

East Area Planning Committee

- 1st June 2011

Application Number: 11/00605/FUL

Decision Due by: 18th April 2011

Proposal: Erection of two storey rear extension and conversion of part of extended building to provide 2 x 1-bedroom flats with car parking, bin storage and amenity space. Retention of 1 x 3-bedroom dwelling. (Amended Plans)

Site Address: 10B Kelburne Road Oxford Oxfordshire OX4 3SJ

Ward: Littlemore Ward

Agent: Mr Nadeem Khan

Applicant: Mr Robert Harris

Application Called in – by Councillors Tanner, Van Nooijan, Clarkson and Humberstone on the grounds of considerable local sensitivity to multi-occupied houses in the area.

Recommendation: The Committee is recommended to **grant planning permission** for the following reasons:

- 1 The proposal is considered to provide a better mix of residential units than the scheme under construction and it would provide an acceptable residential environment for future residents whilst preserving that of neighbouring properties. The extensions have been approved under the previous planning approval and are under construction. The application does not stray from the approved scheme in a significant way. The application accords with policy CP1, CP8, CP10, TR3, TR4, HS19, HS20, HS21 of the Oxford Local Plan 2001 - 2016 and CS18 and CS23 of the Oxford Core Strategy 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 - matching
- 4 Boundary details before commencement

- 5 Landscape plan required
- 6 Landscape carry out after completion
- 7 Landscape management plan
- 8 Car Parking to Accord with Plans
- 9 Bin and Cycle Storage Design
- 10 Design - no additions to dwelling

**Main Local Plan Policies:
Oxford Local Plan 2001-2016 (OLP)**

- CP1** - Development Proposals
- CP6** - Efficient Use of Land & Density
- CP8** - Design Development to Relate to its Context
- CP10** - Siting Development to Meet Functional Needs
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities
- HS11** - Sub-Division of Dwellings
- HS19** - Privacy & Amenity
- HS20** - Local Residential Environment
- HS21** - Private Open Space

Core Strategy

- CS18_** - Urban design, town character, historic environment
- CS23_** - Mix of housing

Other Material Considerations:

- PPS 1 – Delivering Sustainable Development
- PPS 3 – Housing
- PPG 13 – Transport
- Balance of Dwellings Supplementary Planning Document
- Parking Standards Supplementary Planning Document
- Planning permission granted under reference 94/01041/NF

Relevant Site History:

94/01041/NF - Change of use from dwelling to 2x2 bed flats including 2 storey side extension and 1st floor rear extension. Forecourt parking and separate gardens – approved

08/00887/FUL - Erection of freestanding two-storey building containing 2 1-bed flats. Parking for 2 cars at rear – refused

10/02825/FUL - Erection of two storey rear extension and conversion of part of extended building to provide 2 x 1-bedroom flats with car parking, bin storage and amenity space. Retention of 1 x 3-bedroom dwelling – withdrawn

Representations Received: Five letters of comment have been received. The issues raised can be summarised as follows:

- Impact on highway safety
- Size and design of the extension is out of keeping with existing building
- Inadequate car parking
- Extension present on site has been badly finished
- Dangerous access

Statutory and Internal Consultees:

Thames Water Utilities Limited – No objection in regard to sewage infrastructure and surface water drainage

Highways And Traffic – No objection subject to conditions relating to provision of cycle parking, treatment of parking area with porous material and repositioning of bin store

Issues:

- Planning History
- Principle
- Scale and Appearance
- Proposed Residential Amenity
- Impact on Neighbouring Properties
- Parking and Highways

Officers Assessment:

Site description and proposal

1. The application site is within a predominately residential area and comprises No 10B Kelburne Road, a triangular plot and one half of a pair of two storey semi-detached houses. The house is set well back from the road behind a hard surfaced parking area and is positioned on the outside of a 90° bend in the road. As such it is not prominent in the streetscene. The house has a partially constructed side extension, approved under planning reference 94/01041/NF. There is a side access to the rear of the site where there is a large rear garden.
2. The application proposes the erection of a two storey rear extension and conversion of the existing and new extension into 2x1 bed houses and the retention of the original 3 bed house. Parking is retained on the frontage, whilst the rear garden is subdivided to provide separate rear amenity areas of the flats and the existing house.

Planning History

3. Planning permission was granted in 1994 for the erection of a two storey side extension and conversion of the extended house into 2x2 bed flats. The development granted under that permission has commenced and the extension has been constructed, albeit minus the approved roof. That planning consent is therefore still live and can be completed at any time. Therefore, although the permission is 13 years old it must be given substantial weight as a material consideration in determining the current application.

Principle

4. PPS 3 identifies the need to make efficient use of land, this is reflected within OLP policy CP6 which states that development proposals should make efficient use of land by making best use of site capacity, it however goes on to state that this should be in a manner, which does not compromise the surrounding area.
5. PPS 3 also encourages a mix in the balance of dwellings and this is reflected in policy CS23 of the Oxford Core Strategy 2026. Policy CS23 states that the predominance of one particular form of housing type within a locality may have unwelcome social implications. To remedy this the CS23 supports a balance of dwelling types within any given locality.
6. In support of policy CS8 is the Balance of Dwellings Supplementary Planning Document (BoD's) which has assessed the housing stock within Oxford and has identified areas of pressure. The aim of the SPD is to ensure that development provides a balanced and mixed community and as a result Neighbourhood Areas provide the framework for the assessment of new residential developments.
7. The application site falls within an area defined by the SPD as amber, which indicates that the scale of pressure is considerable and as such a proportion of family dwellings should form part of new development. In this area the SPD does not prescribe a particular mix for development below 3 units and as such there is no objection to the retention of the 3-bed house and provision of 2x1 bed flats.
8. It should be noted that if the 1994 scheme were completed that would result in a total loss of the 3 bed family dwelling which would be contrary to BoD's. The current proposal is therefore considered by officers to provide a better mix of units.

Scale and Appearance

9. The proposed two storey rear extension measures approximately 7.3m wide and 2m long. Figure 1 shows the proposed extension (darker line) in relation to that already approved and substantially complete.

Figure 1



10. Within the context of the approved extension the proposed rear extension is modest in scale and actually helps to break up the rear elevation of the approved extension which is presently unrelieved and appears rather prominent adjacent to the original dwelling.
11. As figure 1 shows the extension incorporates a hip roof and will be constructed in materials to match the original house. Officers consider the scale and appearance of the extension to be acceptable.

Proposed Residential Amenity

12. Local Plan policy HS11 and HS20 requires new residential development to provide a satisfactory residential environment. The floor area of the proposed flats exceeds the 25m² minimum requirement as set out by policy HS11 and is fully self-contained. Although policy HS11 does not set minimum floor areas for houses, the retained house is considered to have an appropriate and spacious internal layout, with provision for bin storage and off street car parking.
13. Policy HS21 of the OLP states that residential development should have access to private amenity space and that in the case of family dwellings of 2 or more bedrooms this should be exclusive to the residential property and in excess of 10m in length. The house would retain a rear garden in excess of 10m in length, whilst the flats share a large triangular space at the rear. Officers consider that a shared space is acceptable for 1 bed flats and are of the view that the overall provision of outdoor space is adequate.

Impact on Neighbouring Properties

14. Local Plan policy HS19 states that planning permission will only be granted for developments that adequately provide for the protection of the privacy or amenity of the occupants of the proposed and existing neighbouring residential properties.

15. The proposed extension is 2m in length. As a result of this relatively modest rearward projection, the position and orientation of the building in relation to neighbouring properties, there would be no significant loss of light or outlook from neighbouring properties. In addition the proposal would comply with the 45° rule when applied from neighbouring habitable room windows.
16. The proposal incorporates two new side and rear facing habitable room windows on the 1st floor which would look directly over the application site. As a result of the distance between these windows and the site boundary, as well as their orientation, they would not result in any unreasonable loss of privacy to neighbouring properties.

Parking and Highways

17. The proposal provides 4 car parking spaces within the existing hard standing on the front of the property. The retained house will be served by 2 parking spaces, while the flats will have one each. This level of provision complies with the maximum standard set out in Appendix 3 of the Local Plan.
18. In regard to the highway safety issues and the concerns raised by members of the public relating to access, whilst officers understand these concerns, the access is existing and the site is on the outside of the 90° bend. As a result of this, as well as the open and unobstructed nature of the frontage, visibility is considered to be good. The Highway Authority has raised no objections to the proposals.

Conclusion: The original house has been substantially extended and should the 1994 planning permission be completed the dwelling house would be lost. The proposals, in contrast, would retain the house in accordance with the Councils Balance of Dwellings SPD. The proposed extension would add to the already large existing extension. However, it would be of a sympathetic form and appearance and with its modest size offers an improvement to the previously approved rear elevation. Officers consider the application to be an improvement upon that previously approved and would therefore on balance consider it to be acceptable. It is therefore recommended that the Committee grant planning permission subject to the conditions set out above.

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: 11/00605/FUL, 94/01041/NF

Contact Officer: Steven Roberts

Extension: 2221

Date: 18th May 2011

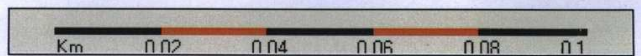
11/00605/FUL

10B Kelburne Road



Legend

Scale: 1:1250



Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2010.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	Not Set
Department	Not Set
Comments	
Date	20 May 2011
SLA Number	Not Set