

West Area Planning Committee

11th February 2020

Application number:	19/03178/FUL
Decision due by	4th February 2020
Extension of time	18 th February 2020
Proposal	Demolition of existing outbuilding. Erection of a single storey outbuilding for use as ancillary space.
Site address	31 Charlbury Road, – see Appendix 1 for site plan
Ward	St Margaret's Ward
Case officer	James Paterson
Agent:	Douglas Riach Applicant: Mr A Crean
Reason at Committee	The previous application was determined by the West Area Planning Committee after the Head of Planning Services decided it should not be delegated following concerns raised by the applicant about the determination of the application. This revised application is being determined by the committee for the same reasons.

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 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 Head of Planning Services considers reasonably necessary.

2. EXECUTIVE SUMMARY

2.1. This report considers the proposed erection of an outbuilding in the south-eastern corner of the plot. The outbuilding would have a height of 2.2m to its eaves with a large pitched roof which would have a total height of 4.2m. The outbuilding would have a depth of 5.3m and a width of 7.2m. The shed would be finished in red brick with a clay tiled roof. The proposed doors would be timber framed.

- 2.2. The outbuilding would be used as ancillary accommodation to the main dwellinghouse. This use would be secured by condition.
- 2.3. Officers would make members aware that this application has been submitted following the West Area Planning Committee's decision to refuse planning permission for a similar outbuilding on the site under reference 19/02089/FUL at their meeting on the 12th November 2019. The previous application was refused by members, contrary to officer's recommendation, on grounds that it would have an adverse impact on the residential amenities of the adjoining property at 31a Charlbury Road. The revised application is identical to the previous application with the exception being that the glazing in the eastern gable has had its cill height raised by 10cm to reduce the extent of glazing in the gable end of the building.

3. LEGAL AGREEMENT

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

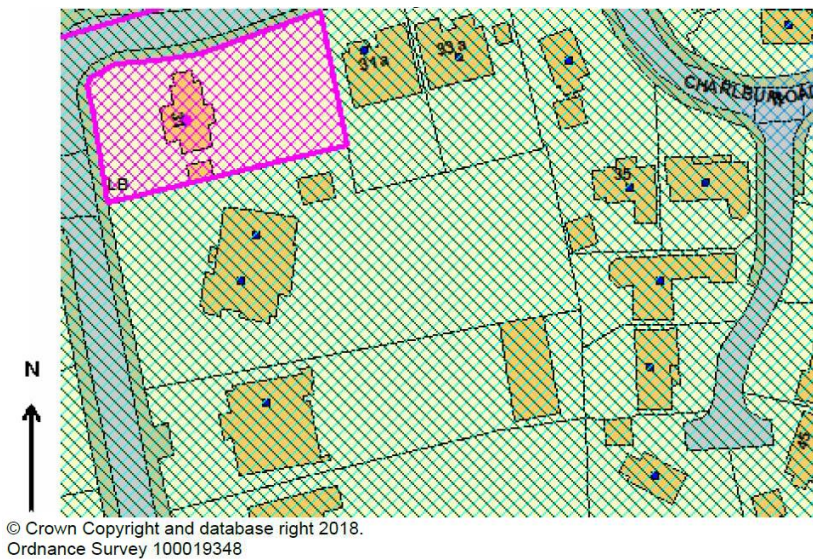
4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 4.1. The proposal is not liable for CIL.

5. SITE AND SURROUNDINGS

- 5.1. 31 Charlbury Road is a large detached dwelling and is located next to the junction of Charlbury Road and Belbroughton Road. The house was recently rebuilt following the grant of planning permission in 2016, 15/03586/FUL, and is situated on a generous plot; the house has large front and rear gardens. The house itself is predominantly finished in a salmon pink render, although the dominant material in the area is red brick. The site lies within the North Oxford Victorian Suburb Conservation Area, and specifically lies within the Bardwell character area.
- 5.2. To the south of the site lies No. 29 Charlbury Road. Planning permission for the demolition of the original garage and the erection of a new garage has recently been implemented, 18/01298/FUL. The new garage is set approximately 1m away from the boundary with the application site and is a large gabled structure finished in red brick with clay roof tiles. Several mature protected trees also lie across both sides of this boundary and near to the site of the proposed outbuilding.
- 5.3. To the east lies No. 31a Charlbury Road which is also a large detached dwelling. Planning permission for rooflights on its west elevation (together with other changes to the roof and fenestration) were granted in 2018, 18/02211/FUL, and have since been implemented. No. 31a is situated near to the boundary with No. 31 as it spans across much of the rear of No. 31's generous plot.

5.4. See block plan below:



6. PROPOSAL

6.1. The application proposes to demolish the existing timber summerhouse within the rear garden, which is currently used for storage. The proposed outbuilding would be both taller and have a larger footprint than the existing summerhouse and would be constructed of red brick with a large gabled roof covered in red clay tiles. The proposed outbuilding would have a width of 7.2m, a depth of 5.3m, a height to the eaves of 2.2m and a total height of 4.2m. The outbuilding would be situated within close proximity to the boundaries of both No. 29 and No. 31a, being set back 1.5m from the boundary with No. 31a and approximately 1.6m from the boundary with No. 29. The outbuilding would be served by three doors to the north elevation while light would be received through a high level glazed gable end on the east elevation. The use of the outbuilding is proposed to provide ancillary uses to the enjoyment of the dwellinghouse at 31 Charlbury Road (with the floor plans suggesting that the space would be used as a gym and summerhouse).

6.2. It is noted that this application is similar to a previous application (19/02089/FUL) which proposed an outbuilding on the site. That application was presented to West Area Planning Committee on 12th November 2019 with an officer recommendation of approval. The committee overturned this decision and issued a refusal due to concerns of the impact of the proposal on the amenity of neighbours. The reasons for refusal were as follows:

- The proposed outbuilding by reason of the glazing in the eastern gable end and its proximity to the boundary with 31A Charlbury Road and the rear of that neighbouring property would introduce an unacceptable level of light pollution to the detriment of the amenity of occupiers which is contrary to Policy CP1 and CP20 of the Oxford Local Plan 2001-2016.
- Having had regard to the presence of the proposed glazed eastern elevation of the outbuilding the proposed development would introduce

an unacceptable loss of privacy through overlooking between the proposed outbuilding and the first floor windows at 31A Charlbury Road. The harmful impact on privacy is exacerbated by the close proximity of the proposed development to the boundary, the lower ground levels of the adjacent property at 31A Charlbury Road and the lower height of the existing boundary wall in the location of the proposed outbuilding that separates the application site from the neighbouring property at 31A Charlbury Road. As a result of these impacts the proposed outbuilding has not been designed in a manner that would protect the residential amenities of the adjoining property at 31a Charlbury Road which would be contrary to Policy CP1 of the Oxford Local Plan 2001- 2016 and Sites and Housing Plan Policy HP14.

6.3. The applicant is currently appealing against the decision to refuse the previous application and is also applying for an award of costs (APP/G3110/D/19/3243190). At the time of the publication of this report, the appeal and costs claims are on-going.

6.4. This revised application is identical to the previous application with the exception of the eastern glazed gable which has its cill raised by 10cm to reduce the glazed area of the gable. This means that the cill would be set 2.4m from the ground, as opposed to 2.3m as proposed in the previous application. The glazed area would thereby also be reduced from 3.2m² to 2.7m².

7. RELEVANT PLANNING HISTORY

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

12/01019/FUL - Erection of two storey side extension following demolition of existing outbuildings. Approved 16th July 2012.

12/02851/FUL - Erection of a three storey extension following removal of existing extension. Approved 18th December 2012.

14/02491/CPU - Application to certify that proposed development is lawful.. Approved 29th October 2014.

15/03586/FUL - Demolition of existing dwellinghouse. Erection of 1 x 5bedroom dwellinghouse (Use Class C3). Provision of private amenity space, car parking and bin and cycle store.(Amended plans). Approved 8th June 2016.

15/03586/NMA - Non-material amendment to planning permission 15/03586/FUL to allow a reduction floor level of ground floor and removal of ramps. Alterations to windows and doors.. Approved 19th July 2016.

19/02089/FUL - Erection of outbuilding for use as ancillary accommodation. (amended plans). REF 21st November 2019.

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	Emerging Local Plan
Design	8, 11, 129, 128, 130	CP1, CP6, CP8, CP10	CS18	HP9, HP14	H14, DH1
Conservation/ Heritage	190, 192, 193, 194, 197	HE7, NE16			DH3, G8
Natural environment	9, 11, 175, 177		CS11		RE3
Miscellaneous				MP1	

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 7th January 2020 and an advertisement was published in The Oxford Times newspaper on 19th December 2019.

Statutory and non-statutory consultees

9.2. None Received

Public representations

9.3. 5 local people commented on this application from addresses in Charlbury Road, Polstead Road and Belbroughton Road.

9.4. In summary, the main points of objection (5 residents) were:

- Access
- Amount of development on site
- Effect on adjoining properties
- Effect on character of area
- Effect on privacy
- Height of proposal
- Information missing from plans

- Light - daylight/sunlight
- Local ecology, biodiversity
- Local plan policies
- Noise and disturbance

Officer response

9.5. Officers have considered carefully the objections 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.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- i. Design
- ii. Conservation Area
- iii. Neighbouring amenity
- iv. Protected Trees
- v. Flooding

i. Design

10.2. 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. Policy 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.

10.3. It is considered that the outbuilding would be a proportionate addition to the area and would not compete with the main dwelling in terms of form or use. The outbuilding would have a modest footprint and would thereby not result in the loss of an unacceptable portion of the rear garden. The design of the proposed outbuilding is not overly complicated and would take cues from other structures in the vicinity, particularly in terms of the nearby garage of No. 29. While it is noted that the roof would be steep, this is considered to sufficiently respond to the character of the area so as to appear harmonious. The

outbuilding would therefore not appear out of place in the context of the site and would be a visually congruent addition to the area. The proposed materials are considered appropriate as they would reflect the dominant materials in the area and the outbuilding would thereby form an acceptable relationship with the structures around it. The proposed glazed gable would be a contemporary addition which is not a characteristic feature of the area but given the single storey nature of the building and its distance from the road it would not be prominent in the streetscene.

- 10.4. The proposed outbuilding would be acceptable in terms of design, and thereby comply with Policies CP1, CS18 and HP9, as it would respond sufficiently to the context of the site and would not be overly dominant in form.

ii. Conservation Area

- 10.5. 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 Conservation Areas and their setting.
- 10.6. The application site is not singled out as being of particular significance to the special character of the Conservation Area. However, it does contribute to the prevailing character of the area in that the house itself contributes to the interesting, eclectic mix of house typologies, styles and finishes. Furthermore, the generous front and rear gardens contribute to the feeling of openness to the area while the planting in the gardens contributes to the green vernacular of the surrounding area.
- 10.7. The outbuilding would not compete with the main dwelling and would have a subservient relationship and would thereby not undermine the contribution the house makes to the special character of the area. Furthermore, the outbuilding would not lessen the feeling of openness to the site, due to the generous amount of garden space that would remain, nor cause a loss of trees to the extent that the green character of the site would be affected.
- 10.8. By virtue of the outbuilding's design, proportions and materials it is considered that the outbuilding would be a sympathetic addition to the area and would not appear out of place in the context of the Conservation Area.
- 10.9. The outbuilding would be located in a discreet location where public views of it would not be readily available. While glimpses of the outbuilding may be afforded from the road to the north of the site, views from this area are not of special significance. Furthermore, glimpses of the outbuilding are not considered harmful in any case as glimpses of ancillary garden structures would not be an irregular occurrence in this area.
- 10.10. The neighbouring house, No. 29, is mentioned in the Conservation Area Appraisal as being a positive building and would therefore be considered a non-designated heritage asset for the purposes of Paragraph 197 of the NPPF. It is considered that the presence of the existing garage and trees in the curtilage of that property in conjunction with the lower land levels of the application site would mean that the proposed development would not

materially alter the setting of No. 29 (or detract from its appearance in the streetscene). The proposal would therefore have an acceptable impact on this heritage asset.

- 10.11. Therefore, by virtue of the outbuilding's sympathetic design and discreet location it would cause no harm to the significance of the conservation area and would thereby accord with Policy HE7 and Paragraph 192 of the NPPF.
- 10.12. Regard has been paid to Paragraph 192 of the NPPF in reaching a decision. Great weight has also been afforded to the desirability of conserving the conservation Area being a designated heritage asset, in accordance with paragraph 193. When applying the test outlined in paragraphs 192-196, it is considered that the proposal would cause no harm to the significance of the Conservation Area. Therefore, the proposals would be acceptable in terms of their impact on this designated heritage asset.
- 10.13. The effect of the proposal on No. 29 in its capacity as a non-designated heritage asset has also been considered, in accordance with paragraph 197 of the NPPF. Regard has been paid to the scale of harm to the heritage asset and in this instance it is considered that the proposal does not result in harm to the significance of No. 29.
- 10.14. 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 Buildings and Conservation Areas) Act 1990, which it is accepted is a higher duty. Considerable importance and weight has been given to this statutory test and 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.

iii. Neighbouring Amenity

- 10.15. Planning officers acknowledge that members refused a similar previous application () on the basis of the impact on the amenity to neighbouring occupiers. Planning officers have had regard to this decision; however planning officers' assessment, as set out below, considers that there is insufficient grounds to refuse the application.
- 10.16. 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

- 10.17. The outbuilding would not have an unacceptable impact in terms of privacy on the occupiers of No. 29. This is due to the glazing facing away from this

neighbour. There would therefore be no views afforded from the inside of the outbuilding into the garden or dwelling of this neighbour.

- 10.18. However, the proposed outbuilding would have an impact in terms of a perceived loss of privacy to the occupiers of No. 31a. This would be as a result of the proposed glazed gable; the proposed door openings would only offer views of parts of the side elevation of No. 31a which would not be unacceptable due to these views not being materially more intrusive than existing views from the internal rooms of the main dwelling of No. 31.
- 10.19. Concerns have been raised during the consultation period that views could be afforded from the inside of the proposed outbuilding into the rear rooms of No.31a, particularly those at first floor level. The concerns relate to both the opportunity for limited views into habitable rooms and perceived loss of privacy. The fact that West Area Planning Committee refused a very similar application is a material consideration and has been afforded due weight by planning officers in reaching a recommendation.
- 10.20. The views that would be created from the proposed outbuilding up to the first floor level of No.31a would be at an unnatural angle and would be limited by the presence of the boundary fence between the outbuilding and the neighbouring property at 31a. The fact that this application includes a higher cill than the previous application also means that views would be further limited, further diminishing the opportunity for overlooking. Planning officers acknowledge that the previous application was finely balanced with the committee resolving to refuse permission on concerns of neighbour impact. This application is also finely balanced, however, officers are of the view that the raised cill height would represent an improvement, albeit a slight one, on the previous application, and so would maintain their view that the building would not have an adverse impact on the adjoining property. Officers note that the raised cill height also means that the views out of the window would be more oblique than in the previous application. This would also mean that views of the rear windows of No. 31a would be very limited. Therefore officers consider that this impact on privacy would not be materially harmful and could not form a basis for refusing planning permission.
- 10.21. Further to the above, officers have been mindful that the applicant could build a similar building as permitted development (on the basis of Class E of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)). In order for the building to be permitted development it would have to be reduced in height by 20cm and sited 50cm further from the boundary; in reality such a building would have a similar impact on neighbouring amenity and therefore regard has to be given to this fallback position.
- 10.22. It is noted that the internal ceiling height of the outbuilding would be high which invites the possibility of a mezzanine floor in the future. Views from an elevated position in the outbuilding would be intrusive and offer views into the internal rooms of No. 31a (as well as the garden of that property). As a result, officers consider it is necessary and justified to include a condition that would specifically exclude the opportunity to insert a mezzanine level or raised

platform within the building (and this forms Condition 6 of the Officer recommendation).

- 10.23. In terms of both a potential loss of privacy and perceived loss of privacy officers are mindful that the existing summerhouse could be removed without planning permission and any occupiers of the application site could stand in their garden and look up at the rear windows of the house at 31A Charlbury Road. In reality this would be a similar impact on privacy to the proposed development which proposes a building in this location with a high level window allowing the same view.

Overbearing

- 10.24. Due to the large garage at No. 29 extending across much of the boundary with No. 31, the proposed outbuilding, despite its large size, would not cause unacceptable overbearing to the occupants of No. 29.
- 10.25. In terms of No. 31a, while it is acknowledged that the outbuilding would be within 1.5m of the boundary, it is considered that the proposed outbuilding would not cause unacceptable overbearing to this neighbour. This is, in part, due to the bulk of the building below the eaves being 2.3m in height; the bulk of the building would therefore not be as visually prominent to occupants of No. 31a. Furthermore, the gable, which would rise to a height of 4.2m, would be partly obscured by the boundary treatment, due to the acute angle of views from the lower land level at No. 31a. The gable would also have a 'light' appearance, due to its glazed finish, which would reduce the perception of overbearing. Therefore, on balance, the proposed outbuilding would not give rise to unacceptable overbearing impact to this neighbour.

Daylight

- 10.26. The proposed outbuilding would be compliant with the 25/45 degree access to light test, outlined in Policy HP14. This in conjunction with the orientation of the sun, and having considered the structures and vegetation surrounding the site, means that the proposal would not result in an unacceptable loss of daylight to the internal rooms of neighbours' dwellings. Due to the outbuilding being set approximately 1.5m from the boundaries it is considered that the outbuilding would not result in unacceptable overshadowing to neighbours' gardens.

Nuisance

- 10.27. It is noted that concerns have been raised in the consultation period that the proposed outbuilding would give rise to harm to the amenity of neighbours as a result of noise and light pollution. It is noted that some light spillage would result from the use of the outbuilding and this would be directed towards No. 31a as a result of the glazed gable. It is noted that the light pollution that the outbuilding would likely give rise to formed a reason for refusal in the previous application. This position has been afforded weight in planning officers' consideration of this matter.

- 10.28. The committee considered that the previous application would have given rise to light pollution which would have an unacceptable impact on No. 31a. However, the glazing in the gable would be 10cm smaller in height and have an area of approximately 15% less than the refused proposal. It is considered that this is sufficient in order to ensure that any light spillage towards the house of No. 31a would not cause unacceptable nuisance. Furthermore, the distance between the proposed outbuilding, with its reduced glazing, and the boundary means that planning officers consider that any light pollution would not be substantial enough to substantiate a reason for refusal.
- 10.29. In terms of noise pollution, it is noted that some noise would spill out from the use of the outbuilding. However, on balance, the use of the outbuilding would not be materially noisier than is possible in the existing arrangement; therefore this issue also does not substantiate a reason for refusal.
- 10.30. Given the above concerns, a condition has been included to ensure that the outbuilding in question is not used as a self-contained dwelling. This is partly in order to ensure that the use of the outbuilding does not change in a way that would give rise to unacceptable nuisance.
- 10.31. The proposal would therefore, on balance, not result in unacceptable harm to the amenity of neighbours and would accord with Policy HP14.

iv. Protected Trees

- 10.32. Policy NE16 of the Oxford Local Plan 2001-2016 states that planning permission will not be granted for any development which involves the destruction or major surgery of protected trees if it will have a significant adverse effect upon public amenity, unless such action can be shown to be good arboricultural practice. Tree surgery work needing consent must be undertaken in accordance with best arboricultural practice.
- 10.33. The proposed outbuilding would entail the loss of two protected trees. These are semi-mature Holm Oaks, which were planted by the applicant. The loss of these two trees is not considered harmful as there is no wider impact on the public realm and the trees themselves are not of particularly high quality. This aspect of the proposal is therefore acceptable.
- 10.34. The proposed outbuilding would fall within the root protection area of three mature, protected trees, which lie outside of the application site. The submitted tree survey does not adequately detail the root pattern of a neighbouring tree (labelled as T7 in the submitted Tree Protection Plan; drawing number 110-A). Condition 5 requires further surveying to establish the notional root protection area of this tree as the acceptability of the proposal and the foundations would depend on the result of such a survey. The proposed outbuilding would have a micro-pile foundation; this is considered acceptable in principle. However, further details would be required to assess the acceptability of the specific layout of the proposed foundations. This is required by condition 4. Should conditions 4 and 5 be adequately addressed, the proposal would have an acceptable impact on nearby protected trees.

- 10.35. Following an agreement for the above mentioned foundation approach (which involves a 'no dig foundation' type approach) officers have sought additional details relating to the design of the building to confirm that the proposed building could be built in a way that incorporates the foundations within the envelope of the proposed building (without raising the height or ground level of the building).
- 10.36. With conditions 4 and 5 in place, the proposal would have an acceptable impact on the nearby protected tree and satisfy Policy NE16.

v. Flooding

- 10.37. 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 runoff. Development will not be permitted that will lead to increased flood risk elsewhere, or where the occupants will not be safe from flooding.
- 10.38. The site is in a Flood Zone 1 area and is therefore not at significant risk of flooding. Therefore, it is considered disproportionate to attach a condition requiring SUDS to be installed and maintained; it would be sufficient for the structure to be built in accordance with Approved Document H of the Building Regulations.
- 10.39. The proposal is considered to be acceptable in terms of flood risk and therefore Policy CS11.

11. CONCLUSION

- 11.1. Having regards to 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. The NPPF recognises the need to take decisions in accordance with Section 38 (6) but also makes clear that it is a material consideration in the determination of any planning application (paragraph 2). The main aim of the NPPF is to deliver Sustainable Development, with paragraph 11 the key principle for achieving this aim. The NPPF also goes on to state that development plan policies should be given due weight depending on their consistency with the aims and objectives of the Framework. The relevant development plan policies are considered to be consistent with the NPPF despite being adopted prior to the publication of the framework.
- 11.3. Therefore it would be 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 are inconsistent with the result of the application of the development plan as a whole.

- 11.4. In summary, the proposed development would be an acceptable addition to the site. The proposals are suitable in design terms and comply with policies CP1, CP8, CP10 and HE7 of the Oxford Local Plan 2001-2016, HP9 of the Sites and Housing Plan and CS18 of the Core Strategy and DH1 of the emerging Oxford Local Plan 2036. The proposals would not result in unacceptable harm to neighbouring amenity and are compliant with HP14 of the Sites and Housing Plan and H14 of the emerging Oxford Local Plan. The proposal would also not lead to unacceptable harm to protected trees and thereby complies with NE16 of the Oxford Local Plan 2001-2016. The proposal would not lead to an increase in flood risk and thereby complies with policy CS11.
- 11.5. Therefore officers consider that the development accords with the development plan as a whole.
- 11.6. *Material consideration*
- 11.7. The principal material considerations which arise are addressed below, and follow the analysis set out in earlier sections of this report.
- 11.8. National Planning Policy: the NPPF has a presumption in favour of sustainable development.
- 11.9. 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.
- 11.10. 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.
- 11.11. Officers would advise members that, having considered the application carefully, the proposal is considered to be acceptable in terms of the aims and objectives of the National Planning Policy Framework and relevant policies of the Oxford Core Strategy 2026, and Oxford Local Plan 2001-2016, and the emerging Local Plan 2036, when considered as a whole, and that there are no material considerations that would outweigh these policies.
- 11.12. 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.

11.13. It is recommended that the Committee resolve to grant planning permission for the development.

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 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 Prior to the commencement of the development, the technical specifications and section drawings of the micro-pile and beam foundations shall be submitted to and approved in writing by the local planning authority. The approved development shall be built in accordance with those approved details.

Reason: To ensure the proposed foundations would have an acceptable impact on nearby protected trees, in accordance with Policy NE16 of the Oxford Local Plan 2001-2016.

5 Prior to the commencement of the development, the applicant shall undertake further tree surveys to establish the area of the notional Root Protection Area of Tree T7 (110-A). The survey shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure the proposed foundations would have an acceptable impact on nearby protected trees, in accordance with Policy NE16 of the Oxford Local Plan 2001-2016.

6 No mezzanine floor or raised platform shall be installed within the approved outbuilding.

Reason: To safeguard the amenities of the adjoining occupiers in accordance with policies CP1 and CP10 of the Adopted Oxford Local Plan 2001-2016 and

HP14 of the Sites and Housing Plan.

- 7 The approved outbuilding shall not be used as a self-contained dwelling. No cooking facilities shall be installed within the outbuilding and the building shall not be used for any business use.

Reason: In order to protect the amenity of surrounding residential occupiers by ensuring that there would be no increased noise and disturbance in an existing backland garden plot, in accordance with Policy HP14 of the Sites and Housing Plan.

13. APPENDICES

- **Appendix 1** – 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.

16. EQUALITIES ACT 2010

- 16.1. The application has been assessed against the relevant sections of the Equalities Act 2010, and it is not considered that the application discriminates against people with protected characteristics specified in the Act. The protected characteristics are:

- age
- gender reassignment
- being married or in a civil partnership
- being pregnant or on maternity leave
- disability
- race including colour, nationality, ethnic or national origin

- religion or belief
- sex
- sexual orientation.