

# Agenda Item 3

**Planning Review Committee**

29 October 2014

**Application Number:** 14/01012/FUL

**Decision Due by:** 5th June 2014

**Proposal:** Two storey rear extension, two velux style roof lights to side roof slope and porch to front door (Amended description)

**Site Address:** 117 Fairacres Road Oxford, Oxfordshire

**Ward:** Iffley Fields

**Agent:** Mr Steve Palmer

**Applicant:** Lumar Developments Ltd

**Application Called in** – Called in by Councillor Benjamin and supported by Cllrs Brandt, Simmons, Goddard, Thomas, Wilkinson, Fooks, Wade, Tarver, van Nooijen, Fry, Kennedy, Malik, Clarkson and Hollingsworth,

Because of Highways Authority concerns about the lack of detail of parking arrangements, parking access issues, and the size and impact of the extension in relation to neighbouring properties.

1. This report should be read in conjunction with the officers' report to the West Area Planning Committee 2<sup>nd</sup> October 2013 attached as **Appendix 2**. The following paragraphs should be read as an addendum to that report. As set out above, Members are concerned about parking and access, as well as the proposed extension. The acceptability of the extension is set out in the attached original report and officers do not have anything to add to that. Further comments have been received from the Local Highway Authority (LHA), are copied in **Appendix 1** and discussed below.
2. As can be seen from the emails from the LHA set out below, the LHA has confirmed that their Holding Objection no longer stands, because this issue has been addressed by the removal of parking to the front corner of the curtilage. The LHA further confirm that they have no objection to the extension and renovation works going ahead without any additional frontage parking; that outstanding details of the "driveway/parking" proposal could be dealt with by a condition (details to be submitted and approved etc.) and that there would be no other objection to the proposal.
3. The LHA has also accepted the presence of the garage and gates to the site pre-2013 and those "rights of way" issues would not be a problem for the applicant. Your officers consider that this access issue is one for the applicant to address, is not a planning issue and are advised by the applicant that they are confident of this right of access. Officers advise that the relevant section of Meadow Lane is not obstructed by bollards when approached from Fairacres Road, and that access is currently at least physically possible by motor car.

4. Officers believe that the impact of the extension on neighbouring properties was dealt with in the officers' report attached below.

### **Recommendation**

5. Given that there are no outstanding Highway Safety issues from the LHA and the extension complies with the Council's policies, 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:** Tim Hunter

**Extension:** 2164

**Date:** 21<sup>st</sup> October 2014

**Emails from the LHA.**

*Email of 20th October 2014 at 11.26: The revised drawing (0254/3/F) removes the previously proposed front curtilage parking (that Kerry was seeking further details of) and replaces it as 'driveway/parking' in the area of what was originally to be the 'vacant plot'. Kerry's holding objection has been addressed and no longer stands.*

*It is clear that the extension and renovation works to 117 Fairacres Road will go ahead without any additional frontage parking and there are no objections to that.*

*No details of the 'driveway/parking' proposal have been presented but this could be a condition (details to be submitted and approved etc.) if necessary.*

*I understand that this section of Meadow Lane is a busy private road that is closed to vehicular traffic and is used by cyclists and pedestrians (including schoolchildren)...*

*Email of 20th October 2014 at 13.11: The presence of the garage and gates in 2013 would seem to indicate that 'rights of way' issues would not be a problem for the applicant.*

*Removing the parking references from the latest drawing would be fine by me but I'd be quite happy to leave these references and have a couple of conditions (parking details to be submitted and approved prior to commencement; and details of the works to be carried out in Meadow Lane to be submitted and approved prior to commencement).*

*Either way I would have no objection to the proposal.*

West Area Planning Committee

8<sup>th</sup> October 2014

**Application Number:** 14/01012/FUL

**Decision Due by:** 5th June 2014

**Proposal:** Two storey rear extension, two velux style roof lights to side roof slope and porch to front door (Amended description)

**Site Address:** 117 Fairacres Road Oxford Oxfordshire; **Appendix 1**

**Ward:** Iffley Fields Ward

**Agent:** Mr Steve Palmer

**Applicant:** Lumar Developments Ltd

**Application Called in –** by Councillors – Benjamin, Williams, Hollick and Simmons

for the following reasons - so that it can be decided in public.

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**Recommendation:** West Area planning Committee is recommended to approve the application for the following reasons and subject to and including conditions listed below.

Reasons:

- 1 The development will form an acceptable visual relationship with the existing building and local area and will not have an unacceptable effect on the current and future occupants of adjacent properties. Concerns over flooding, parking and overlooking can be dealt with by condition and the proposals therefore comply with Policies CP1, CP8 and CP10 of the adopted Oxford Local Plan 2001 – 2016, Policies CS11 and CS18 of the Core Strategy and Policies HP9 and HP14 of the Sites and Housing Plan.
- 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.

Conditions:

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Materials - matching
- 4 Amenity - no windows to side
- 5 Sustainable drainage
- 6 Details excluded submit revised plans
- 7 Flood proofing
- 8 Floor levels

**Main Local Plan Policies:**

**Oxford Local Plan 2001-2016 (OLP)**

**CP1** - Development Proposals

**CP8** - Design Development to Relate to its Context

**CP10** - Siting Development to Meet Functional Needs

**Core Strategy (CS)**

**CS11\_** - Flooding

**CS18\_** - Urban design, town character, historic environment

**Sites and Housing Plan (SHP)**

**MP1** - Model Policy

**HP9\_** - Design, Character and Context

**HP13\_** - Outdoor Space

**HP14\_** - Privacy and Daylight

**HP16\_** - Residential car parking

**Other Material Considerations:**

National Planning Policy Framework

Planning Practice Guidance

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

### **Relevant Site History:**

74/00788/A\_H - Erection of garage and two storey extension to existing dwelling house. PER 6th September 1974.

13/01122/FUL - Erection of a two storey rear extension. Demolition of existing single storey rear garage and erection of 2 storey garage with accommodation ancillary to the dwelling house.. WDN 19th August 2013.

### **Representations Received:**

A considerable number of comments and objections have been received. Many of these relate to the proposed subdivision of the plot and parking to the front corner of the site (elements that have now been removed from the current plans), as well as design considerations, problems of access and parking, flooding, neighbour amenity, boundary treatment and possible future use.

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

Local Highways Authority: Holding objection pending submission of parking plan.

Environment Agency: Refer to Standing Advice – should not have been consulted.

### **Issues:**

The main issues are considered to be:

- Visual impact
- Effect on adjacent occupiers
- Flooding
- Parking

### **Officers Assessment:**

#### Site description and Proposal

1. 117 Fairacres Road is a detached property on a corner plot, siding onto Meadow Lane, a pedestrian and cycle route with limited vehicular access. A former garage to the rear of the plot has been demolished and the vehicular access to Meadow Lane is currently blocked and unpractical, although it would appear that this could be brought back into use without the need for consent from the Local Planning Authority.
2. The application as originally submitted showed extensions to the house, along with a subdivision of the plot and replacement parking to the front corner of the plot.
3. The subdivision of the plot and replacement parking have now been removed from the proposed plans, as has a double garage shown at the rear of the plot that was shown on one of the amended plans. The form of the extension has also been revised, with a marginally smaller footprint (now set back some 200mm further from Meadow Lane) and fully pitched roof instead of the pitched/flat roof in the original plans.

## Visual impact

4. Oxford City Council requires that all new development should demonstrate high quality urban design where the siting, massing and design creates an appropriate visual relationship with the built form of the existing building and local area. The Local Development Plan provides policies to support this aim and CP1, CP8, CS18 and HP9 are key in this regard.
5. 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.
6. The proposed extensions would be easily visible from the public domain. The porch is relatively small in scale and the pitched roof element reflects the roof of the main house. The two storey rear extension (side extension when viewed from Meadow Lane) is set in from both flank walls and whilst somewhat bulky is considered to preserve an acceptable visual relationship with the existing house and area and to adequately reflect the aims of Design Guide 1.
7. Officers consider that the pitched roof design, whilst higher, is preferable to the semi flat roof approach originally submitted. Overall, and 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 is therefore in accordance with Policies CP1 and CP8 of the OLP, Policy CS18 of the Core Strategy and Policy HP9 of the SHP.

## Effect on adjacent occupiers

8. 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.
9. Appendix 7 of the SHP sets out the 45 degree guidance, used to assess the effect of development on the windows of neighbouring properties.
10. The proposal complies with the 45-degree guidance and subject to a condition to prevent an unacceptable increase in overlooking of 115 Fairacres Road by the formation of any new side facing windows, will not have an unacceptable effect on adjacent properties and complies with Policies CP1 and CP10 of the OLP and Policy HP14 of the SHP.

## Flooding

11. Policy CS11 of the Core Strategy seeks to limit the effect of development on flood risk, floodwater flows and flood water storage, and require a flood risk assessment to be prepared for applications in areas of low lying land.

12. The application site is within an area of low-lying land and no flood risk assessment (FRA) has been supplied. However, bearing in mind that this would have taken the form contained within the Environment Agencies Standing Advice and related only to floor levels and consideration of flood proofing measures, it is considered that this issue can be adequately dealt with by conditions of any grant of planning permission.
13. The development will also add to the level of non-porous surfaces on the site, resulting in an increased level of rain water run-off. However the increase is relatively modest and subject to a condition to ensure the development is carried out in accordance with the principles of Sustainable urban Drainage Systems, it is considered that the proposals will not result in an unacceptable risk of flooding in accordance with Policy CS11 of the Core Strategy.

### Parking

14. 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, 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 in Appendix A.
15. Appendix A of the above parking standards suggests that a maximum of two parking should be provided for a house of more than one bedroom. Most of the houses on Fairacres Road provide no parking on site and the pressure for on street parking is therefore considerable. 117 has the opportunity to provide parking adjacent to Meadow Lane in the area of the previous garage and bearing in mind the proposed increase to the level of accommodation to the existing house, it is considered reasonable for any grant of planning permission to be conditional on this parking area being brought back into use.
16. The current proposal shows an amended access to the rear of the plot. This change was consulted on for an additional period of 14 days. However, it does not show the exact layout of the parking and for this reason, it is considered reasonable to require the submission of further details relating to parking provision to ensure these details comply with Policy CP1 of the OLP and HP 16 of the Sites and Housing Plan.

### **Conclusion:**

It is considered that the development would form an acceptable visual relationship with the existing building and local area and would not have an unacceptable effect on the current and future occupants of adjacent properties. Concerns over flooding, parking and overlooking can be dealt with by condition West Area Planning



Committee is therefore recommended to approve the application.  
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: 14/01012/FUL**

**Contact Officer:** Tim Hunter

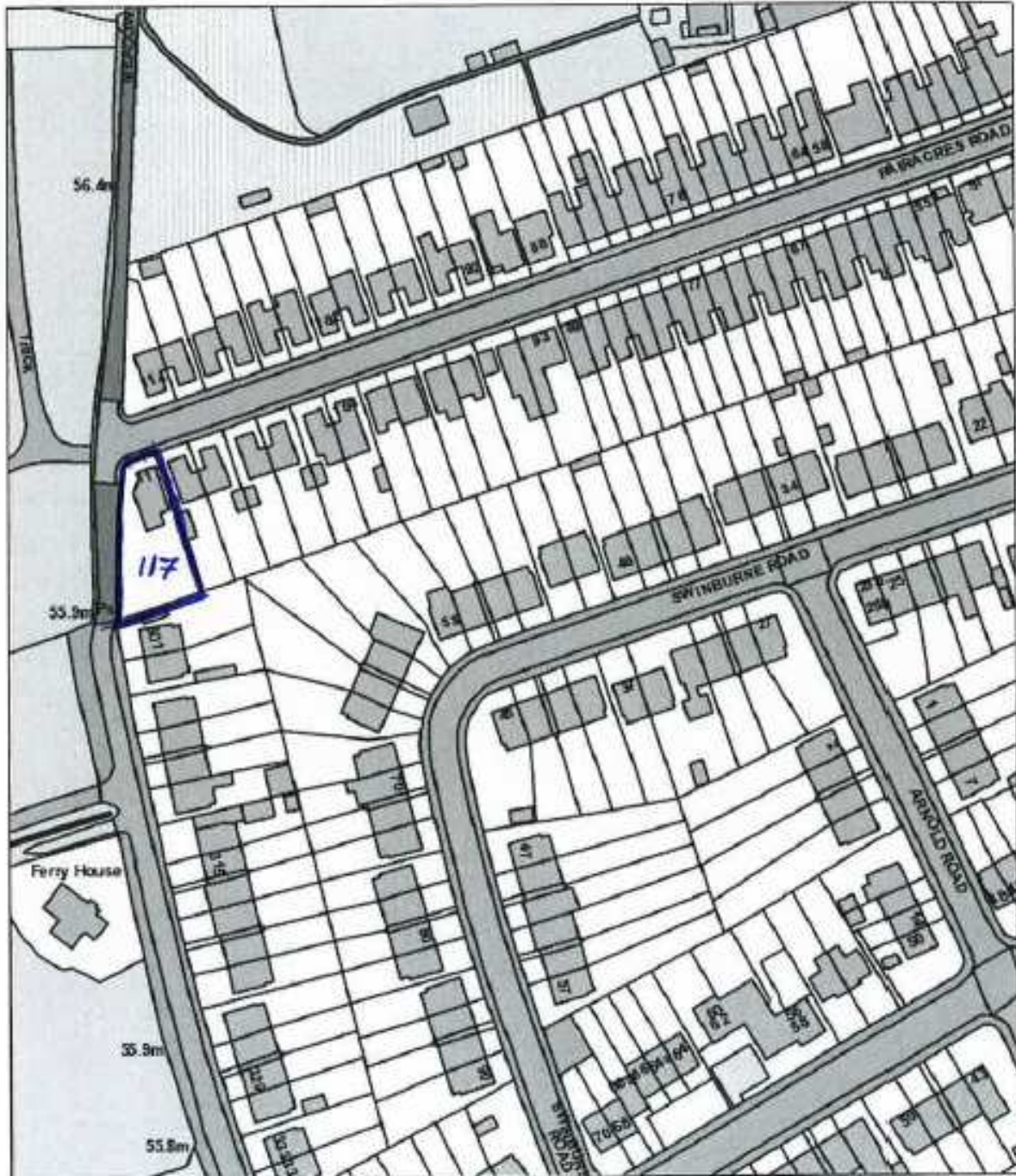
**Extension:** 2154

**Date:** 29th August 2014

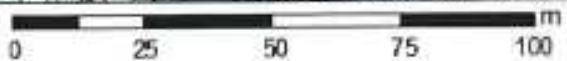
Appendix 1

**117 Fairacres Road**

14/01012/FUL



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Ordnance Survey 100019348.



Not Set

Oxford City Council

Scale: 1:1,250 (printed to A4)

City Development