

East Area Planning Committee

2nd April 2014

Application Number: 14/00137/FUL

Decision Due by: 3rd April 2014

Proposal: Demolition of existing garage. Erection of 1 x 3 bed dwelling house (Use Class C3). Provision of private amenity space, car parking, refuse and cycle stores. Provision of new vehicle access from Marsh Lane. (Amended Plans)

Site Address: 56 Marsh Lane Oxford (Site plan Appendix 1)

Ward: Marston

Agent: One Stop Planning

Applicant: Mr Hongwei Yao

Application Called in – by Councillors – Clarkson, Price, Kennedy and Lygo. For the following reasons - concerns have been expressed by local residents and by the Highways Authority about parking pressure, the height of the building and the impact on the water table.

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposed dwelling is considered to form an acceptable visual relationship with surrounding development without giving rise to significant harm to established neighbouring residential amenity and would make a more efficient use of the land. The dwelling is considered to be of an acceptable internal and external quality and be adequately served by amenities without resulting in material harm to highway safety. Consequently, and having considered all matters raised during consultation, the proposals accord with the requirements of the relevant policies within the local development framework.
- 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 Material samples to be approved
- 4 Ground resurfacing - SUDS compliant
- 5 Removal of Class A and E PD rights (extensions and garden buildings)
- 6 Parking laid out pre-occupation
- 7 Details of bin and cycle storage
- 8 Existing extensions to be removed
- 9 Boundary treatment implemented before occupation
- 10 Landscaping plan to be approved and implemented
- 11 Energy statement to be approved

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

Core Strategy

CS2 - Previously developed and greenfield land

CS18 - Urban design, town character, historic environment

Sites and Housing Plan (SHP)

HP9 - Design, Character and Context

HP10 - Developing on residential gardens

HP12 - Indoor Space

HP13 - Outdoor Space
HP2 - Accessible and Adaptable Homes
HP14 - Privacy and Daylight
HP15 - Residential cycle parking
HP16 - Residential car parking

Other Material Considerations:

National Planning Policy Framework

Representations Received:

At the time of writing the report the consultation period was still open. Any additional comments will be reported verbally to Committee.

Dents Close – object on grounds of parking pressure, highway safety and obstruction of emergency and refuse access; design out of character; concerns over impact on flooding and water table; lack of detail on soakaway; questions need for further housing in the local area; proximity of building to access path.

Dents Close – object on grounds of design out of character; could be subdivided; lack of parking.

58 Marsh Lane – object on grounds dwelling could be turned in HMO; lack of parking adding to parking pressure; proximity of parking space to living room window; noise and disturbance.

64 Marsh Lane – would add to parking pressure

52 Marsh Lane – object on lack of parking; impact on flooding; dwelling appears cramped and out of character; loss of light and privacy.

39 Marsh Lane – supports on grounds of revised design; extra parking and need for housing.

Statutory and Internal Consultees:

Old Marston Parish Council - object to the height of the building and that it is different in style from the neighbouring properties.

Thames Water Utilities Limited – no objection regarding water and sewerage infrastructure capacity

Highways Authority – no objection to revised plans.

Issues:

Principle
Design
Residential amenity

Impact on neighbours
Parking
Other matters

Sustainability:

1. The proposal would make a more efficient use of land within an existing built up residential area, served by public transport links and local amenities.

Community Infrastructure Levy

2. The Community Infrastructure Levy (CIL) is a standard charge on new development and applies 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.
3. As this application is proposing a new dwelling it will be subject to CIL.

Officers Assessment:

Site

4. The application site comprises no. 56 Marsh Lane and its garden, a semi-detached dwelling located on the eastern side of Marsh Lane in Marston. There is a garage along the southern boundary that would be removed. To the south is an access path to a sub-station.

Proposal

5. Planning permission is sought to erect a detached dwelling on garden land to the side of the existing dwelling, with associated parking.
6. Amended plans were sought to reduce the height of the dwelling and reduce the number of bedrooms from 4 (3 bedrooms and a study) to 3. The design was changed to reflect the character and appearance of no. 56 Marsh Lane and extra parking spaces were provided.

Principle

7. 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.
8. 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.

9. The site is located within an existing built up residential area, and the proposed dwelling would sit in a gap between two existing dwellings. The plot is small so the size of the dwelling has been reduced through the submission of amended plans to ensure a satisfactory relationship with surrounding development. Officers consider that principle of developing this land for residential development to be acceptable.

Design

10. Marsh Lane is characterised predominantly by pairs of semi-detached dwellings in the style of chalet bungalows with dormers and gable ends, and by traditional 1930's style hipped roof dwellings. There are also some detached properties nearby at the entrance to Dents Close to the north. There is therefore a mix of housing styles on display but they follow an established building line. The properties are set back from the road with parking to the front.
11. No. 56 Marsh Lane is a chalet style bungalow with front and rear facing dormers, and to the south of the site is a taller 1930's style hipped roof dwelling. Due to the limited size of the plot it was felt that the site could only accommodate a smaller dwelling in the form of a chalet bungalow that respected the proportions of no. 56 Marsh Lane, so amended plans were sought to address this.
12. The new dwelling would be in the same style as no. 56 Marsh Lane and the dwellings on the opposite side of the road, with front and rear facing dormers. The proposed dwelling would have an eaves height of 2.3 metres, rising to 5.6 metres at the ridge. It would follow the established building line and a condition is suggested requiring samples of the materials to be approved. Officers are therefore satisfied that the new dwelling would sit comfortably in the street and would form an appropriate visual relationship with neighbouring dwellings.

Housing mix

13. As only one new dwelling is proposed, and there is no loss of a family dwelling, the proposed development complies with the balance of dwellings SPD.

Residential amenity

Indoor space

14. Policy HP12 of the SHP requires any family dwelling to have a minimum floor area of 75m². The new dwelling would have a floor area of approximately 86m² and each room would benefit from adequate levels of light and outlook to ensure the living conditions of future occupiers would be acceptable.
15. The internal arrangements of the new dwelling ensure that they are generally in accordance with Lifetime Homes standards with level access

between the off-street parking area and the front entrance of the property, a ground floor WC, and the possibility of converting a ground floor room to provide a bed-space.

Outdoor space

16. 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.
17. The gardens for both the existing house and new house would be small, but the plans show that they are equal to the footprint of the houses. No's 56 to 64 Marsh Lane all have small rear gardens, albeit not as small as those proposed, so in this context small gardens are not unusual. The garden for no. 56 and the new dwelling would be on the margins of acceptability, but given the fact they are policy compliant, officers are minded to accept them as adequate.
18. The existing dwelling has a small brick built rear addition and a small rear conservatory. These take up a large proportion of the garden and so the applicant suggested that he would be prepared to demolish these additions and revert the dwelling back to its original footprint in order to increase the garden size. This is crucial to the acceptability of the proposal as without the removal of these additions the garden would not be of an adequate size to serve the dwelling. A condition is therefore suggested requiring the demolition of the additions to take place before development starts.
19. Bin and cycle storage areas are shown in the rear garden of the new dwelling with level side access around the house. A condition is suggested requiring details of the storage area to be approved, and available for use by the occupants.
20. A further condition is suggested to ensure that the boundary treatment indicated on the plans (1.8 metre timber fence) is erected before the development is brought into use, to ensure both the new and existing property receive adequate privacy.
21. Due to the size of the gardens it is suggested that class A and E permitted development rights covering extensions and garden buildings respectively are removed for the existing and new dwelling to allow the Council to consider the merits of further development on the site.

Impact on neighbours

22. 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.

23. No. 58 Marsh Lane lies to the south of the application site and there is an access path running between the site and this property. No. 58 has a garage to the side and the nearest habitable room windows are sited sufficient distance away to prevent any harm to light and outlook. The proposal complies with the 45° guidance in respect of all windows. No. 58 has three first floor side facing windows facing towards the application site but these do not serve habitable rooms. The owner of no. 58 has raised concerns about the parking being located close to his living room window, but the parking will be sited in front of the new dwelling and not outside his property and this relationship is quite normal in a suburban setting.
24. No. 56 Marsh Lane has a door and a window in the side elevation facing towards the site. The door serves a small entrance porch and the window is believed to serve a kitchen. The kitchen window is sited towards the rear of the house and is south facing. Due to the position of the window and its relationship with the siting of the new dwelling, and the slope of the roof, the proposal complies with the 45° guidance and would not have an unacceptable impact on light or outlook.

Parking and highways

25. Both the existing and new dwelling would have 2-off street parking spaces which will require a new section of kerb to be lowered. The plan incorrectly shows one of the parking spaces for the existing dwelling labelled as 'lawn', when in fact this is the second parking space. For the avoidance of doubt a condition is suggested requiring a revised plan to be approved.
26. This level of off-street parking is acceptable for dwellings of this size and does not conflict with the aims of policy HP16 of the SHP. Concerns have been raised that the proposal will lead to indiscriminate parking locally, but 2 spaces for a three bedroom dwelling is adequate. It would be unreasonable and contrary to policy to require any more than this. The development is for a single family dwelling (restricted to C3 use, not a C4 HMO) with 2 off-street parking spaces and officers are satisfied that the scheme will not have a significant impact on the local highway network. The Highway Authority also has no objection to the proposal and is satisfied that 2 parking spaces each is appropriate.
27. Marsh Lane is punctuated by dropped kerbs providing vehicular accesses to off-street parking. A new dropped kerb is required to serve the existing house and officers take the view that one additional access would not harm the character of the street and the highway authority have no objection in terms of highway safety.
28. The site is close to a regular bus route and local shops. Overall, the level of parking provision is considered acceptable such that officers concur with the views expressed by the Highway Authority and raise no objection to this element of the proposal.

Other matters

Use

29. Concern has been expressed that the new dwelling could be converted into a House in Multiple Occupation, and this would lead to more cars. This would require planning permission to change the use of the property, and would be subject to a fresh assessment.

Flooding and drainage

30. Concern has been raised about the impact of the development on localised flooding. Part H of the Building Regulations covers all aspects of drainage and waste disposal, and details of the location of soakaways will be dealt with at the building regulations stage. It is normal practise, and a requirement of part H, that adequate provision is made for rainwater to be carried from the roof of the new building, and that any paved areas are constructed so as to be adequately drained. In most cases this is in the form of an adequate soakaway that can accommodate heavy rainfall and is sited within the boundary of the property.

31. Thames Water have assessed the application and commented that with regard to sewerage infrastructure capacity and water infrastructure capacity, they do not have any objection to the proposal. With regard to surface water drainage, Thames Water advise that it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. An informative is suggested which advises the applicant of their responsibilities to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

32. The site is not located within a flood zone. A condition is suggested requiring all ground resurfacing to be SUDs (sustainable urban drainage systems) compliant to prevent surface water run-off.

Need for housing

33. Oxford, like many other cities in the UK, is experiencing a housing crisis. The need for housing is far greater than the supply, and family dwellings in particular are needed.

Maintenance of property

34. The new dwelling would be sited up against the southern boundary of the site, which is delineated by a timber fence, and the owner of the access path to the south would like to know how the development will be built and maintained. This would be matter for the two parties to resolve, and does not fall within the remit of planning control.

Energy statement

35. A condition is suggested requiring an energy statement to be approved to explain what energy efficiencies will be incorporated into the development.

Conclusion: 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 approve, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Contact Officer: Rona Knott

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Date: 24th March 2014

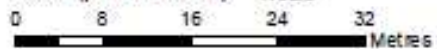
Appendix 1

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