

WEST AREA PLANNING COMMITTEE

9th April 2019

Application number:	18/03322/FUL		
Decision due by	13th February 2019		
Extension of time	To be agreed		
Proposal	Sub-division of existing building to create 4 x 2-bed and 2 x-1 bed flats (Use Class C3). Demolition of existing rear extension and erection of a three storey extension to north elevation with external staircase and bin and cycle store (amended plans)		
Site address	16 Northmoor Road, Oxford, OX2 6UP, – see Appendix 1 for site plan		
Ward	St Margarets Ward		
Case officer	Sarah De La Coze		
Agent:	Mr Mark Utting	Applicant:	Mr Richard Mutty
Reason at Committee	This application has been called in by Councillors Harris, Roz Smith, Landell-Mills, Wade, and Goddard due to concerns about overbuilding and damage to the character of the Conservation Area.		

1. RECOMMENDATION

1.1. West Area Planning Committee is recommended to:

1.1.1. **Approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission

1.1.2. **Agree to delegate authority** to the Acting Head of Planning Services to:

- finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Acting Head of Planning Services considers reasonably necessary

2. EXECUTIVE SUMMARY

2.1. This report considers the extension and sub division of the existing building to create 4x2 bed and 2x1 bed flats with associated bin and cycle storage. Officers have considered the application to be acceptable in terms of the design, impact on neighbouring amenity and the North Oxford Victorian Suburb Conservation Area.

3. LEGAL AGREEMENT

- 3.1. This application is not subject to a legal agreement.

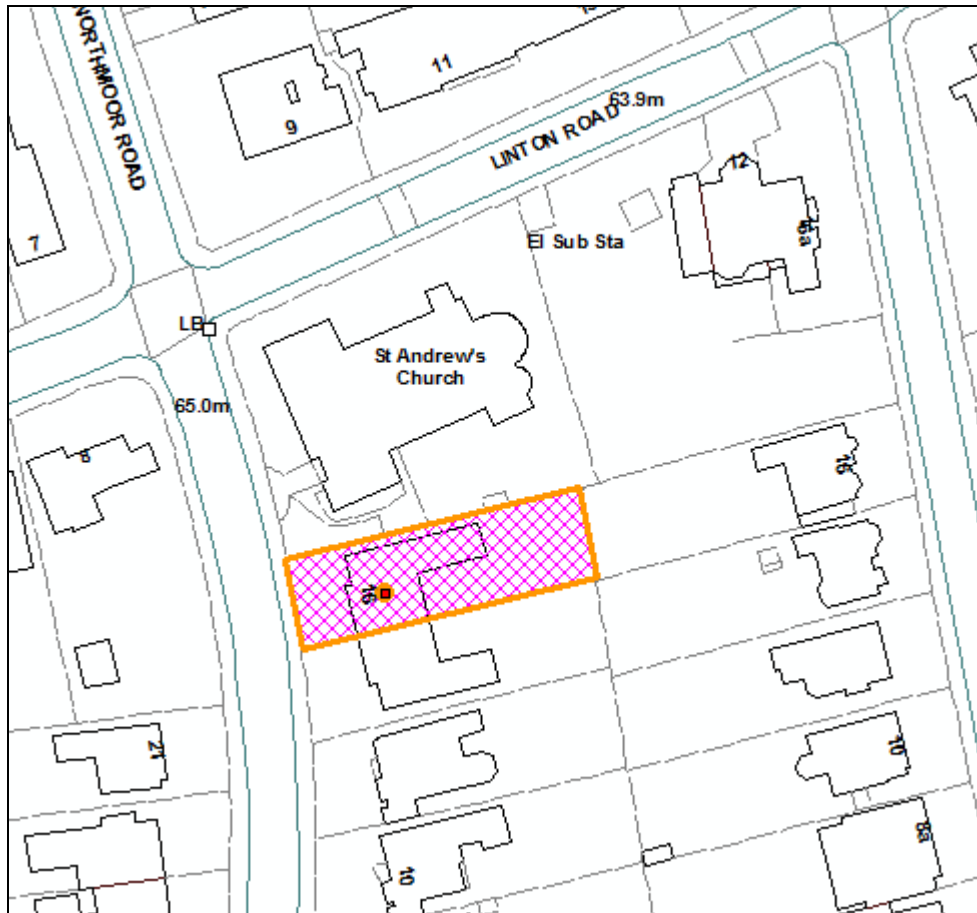
4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 4.1. The proposal is liable for CIL at an amount of £8,512.87.

5. SITE AND SURROUNDINGS

- 5.1. The application site is situated on the eastern side of Northmoor Road and comprises a three storey semi-detached property. No.16 was built, along with its immediate neighbour No.14 with which it forms a semi-detached pair, in 1912 by Frank Mountain. This building is designed by the architect A.R.G. Fenning and is designed in a Neo-Norman style.
- 5.2. The character of the area is mostly residential, with a variety of two storey and three storey dwellings with the exception of the Church next to the site. In the wider area there is a scattering of educational and tourist facilities. The residential dwellings located on the road benefit from parking areas to the front separated from the footpath by low boundary walls. Northmoor Road benefits from trees and hedges along the boundaries adding to its green residential character. The site is located within the North Oxford Victorian Suburb Conservation Area (NOVSCA). Northmoor Road is located within the Bardwell Character Area as set out in the Conservation Area appraisal.
- 5.3. The existing dwelling has been altered substantially in the past with the inclusion of an integral garage to the front and the removal and alteration to some of the original features. The external materials of the building comprise unpainted roughcast render, applied timber framing and painted window and clay tiles are used on the roof. The property benefits from a central gable and a first floor balcony to the front. The building currently contains 5 flats. At ground floor level the building includes Flat 1 and 2. Flat 1 comprises 2 bedrooms and has direct access to the rear garden. Flat 2 comprises 1 bedroom, the flat is small and would fall below the Council's minimum internal space standard with an internal area totalling 30m². At first floor level there are Flats 3 and 4. Flat 3 benefits from two bedrooms. Flat 4 benefits from 1 bedroom and would fall below the minimum internal space standards with an area of 20m², it is also only accessible via an external staircase. The second floor comprises Flat 5 the biggest of the flats which benefits from three bedrooms set over the whole floor. The upper floor flats have no direct access to outside space.
- 5.4. The application site is located next door to St. Andrew's Church which is not listed. The Church has been extensively extended on the boundary it shares with the application site. Views between the buildings are therefore limited although there are glimpses from the streetscene.

5.5. Site Location Plan



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Ordnance Survey 100019348

6. PROPOSAL

- 6.1. The application seeks planning permission for a three storey extension to the rear of the property to allow the creation of 4 x 2-bed and 2 x-1 bed flats, associated balconies, bin and cycle storage. The building currently comprises 5 flats over 3 storeys.
- 6.2. The rear extension would have an overall height of 10.5m stepping down to 5.7m where the second floor balcony would be located. The extension would then step down again to 3.1m where the first floor balcony and external staircase would be located. The overall depth of the extension would be 9.65m (exclusive of the steps) or 12m if you include the projection of the external access staircase.
- 6.3. The extension would include a dormer window on the north elevation and the addition of 5 windows. The plans also propose changes to the existing fenestration on the main building. The south elevation includes changes to the existing window sizes, the addition of rooflights and the addition of 6 windows and a set of double doors. The east elevation would include a triple door at second floor with access on to a balcony and a double door at first floor on to a balcony with the addition of an external staircase. The front elevation would see the removal of the integral garage and the insertion of two

windows in its place and a rooflight. The rear elevation would include the balconies and associated external staircase that will serve two of the flats.

- 6.4. A bin and cycle store is proposed be located in the rear garden.
- 6.5. Amended Plans were provided during the course of the application which sought to remove the cladding proposed and instead use a matching material. The amendments also include obscure glazing on the windows at first floor level on the south elevation.

7. RELEVANT PLANNING HISTORY

- 7.1. The table below sets out the relevant planning history for the application site:

64/15774/A_H - Conversion of existing room into garage for private car and extension. PER 24th November 1964.

67/18741/A_H - Alterations to form bedsitting room with kitchenette on first floor and alterations to kitchen to form dining room and alterations to fuel store and utility room to form kitchen. PER 9th May 1967.

67/19371/A_H - Alterations and extensions to form self-contained flat on 1st floor. RBR 24th October 1967.

68/19598/A_H - Alterations and extension to form flat on first floor. PER 9th January 1968.

80/00141/NFH - Alterations and single storey extension at rear to form four self-contained flats.. PER 14th April 1980.

15/03632/CPU - Application to certify that proposed change of use to single dwellinghouse is lawful development.. REF 26th January 2016.

16/00786/CPU - Application to certify that the proposed conversion to 2no. units is lawful.. REF 26th May 2016.

16/01221/FUL - Demolition of existing extension and erection of rear extension. Conversion of existing building to provide 1 x 6-bed dwelling (Use Class C3) and conversion of extension to provide 2 x 1-bed flats (Use Class C3). (Amended description). WDN 12th January 2018.

17/00901/FUL - Conversion of garage into habitable space, with replacement of garage door for bay window. Alterations to windows and doors. Demolition of existing rear extension, and erection of a single storey rear conservatory extension in association with conversion of flats into 1 x 6-bed dwellinghouse (Use Class C3).. PCO .

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Core Strategy	Sites and Housing Plan	Other planning documents	Neighbourhood Plans: Summertown and St Margarets Neighbourhood	Draft Local Plan
Design	124,127, 128	CP1 CP6 CP8 CP10 CP9	CS18_	HP9_ HP10_		HOS2 HOS3 HOS4	DH1 H14 H15 H16 G6
Conservation/ Heritage	184,189, 190, 192, 193,196			HE7			DH3
Housing	68, 117, 118. 122		CS23_	HP4_ HP12_ HP13_ HP14_ HP15_ HP16_			
Commercial							
Natural environment	175	NE15 NE16	CS11_ CS12_				
Social and community							
Transport	105,106				Parking Standards SPD		M1 M3 M5
Environmental							
Miscellaneous		CP.13 CP.24 CP.25		MP1			

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on and an advertisement was published in The Oxford Times newspaper on 14th March 2019.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

9.2. The proposal seeks to demolish the existing extension at 16 Northmoor Road and erect new extension to create 4 x 2-bed and 2 x-1 bed flats (Use Class

C3). The site is in a highly sustainable location, within walking/cycling distance to the city centre and close to a number of bus stops and other local amenities. There are currently 2 off-street parking bays for the existing 5 flats. Despite the number of flats increasing, it is not considered that the impact of this will be severe. There are a number of on street parking bays in the vicinity with the restrictions only being in force to restrict commuter parking. The application states that 12 cycle spaces will be provided. This is in line with Policy HP15 and is accepted. – No objection

Oxfordshire Preservation Trust

- 9.3. The proposed extension, whilst reduced in height is still large in terms of its overall massing when considered against the host dwelling, and is in our view still out of proportion and fundamentally changes the overall character of the building. As a result we still hold objections to the scale of the proposed extension.
- 9.4. We are also very concerned about the choice of materials, and note that no changes have been made to the proposed materials as part of the revised scheme. Given the original architect's choice of roughcast render, which is also characteristic of the area, we still do not consider that wooden cladding is an appropriate material for any extension to the host dwelling. Should the principle of an extension be considered acceptable in principle it would be preferable for the materials used in the construction of any extension be in keeping with those found on the host dwelling, in addition to the wider surrounding development.
- 9.5. We would therefore urge the Council to refuse this application on the grounds of its overall scale and massing, which fundamentally change the character of the building and also on the grounds the proposed materials which do not have regard to the prevailing character of the building or the local area.

Linton Road Neighbourhood Association

- 9.6. Objection - The increased bulk of the rear extension (both as to height and length) destroys the sense of subordination to the main body of the house. The extant rear elevation of no. 14 shows the delicacy with which this was achieved in the original. It is critical that a new extension at no. 16 finds a way to reflect this successfully, while avoiding the proposed balconies, terraces and cedar-cladding of the present application.
- 9.7. Similarly, while the intention to remove the present garage door from no. 16 is to be applauded, the plan to do so is wholly inadequate. A restoration of the symmetry with no. 14 should be insisted on, as to both form and materials. The current plan will add a further cheap bodge to the fabric and in doing so will harm the conservation area.
- 9.8. We fully support the position of the Council's conservation officer, who stated "Any proposals for no. 16 should as a matter of course be based on the existing built form and the historic precedent at no. 14 so as to build on local significance... alterations to the front and side elevations should copy the form

and materials at no. 14". This application does not meet either of these requirements. The case for harm is therefore perfectly clear: Frank Mountain's work is important to the conservation area; this proposal damages the appearance and character of this building. Harm (whether or not substantial) is caused both to this building and the NOVSCA, both of them heritage assets.

- 9.9. Secondly, the provision for six flats in this property is excessive and amounts to overbuilding, contrary to Council policies HP9 (Design, Character & Context), HP10 (Developing on Residential Gardens) and HP12 (Indoor Space).

St Margaret's Area Society

- 9.10. Our objections are as follows:

- 9.11. The proposal involves a substantial amount of overdevelopment. The present extension is a structure that is itself much to be regretted in being out of scale with the attached house, number 14, with which Number 16 was conceived to be seen as a single, balanced building. Certainly, the existing extension is an eyesore that leaves much room for improvement. But the answer is not to cram six flats on to the site, extending yet further down the garden. The density and configuration of the development proposal is out of keeping with the building's context within the NOVSCA and thereby conflicts with policies CP8, CS18 and HP9. In addition, the extension would be overbearing from the position of number 14, in conflict with policy HP14. We acknowledge that the applicant has reduced the height of the three storey rear extension relative to the previous planning application. However, this reduction in height is minor and the overall overbearing impact is not significantly diminished, given that the proposition remains a 3 storey rear extension deep into the garden.
- 9.12. The application is deficient in that it has not properly assessed the impact in terms of privacy and daylight (as necessary to be sure to conform with policy HP14). In terms of daylight, the enlarged extension would be likely to interfere with the daylight enjoyed by the Jubilee building to the immediate north.
- 9.13. In terms of privacy, several aspects of the development would have very negative results for neighbours: Number 14 would be particularly badly affected. An already large number of flats, which are not now fully occupied throughout the year, would be increased, with the flats expected to be in use year around. There would be more windows facing number 14, with two new balconies and a circular staircase giving new vantage points from which to be overlooked. The increased number of people in residence would no doubt result in substantially increased noise. We acknowledge the introduction of rooflights (as opposed to the previous dormer windows) and the introduction of frosted glazed screens on the external second floor terrace & the first floor balcony, but these measures do not provide any great reduction in the potential for overlooking. Indeed, the frosted glazed screens would do more harm than good. They are themselves an obtrusive and unsightly element without precedent in the Conservation Area and simply go to highlight the misguided nature of the proposed design. For residents of neighbouring

buildings to the east, on the western side of Charlbury Road, the new building would, of course, be closer than the existing structure. More significantly, the two balconies that are proposed and the circular staircase would provide ready vantage points for overlooking and disturbing the Charlbury Road properties, as well as for generating light pollution. It should be borne in mind that the Northmoor Road properties are on land that is higher than the land to the immediate east, so that the overlooking is all the greater. Activities within the church's Jubilee building, including gym and exercise classes, would be overlooked from the extended development at 16 Northmoor Road, via the Jubilee building's windows and skylights. The children's playground at the back of the church would be overlooked by the new balconies and staircase.

- 9.14. The NOVSCA appraisal emphasises the vital importance of visual gaps between buildings in the area. The proposed development would completely close the visual gap between 16 Northmoor Road and the adjacent church building. See page 48 of the appraisal: "Infill development has reduced or removed the gaps between buildings that contribute to the low density character of the conservation area that is a legacy of its organic development with properties surrounded by private gardens. The loss of glimpsed views to greenery beyond the building line has, in places, removed a major feature of the suburb's character."
- 9.15. The arrangements for car and cycle parking remain inadequate and ill-conceived. Space for cars is inadequate in relation to the number of flats and their likely use. This would have a serious impact on the availability of on-street parking for neighbours and users of the church. The only viable solution would be for the number of flats to be reduced or, failing that, for some of the flats to be subject to a condition that no rights to off-street or on-street resident parking would be available. Cycle parking at the far back end of the garden is unrealistic. Cycle parking would need to be at the front, in which case there would need to be commensurately less parking space at the front for cars.

Oxford Civic Society

- 9.16. This application proposes to increase the number of flats on the site from five to six, the total number of bedrooms by one and the number of occupants from 15 to 20. The increase in the size of the rear extension, particularly at the second floor level, further destroys the design of the original house that was a mirror image of the adjoining house. This also increases the impact of the development on the privacy of 14 Northmoor Road. It clearly does not enhance the housing and visual environment of this Conservation Area. The Oxford Civic Society believes that it is not acceptable to increase the size of the development, and that the application in its current form should be rejected.

Public representations

- 9.17. 37 letters of representation were received from addresses in Banbury Road, Bardwell Road, Belbroughton Road, Chadlington Road, Charlbury Road, Crick

Road Fyfield Road, Linton Road, Marston Ferry Road, Northmoor Road and St Andrew's Church

9.18. The comments can be reads in full as part of the application, in summary, the main points of objection were:

- Overdevelopment of the site
- Too many flats for the site
- Adverse impact on the Conservation Area
- Adverse impact on heritage assets
- Increase overlooking to neighbouring properties and to the Church
- Will impact on wildlife
- Will have an overbearing impact on the neighbouring property
- Loss of privacy for the Church and neighbours
- Impact on outlook from neighbouring property and Church
- Lack of parking for new occupiers
- Cramped development
- Poor design
- Scheme hasn't materially changed from the last application
- Increased noise pollution
- Impact on neighbouring amenity
- Increase traffic and parking along the road
- Inappropriate materials
- Overshadowing to St Andrews Church
- Overbearing to neighbouring properties
- Will unbalance the pair of houses
- Will contravene the 45 degree guidance
- Will change the character of the area
- Extends beyond the neighbouring building line

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- i. Principle of development
- ii. Design and Impact on the Historic Environment
- iii. Residential Amenity

- iv. Impact on Neighbouring amenity
- v. Highways
- vi. Biodiversity and Flooding

i. Principle of development

- 10.2. The application site comprises a building containing 5 residential flats, the application seeks to extend the building to provide 4 x 2-bed and 2 x-1 bed flats.
- 10.3. Policy HP10 of the Sites and Housing Plan and G6 of the emerging Local Plan relates to development taking place on residential garden land. The policy states that planning permission will be granted for new dwellings on residential gardens provided that the proposal responds to the character and appearance of the area, the size of the plot is of an appropriate size and any loss to biodiversity will be mitigated. Policy RE2 of the emerging Local Plan supports the efficient use of land.
- 10.4. The National Planning Policy Framework (NPPF) encourages the effective use of land by reusing land that has been previously developed provided that it is not of high environmental value.
- 10.5. The application site benefits from large proportions which can accommodate a development of this scale. The development would not adversely reduce the level of garden space available to the property and would not be out of keeping with the pattern of development in the area. Due to the scale of the property, the level of additional built form can be accommodated without detracting from the overall scale and massing of the main dwelling. The existing use already accommodates this residential use type and the proposal seeks to improve the levels of internal and external amenity space for future occupiers, whilst allowing for the overall scale of the development to reflect the surrounding context. The development would see an efficient use of existing garden land and would bring with it biodiversity enhancements that would be secured through a condition.
- 10.6. The application site currently contains five dwellings. The proposals would involve the re-configuration of the building to provide six dwellings. Policy HP4 of the Sites and Housing Plan deals with contributions towards affordable housing on sites with a capacity for 4-9 dwellings. Officers would recommend that whilst the site has a capacity for six dwellings the proposals only relate to the net gain of one additional dwelling and it therefore not reasonable to require an affordable housing contribution. As a result, the proposals would meet the requirements of Policy HP4 of the Sites and Housing Plan.
- 10.7. The principle of developing the site is therefore considered acceptable subject to compliance with the other relevant policies of the development plan which will be explored in more detail below.

ii. Design and Impact on the Historic Environment

- 10.8. Policy CS18 of the Core Strategy, HP9 of the Sites and Housing Plan and policies CP1 and CP8 of the adopted Oxford Local Plan and Policy DH1 of the emerging Local Plan require that planning permission will only be granted for development which shows a high standard of design, and which respects the character and appearance of an area and uses materials appropriate to the site and surroundings. Policy HE7 of the Oxford Local Plan and Policy DH3 of the emerging Local Plan refers to Conservation Areas and states that planning permission will only be granted for development that preserves or enhances the special character and appearance of the Conservation Areas or their setting.
- 10.9. Within a Conservation Area, Officers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended and section 16 of the NPPF which states that, with respect to buildings or other land in a Conservation Area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Paragraph 196 of the NPPF then goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 10.10. A statement of significance and heritage impact assessment was submitted along with the application. The building is an unlisted building located within the North Oxford Victorian Suburb Conservation Area. It was built alongside no.14 as a pair of semi-detached dwellings. The building is designed in a Neo-Norman style. In 1980 the building was granted planning permission to change the single dwelling house in to flats. The conversion of the dwelling in to flats has resulted in unequal levels of amenity between the flats. The two smaller flats have poor levels of internal amenity and access to the upper floor flat via an external staircase is not ideal or practical. The overall conversion has not been carried out sympathetically to the building and has not allowed for the site to be utilised to its full potential with regard to ensuring good quality space for future occupiers.
- 10.11. The building is located in a visible position on the street scene and due to the gaps between the buildings there are glimpses available along the side elevation of the building. The existing building has been extended and altered over the years and is in need of refurbishment. Elements such as the integral garage to the front and the external staircase to the side detract from the overall appearance of the building and this part of the Conservation Area.
- 10.12. The application site is located between St Andrews Church to the west and residential properties to the south. In 2012 planning permission was granted for an extension to the Church adjacent to the site. The Church alterations have significantly changed this part of the street scene and the way the street is experienced in this location. The extension to the Church is prominent in the street scene and is read as a modern extension set back from the main Church building. When viewed from inside the application site, the

neighbouring Church extension is even more prominent with its use of materials and fenestration detailing. The transition between the Church and the application site is therefore unique to the street, and benefits from a different relationship than those that only have residential neighbours. The windows positioned on the east of the Church extension are prominent and allow for a high level of perceived overlooking in to the application site. The prominence of the windows provides a more commercial relationship with the application site. This relationship is visible from the street scene and identifies a change in scale of development in this part of the street.

- 10.13. The site falls within the Bardwell Character Area as identified in the NOVSCAA. The appraisal states that in this area the “houses are large with only small gaps between on the main street frontages, though larger gaps are sometimes found on side roads at the end of a run of houses.”.. “From the street, building plots seem small for the size of the houses, there are however, large spaces behind houses. There are no public open spaces. A general feeling of space in the public realm is created by the broad roads, pavements and front gardens. The contribution of gardens is greatest where the original modest height of front boundary treatments is retained.”
- 10.14. The proposed rear extension would have a depth of 9.6m which would extend out 2.9m further than the existing rear extension. It would have an eaves height of 7.1m and an overall ridge height of 10m. The upper floors would include balconies. The first floor balcony would measure 4m x 1.1m and the second floor balcony would measure 5.4m x 2.2m. The height of the existing extension is 6.3m.
- 10.15. The extension has been designed to be subservient to the main dwelling by being set down from the main ridge. Amended plans were provided changes the external materials so they are now matching those of the main building.
- 10.16. A large number of objections have been received regarding the design and scale of the extension and its relationship with the main house and the Conservation Area.
- 10.17. The north elevation would see a change to the fenestration detailing of the existing building, 5 new windows in the elevation of the extension and the addition of a dormer window. The dormer would be of a size that would complement the existing dormers and would sit comfortably within the roof slope. The south elevation would also see changes to the existing fenestration as well as 4 new roof lights and the extension would include 6 windows and a double door. The west (front) elevation proposes a new roof light and would see the garage replaced with two windows. The changes proposed to the garage area would allow the frontage to be more in keeping with the original design as well as the neighbouring property and would be a benefit of the scheme. The east (rear) elevation proposes two new balconies and an associated external staircase.
- 10.18. In terms of scale, the extension would project further in to the garden and due to the balconies would be a more prominent extension. Officers acknowledge that this would change the character of the site and would impact on the

overall design of the existing building. It is also noted that a reduced scheme would lessen the impact of the development and form a better relationship with the host dwelling.

10.19. Notwithstanding the above, whilst views of the side of the extension would be visible from the street scene, the overall scale and massing would not be visible and therefore would not adversely impact on the street scene. In addition the Church next door has been extensively extended and the extension would be read alongside the massing and proportions of the Church extension. The application site acts as a transitional point between the commercial scale of the Church and the neighbouring residential property and therefore the scale of the extension would not be wholly out of keeping with the pattern and scale of development in the near vicinity. In addition the properties along Northmoor Road are large with spacious gardens. In terms of fenestration detailing the extension would form a visually appropriate relationship with the main building and the elevations would be appropriately detailed with openings so not to create a blank oppressive massing. Amendments have also been made to the materials proposed and the matching materials now proposed would allow the extension to be read more successfully against the main building and would appear less intrusive on the street scene.

10.20. The existing arrangement is of poor quality and design and the application seeks to improve the visual appearance as well as the quality of space for future occupiers. The extension would not be highly visible from the street scene and where it is visible from the neighbouring properties it would be viewed against the background of the Church extension. The extension would continue to be subservient to the main house and would allow for sufficient circulation space around the building.

10.21. With regard to paragraph 196 of the NPPF, it is considered that the development would lead to less than substantial harm due to the position of the extension to the rear of the site, the relationship between the application site and the Church and lack of direct views on to the extension from the street scene. It is important that members of the committee are aware that there are concerns in the context of the conservation impacts of the proposed development. The benefits of the proposal include removing visible clutter from the building in the form of the garage to the front and the staircase to the side. In addition the proposal would allow for an additional dwelling to be provided in a sustainable location as well as improving the quality of space for any future occupiers of the site allowing for the site to fulfil its optimum viable use. Given this it is recommended that on balance, the harm to the Conservation Area which is considered less than substantial is outweighed by the overall benefits of the scheme.

iii. Residential Amenity and Impact on Neighbouring Amenity

10.22. Policy HP12 of the Sites and Housing Plan and H15 of the emerging Local Plan states that planning permission will only be granted for new dwellings that provide good quality living accommodation. Oxford City Council's Technical Advice Note 1A: Space Standards for Residential Development

details the requirements. The proposed flats comply with the requirements of the space standard and officers are satisfied that they would allow for sufficient internal space for any future occupiers.

- 10.23. Policy HP13 of the Sites and Housing Plan and Policy H16 of the emerging Local Plan refer to outdoor space requirements. It states that planning permission will only be granted for new dwellings that have direct and convenient access to an area of private open space as well as detailing a number of other requirements. The proposed private amenity space has been separated in to a combination of private balconies, private garden areas and a communal garden area. The two ground floor flats would benefit from private garden areas accessed directly from the flats. Flat 3 would have access to the communal garden area, flat 4 would have direct access to a balcony, flat 5 would have access to the communal garden and flat 6 would have direct access to a balcony. The outside amenity space is considered to be an acceptable size for the occupiers of the flats and would allow for a good level of quality amenity space.
- 10.24. A number of objections have been raised with regard to the impact of the development on neighbouring amenity. Policy HP14 of the Sites and Housing Plan and Policy H14 of the emerging Local Plan 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.
- 10.25. The nearest residential property is 14 Northmoor Road, with regard to the assessment for impact on light, the 45/25 degree guidance Appendix 7 of the Sites and Housing Plan is an important consideration. When measured from the main habitable window the proposed development would break the 45 degree line towards the end of the building at a distance of circa 16m from the windows when measured on a 45 degree angle. When you then apply the 25 degree guidance the development would comply. Notwithstanding this, there are other factors that should be considered when determining the impact of development on sunlight and daylight. The extension would be located to the north of 14 Northmoor Road so would not largely impact the amount of sunlight available to no.14, furthermore as it is set away from the boundary and would be viewed against the Church extension, the proposed extension is not considered to have an adverse impact on light available to no.14 from this area. With regard to the extension being overbearing, whilst the extension would project further in to the garden, the extension is proposed to be set away from the boundary it would share with no. 14 by 7.4m. Given the separation distance between the properties the extension would not be considered to be overbearing or to have an unacceptable impact on outlook available to the neighbouring property.
- 10.26. With regard to the Church building, the extension would be in closer proximity with a distance of 3.4m at the closest point. There have been a number of objections relating to this relationship between the buildings. As the Church is not a residential building there is no requirement for it to comply with the 45/25 degree guidance. Notwithstanding this the amenity of future users of the Church is an important consideration. Given the nature of a Church and

community building it is used for a variety of uses over shorter periods of time such as nursery groups and youth groups, and therefore it is acceptable to expect a lower level of amenity for a building in such a use (unlike a residential building which is occupied continuously by the same people for prolonged periods of time). A number of the rooms in this part of the Church benefit from large windows with a number of the rooms benefiting from more than one window. Due to the proximity between the buildings there would be a reduction in light available to some of the Church windows located on this elevation due to overshadowing, furthermore the outlook between the properties would be compromised. As it is not a residential property it is likely that those who use the rooms would be doing so for shorter periods of time and at various times in the day, and would not use the space as primary habitable spaces. As those rooms form part of the wider Church site and do not benefit from a residential use, the reduced level of amenity is considered acceptable.

- 10.27. With regard to the residential properties located to the rear of the site, the properties are considered to be a sufficient distance with the balconies being located 13m away from the rear boundary so would not be overbearing or impact on the outlook available.
- 10.28. Objections have also been raised regarding overlooking and loss of privacy. The application proposes a number of new windows as well as balconies to the rear. Amended plans have been provided to address concerns raised regarding overlooking on the south elevation at first floor level between flat 4 and no.14 Northmoor Road. Obscure glazing is now proposed on these side windows at first floor level. The use of obscure glazing in this elevation is considered to be acceptable to overcome the issue of overlooking and a condition is recommended to ensure they stay obscurely glazed in perpetuity. The other windows follow the arrangement of the existing windows or are located at ground floor where there will be a boundary wall separating the properties. The rooflights are considered to be located in such a position in the roof that they would not give rise to overlooking or loss of privacy due to their height. The cill of the lower level rooflights would be located 2.25m from the inside finished floor level and the cill of the upper rooflights would be located 2m from the finished floor level.
- 10.29. The east elevation would see the introduction of a number of new windows in the elevation which faces on to the Church. The addition of windows on this elevation will increase the level of overlooking between the flats and the Church but due to the level of windows on the Church, the overlooking would be mutual. As mentioned given the non-residential use of the Church it is considered that the direct overlooking would be minimal given that the Church benefits from a range of users over a range of day and times.
- 10.30. The rear elevation proposes to have two balcony areas. A number of objections relate to this specific design element and its impact on neighbouring privacy. The balconies would include 1.7m high obscure glazed balustrading on the side with this reducing to 1.1m at the centre. The obscure glazing would allow for a good level of privacy to be maintained between the balcony and the neighbouring properties. The Church benefits from a small

play area to the rear of the Church that would be visible from the application site. Views in to the play area are likely to be available from the balconies especially if the external staircase is used. As with any relationship between properties in a built up residential area there is the potential for overlooking between gardens and relationships such as what is proposed is not unusual. It is common to have schools which back on to residential gardens and parks that are located in close proximity to residential properties. By the nature of being in a built up area it is unlikely to be able to avoid these relationships entirely. Given that the balconies would benefit from obscure glazing it is considered that the proposal would not give rise to an unacceptable level of overlooking between the users.

- 10.31. Concerns have also been raised regarding overlooking from the balconies to the properties to the rear. The balconies would be located 13m from the rear boundary and further from the back of the houses located to the rear. Given the separation distances the balconies would not be considered to give rise to unacceptable levels of overlooking or loss of privacy.

iv. Highways

- 10.32. The application site benefits from a driveway to the front which can accommodate two cars. Objections have been raised regarding the lack of parking on the site to accommodate the scheme. Oxfordshire County Council highways have been consulted on the application and raise no objection. The site is located in a highly sustainable location and there are a number of on street parking bays in the vicinity with restrictions to restrict commuter parking. The combination of these factors means that the development is unlikely to cause harm with regard to highway safety and therefore the parking arrangement is considered acceptable.

- 10.33. The scheme proposes 12 cycle parking spaces in accordance with policy HP15 of the Sites and Housing Plan. The cycle parking would be located to the rear of the site along with the bin storage. The location of the cycle parking is considered acceptable and a condition requiring the details of the cycle and bin store is recommended to be required by condition to ensure an appropriate structure is erected.

v. Biodiversity and Trees

- 10.34. A Bat survey has been provided as part of the application. The surveys undertaken confirm the presence of a Soprano Pipistrelle bat roost within the building given this the development must be undertaken in accordance with the recommendations of the bat survey report, including obtaining a European Protected Species Mitigation Licence from Natural England and provision of artificial roost features. Furthermore a scheme of ecological enhancements should be provided to include provision of bat and bird boxes in order that an overall net gain in biodiversity is achieved. Conditions to secure this are recommended by officers.

- 10.35. There are a number of trees located in the rear garden which are proposed to be retained as part of the development which would help screen the

development as well as preserve the character of the Conservation Area. The trees would also need to be protected during the construction of the development, a number of conditions are recommended by officers to ensure that adequate protection for trees is required.

vi. Flooding

- 10.36. The development is not at significant risk of flooding from any sources, however the development may increase the impermeable area leading to increased surface water runoff and therefore all impermeable areas of the proposed development would have to be drained using Sustainable Drainage measures (SuDS). Officers recommend a condition to ensure that this is the case.

11. CONCLUSION

- 11.1. On the basis of the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.
- 11.2. In the context of all proposals Paragraph 11 of the NPPF requires that planning decisions apply a presumption in favour of sustainable development, this means approving development that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Compliance with Development Plan Policies

- 11.3. Therefore in conclusion it is necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which is inconsistent with the result of the application of the development plan as a whole.
- 11.4. The proposal is considered to comply with the development plan as a whole. Where issues have been raised with regard to the harm to the historic environment in line with the NPPF paragraph 196 has been engaged and whilst there has been some harm identified to the Conservation Area, taking in to account all the material considerations it is considered that the benefits to

the scheme would outweigh the less than substantial harm that has been identified.

Material considerations

- 11.5. The principal material considerations which arise are addressed below, and follow the analysis set out in earlier sections of this report.
- 11.6. National Planning Policy: The NPPF has a presumption in favour of sustainable development. NPPF paragraph 11 states that proposals that accord with the development plan should be approved without delay, or where the development plan is absent, silent, or relevant plans are out of date, granting permission unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole; or specific policies in the framework indicate development should be restricted.
- 11.7. Officers consider that the proposal would accord with the overall aims and objectives of the NPPF for the reasons set out within the report. Therefore in such circumstances, Paragraph 11 is clear that planning permission should be approved without delay. This is a significant material consideration in favour of the proposal.
- 11.8. The proposal seeks to provide improved accommodation in a highly sustainable location, the proposal will not have an unacceptable impact on neighbouring amenity and conditions have been included to ensure this remains in the future. The proposal will allow for sufficient car and cycle parking and will provide biodiversity enhancements.
- 11.9. Therefore it is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions set out in section 12 of this report.

12. CONDITIONS

- 1 The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

- 2 The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policy CP1 of the Oxford Local Plan 2001-2016.

- 3 The materials to be used in the new development shall be as specified in the application hereby approved. There shall be no variation of these materials without the prior written consent of the Local Planning Authority.

Reason: To ensure the satisfactory visual appearance of the new development in accordance with policies CP1 and CP8 of the Oxford Local Plan 2001-2016, CS18 of the Oxford Core Strategy 2026, HP9 of the Site and Housing Plan 2011-2026.

- 3 Except where indicated otherwise on the drawings hereby approved, all new external works and finishes, and works of making good, shall match the existing original work in respect of materials used, detailed execution and finished appearance.

Reason: To ensure a satisfactory appearance and in the interests of the special character of the area and/or building in accordance with policies CP1, CP7, CP8, HE3 and HE7 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

- 4 The windows in the South elevation at first floor level shall be obscurely glazed as shown on the plans and retained in this condition thereafter.

Reason: To safeguard the amenities of the adjoining occupiers in accordance with policies CP1, CP10 and HS19 of the Adopted Oxford Local Plan 2001-20

- 5 The balcony privacy screen shall be obscurely glazed and erected in accordance with the approved plan and retained thereafter .

Reason: To ensure that the details are acceptable in visual and amenity terms and to accord with policies CP1, CP8 and CP10 of the Adopted Oxford Local Plan 2001-2016 and policy HP14 of The Sites and Housing Plan.

- 6 Prior to the occupation of the development, a detailed scheme showing the design of a secure, covered cycle store for the storage of at least 12 pedal cycles shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle store shall be installed prior to first occupation of the approved dwellinghouse. Prior to the occupation of the development, a detailed scheme showing the design of a bin store including means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The approved bin store shall be installed prior to first occupation of the approved dwellinghouse.

Reason: To ensure that the development provides adequate cycle parking as required by Policy HP15 of the Sites and Housing Plan 2011-2026 and to promote recycling in accordance with policies CP1 and CP10 of the Oxford Local Plan 2001-2016.

- 7 Prior to the commencement of development, an arboricultural method statement to ensure the protection of trees on the site during construction shall be submitted to and approved in writing by the Local Planning Authority. No works shall be carried out on site (including any demolition works) before the arboricultural method statement has been approved. The arboricultural method statement shall include details of the following:

1. - The location, materials and means of construction of temporary tree - protective fencing and/or ground protection measures (in accordance with BS 5837/2005 'Trees in relation to Construction');
2. - The programme for implementing and retaining such tree protection measures;
3. - Any works to trees (in accordance with BS 3998/1989 'Tree Works') to be carried out to prevent accidental damage by construction activities.

Reason: To avoid damage to the roots of retained trees and to protect retained trees during construction. In accordance with policies CP1, CP11 and NE16 of the Adopted Local Plan 2001-2016

- 8 Prior to the start of any work on site including site clearance, details of the design of all new hard surfaces and a method statement for their construction shall be submitted to and approved in writing by the Local Planning Authority. Details shall take into account the need to avoid any excavation within the rooting area of any retained tree and where appropriate the Local Planning Authority will expect "no-dig" techniques to be used, which might require hard surfaces to be constructed on top of existing soil levels using treated timber edging and pegs to retain the built up material.

Reason: To avoid damage to the roots of retained trees. In accordance with policies CP1, CP11 and NE16 of the Adopted Local Plan 2001-2016.

- 9 The development shall be undertaken in accordance with the recommendations provided within the Bat Survey Report produced by Ecology By Design (September 2018). No works of site clearance, demolition or construction shall take place until a European Protected Species Mitigation Licence has been granted by Natural England. A copy of the licence is to be provided to the Local Planning Authority.

Reason: To comply with the requirements of The Conservation of Habitats and Species Regulations 2017, Wildlife and Countryside Act 1981 (as amended) and to protect species of conservation concern.

- 10 Prior to the commencement of development, a scheme of ecological enhancements shall be submitted to and approved by the Local Planning Authority to ensure an overall and net gain in biodiversity will be achieved. The scheme will include details of native landscape planting of known benefit to wildlife, including nectar resources for invertebrates. Details shall be provided of artificial roost features, including bird and bat boxes and a minimum of two dedicated swift boxes.

Reason: To comply with the requirements of the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2017, Wildlife and Countryside Act 1981 (as amended) and Policy CS12 of the Oxford Core Strategy 2026.

- 11 All Impermeable areas of the proposed development, including roofs, driveways, and patio areas should be drained using Sustainable Drainage measures (SuDS).

This may include the use of porous pavements and infiltration, or attenuation storage to decrease the run off rates and volumes to public surface water sewers and thus reduce flooding.

Soakage tests should be carried out in accordance with BRE Digest 365 or similar approved method to prove the feasibility/effectiveness of soakaways or filter trenches. Where infiltration is not feasible, surface water should be attenuated on site and discharged at a controlled discharge rate no greater than prior to development using appropriate SuDS techniques and in consultation with the sewerage undertaker where required.

If the use of SuDS are not reasonably practical, the design of the surface water drainage system should be carried out in accordance with Approved Document H of

the Building Regulations. The drainage system should be designed and maintained to remain functional, safe, and accessible for the lifetime of the development.

Reason: To avoid increasing surface water run-off and volumes to prevent an increase in flood risk in accordance with policies CS11 of the Oxford Core Strategy 2011-2026

13. APPENDICES

Appendix 1 – Proposed Site plan and Site location plan

14. HUMAN RIGHTS ACT 1998

- 14.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

- 15.1. 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.

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