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|  **West Area Planning Committee** | 8th May 2019 |

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| **Application number:** | 19/00316/FUL |
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| **Decision due by** | 8th April 2019 |
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| **Extension of time** | 13th May 2019 |
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| **Proposal** | Demolition of garage and erection of a two storey side extension and single storey rear extension at basement level. (amended plans) (amended description) |
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| **Site address** | 5 Warnborough Road, Oxford, OX2 6HZ, – see **Appendix 1** for site plan |
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| **Ward** | North Ward |
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| **Case officer** | James Paterson |

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| **Agent:**  | Mr Dominic Brooke-Read | **Applicant:**  | Mr & Mrs Westbrook |

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| **Reason at Committee** | The application was called in by Councillors Fry, Munkonge, Upton and Pressel because of concerns about the possible harm to the Conservation Area. |

1. RECOMMENDATION
	1. West Area Planning Committeeis recommended to:
		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.
		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.
1. EXECUTIVE SUMMARY
	1. This report considers the proposed demolition and extensions to the property. Specifically, the application proposes the demolition of a garage sited to the south side of the property, and associated works, and a replacement two storey side extension. A single storey rear extension at basement/ lower ground floor level is also proposed. The proposal would have an acceptable impact in terms of design. Officers have carefully considered the impact of the proposed development on the character, appearance and significance of the North Oxford Victorian Suburb Conservation Area, which is a designated heritage asset and have considered that it would not give rise to a harmful impact. Officers also consider that the proposal would have an acceptable impact on the amenity of neighbouring properties. In terms of car parking and the loss of the garage officers considers that sufficient car parking arrangements would be retained. The proposal is considered to have an acceptable impact on flood risk and ecology subject to conditions.
	2. The key matters for assessment set out in this report include the following:
* Design
* Impact on Conservation Area
* Impact on Neighbouring Amenity
* Car Parking
* Flooding
* Biodiversity
1. LEGAL AGREEMENT
	1. A legal agreement is not required for this application.
2. COMMUNITY INFRASTRUCTURE LEVY (CIL)
	1. The proposal is not CIL liable as the amount of floorspace gained would be below the threshold where CIL would be required.
3. SITE AND SURROUNDINGS
	1. 5 Warnborough Road is a large semi-detached Victorian property, erected circa 1875. It is located near the junction with Tackley Place and is situated on the west side of Warnborough Road. The house has remained largely unaltered with the exception of the detached garage which was presumably erected after the original building. The plot is approximately 0.9m higher at the end fronting Warnborough Road than the garden to the rear. The property has been used for various purposes over the years, more recently it had been used as student accommodation; however, it has recently been bought for use as a family dwelling (C3). The property is constructed of red brick and slate tiled roofs, typical of houses of this era.
	2. The site is located within the North Oxford Victorian Suburb Conservation Area. While 5 Warnborough Road is not singled out as being of particular significance, the house contributes to the special character of the Conservation Area by forming half of a pair of large semi-detached Victorian villas which typify the area. The house’s location means that views of both the front elevation and the rear elevation are possible from the public realm.
	3. See block plan below:



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Ordnance Survey 100019348

1. PROPOSAL
	1. The original application proposed the demolition of the existing detached garage. The demolition of the garage would also entail works to level the driveway to be the same height as street level, in line with similar works at both No. 4 and No. 6 Warnborough Road. This is to allow for a more efficient use of the space in terms of car parking. A part of the front boundary wall would also be removed to this effect.
	2. A replacement two storey side extension is proposed. This extension would feature a sloped roof, sloping away from the host dwelling. The side extension would have a height of 4.2m to the eaves with a total height of 6.7m when measured from the lower ground level to the rear of the property. The visible heights from the front elevation would be 2.4m and 4.9m respectively. The fenestration of the extension would similar to the existing dwelling, with the exception of the rear elevation which would be heavily glazed.
	3. A single storey rear extension at basement/ lower ground floor level is also proposed. This would be 2.9m in height and extend 3m from the existing rear wall; it would feature a flat roof and substantial glazing to the rear elevation. Two rooflights would be inserted into the roof of the extension. The extension would be of red brick construction, although the roof would be finished in zinc.
	4. A three storey extension was originally proposed. This would have been a ‘closet extension’ reaching from the ground level to the roof of the host dwelling. This element has been removed at the request of officers and the scheme substantially reduced with the submission of amended plans.
	5. The extensions would all be finished in materials to match the existing house, including being of red brick construction with stone lintels and a slate roof.
	6. The applicant was informed of the Council’s intent to refuse the original application due officers’ views that the proposed three storey rear extension to the property would result in harm to the Conservation Area. In this instance, a revised proposal and associated plans were accepted by planning officers. The revised application removed the three storey extension in its entirety and also lowered the height of the side extension.
2. RELEVANT PLANNING HISTORY
	1. The table below sets out the relevant planning history for the application site:

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| 02/01116/CAT - Fell Western Red Cedar in the North Oxford Victorian Suburbs Conservation Area at 5 Warnborough Road, Oxford. RNO 28th June 2002.76/00829/AH\_H - Change of use from bedsitting room for students to nursery school on lower two floors and residential maisonette for proprietors on the upper 2 floors. REF 15th December 1976.77/00667/AH\_H - Change of use from student accommodation to a single family dwelling. PER 9th September 1977.18/02821/CAT - Fell 1no. Lawson Cypress in the North Oxford Victorian Suburb Conservation Area.. RNO 19th November 2018.19/00179/CAT - Works to 1no. Holly Tree and laburnum as specified by Mrs Sarah Venners in North Oxford Victorian Suburb Conservation area.. RNO 13th February 2019.19/00316/FUL - Demolition of garage and erection of a two storey side extension and single storey rear extension at basement level. (amended plans) (amended description). PDE . |

1. RELEVANT PLANNING POLICY
	1. The following policies are relevant to the application:

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| **Topic** | **National Planning Policy Framework** | **Local Plan** | **Core Strategy** | **Sites and Housing Plan** | **Other planning documents** |
| **Design** | 8, 11, 129, 128, 130 | CP1, CP6, CP8, CP10 | CS18 | HP9, HP14 |  |
| **Conservation/ Heritage** | 189, 192, 196 | HE7 |  |  |  |
| **Natural environment** | 170 |  | CS12 |  |  |
| **Transport** | 108 |  |  | HP16 | Parking Standards SPD |
| **Miscellaneous** | 47, 48 |  | CS11 | MP1 |  |

1. CONSULTATION RESPONSES
	1. Site notices were displayed around the application site on 22nd February 2019 and an advertisement was published in The Oxford Times newspaper on 21st February 2019. Further pink site notices were displayed on 9th April 2019, following the submission of the revised scheme.

Public representations

* 1. Five local people commented on the original application from addresses in Warnborough Road and Leckford Road.
	2. In summary, the main points of objection (five residents) were largely in relation to the side extension and the three storey rear extension. However concerns as to the daylight of No. 6 Warnborough Road were also voiced. The concerns were as follows:
* Amount of development on site
* Effect on adjoining properties
* Effect on character of area
* Height of proposal
* Light – daylight/sunlight
* Local plan policies
	1. Three amenity groups also objected to the original application on the grounds that both the side and three storey rear extensions were not appropriate.
	2. Following revisions to the scheme, a further consultation for two weeks was undertaken. Four further comments from local people were received in addition to two further comments from two amenity groups.

Officer response

* 1. Officers have considered carefully the objection to these proposals. Officers have come to the view, for the detailed reasons set out in the officer’s report, that the reasons for 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.
1. PLANNING MATERIAL CONSIDERATIONS
	1. Officers consider the determining issues to be:
2. Design
3. Impact on Conservation Area
4. Impact on Neighbouring Amenity
5. Car Parking
6. Flooding
7. Biodiversity
8. Design
	1. Policy CP1 of the Oxford Local Plan 2001-2016 states that a development must show a high standard of design, including landscape treatment, that respects the character and appearance of the area; and the materials used must be of a quality appropriate to the nature of the development, the site and its surroundings. CS18 of the Core Strategy states that planning permission will be granted for development that demonstrates high-quality urban design through responding appropriately to the site and its surroundings; creating a strong sense of place; and contributing to an attractive public realm. Policy HP9 of the Sites and Housing Plan states that planning permission will only be granted for residential development that responds to the overall character of the area, including its built and natural features.
	2. The proposed demolition of the garage, and associated works, are considered to not have a significant impact in design terms. While the garage’s red brick construction and pitched roof integrate it with the site well enough, it is not considered to be significant in design terms. The proposal to level off the driveway is also considered to have little impact in terms of design, as this would be a subtle change that most neighbours have already implemented. The other minor associated landscaping changes are also considered to be subtle changes that would not impact the visual appearance of the house.
	3. The proposed single storey rear extension would clearly give the appearance of a modern intervention, with strong straight lines, a flat roof and substantial glazing which would set it apart visually from the host dwelling. However, the extension would not be obtrusively discordant in appearance due to its relatively low profile and modest size which means that it would be a proportionate addition and would not overpower the rear elevation. Furthermore, while the contemporary style differs from the historic host dwelling and would make clear which parts of the house are original or later additions, the dominant feature would remain the red brick masonry and large, dominating scale of the original villa. This element is therefore considered acceptable in design terms.
	4. In terms of the side extension, this element responds well to the features of the host dwelling, particularly in terms of fenestration to the front and side elevations as well as its long sloping roof. While the proposed front elevation of the extension is fairly traditional, which would integrate it well with the principle façade, the rear of the side extension would be very contemporary and heavily glazed. This is considered to be acceptable in design terms as it would be at a relatively low and discreet level and not readily visible. Additionally this would set this addition apart as a recent intervention and makes it clear which parts are original/modern. While the overall form of the side extension would be tall, when viewed from the lower ground level to the rear, it would only be approximately two thirds the height of the eaves of the host dwelling while also being fairly slender. This would clearly mean that the extension would be a subservient addition and would not overpower or unbalance the overall form of the host dwelling. This element is therefore considered acceptable in design terms. Officers recommend that the development therefore complies with Policies CP1, CP8 and CP10 of the Oxford Local Plan 2001-2016 and Policy CS18 of the Core Strategy (2011).
9. Impact on Conservation Area
	1. Policy HE7 of the Oxford Local Plan 2001-2016 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. Furthermore, planning permission will not be granted for proposals involving the substantial demolition of a building or structure that contributes to the special interest of the conservation areas.
	2. It is considered that the demolition of the garage and associated changes to the front garden would not result in harm to the Conservation Area. The garage does not contribute to the significance of the Conservation Area due it being a modern intervention. While other houses on the street have side garages, it is not a typical or positive feature of the area. The levelling of the driveway would likewise not have a negative impact on the Conservation Area as it would be a very subtle change. While the plots on both sides of the road slope away from the highway, it is not a noteworthy feature of the streetscene and is not a significant feature in heritage terms. In any case, numerous other houses on the street have undertaken similar work in order to make the front garden space more useable; the proposed driveway would therefore not appear out of place. The railings proposed as part of the work associated with the demolition of the garage and the side extension would be in accordance with the council’s guidance; the house would have been built in ‘phase two’ of the suburb’s construction and the proposed railings reflect this style. The length of front boundary wall to be removed is also considered acceptable. The section to be removed appears to be the remnant of the original wall which was likely unsympathetically shortened to allow use of the garage. The removal of this section would ‘tidy up’ the front boundary treatment. In any case, this element is less than 1m in height and its removal, therefore, would not constitute relevant demolition under S74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as per paragraph 64 of the Planning Practice Guidance. Therefore the removal of the front wall would not require planning permission in any case and its removal cannot form a basis of refusing planning permission.
	3. The proposed rear extension is considered to have an acceptable impact on the Conservation Area. The extension would be a subtle addition to the area and would not be visible from public views and would largely be obscured from private views by virtue of to its low profile, due to the low ground level at this point. While it is noted in the North Oxford Victorian Suburb Conservation Area Appraisal that the Conservation Area is vulnerable to inappropriate additions to the rear of houses, in this case the rear addition is not considered inappropriate by virtue of its high quality design and discrete siting.
	4. The side extension, however, has greater implications in terms of the Conservation Area. The North Oxford Victorian Suburb Conservation Area Appraisal notes that, although the building plots in this area are narrow, the feeling of openness is retained due to the generous rear gardens which can be glimpsed through the gaps between houses. Extensions into these gaps are a vulnerability of the Conservation Area. It is also noted by planning officers that a number of houses on the road have side extensions of varying size and use; while this is not considered to set a firm precedent in favour of such extensions, the principle of side additions in the area has been established. In this instance it is considered that the proposed side extension would be acceptable. The extension would be sited 1.2m from the boundary with 4 Warnborough Road and so glimpses into the greenery of the house’s rear amenity space would still be possible. Indeed the width of the extension is not dissimilar to the width of the garage that is proposed to be demolished, although the extension has the advantage of being set away from the boundary. The side extension is also proposed to be set back a distance from the building line of the original house; this means that the side extension would appear subservient and not completely fill the gap between Nos. 4 and 5 Warnborough Road. While it is considered that a shorter side extension would have been preferred, the height of the proposed extension would not be disproportionate or visually jarring as it would not have the appearance of a two storey addition, when viewed from the street, due to the differences in ground level. While the loss of most of the side windows is regrettable, as some of them have some architectural merit, the proposal would ‘tidy up’ this elevation which at present is quite random in its window placement. Indeed, having regard to the otherwise orderly fenestration of the pair of semi-detached properties, of which this house forms part, the disorderly fenestration of this elevation of No. 5 seems at odds with the established character of the houses and wider built environment.
	5. Officers have carefully considered the impact of the proposed development in terms of harm that it would have on the North Oxford Victorian Suburb (which is a designated heritage asset). Regard has been paid to Paragraph 192 of the NPPF in reaching a decision to recommend granting planning permission. When applying the test outlined in Paragraph 196 of the NPPF, it is considered that the proposal would cause no harm to the character, appearance and special significance of the Conservation Area. Therefore, the proposals would be acceptable in terms of their impact on this designated heritage asset and the development complies with the requirements of the NPPF and Policy HE7 of the Oxford Local Plan 2001-2016.
	6. Special attention has been paid to the statutory test of preserving or enhancing the character and appearance of the conservation area under Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, which it is accepted is a higher duty. It has been concluded that the development would preserve the character and appearance of the Conservation Area, and so the proposal accords with Section 72 of the Act.
10. Impact on neighbouring amenity
	1. Policy HP14 of the Sites and Housing Plan states that planning permission will not be granted for development that has an overbearing effect on existing homes, and will only be granted for new residential development that provides reasonable privacy and daylight for the occupants of both existing and new homes. Policy HP14 of the Sites and Housing Plan sets out guidelines for assessing development in terms of whether it will allow adequate sunlight and daylight to habitable rooms of the neighbouring dwellings.

Privacy

* 1. Due to the proposed windows on the side elevation of the side extension being at lower ground floor level and the rooflights being approximately 1.8m higher than the floor, it is considered that unacceptable views into the rooms of No. 4 would not be possible. Likewise the addition of windows to the rear and front elevation of the property would not result in unacceptable views of nearby properties due to the distance between the houses.

Daylight/ Sunlight

* 1. The proposals would be compliant with the 25/45 degree test, outlined in Policy HP14, in terms of its impact on No. 4 Warnborough Road. It is therefore considered that the proposal would not result in a loss of daylight for this neighbour
	2. The proposal would be compliant with the 25/45 degree test, outlined in Policy HP14, in terms of 6 Warnborough Road with the exception of the lower ground floor window closest to the boundary with No. 5. However, the daylight to this window is already impinged upon by the boundary wall and trellis atop that wall; the height of the rear extension would not cumulatively result in a significant further loss of daylight. Officers have also been mindful that a similar sized rear extension could be erected on the basis of permitted development (as set out Part 1, Class A of the GPDO); with this fallback position in mind it is recommended that it would be unreasonable to refuse planning permission because of the impact of the development on light conditions for No. 6 Warnborough Road.

Overbearing

* 1. Due to the rear extension only extending 3m beyond the existing rear wall of the house, it is considered that this would not result in unacceptably overbearing form of development on No. 6 Warnborough Road
	2. The side extension would add a two storey element near the boundary with 4 Warnborough Road. However, it is considered that due to the gap between the extension and the boundary in concert with the fact that an amount of the extension would be concealed due to the change in ground level the proposal would not result in unacceptable overbearing on 4 Warnborough Road.
1. Car Parking
	1. Policy HP16 of the Sites and Housing Plan states that planning permission will only be granted for residential development where the relevant maximum car parking standards set out in Appendix 8 are complied with. Applications will be decided on their merits, to reflect local context and existing parking capacity and safety issues.
	2. It is considered that despite the loss of the garage, there would remain sufficient space in the front garden for parking the cars associated with the use of the property as a family dwelling. In any case, the site is within a CPZ and, due to limited permits, would not result in increased on-street parking pressures.
2. Flooding
	1. Policy CS11 of the Core Strategy states that planning permission will not be granted for any development in the functional flood plain (flood zone 3b) except water-compatible uses and essential infrastructure. The suitability of developments proposed in other flood zones will be assessed according to the NPPG sequential approach and exceptions test. All developments will be expected to incorporate sustainable drainage systems or techniques to limit runoff from new development, and preferably reduce the existing rate of run-off. Development will not be permitted that will lead to increased flood risk elsewhere, or where the occupants will not be safe from flooding.
	2. The site lies within the defined floodzone 1 area; which means it is not at risk of flooding. The proposed works include the change of the ground level of the driveway, in this instance it is considered appropriate to include a condition ensuring that drainage arrangements are made in accordance with the principles of SuDS. Subject to this condition being included with any planning permission officers recommend that the development would have an acceptable impact on flooding and surface water drainage and complies with the requirements of Policy CS11 of the Core Strategy (2011).
3. Biodiversity
	1. Policy CS12 of Core Strategy states that important species and habitats will be expected to be protected from harm, unless the harm can be appropriately mitigated. It also outlines that, where there is opportunity, it will be expected to enhance Oxford’s biodiversity. This includes taking opportunities to include features beneficial to biodiversity within new developments throughout Oxford.
	2. While the Council is satisfied that the presence of protected species on the site has been given due regard, it is considered that a schedule of ecological enhancements should be implemented as part of the proposal. This is due to Policy CS12 which states that opportunities will be taken to ensure the inclusion of features beneficial to biodiversity within new developments throughout Oxford and the NPPF which encourages the incorporation of ecological improvements to developments. With this in mind, the applicant submitted an ecological method statement which made a series of recommendations to improve the biodiversity of the site. Condition 4 stipulates that work must be completed in accordance with these measures. With these measures in place the proposal would accord with Policy CS12 and would thereby be acceptable in terms of ecology.
4. CONCLUSION
	1. The proposed development would be acceptable having had regard to the design, the impact on designated heritage assets, impact on neighbouring amenity, car parking, flooding and ecology. The proposal is considered to comply with all relevant local and national planning policy including Policies CP1, CP8, CP10, HE7 of the Oxford Local Plan 2001-2016, Policies CS11, CS12 and CS18 of the Core Strategy (2011), Policies HP9, HP14, HP16 and MP1 of the Sites and Housing Plan (2013) and Paragraphs 195-197 of the NPPF.
	2. It is recommended that the Committee resolve to grant planning permission for the development proposed subject conditions as recommended below.
5. 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 proposed 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 that the development is visually satisfactory as required by policy CP1 of the Oxford Local Plan 2001-2016.

4 The development hereby approved shall take place in accordance with the recommendations of the submitted 'Ecological Enhancement Method Statement.'

Reason: To ensure the development protects and enhances Oxford's biodiversity, in accordance with Policy CS12.

5 The approved driveway shall be laid out and constructed using sustainable drainage measures and shall not allow water to drain onto the highway.

Reason: To ensure that the development does not have an adverse impact on surface water runoff as required by Policy CS11 of the Core Strategy (2011).

1. APPENDICES
* **Appendix 1 –** Site location plan
1. HUMAN RIGHTS ACT 1998
	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.
2. SECTION 17 OF THE CRIME AND DISORDER ACT 1998
	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.