal Consultees:

Local Highway Authority: Parking spaces should be 2.9m wide

County Drainage Team: Drainage should be SUDS compliant

Thames Water: No objection, but refers to legal situation with regard to sewers.

Blackbird Leys Parish Council: No objection

Determining Issues:

- Principle of development
- Lifetime Homes
- Visual appearance
- Effect on adjacent occupiers
- Parking
- Bin and cycle storage
- Flooding

Officers Assessment:

Site Description and Proposal

1. 114 Kestrel Crescent is an end of terrace house that is situated on a corner plot with a somewhat unusually wide frontage for the area, although the rear of the plot is reduced in width by a run of garages.
2. Permission is sought to construct a building to the side of the existing house and backing onto the side of the garages to provide an additional one bedroom house.

Principle of Development

3. Para.111 of the National Planning Policy Framework explains that planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value. However concerns over “garden-grabbing” and inappropriate high density infill housing schemes resulted in private residential gardens being omitted from the definition of previously developed land in the NPPF as defined in Appendix 2 the Glossary.
4. Policy CS2 of the Core Strategy – Previously Developed and Greenfield Land resists development on large areas of greenfield land. It does not apply to residential gardens however. Policy HP10 of the Sites and Housing Plan (SHP) is designed to strike a balance between the contribution of gardens to local character, and the need to ensure that suitable land can be used for well-designed residential development. The policy therefore defines residential

garden land differently to 'greenfield' land, such that development can continue to come forward on appropriate sites in residential areas. The SHP has now been adopted and this policy is a material consideration to which some considerable weight must be given.

5. Policy HS10 makes it clear that the proposal must respond to the character and appearance of the area, taking account the views from street, footpaths and the wider residential and public environment and that the size of the plot to be developed is of an appropriate size and shape to accommodate the proposal.
6. The proposed site of the dwelling is an area of residential garden to the side of the existing house and the majority of the rear garden would remain available for use by that house. The design of the new house responds to the existing character of the area and the available space is of an appropriate size to accommodate a one bedroom dwelling. The site is therefore considered to be an "appropriate" location in regard to Policy HS10 of the SHP.
7. The proposal is for 1 additional unit and does not therefore trigger the requirements in the Balance of Dwellings SPD and policy HS8.

Lifetime Homes

8. Policy HP2 of the SHP requires that all new dwellings meet the Lifetime Homes standard to ensure that the spaces and features in the new home can readily meet the needs of most people, including those with reduced mobility. The City Council has published a technical advice note detailing the standards.
9. The proposed dwelling has been assessed using the technical advice note. Whilst the car parking space is close to the house and could be configured for use by a wheelchair user, other aspects of the specification, such as a ground floor WC are not provided. However, Officers note that HP2 provides for some flexibility where full provision would not be viable and it is considered that requiring a one bedroom house to meet all of the requirements of Lifetime Homes would be unreasonable as it would make the development non-viable.

Visual Appearance

10. The Council expects new development to enhance the quality of the environment, and with this Policy CP1 is central to the purpose. This policy states that all new development should respect the character and appearance of the area. This view is taken a step further in Policies CP8 of the OLP, CS18 of the Core Strategy and HP9 of the SHP, which require all new development to demonstrate high quality urban design and ensure that the siting, massing and design creates an appropriate visual relationship with the built form of the local area.
11. Oxford City Council Planning Design Guide 1 - Corner Site Extensions seeks to ensure that houses on corner sites are not unbalanced by excessively wide side extensions that dominate the existing houses. Design Guide 2 – Side Extension

suggests that it is usually best practice to continue building lines and detailing on terraced houses.

12. The proposed development would be highly visible from the public domain and would project beyond the building line along Kestrel Crescent. However a number of side extensions on corner plots along Kestrel Crescent have been granted planning permission in recent years, and this particular proposal is not considered to result in the loss of important views along the street or to appear out of place in its context. The proposal is of relatively modest width, reflects the lines of the terrace on which it would sit and accords with Design Guides 1 and 2.
13. Subject to a condition of planning permission to control the appearance of materials used in the build, the proposal is not considered to be materially out of character with the existing house or local area, and complies with Policies CP1 and CP8 of the OLP, Policy CS18 of the Core Strategy and Policy HP9 of the SHP.

Effect on Adjacent Occupiers

14. Oxford City Council requires development proposals to safeguard the privacy and amenities of adjoining occupiers and policies CP1 and CP10 of the OLP and Policy HS14 of the SHP support this aim. Appendix 7 of the SHP sets out the 45 degree guidance, used to assess the effect of development on the windows of neighbouring properties.
15. The proposal complies with the 45-degree guidance, is considered unlikely to have a material effect on adjacent occupiers, and complies with Policies CP1 and CP10 of the OLP and Policy HP14 of the SHP.

Parking

16. Policy CP1 of the OLP states that permission will only be granted for development that is acceptable in terms of access, parking and highway safety. The Sites and Housing Plan makes it clear that different levels of parking will be suited to different areas, that the design of car parking spaces is vitally important to the success of development and that developers should have regard to current best practice. Oxfordshire County Council has published "Car parking standards for new residential developments" (parking standards) which includes detailed technical guidance on parking space dimensions and visibility, along with a guide to maximum parking provision.
17. The house currently provides two parking spaces in tandem, although the Local Highway Authority considers the existing parking provision to be substandard in its dimensions. The proposed level of parking is for two spaces side by side, one of which would be available for the existing house and one for the new house.
18. The application site is relatively sustainable, with good links to public transport and reasonably close to local shops and facilities. Bearing in mind that the side by side arrangement would be preferable to the existing tandem layout and subject to a condition to ensure that the two new spaces are of a more

appropriate width than those they replace, the proposed parking provision will not represent a deterioration in the parking situation on the site and the proposals comply with Policies CP1 of the OLP and HP15 of the SHP.

Private Amenity Space

19. Policy CP10 of the OLP states that permission will only be granted where developments are sited to ensure that outdoor needs are properly accommodated, including private amenity space, where buildings are orientated to provide satisfactory light, outlook and privacy, and where the amenity of other properties is adequately protected. Policy HP13 of the SHP states that permission will only be granted for houses of 2 or more bedrooms that have direct access to an area of private open space that is of adequate size and proportions for the size of house proposed, while the accompanying text states that the City Council will expect an area of private garden for each family house which is at least equivalent to the original building footprint. Smaller areas are appropriate for one bedroom dwellings.
20. The proposed development would result in the loss of private amenity space to the side of the existing house; however the remaining space to the rear is considerably greater than the original footprint of the house and more than adequate for the original house. The new house would have one bedroom and would have access to a good sized area to the front and rear of the house. Officers consider that these areas would be lacking somewhat in privacy. However the small area of space to the rear will provide an increased level of privacy, and in combination these areas are considered to provide a level and quality of private amenity space somewhat in excess of the minimum expected by the SHP and the proposal therefore complies with Policies CP10 of the OLP and HP13 of the SHP.

Bin and Cycle storage

21. Policy HP13 of the SHP states that permission will not be granted for residential dwellings unless adequate provision is made for the safe discrete and conveniently accessible storage of refuse and recycling, whilst HP15 states that permission will only be granted for residential development where at least two cycle parking spaces (for a one bedroom dwelling) are provided in a secure, undercover manner.
22. The proposed site plan indicates an area to the front for bin storage and that cycles will be accommodated in sheds in the rear gardens. Officers consider that more information is required to ensure that the development complies with Policies HP13 and HP15 and that it would be reasonable to require this information as a condition of any grant of planning permission.

Flooding

23. Policy CS11 of the Core Strategy seeks to limit the effect of development on flood risk and expects all developments to incorporate sustainable drainage systems or techniques to limit or reduce surface water run-off.

24. The Local Drainage Authority has suggested that drainage from the development be compatible with the principles of Sustainable Urban Drainage Systems (SUDS) to attenuate the run-off of rain water and it is considered reasonable for any grant of planning permission to be conditional on SUDS compliant drainage in order to reduce the rate of run off and the risk of flooding in accordance with Policy CS11 of the Core Strategy.

Conclusion:

25. The development is considered to be located on an appropriate site, form an acceptable visual relationship with the existing building and local area and will not have a significant effect on the current and future occupants of adjacent properties. The dwelling will allow future adaptation for occupation by a disabled person, concerns over flooding, parking and the storage of bins and cycles can be dealt with by condition and the proposals therefore comply with Policies CP1, CP6, CP8, CP9 and CP10 of the adopted Oxford Local Plan 2001 - 2016, Policies CS11, CS18 and CS23 of the Core Strategy and Policies HP2, HP9, HP10, HP12, HP13, HP14, HP15 and HP16 of the Sites and Housing 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: 13/01102/FUL

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Date: 25th July 2013

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