

East Area Planning Committee

9th September 2013

Application Number: 13/01516/FUL

Decision Due by: 14th August 2013

Proposal: Demolition of existing garage structures. Erection of 1 x 3 bedroom dwelling with associated off street parking, cycle storage and bin stores.

Site Address: 51 Littlemore Road (site plan at **Appendix 1**)

Ward: Littlemore

Agent: Mr Marc Chenery

Applicant: Mr Patrick Carney

Application Called in – by Councillors – Tanner, Lygo, Turner and Fry for the following reasons – application is controversial locally and should be decided in public

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The site lies within an accessible urban area and its development is consistent with policies encouraging the efficient use of land and it will add to the balance and mix of dwellings within the area. It is considered to form an appropriate relationship with and respect the character and appearance of the area and does not impact on the immediate neighbours in a detrimental way. It also provides adequate amenity space, cycle parking and car parking. Given the plot can adequately provide all the requirements of the Local Plan it is not considered to be an overdevelopment of the site.
- 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.
- 3 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.

Conditions:-

- 1 Development begun within time limit
- 2 Develop in accordance with approved plns
- 3 Samples
- 4 Vision splays
- 5 SUDS
- 6 Remove outbuildings
- 7 Cycle parking details required
- 8 Design - no additions to dwelling
- 9 Amenity no additional windows side and rear,
- 10 no outbuildings at No. 51

Main Local Plan Policies:

Oxford Local Plan 2001-2016 (OLP)

CP1 - Development Proposals

CP6 - Efficient Use of Land & Density

Core Strategy (CS)

CS2_ - Previously developed and greenfield land

CS9_ - Energy and natural resources

CS12_ - Biodiversity

CS18_ - Urb design, town character, historic env

CS22_ - Level of housing growth

CS23_ - Mix of housing

Sites and Housing Plan (SHP)

MP1 - Model Policy

HP2_ - Accessible and Adaptable Homes

HP9_ - Design, Character and Context

HP10_ - Developing on residential gardens

HP11_ - Low Carbon Homes

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 (NPPF)

Supplementary Planning Document: Parking Standards, TAs and TPs Adopted Feb 2007.

Technical Advice Note 1: Accessible Homes

Relevant Site History:

76/00219/A_H - Erection of garage and extension to house to form Loggia, W.C., porch and extension to kitchen. Approved 11th August 1976.

76/00245/SON_H - Formation of vehicular access. Approved 13th July 1976.

94/00030/NF - Two storey side extension and single storey front and rear extension including new pitch roof over existing rear addition (Amended plans). Approved 12th May 1994.

11/01564/FUL - Sub-division of existing garden serving 51 Littlemore Road. Demolition of existing garages, erection of a detached two-storey 4 bedroom dwelling, creation of 2 car parking spaces accessed from a existing vehicular access onto Van Diemens Lane (Amended Plans). Withdrawn 3rd August 2011.

11/02885/FUL - Subdivision of existing garden serving 51 Littlemore Road. Demolition of existing garages and erection of detached 2 storey, 4 bedroom dwelling provision of 2 car parking spaces access off Van Diemens Lane. Provision of bin and cycle stores and private amenity space. Refused 10th February 2012. Dismissed at appeal 20th September 2012.

Representations Received:

1 Van Diemens Lane: Amount of development on site; effect on adjoining properties; height of proposal; light - daylight/sunlight; improvement on the previous scheme; properties in Van Diemens Lane are 1950s not 1930s as stated; height of eaves is 0.525m above adjacent property therefore will be more imposing on next door (1A) and also when viewed from the lane; still over two floors; may have an impact on loss of light to side of house.

1A Van Diemens Lane: Amount of development on site; effect on adjoining properties; effect on privacy; still an imposing house, entrance opposite kitchen window unnecessary intrusion on privacy from people coming and going.

Statutory and Internal Consultees:

Thames Water Utilities Limited: no objection

Oxfordshire County Council Drainage Team: the development is to be drained using SUDS methods including porous surfaces for parking and driveways.

Highway Authority: no objection subject to conditions on SUDS, surface water and vision splays

Issues:

Principle
Design
Residential Amenity
Lifetime Homes
Highway Issues
Cycle Parking
Sustainability
Biodiversity
Other

Officers Assessment:

Site Description

1. The application site comprises the rear half of the garden to 51 Littlemore Road which has access of Van Diemens Lane. Van Diemens Lane comprises a mix of semi-detached and detached residential properties. The site currently has a detached garage located on it for two cars.

Proposal

2. The application is seeking permission for the erection of a three bed detached residential property with two car parking space and access off Van Diemens Lane.
3. A previous application (11/02885/FUL) was dismissed at appeal with the main issues being the effect on the living conditions of the occupiers of adjoining properties and whether there would be satisfactory parking provision for the existing property at No 51 Littlemore Road. The appeal decision can be found at **Appendix 2**.

Assessment

Principle

4. The NPPF requires LPAs to reconsider the development of garden areas, whilst policy CS2 of the CS resists development on large areas of greenfield land. Policy HP10 of the 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 indicates that development can continue to come forward on appropriate sites in residential areas. The existing garages on the site do not contribute the local character of the area therefore the redevelopment of the site is considered acceptable.

Design

5. The new dwelling has a similar appearance when viewed from the front as those with Van Diemens Lane. It has a double height bay window and is of a similar scale. Red bricks are proposed with timber cladding on the bay window and standard clay roof tiles. The palette of materials is not dissimilar to the surrounding area and will create a more take on the traditional dwellings.
6. The proposals is considered acceptable in terms of policy CS18 of the Core Strategy 2026, CP1 of the Oxford Local Plan 2001-2016 and HP9 of the Sites and Housing Plan in that it respects the character and appearance of the area and use materials of a quality appropriate to the nature of the development, the site and its surroundings and creates an appropriate visual relationship with the form, grain, scale, materials and

details of the surrounding area.

Residential Amenity

7. Policy HP12 of the SHP requires good quality internal living accommodation, with the policy stipulating that any single family dwelling which provides less than 75m² floor space will not be granted permission, where a family home is described as a self-contained house (or bungalow) of 2 or more bedrooms, or a self-contained flat either with 3 or more bedrooms or otherwise deemed likely to encourage occupation by a family including children. The proposed dwelling, measured internally is 99m² and therefore complies with policy HP12
8. Policy HP13 of the SHP requires amenity space of adequate size and proportions for the size of house proposed. The City Council will expect an area of private garden for each family house which is at least equivalent to the original building footprint. The proposed amenity space is equivalent to the footprint of the new dwelling and of an adequate size for a family. The remaining garden for 51 Littlemore Road is also considered to be of an acceptable size and proportion to the dwelling it will serve.
9. Policy HP14 of the SHP require the siting of new development to protect the privacy of the proposed or existing neighbouring, residential properties and proposals will be assessed in terms of potential for overlooking into habitable rooms or private open space. It also sets out guidelines for assessing development in terms of whether it will allow adequate sunlight and daylight to reach the habitable rooms of neighbouring dwellings and whether a proposal will create a sense of enclosure or being of an overbearing nature.
10. The impact on the living conditions of the adjoining properties was the main issue raised at the appeal of the previous scheme. The Inspector noted

...it seemed to me that having viewed the proposal from No. 49, there would be a significant level of overlooking from the first floor bedroom windows in the rear of the proposed dwelling. These windows would overlook the private garden area to the rear of the property and to a lesser extent enable views into the rear rooms of the dwelling itself. Whilst I was unable to view the site from No. 51, I would expect a similar level of overlooking to be introduced in relation to that property.
11. This issue has been overcome by removing one window completely, that closest to No. 49 and recessing the other window facing No.51. The recessed window is 26m away from its direct counterpart at No. 51. The preamble to policy HP14 states there should be at least 20 metres' distance between directly facing windows to habitable rooms in separate dwellings. The proposal is therefore considered acceptable in terms of overlooking/loss of privacy.
12. With regards to sunlight and daylight the 45/25-degree code is applied. The proposal does not breach the 45/25-degree code in relation to the properties

fronting Littlemore Road. There are windows in the side elevation of 1A Van Diemens Lane; these serve a hall, a cloak room and a kitchen. The kitchen window is the only window which the 45/25-degree code of practice should be applied too. In the case of windows in side elevations development will not normally be allowed to intrude over a line drawn at an angle of 45 degrees in the vertical plane from the sill. The 45 degree line is not breached when applied to this kitchen side window. The kitchen also has a window and part glazed door on the rear elevation so it is Officers opinion that the kitchen at 1A Van Diemens Lane will receive adequate sunlight and daylight.

13. In considering the appeal against the previous refusal the Inspector also noted

...The proposed dwelling would have a close relationship with adjoining properties in Littlemore Road, particularly by virtue of its position almost right on the boundary with No. 49. The long, high flank elevation of the dwelling would extend for a considerable length along the common boundary, and in my view this would have a particularly oppressive and unneighbourly impact on this adjoining property...

14. In order to deal with this concern the proposed dwelling has been moved within the plot when compared to the dismissed scheme. It has been moved away from the common boundary with No. 49 and forward within the site i.e. towards Van Diemens Lane. It has also been reduced in height which also lowers the eaves. The side (north) elevation facing No. 49 has had further alterations made to it in that it is broken up with a dropped eaves and a timber clad section. This reduces the mass and bulk and is therefore not overly oppressive or overbearing.

Lifetime Homes

15. Achieving mixed and balanced communities requires the City Council to plan for people's different physical needs. The City Council wishes to see new homes built that are accessible to all who may wish to live in them, and visit them, including those with disabilities. The Lifetime Homes Standard is a widely used national standard, which goes further than statutory building regulations. Lifetime Homes specifications ensure that the spaces and features in new homes can readily meet the needs of most people, including those with reduced mobility.
16. Policy HP2 of the SHP states planning permission will only be granted for new dwellings where all the proposed new dwellings meet the Lifetime Homes standard. It is not considered to be appropriate to add a condition requesting information relating to Lifetime Homes as significant changes may be required to the scheme as a result of Lifetime Homes standards. Therefore it needs to be demonstrated the scheme meets Lifetime Homes standards. The Planning, Design and Access statements indicates the new dwelling is designed to Lifetime Homes standards and this has been demonstrated by the submission of a Lifetime Homes conformity statement.

Highway Issues

17. The parking provision for the new dwelling is two spaces accessed off Van Diemens Lane. This is in accordance with car parking standards within the SHP.
18. The other issue raised in the appeal was parking provision. The Inspector noted

...The appellant indicates that parking provision for the existing dwelling at No. 51 Littlemore Road could be made within the existing front garden of that property and on my site visit I saw that many of the adjoining properties have such arrangements. This would seem to me to be an entirely appropriate and acceptable arrangement ...

19. This arrangement has not changed with this current scheme and the highway authority has not raised any objections.

Cycle Parking

20. Policy HP15 of the SHP requires houses and flats of 3 or more bedrooms to have at least 3 cycle spaces per dwelling. According to the Parking Standards SPD secure, and preferably sheltered, cycle parking should be integrated in the design of residential developments. Cycle parking is shown to the rear but with no details of cover or shelter. A condition is therefore recommended to seek details should permission be granted.

Sustainability

21. Policy CS9 of the OCS sets out a commitment to optimising energy efficiency through a series of measures including the utilisation of technologies that achieve Zero Carbon developments.
22. The Council will require an assessment of energy demand from all proposals for residential development and student accommodation. This assessment must demonstrate that energy efficiencies, including renewable or low carbon technologies, have been incorporated into the proposals. This is reiterated via policy HP11 of the SHP which states all development proposals must submit an energy statement to show how energy efficiencies have been incorporated into the development.
23. An energy statement has been submitted that outlines measure to reduce energy demand and carbon emissions.

Biodiversity

24. Due to the construction method and form of the building to be demolished it is unlikely to be used by bats for roosting and therefore unlikely to have an impact on a European protected species.

Other

25. The application has been considered with respect to contaminated land. Residential dwellings are considered to be sensitive uses. Land use maps do not show any sources of contamination on or near to the site. The risk of any significant contamination being present on the site is low. However, it is the developers responsibility to ensure that the site is suitable for the proposed use.
26. Therefore an informative is recommended on any planning permission regarding unexpected contamination which shall state:
27. If unexpected contamination is found to be present on the application site, an appropriate specialist company and Oxford City Council should be informed and an investigation undertaken to determine the nature and extent of the contamination and any need for remediation.

Conclusion:

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

Background Papers:

Contact Officer: Lisa Green

Extension: 2614

Date: 24th July 2013