

**West Area Planning Committee**

10<sup>th</sup> September 2013

**Application Number:** 13/01834/FUL

**Decision Due by:** 12th September 2013

**Proposal:** Erection of 2 x 3-bed semi-detached houses (use class C3).  
Provision of two parking spaces and access, cycle and bin storage and amenity space. (Appendix 1)

**Site Address:** 14 Lucerne Road Oxford OX2 7QB

**Ward:** Summertown

**Agent:** JPPC

**Applicant:** Mr E and J and Ms S  
Gomm

Application called-in by Councillors McCready, Campbell, Wilkinson and Brett due to local concern about parking and access.

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## **Recommendation:**

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposed development is considered to, on balance, form an appropriate visual relationship with the surrounding area whilst adequately providing for the amenities of future occupiers and safeguarding established residential amenity. Furthermore, sufficient off-street parking is considered to be proposed to prevent harm to the highway. Consequently the proposals are considered to accord with the requirements of policies CP1, CP6, CP8, CP9 and CP10 of the Oxford Local Plan 2001-2016 as well as policies CS2 and CS18 of the Oxford Core Strategy 2026 and policies HP2, HP9, HP10, HP11, HP12, HP13, HP14, HP15 and HP16 of the Sites and Housing Plan 2011-2026.
- 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
- 4 Parking, cycle and bin storage
- 5 Variation of Traffic Regulation Order to remove eligibility for residents' parking permits and provide replacement suitable on-street parking bays at applicant's expense
- 6 SuDS
- 7 Removal of Class A PD rights
- 8 Boundary treatments
- 9 Biodiversity improvements
- 10 Details of sustainability measures required
- 11 Construction Traffic Management Plan required

### **Main Local Plan Policies:**

#### **Oxford Local Plan 2001-2016**

- CP1** - Development Proposals
- CP6** - Efficient Use of Land & Density
- CP8** - Design Developmt to Relate to its Context
- CP9** - Creating Successful New Places
- CP10** - Siting Developmnt to Meet Functional Needs

#### **Core Strategy**

- CS18\_** - Urb design, town character, historic env

#### **Sites and Housing Plan**

- 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

### **Relevant Site History:**

13/00224/FUL - Demolition of existing detached house and erection of 1 x 4-bedroom house (Class C3). (Amended plans) – Permitted 11.04.2013

### **Representations Received:**

Ten third party objections have been received from eight different properties citing the following concerns:

- The proposals represent a cramped overdevelopment of the site;
- Semi-detached houses are alien within the immediate area and fail to reflect the more spacious detached nature of existing houses;
- Access to the cycle parking of one of the units requires a 35m walk alongside the other house which is a poor arrangement unlikely to encourage cycle use;
- The level of off-street parking provided is inadequate and the proposals will lead to the loss of an on-street bay thus harming safe and convenient access within the road;
- The houses proposed are not contextual and are an example of “squeezing” development into a site that is not sufficient in size for two houses;
- Upper floor windows in the south (rear) elevation will overlook the rear gardens of Nos. 94 and 94b Hamilton Road.

Oxford Civic Society – The proposals represent overdevelopment with inadequate car parking provision and poor quality access to cycle parking. Lucerne Road and Hamilton Road are already subject to parking pressure and this should not be worsened.

### **Statutory and Internal Consultees:**

OCC Drainage Officers – No objection subject to SuDS compliant drainage.

Environmental Protection – A phased contamination risk assessment is required to be carried out prior to commencement of development.

Local Highway Authority – No objection subject to the new houses being excluded from eligibility for residents’ parking permits and a requirement for a construction traffic management plan.

### **Officers’ Assessment:**

#### Application Site and Locality

1. The application site consists of a relatively large empty plot that until recently featured an early 20<sup>th</sup> century chalet bungalow that was demolished following the grant of planning permission for a replacement house earlier this year. The site is situated within a cul-de-sac spur off Lucerne Road that features a handful of detached buildings and a row of garages at its end. The area is typified by a mixture of buildings of varying forms and architectural styles with Lucerne Road of a generally more spacious nature than the nearby Hamilton Road. Off-street

parking is generally common within the locality though there is clearly some on-street parking pressure at certain peak times. The site can be seen on the location plan attached as Appendix 1.

### The Proposed Development

2. The application seeks consent for the erection of a pair of three bedroom semi-detached houses on the site along with one off-street parking space for each dwelling and associated bin/cycle storage.

3. Officers' consider the principal determining issues in this case to be:

- Principle;
- Design and Appearance;
- Standard of Accommodation;
- Impact on Neighbouring Properties;
- Parking; and
- Sustainability.

### Principle

4. Planning permission was granted earlier in 2013 for a replacement four bedroom detached house on the site following the demolition of the pre-existing chalet bungalow which was in a poor state of repair. Following the granting of consent the former chalet bungalow was demolished leaving the site currently empty.

5. The principle of new residential development on the site has therefore already been established. Policies CS2 of the Core Strategy and CP6 of the Local Plan support efficient use of sustainably located sites such that, in principle, there is no objection to the proposal to increase residential density on the site provided that the development is still appropriate to its context.

### Design and Appearance

6. The approved detached dwelling had a scale and footprint near identical to the pair of houses now proposed. Consequently no objection can reasonably be made to the size and proportions of the development now proposed nor its general relationship with the streetscene. Whilst Lucerne Road generally features spacious mid-twentieth century detached houses of little individual architectural merit, recent developments further along Lucerne Road as well as adjoining roads have demonstrated that semi-detached pairs of houses are also entirely appropriate in this location. The general form and appearance of the houses is also similar to that recently granted consent in the immediate area and, given the mix of architectural styles and materials in the vicinity, officers have no concerns about the ability of the development to integrate successfully within the street. Consequently officers consider the development proposed to form an appropriate visual relationship with Lucerne Road and surrounding development in accordance with the requirements of policies CP1 and CP8 of the Local Plan as well as policy HP9 of the Sites and Housing Plan (SHP).

### Standard of Accommodation

7. Policy HP12 of the SHP requires all new dwellings to provide a reasonable quality and quantity of internal living space. Each dwelling is relatively large at over 120 sq m in floor area and so comfortably exceeds the minimum requirements for family

dwellings within the City. Each habitable room also benefits from sufficient natural lighting and general outlook with all rooms of providing good usable space.

8. Policy HP2 of the SHP requires all new dwellings to meet Lifetime Homes standards. The proposed dwellings meet the majority of the criteria in this respect though the downstairs WC and entrance doorways fall slightly short of the requirements. On balance however, officers conclude that the general quality of the internal environment provided by the houses is to a good standard and the proposals should therefore be found to be acceptable in this regard.

9. Policy HP13 of the SHP requires all dwellings to be served by a reasonable quality of outdoor amenity space including, in this case, access to a decent sized private garden as well as accessible bin and cycle storage. Policy HP13 of the SHP requires private gardens for each family house to be proportionate to the size and type of dwelling proposed and a minimum in size equivalent to the footprint of the house. It also states that other factors including the orientation of the gardens, their ability to be overlooked as well as the size/layout of others gardens in the locality will be taken into account when concluding whether sufficient outdoor amenity space is provided.

10. In this case officers have concluded that, on balance, sufficient outdoor amenity space has been provided though recognise that the gardens will be amongst the smallest in the locality and relatively narrow. However they are of good usable dimensions and equivalent to the footprint of the houses proposed. They would be overlooked to no greater or lesser degree than that characterising other houses and their rear gardens in the immediate vicinity.

11. Bin storage facilities are provided to the front and, whilst this arrangement is a little cramped given the parking space and access routes to the front doors, it is not considered to be unacceptable.

12. Policy HP15 of the SHP requires dedicated secure and covered cycle storage for each dwelling providing space for three cycles. In this case the arrangement is a little cumbersome stemming from the lack of space at the front of the dwellings to provide such cycle parking. Cycle stores are provided within the rear gardens with access gained via a shared alley running along the side of the houses. On balance such an arrangement is considered to be acceptable and would not be to the detriment of cycle use.

#### Impact on Neighbouring Properties

13. Policy HP14 of the SHP states that proposals for residential development should adequately safeguard existing neighbouring residential amenity. In this case the scale and footprint of the development is near identical to that already approved on the site and so cannot reasonably be found to have an unacceptable impact on neighbouring conditions with respect to daylight, sunlight or outlook. Whilst two dwellings are now proposed rather than just one, there were still upper floor windows facing westwards towards 94, 94a and 94b Hamilton Road similar to that proposed now and so officers consider the proposals could not reasonably be found to be unacceptable in this regard. In any event, the separation distances involved are considered to be sufficient to prevent any significant loss of actual or perceived privacy for occupiers of properties along Hamilton Road. An access route to No. 94

Hamilton Road runs along the southern side of the site and cars currently park at the front of this access way. In common with the consideration of the extant scheme, officers do not consider this strip of land to form usable garden space and so no concern is raised about the potential impact on this land.

### Parking

14. The previous four bedroom house was proposed to be served by two off-street car parking spaces. In this case the proposed three bedroom houses are to be served by one space each. Access to off-street parking spaces at one of the units will result in the loss of an on-street parking bay thus slightly reducing on-street parking capacity. However, and in line with the representation made by the Local Highway Authority, a condition is recommended to be imposed requiring the traffic regulation order governing Lucerne Road to be amended by the applicant prior to occupation of the development so that an alternative and appropriate parking bay can be provided in the vicinity. This would of course be at the applicant's expense. In addition, it is recommended that a condition also be imposed that removes future occupiers from eligibility for residents' parking permits to prevent additional on-street parking pressure. Consequently, and by virtue of the conditions recommended, officers have no concerns about the proposed development and its impact on the highway network.

### Sustainability

15. The dwellings are proposed to incorporate solar panels on relevant roof slopes are part of the required low carbon measures set out in policy HP11 of the SHP. Officers propose to attach a condition requiring details of such sustainability measures prior to commencement of development and for such measures to be incorporated into the development.

### Other Matters

16. The former chalet bungalow featured timber clad gables which had the potential to be used as a bat roost though, upon surveying, this was found not to be the case. Nevertheless a condition was imposed on the extant planning permission requiring details of biodiversity enhancement measures and for such measures to be incorporated into the development in line with policy CS9 of the Core Strategy. Officers therefore propose a similar condition in this case.

17. Environmental Protection officers of the Council have suggested a condition be imposed requiring a phased contamination risk assessment be carried out on site to identify any contaminants and, if found, the necessary remediation work. However, officers do not consider this condition to be appropriate given the previous residential use of the site, the fact that the extant permission did not include this condition and that Inspectors at appeal regularly do not find this condition reasonable or necessary in similar circumstances.

### **Conclusion:**

18. The proposals represent an efficient use of land that, on balance, adequately responds to its context whilst making satisfactory provision for the amenities of future occupiers. No material harm will occur to the living conditions of nearby residential properties as a result of the development and adequate provision is made for the off-street parking of vehicles given the site's location within the Summertown controlled

parking zone. Consequently the proposals are considered to accord with the requirements of all relevant policies of the development plan and officers therefore recommend approval accordingly subject to the conditions suggested at the beginning of this report.

#### 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.

**Background Papers:** 13/00224/FUL & 13/01834/FUL

**Contact Officer:** Matthew Parry

**Extension:** 2160

**Date:** 29<sup>th</sup> August 2013

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