

Planning Review Committee

30th October 2013

Application Number: 13/01929/FUL

Decision Due by: 20th September 2013

Proposal: Demolition of existing bungalow and garages. Erection of 1 x 4-bed dwelling (use class C3). (Amended plans)

Site Address: 81 Edgeway Road Marston Oxford OX3 0HF

Ward: Marston Ward

Agent: Mr Robert Di Carlo

Applicant: Mr & Mrs Garry and Katja Ziegler-Tan

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1. This report should be read in conjunction with the officer's report to the East Area Planning Committee 2nd October 2013 attached as **Appendix 1**.
 2. Following consideration at the East Area Planning Committee on 2nd October 2013, where it was resolved to refuse planning permission for the reason given below, the planning application has been called-in for consideration and decision to the Planning Review Committee by Councillor Hollick with support from Councillors Williams, Wilkinson, Brett, Goddard, Fooks, Price, Haines, Simmons, Van Nooijen, Canning, Khan, Kennedy and Fry.
 3. The reason for refusal of the application by the Committee was:
 - i) Notwithstanding the sustainable credentials of the proposal the design, size and bulk of the proposal would amount to an unacceptable form of development which would be harmful to the character and appearance of the street and would be overbearing to the properties to the rear and result in an unacceptable level of overlooking. The proposal is therefore contrary to policy CS18 of the Oxford Core Strategy 2026, CP1, CP6 and CP10 of the Oxford Local Plan 2011-2016 and HP9 and HP14 of the Sites and Housing Plan 2011-2026.
 4. The application has been called in to the Planning Review Committee for the following reasons:
 - i) That overlooking is not materially worse than at present, as outlined in paragraph 26 of the report.
 - ii) Based on evidence in the report (including paragraphs 11,12, 27) and information from the applicant regarding physical dimensions of nearby properties, that the height, bulk and massing are not out of keeping with the area.

Community Infrastructure Levy

5. The Community Infrastructure Levy (CIL) is a standard charge on new development. The amount of CIL payable is calculated on the basis of the amount of floor space created by a development. CIL applies to developments of 100 square metres or more, or to new houses of any size. The reason that CIL has been introduced is to help fund the provision of infrastructure to support the growth of the city, for example transport improvements, additional school places and new or improved sports and leisure facilities. CIL is being brought in by councils across the country, although each local council has the ability to set the actual charges according to local circumstances.
6. As this application is proposing a new dwelling it will be subject to CIL.

Recommendation

7. Your officers' recommendation is that planning permission be **GRANTED** subject to the conditions set out in the attached report.

Background Papers: 13/01929/FUL

Contact Officer: Lisa Green

Extension: 2614

Date: 18th October 2013

APPENDIX 1

East Area Planning Committee

2nd October 2013

Application Number: 13/01929/FUL

Decision Due by: 20th September 2013

Proposal: Demolition of existing bungalow and garages. Erection of 1 x 4-bed dwelling (use class C3). (Amended plans)

Site Address: 81 Edgeway Road Marston. Site plan at **Appendix 1**

Ward: Marston Ward

Agent: Mr Robert Di Carlo

Applicant: Mr & Mrs Garry and Katja Ziegler-Tan

Application Called in – by Councillors – Clarkson, Humberstone, van Nooijen and Curran
for the following reasons – overlooking, un-neighbourliness and impact on street scene

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 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.
- 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.

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

- 4 SUDS
- 5 Pedestrian vision splays
- 6 Design - no additions to dwelling
- 7 Shed/cycle parking

Main Local Plan Policies:

Oxford Local Plan 2001-2016 (OLP)

CP1 - Development Proposals

CP6 - Efficient Use of Land & Density

CP10 - Siting Development to Meet Functional Needs

Core Strategy (OCS)

CS2_ - Previously developed and greenfield land

CS9_ - Energy and natural resources

CS10_ - Waste and recycling

CS12_ - Biodiversity

CS18_ - Urban design, town character, historic environment

CS23_ - Mix of housing

West End Area Action Plan

Barton AAP – Submission Document

Sites and Housing Plan (SHP)

MP1 - Model Policy

HP1_ - Changes of use from existing homes

HP2_ - Accessible and Adaptable Homes

HP9_ - Design, Character and Context

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.

Supplementary Planning Document Balance of Dwellings Adopted Jan 2008

Relevant Site History:

58/06903/A_H - Private garage. PDV 6th May 1958.

Representations Received:

In Support

85 Edgeway Road: Fully support the proposal. The property would sit amidst a collection of eclectic buildings on this side of the road. The current building does nothing to enhance the area but the proposed development would be aesthetically pleasing and an exciting rejuvenation project. It would also be a positive outcome to have a family home in an area that has seen a large number of properties being developed into flats /student accommodation with two more blocks currently proposed in Edgeway Rd.

58 Edgeway Road: This is an excellent proposal. It is eco-friendly, attractive and a good use of existing space taking into consideration the concerns of overlook. This sort of building needs to be encouraged especially in an area with small, energy-inefficient housing.

30 Edgeway Road: The plans portray an exciting development that will be a great improvement on the bungalow. The side of Edgeway Road on which the bungalow sits has a variety of buildings, including a number which have 2.5/3 stories, so the new proposal is not out of keeping with its surroundings. The type of building materials proposed are very energy efficient and should be encouraged. They also represent a much quicker form of construction which will mean less disruption, for a shorter length of time, than with a traditional build. Clearly, the proposed plans have been well thought through to provide an attractive family home that I believe will enhance the area and therefore they should be supported.

36 Edgeway Road: Fully support the proposed development. We live directly opposite the site, and having seen the drawings and specifications, are very happy with the modern design submitted. We are also pleased that it will be a family home, adding to the age mix in this pleasant and supportive neighbourhood.

Objecting

73 Edgeway Road: Object to the proposal. Reduction in light and privacy. Building is completely different to all those in the road. Larger by far. The building works required for such an elaborate property will take a considerable time to accomplish and therefore be a significant disturbance both to the new owners and other neighbours. These are a ridiculous and ostentatious proposals for the area and the site. Proposals are for a dwelling which needs far more space around it to be environmentally sympathetic.

66 Ferry Road: Object to the proposal. A double width, pre-fabricated, three storey building with four bedrooms and gym will harm the character of the street which consists mainly of small houses. In addition, the new building will overlook neighbours. We live in the next street Ferry Road and I believe it will block our view

of the sky and exacerbate the sense that we are living in a well. Revised plans are minimal and do not address concerns.

67 Hugh Allen Crescent: This building seems excessively large for the site, especially as it is 3 storeys replacing a bungalow. The character of the design seems out of keeping with the area, which has a mixture of just a few early to mid twentieth century styles, mainly cottages and 3 bed semis. This will be a very dominant building squeezed into an urban streetscape. I am also concerned about light

83 Edgeway Road: Support the development of a family home and sustainable nature of the proposals however objects to the proposal. Overly dominant and overbearing. Out of keeping with the general character of the neighbouring properties. Represents an over development of the site. Given its eaves height and ridge height overall impact will be overbearing and create a building that will loom over our building. Will have a negative impact on solar panels on the roof. Loss of light. Overlooking. Not clear on surface water drainage. Welcome revised plans and in particular reduction in width, repositioning of dormer and reduction in height. Still loss of yield from solar panels but impact will be smaller.

70 Ferry Road: Overly large and dominant. Scale and mass excessive. Too high. Out of character with the area. Overshadowing of garden. Overlooking. Revised plans have not change previous comments.

72 Ferry Road: Overlooking, loss of privacy, loss of skyline, oppressive and overbearing and give an unwonted and unwelcome sense of enclosure. As a resident of Ferry Rd I applaud architectural diversity and welcome houses of different types and designs. However, this house not only represents a huge change to the existing structure but is also out of character in the neighbourhood, with a height at the apex greatly in excess of other properties. Revised plans make no material differences to the issues raised.

76 Ferry Road: The proposed development on Edgeway Road seems to be excessively large given the size of other properties on the road. Additionally, it would adversely affect the light and privacy of those properties on Ferry Road whose gardens are adjoining.

62 Ferry Road: Whilst in general we do not object to the development of the bungalow into a family home and would be generally supportive of the contemporary style of dwelling proposed. Concerns about the proposed size of the development. Edgeway Road is characterised by open space between and above houses, which creates a sense of openness and lets light and views from the neighbouring landscape permeate onto the street. The proposal is not in character with the street, and would potentially set a precedent for future planning applications which could lead to the closure of all gaps in the house frontages due to its height and width. Revised plans show little difference. Does not address concerns.

Statutory and Internal Consultees:

Oxfordshire County Council Highways: No objection subject to conditions

Oxfordshire County Council Drainage: The development is to be drained using SuDs methods including porous surfaces for driveways.

Issues:

Principle
Design
Lifetime Homes
Residential Amenity
Car Parking
Cycle Parking
Sustainability
Biodiversity
Contaminated Land

Officers Assessment:

Site Description

1. The application site lies on the western side of Edgeway Road and currently a 1950's detached bungalow sits on the site with a detached single storey flat roofed garage.

Proposal

2. The application is seeking to replace the bungalow with a 4 bed dwelling with integral garage. The new dwelling will be low energy, low carbon, pre-fabricated of German design. There will be parking for two car off street and cycle and bin store provision.
3. As a result of comments and discussions with the neighbours amended plans were submitted which move the building away from the boundary with 83 Edgeway Road, repositioning of the dormer, and a reduction in the height of the property.

Assessment

Principle

4. The NPPF states planning decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land). This is supported by Policy CS2 of the OCS.
5. Previously developed land is defined as land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land in built-up areas such as private residential gardens.

6. The application site is considered to be previously developed by virtue of its previous use as a dwelling therefore the principle of redeveloping the site for residential use would still accord with the NPPF and Policy CS2 of the OCS.
7. Policy HP1 of the SHP states planning permission will not be granted for any development that results in the net loss of one or more self-contained dwellings on a site. Whilst there will be a loss of a dwelling it will be replaced with another therefore this is no net loss of a dwelling.

Design

8. The design is very simple in form and this is partly due to its pre-fabrication construction. The front elevation is broken up by the set back to allow for an off street car parking space and the roof line is broken up by a small dormer on the side facing 83 Edgeway Road.
9. The property is to be in a render finish, colour to be finalised but it is suggested to be white/off white/cream or light grey. A condition can be added to seek a sample of the final colour. For the roof a roman grey colour concrete tile is proposed. There are a variety of facing and roofing materials, including render, long Edgeway Road so the use of render and the grey roof tiles will not be out of character or context when viewed in the street scene.
10. Edgeway Road is a road of two halves with the properties on the north eastern side being 1930's semis virtually the whole length of the street where as on the south western side there is mixture of styles (detached, semi detached, terraced), ages, heights, widths, depths and so on. The anomaly within the street is the application site as it is the only bungalow. The loss of the bungalow is therefore not considered to be an issue and it is considered its replacement will, given this eclectic mix of properties on the south western side of the street, sit comfortably amongst the varied styles.
11. The proposal is therefore 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 the proposal respects the character and appearance of the area, uses 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.

Sustainability

12. 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. A key strategic objective in the Core Strategy seeks to maximise Oxford's contribution to tackling the causes of climate change and minimise the use of non-renewable resources.
13. Energy use in new development can be further reduced by appropriate siting, design, landscaping and energy efficiencies within the building. New

developments, including conversions and refurbishments, will be expected to achieve high environmental standards. All development must include the use of renewable energy where possible.

14. The proposal is a HanseHaus house which is a German company that specialises in prefabricated house construction. Every prefabricated HANSE HAUS is a future-proof energy-saving property. They are design to be ultra low on energy consumption with high levels of air-tightness and insulation. The property will also be prepared for the installation of solar/photovoltaic panels on the south eastern roof pitch.
15. The style of construction used in the manufacture of the house is to a very high energy saving SIP standard. Therefore although there are transport costs involved in prefabricated projects, the overall embodied energy in the construction is much lower than a traditional stone, brick and blockwork built houses.
16. Building regulations in terms of energy consumption require a minimum performance of 220 KW/m². The new propoerty will consume far less and will be in the range 60 to 70 KW/m² because of better insulation. This means that despite an increase in size the new house will use less energy than the existing house.
17. The energy efficient features of the build require space, in particular space for insulation. This results in thicker floors and roof, which adds to the height of the building. Floors in the proposed house would be 48 cm and the roof 42 cm thick; UK floors and roofs can be up to 30 cm thinner (i.e. floors 18 cm and roof 12 cm). The proposed dwelling would achieve energy efficiency rating B; it is not possible to build a B rated house with less insulation.
18. Also with prefabricated builds the construction time is greatly reduced therefore reducing the impact on the neighbours. The property will be built in about seven days.

Lifetime Homes

19. 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.
20. 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. The proposal allows for Lifetime Homes standards to be met and

also allows for the property to be easily adaptable for wheelchair use despite this not being a requirement for the property.

Residential Amenity

21. Policy HP12 of the SHP require good quality internal living accommodation, with it stipulating any family dwelling providing less than 75m² of floor space will not be granted permission. A family dwelling is defined 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 proposal is considerably over this size requirement and provides a spacious open plan living space with generous rooms upstairs.
22. Policy HP13 of the SHP states planning permission will only be granted for new dwellings that have direct and convenient access to an area of private open space, to meet the following specifications; a houses of 2 or more bedrooms must provide a private garden, of adequate size and proportions for the size of house proposed, for exclusive use by occupants of that house. The garden is considered to be of adequate size and proportions for the house proposed and will provide a decent area of private space for the current and future occupiers.
23. Policy HP14 of the SHP states 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.
24. There are no privacy issues regarding the neighbours either side i.e. 83 and 73 Edgeway Road. With regards to the neighbours at the rear i.e. 70 and 72 Ferry Road, it is acknowledged that there will be some degree of overlooking as the development is going from a bungalow to a two and a half storey property. However there is a 20.9m separation distance from the first floor windows which is considered adequate enough to prevent any undue overlooking or loss of privacy. It is normally accepted that some overlooking of gardens by neighbours is inevitable in most medium to high density situations as is the case here and the situation is no different to what is happening along the rest of the street.
25. There are windows in the side elevations of the neighbouring properties (73 and 83 Edgeway Road). However these windows serve non-habitable rooms therefore the 45 degree code of practice does not apply. With regards to the properties at the rear applying the 45 degree code of practice both to ground floor and first floor windows the 45 degree line is not breached.
26. Rights to light are nothing to do with the planning system. The main statutory power is the Prescription Act of 1832 which provides that where access of light has been enjoyed for a period of more than 20 years without interruption, such a right is "absolute and indefeasible".

27. It is accepted that there is no private “right to a view”, that the planning system should protect, as stated in former PPG1 para.64. However, there is little doubt that loss of an “attractive view” from a public vantage point, as the result of a new development, is very much a material consideration. There is no “attractive view” from any public vantage point that is lost in this case.
28. Policy HP14 goes on to say planning permission will not be granted for any development that has an overbearing effect on existing homes. The proposal does not extend beyond the rear building line of the neighbouring properties; in fact No. 73 extends 3.7m beyond the proposed rear elevation and No. 83 by 0.6m. It has also been set in from the common boundary with these two properties.
29. Height to ridge is 9.5m this has been reduced from the original 10m, and whilst this is slightly higher than the surrounding properties there is no continuous ridgeline along this side of Edgeway Road. The proposal has also been reduced in width. Whilst the proposal does occupy the majority of the width of the plot and is clearly larger than the existing bungalow it is not considered to be overly dominant or overbearing within the street scene or on the neighbouring properties, to the side or rear

Car Parking

30. The Highway Authority has visited the site and have the following comments to make. The information submitted in support of the application indicates that the proposed dwelling will have off road parking provision for 2 cars (1 within an integral garage and the other on the driveway). This level of provision is in accordance with standards. Drawing number 220 ‘Proposed Plans, Ground, First, & Attic Floors’ indicates that the garage’s internal dimensions are in accordance with current standards. The parking space dimensions on the site frontage must be in accordance with current standards (at least 2.5m x 5 m).

Cycle Parking

31. Policy CS13 of the OCS states that planning permission will only be granted for development that prioritises access by walking, cycling and public transport. A fundamental part of encouraging cycling is the provision of secure cycle storage within people’s homes. This is reiterated in the Parking Standards SPD which says secure, and preferably sheltered, cycle parking should be integrated in the design of residential developments and again in policy HP15 of the SHP which states all residential cycle storage must be secure, undercover, preferably enclosed, and provide level, unobstructed external access to the street. Policy HP15 also requires houses and flats of 3 or more bedrooms to have at least 3 spaces per dwelling.
32. Cycle storage is proposed in the shed in the rear garden which is considered large enough to accommodate the required number of cycles along with associated garden equipment. A condition can be added to ensure the garden shed remains as a garden shed and is not used for any other purpose to ensure cycle storage is always available.

Biodiversity

33. Due to the maintenance level and location of the building to be demolished officers consider it unlikely that its demolition would result in an offense under the habitats regulations.

Contaminated Land

34. Officers have considered the application with respect to contaminated land. The development involves the creation of a new residential dwelling. 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. Therefore, officers recommend that an informative is placed on any planning permission regarding unexpected contamination.

Conclusion:

- 35 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: 20th September 2013

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