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| **West Area Planning Committee** | 11th February 2020 |

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| **Application number:** | 19/02141/FUL |
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| **Decision due by** | 9th October 2019 |
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| **Extension of time** | 18th February 2020 |
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| **Proposal** | Amalgamation of ground dwelling and basement flat to form one dwellinghouse, erection of a two storey side extension to basement and ground, insertion of lightwells to the front and rear, associated landscaping to front and rear gardens, replacement railings to front boundary and alterations to fenestration. (Amended Plans) |
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| **Site address** | 42 Park Town, Oxford, OX2 6SJ, – see **Appendix 1** for site plan |
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| **Ward** | North Ward |
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| **Case officer** | James Paterson |

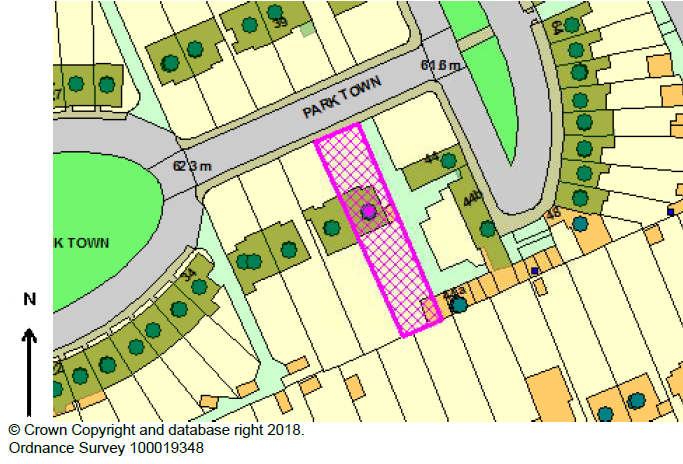
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| **Agent:** | Mr Kieron Roberts | **Applicant:** | M Grinstead |

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| **Reason at Committee** | This application was called in by Councillors Fry, Munkonge, Pressel, Tanner and Upton due to concerns of overdevelopment, resulting in harm to the conservation area, and the impact on the amenity of neighbours. |

1. RECOMMENDATION
   1. West Area Planning Committee is 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 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.

1. EXECUTIVE SUMMARY
   1. This report considers the amalgamation of the existing dwellinghouse and basement flat to form a single dwellinghouse. The erection of a two storey side extension to the lower ground and upper ground floor levels is also considered as is the enlargement of lightwells to the front and rear of the property at ground level and alterations to the existing fenestration of the house. Associated landscaping is proposed to the front and rear gardens to include replacement railings to the front boundary.
   2. The proposal is acceptable in terms of all of the key matters for assessment. The committee should note that the proposal would cause a low degree of less-than-substantial harm to the significance of the host listed building. However, planning officers consider that this is acceptable due to the identified public benefits which offset this harm.
2. LEGAL AGREEMENT
   1. This application is not subject to a legal agreement.
3. COMMUNITY INFRASTRUCTURE LEVY (CIL)
   1. The proposal is not liable for CIL.
4. SITE AND SURROUNDINGS
   1. The site is located to the east of Banbury Road, within the planned estate of Park Town and the North Oxford Victorian Suburb Conservation Area (NOVSCA). Park Town which was designed by Samuel Lipscombe Seckham, dates from 1853 and comprises four groups of houses, all of which are grade II listed, and sited around three ornamental pleasure grounds which are a grade II registered park and garden. The grounds are landscaped with trees and flowering shrubs and are used as communal gardens for the residents of Park Town. To the east of the site runs a driveway serving No’s 44, 44b, 46 and 44a Park Town. No’s 46 and 44a occupy former stable blocks / ancillary buildings and are sited alongside the eastern roadside boundary and southern boundary of the adjacent plot.
   2. No.42 Park Town is one of a collection of eight semi-detached Italianate villas sited in between the central and eastern garden areas of the planned estate. The villas are three-storeys with basements, stuccoed elevations and Welsh slate roofs, and feature deep over-hanging bracketed eaves and large traditional timber framed sash windows. No.42 features a small flat roofed extension to the east side elevation, which was constructed in the mid-20th century and is currently used as a store. The floor level of the extension is slightly higher than the existing basement floor level.
   3. The plan of the property follows the standard plan used for the villas, with the principal rooms on the ground, first and second floors, with staircase and hallway to the side. The basement would have historically been used as service accommodation, but in recent decades has been used as a separate residential unit, independent from the main dwellinghouse. Internally, the building features a substantial amount of original historic fabric and fittings including window shutters, fireplace surrounds, doors, skirtings and cornicing. There have been a number of unsympathetic alterations and interventions carried out to the building in past years which include the subdivision of the main entrance hallway to create a cloakroom and internal porch, the loss of the basement stair, and the extension of the first floor bathroom into the bedroom.
   4. The significance of Park Town lies within its origins as a designed attempt to meet mid-19th century middle class aspirations and expectations, the almost unaltered external appearance and use of materials of the front façades, the survival of the plan form and internal architectural features, and the group value of the planned estate which survives reasonably intact.
   5. See block plan below:



1. PROPOSAL
   1. The application proposes the amalgamation of the existing dwelling, which is spread across the ground, first and second floors, with the existing basement flat to form a single dwellinghouse. Planning permission was not granted for the subdivision of the dwelling to form the flat and there is no certificate to demonstrate that this is lawful overtime; however given the timescales involved the use of the property would be immune from enforcement action. The alterations would be achieved through internal reconfigurations which would not in themselves require planning permission.
   2. The application proposes the replacement of the existing side store extension with a two-storey side extension, which would serve the lower ground/ basement and upper ground floor levels and extend the length of the side elevation, although it would be slightly set back from the front and rear elevations. The extension is designed with a flat roof sat behind a parapet, the top of which would sit below the existing string course which runs between ground and first floor levels. A new set of external steps would serve a doorway at lower ground floor level in the front elevation of the extension.
   3. An enlarged stepped lightwell with planting is proposed at the front of the building, together with the re-surfacing of the driveway with gravel and paving adjacent to the entrance steps, the re-landscaping of the front garden including the planting of a magnolia tree and hedging to enclose a bin storage area; and the installation of railings and new plinths along the front (north) and side (east) boundaries. To the rear it is proposed to substantially enlarge the existing lightwell to create a sunken terrace with steps up to the existing garden which is to be re-landscaped with planting beds along the boundaries and in the stepped terrace. It is proposed to re-position the external steps on rear balcony from their central location to being aligned with the west rear window, and re-positioning the existing iron balustrading to suit.
   4. It is proposed to make changes to the existing fenestration. This includes the replacement of the existing rear lower ground floor central window with a pair of doors to enabling direct access to the rear garden.
   5. It is noted that the original plans included the replacement of an existing rooflight and the re-slating of the roof. However, in the absence of a requisite bat survey these have been omitted in the final revised plans. While it is also noted that the original proposed landscaping plans showed the removal of the existing garage and the Lawson Cypress tree in the front garden, the demolition of the garage and the removal of the tree are not being applied for under this application and revised plans were subsequently submitted showing the garage in situ.
2. RELEVANT PLANNING HISTORY
   1. The table below sets out the relevant planning history for the application site:

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| 50/01449/A\_H - Garage.. PDV 6th November 1950.  54/03654/A\_H - Alterations to form cloakroom.. PDV 28th May 1954.  98/01075/L - Listed Building consent for new steps and entrance to basement flat. Block up existing entrance with internal alterations to improve flat accommodation.. PER 21st August 1998.  98/01076/NFH - Demolition of part of garage and alterations to change garage into cycle / garden store. New steps and entrance to basement flat. Block up existing entrance.. PER 21st August 1998.  98/01174/CAT - Reduce height of holly tree in the North Oxford Victorian Suburb Conservation Area. RNO 13th August 1998.  05/01971/CAT - Tree works at 42 Park Town, within the North Oxford Victorian Suburb Conservation Area. Crown reduce and shape mature Holly tree by 50%. RNO 7th November 2005.  05/02378/CAT - Fell lawson cypress tree in the North Oxford Victorian Suburb Conservation Area at 42 Park Town. WDN 20th December 2005.  09/01545/LBC - Listed building consent to fit 410mm (16") diameter, blue plaque to commemorate William Richard Morfill (1834-1909), first professor of Russian and Slavonic languages on fascade of building.. PER 10th September 2009.  12/02184/CAT - Reduce height (to level with bottom of first floor window) of holly tree in the North Oxford Victorian Suburb Conservation Aea. RNO 2nd October 2012.  12/02242/CAT - Prune Holly tree in the North Oxford Victorian Conservation Area.. RNO 2nd October 2012.  13/00105/CAT - Prune Holly tree (reduce to approx 2.5m) and Cupressus tree (reaise canopy to approx 3.5m) in the North Oxford Victorian Suburb conservation area.. RNO 19th February 2013.  15/02344/CAT - Fell 1No. Holly tree in North Oxford Victorian Suburb Conservation Area.. RNO 10th September 2015.  15/02605/CAT - Fell 1no Mature Sycamore tree in the North Oxford Victorian Suburb Conservation Area.. RNO 26th October 2015.  18/01372/LBC - Demolition of internal wall with installation of beam support, removal of 2no. built-in cupboards, removal of 3no. radiators and installation of 2no. new radiators to the upper ground floor south east side.. PER 30th July 2018.  18/01607/CAT - Fell 1no. Holly tree, 1 magnolia, and 1no. Purple Plum tree in the North Oxford Victorian Suburb Conservation Area.. RNO 24th July 2018.  18/02407/FUL - Demolition of existing garage and erection of a single storey studio building.. WDN 29th October 2018. |

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** | **Emerging Local Plan** |
| **Principle** |  |  |  | HP1 | H5 |
| **Design** | 8, 11, 129, 128, 130 | CP 1, CP6, CP8, CP10, CP11 | CS18 | HP9, HP14 | H14, DH1 |
| **Conservation/ Heritage** | 189, 192, 193, 196 | HE3, HE7, HE8 |  |  | DH3  North Oxford Victorian Suburb Conservation Area Appraisal |
| **Natural environment** | 170 |  | CS12 |  | G2, G8 |
| **Miscellaneous** | 47, 48 |  |  | MP1 |  |

1. CONSULTATION RESPONSES
   1. Site notices were displayed around the application site on 22nd August 2019 and an advertisement was published in The Oxford Times newspaper on 22nd August 2019.
   2. Following the submission of revised plans and further information by the applicant, the application was re-consulted upon. Pink site notices were displayed around the application site on 7th January 2020 and an advertisement was published in The Oxford Times newspaper on 26th December 2019.

Statutory and non-statutory consultees

* 1. None Received

Public representations

* 1. 4 local people commented on this application from addresses in Linton Road and Park Town.
  2. In summary, the main points of objection (4 residents) were:
* Access
* Accuracy of the Plans
* Amount of development on site
* Effect on adjoining properties
* Effect on character of area
* Effect on pollution
* Effect on privacy
* General dislike or support for proposal
* Harm to Trees
* Height of proposal
* Light - daylight/sunlight
* Local ecology, biodiversity
* Loss of housing
* Local plan policies
* Noise and Disturbance
* Other
  1. 3 Local amenity groups commented on this application.
  2. In summary, the main points of objection (3 local amenity groups) were
* Effect on character of area
* Height of proposal
* Local plan policies
* Harm to Trees
  1. No further comments were received during the second consultation period.

Officer response

* 1. Since the public representations were submitted, revised plans have been received amending the landscaping scheme, with the pleached tree hedging removed and the Lawson Cypress tree in the front garden retained. Clarity has also been sought on various matters raised in the consultation period; this is reflected in the final set of revised and additional plans submitted to Oxford City Council.
  2. 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. Loss of Dwelling
3. Design
4. Impact on the Conservation Area and Registered Park
5. Impact on Listed Buildings
6. Impact on Neighbouring Amenity
7. Impact on Protected Trees
8. Ecology  
   1. **Loss of Dwelling**
   2. HP1 of the Sites and Housing Plan states that planning permission will not be granted for any development that results in the net loss of one or more self-contained dwellings on a site.
   3. It is noted that the development proposal would lead to a loss of the basement dwelling and thereby a net loss in dwellings. The proposal thereby contravenes Policy HP1 for this reason.
   4. The subdivision of dwellinghouses into two or more dwellings is development that requires planning permission (as set out in Section 55 of the Town and Country Planning Act 1990 (as amended)) the same does not always hold for the amalgamation of units. In considering such an application it is necessary to consider whether the amalgamation would constitute a material change of use. This has been determined through planning case law such as the Richmond case (2000) which considered that such development should considered on a case by case basis dependent on the planning merits of the area, planning policies that are in place, and evidence of need. A more recent case in Kensington (2016) found that the need for housing and impact of the loss of accommodation on the existing housing stock was a material factor in considering such applications for the amalgamation of the units.
   5. In the case of this application, the applicant has submitted an application for the change of use to a single dwelling. Officers consider that this change would be material and the application needs to be assessed against the above-mentioned development plan policies. In making this assessment, it is important to consider that the property was originally built as a single dwellinghouse, but was modified subsequently, to create a flat within the basement without planning permission. Due to the length of time since that change took place, the use as two dwellings is now considered to be the lawful use of the property.
   6. The basement flat would provide poor quality accommodation and sub-standard living space. This is because the basement flat receives a limited amount of daylight, given its low level, and does not benefit from access to any outdoor amenity space. It is unlikely that such a flat would gain planning permission in the current policy and legislative context. Therefore, while a self-contained dwelling would be lost, its unsuitability for habitation would weigh in favour of the development proposal. In considering this, weight has also been given to the emerging Policy H5 which would allow the loss of a dwelling where essential modernisation is proposed to make living accommodation acceptable and it can be shown that loss of a unit is essential for operational reasons or to secure space standards. This is the case in this situation where the living accommodation would not be of an acceptable standard.
   7. It is further noted that the loss of the basement flat would restore the listed building to its original use, in its entirety, and, to a degree, its original layout. This also weighs in favour of the development proposal in terms of justifying this loss.
   8. Having considered the above, while substantial weight is given in favour of Policy HP1, it is considered that the above considerations outweigh HP1 and the loss of the basement flat in considered acceptable, in this instance.
   9. Design
   10. 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.
   11. Whilst the proposed side extension would be spread across two storeys, these would extend the basement and ground floor levels and so would not be visually dominating and would appear to be a proportionate and subservient addition to the house. The smaller windows serving this extension would also demonstrate a subservient relationship as it would give the appearance of the rooms of the extension being afforded a lower priority than those of the host dwelling, which is considered appropriate. While the extension would have a flat roof, it is considered that it would take architectural and visual cues from the host dwelling and it would thereby be a visually congruent addition and acceptable in design terms.
   12. The other elements of the development proposal, including the amalgamation of dwellings and changes to the fenestration, would not substantially unbalance the appearance of the house nor appear visually obtrusive or incongruent and would thereby have an acceptable impact, in terms of design considerations.
   13. The proposed development would be acceptable in design terms and would thereby accord with Policies CP1, CS18 and HP9.
   14. Impact on Conservation Area and Registered Park
   15. 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.
   16. Policy HE8 states that planning permission will not be granted for any development that will adversely affect the visual, historical or horticultural character of an historic park or garden or its setting, whether or not it is included on the statutory register.
   17. As the earliest planned estate of the North Oxford Victorian Suburb Conservation Area, Park Town has a tighter and more formal grain and layout when compared with the later developments of Norham Manor and Bardwell Estate sited to the south and north of Park Town. Views within and out of Park Town are much more constrained and shorter due to the design and layout of the site and also due to the presence of the mature trees and abundant planting within the communal areas and front gardens. Therefore, the greater openness and longer distance views experienced in other parts of the conservation area are not characteristic of Park Town.
   18. The gap to the east of no.42, which is a result of the gap between the side elevation of the house and its side boundary, next to the adjacent driveway of the neighbouring properties, is relatively generous and provides views from the street of the side elevations of no’s 42 and 44, the front elevation of no.44a, glimpses of the very top of Norham Gardens properties, and views of the mature trees lining the rear boundaries beyond and the sky above, all of which are obscured to some degree by the existing mature trees and planting in the front gardens. Given its relatively low height, the proposed side extension would only obscure part of the side elevation of no.42, part of the front elevation of 44a and a small part of the treed rear boundary beyond, with the majority of the views from the street scene remaining unchanged and the majority of the visual gap between the buildings remaining. The proposed extension would therefore not harm the character and appearance of the conservation area.
   19. For the reasons above the proposed extension is considered to be of an appropriate siting, design, scale and massing that it would not harm the setting of the registered park and garden or the character and appearance of the conservation area.
   20. Based on the above, it is considered that the development proposal would not result in harm to the special character of the conservation area or registered park and would therefore comply with Policies HE7 and HE8.
   21. Regard has been paid to paragraphs 192 and 193 of the NPPF and the need to give great weight to the conservation of the designated heritage asset in reaching a decision. When applying the test outlined in paragraph 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.
   22. 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.
   23. Impact on Listed Buildings
   24. Policy HE3 of the Oxford Local Plan 2001-2016 states that planning permission will only be granted for works involving an alteration or extension to a listed building that is sympathetic to and respects its history, character and setting. Policy HE3 notes that planning permission will only be granted for development which is appropriate in terms of its scale and location, and which uses materials and colours that respect the character of the surroundings, and have due regard to the setting of any listed building.
   25. Whilst the proposed side extension is two-storeys, its lower level would be partly recessed below ground level and the top of its parapet wall would be situated no higher than the existing upper ground floor level and the height of the entrance door. The extension is considered to be sufficiently subservient in scale and massing to the existing building, that it would not detract from the form and architectural character of the original building. The design of the side extension reflects the architectural characteristics of the principal building yet is simple in character and style so as not to visually dominate the appearance of the building. The extension has been designed with a parapetted flat roof rather than a mono-pitched roof to avoid impacting the string course above, which is considered appropriate.
   26. As raised in the public representations, it is acknowledged that the villas were originally designed as symmetrical pairs of semi-detached properties, however this symmetry has been since been eroded with the addition of side extensions to six of the eight villas in this group, which all vary in terms of age, design, scale, size, width and height. Therefore, it is not considered that the proposed extension would cause further harm to the significance of this building group, the symmetry of which has already been eroded to a degree.
   27. The proposed increase in the size of the front lightwell would not be to such a degree that would cause harm to the setting of the listed building. The application has been amended to omit the proposed replacement of the central lower ground floor window in the front elevation with a pair of doors, as this loss of historic fabric and alteration to the original architectural design was considered an unjustified intervention that would cause harm to the significance of the listed building.
   28. The proposed reinstatement of the iron railings to the front boundary, of the traditional Park Town pattern, would be a welcomed addition that would enhance the setting of the listed building, the registered park and garden and character and appearance of the conservation area. No alterations are proposed to the east and west side boundaries. It is necessary and reasonable to agree by condition the design and finish details of the new front boundary railings and gate and the new external stairwell and rear stair railings to ensure they are of a suitable high design quality that would enhance the setting of the listed building.
   29. The proposal to replace the central lower ground floor with a pair of timber framed glazed doors would result in the loss of an already altered window opening (it is of differing proportions to the others and has lost its stone cill), and minimal amount of original fabric below. The creation of a door in this location to enable access from the lower ground floor level in to the rear garden is considered reasonable and would justify the loss of the minimal amount of historic fabric from this elevation.
   30. The removal of the existing lightwell and its replacement with a larger lower terrace with steps up to the existing garden area would not result in the loss of fabric of significance and is considered to be appropriate in its size and design that it would not detract from the architectural character or setting of the listed building.
   31. The existing external rear upper ground floor terrace, steps and associated ironwork is in need of substantial work to overhaul and restore. The proposal to re-position the steps to align with the westernmost rear window, the equivalent of which has been previously permitted at the neighbouring property (no.40), can be achieved by retaining all of the existing ironwork and is not objected to. It is recommended a condition be applied requiring details of how the works are to be achieved with minimal intervention to existing fabric.
   32. In terms of the proposed changes to the fenestration at basement level, the proposed new openings through existing walls would be of an appropriate size that would ensure the existing original floor plan can be read and understood. The creation of the openings through the side elevation into the new side extension would also cause a small level of harm resulting in the loss of a small side window and part of an existing chimney breast.
   33. The proposal would thereby cause a low degree of less-than-substantial harm. However, the small amount of harm caused by the loss of original fabric would be outweighed against the heritage benefits resulting from the other alterations. Specifically in this case this would be the restoration of the internal layout of the house including its amalgamation.
   34. The development proposal would not significantly alter the character of the building nor erode the special character of the site. The proposal would therefore not have a detrimental impact on the setting of surrounding listed buildings.
   35. It is considered that the development proposal would cause a low degree of less-than-substantial harm to the special character of the listed building. However, this would be offset by the identified public benefits. The proposal would thereby comply with Policy HE3.
   36. Regard has been paid to paragraphs 192 and 193 of the NPPF and the need to give great weight to the conservation of the designated heritage assets in reaching a decision. When applying the test outlined in paragraph 196, it is considered that the proposal would cause less-than-substantial harm to the significance of the listed buildings. However, this would be offset by the identified public benefits. Therefore, the proposals would be acceptable in terms of their impact on this designated heritage asset.
   37. Special attention has been paid to the statutory test of preserving the listed building or its setting under section 66 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 setting of the listed building and so the proposal accords with section 66 of the Act.
   38. Impact on neighbouring amenity
   39. 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.

Light

* 1. The proposal is compliant with the 25/45 degree access to light test and would therefore not result in an unacceptable loss of direct daylight to neighbouring properties. While it is noted that the reduction of the gap between No. 42 and No.44, it is considered that this is insufficient to substantiate grounds for refusing the application as the reduction of light would be slight. It is also noted that the extension lies to the north of the properties that would be affected by this, Nos. 44a and 44b. This would further reduce the light implications of the extension.
  2. It is noted that concerns have been raised as to the proposed planting near the boundaries and the daylight implications this would have. There is no evidence in the submitted documents that the planting will be allowed to grow to heights which would cause nuisance and a loss of daylight to neighbours. Nor can the council speculate as to what the applicant may or may not do in terms of hedge maintenance. This is therefore not sufficient grounds for refusing the application.

Privacy

* 1. It is noted that there would be some alterations to the fenestration of the existing house and additional window openings on the side extension. However, it is considered that views from these windows would be similar to the views offered from the existing and would not be materially more intrusive to neighbours’ privacy. Therefore the proposal would be acceptable in this regard.

Overbearing

* 1. The extension would be set across two storeys; that being said it would extend the basement and ground floors and would therefore still have a relatively low profile. In addition, the neighbours’ houses would not be affected, in terms of overbearing, given that No. 44 has no windows on its western elevation and Nos. 44a and b are set behind No.42. Furthermore, the land adjacent to the proposed extension is used for vehicular access and serves a purely circulatory space. Therefore, this area has not been considered in terms of assessing overbearing.
  2. Given the above considerations, it is considered that the development proposal would not have an unacceptable impact on the amenity of neighbours and would thereby accord with Policy HP14.
  3. Impact on Protected Trees
  4. Policy NE15 of the Oxford Local Plan 2001-2016 states that planning permission will not be granted for development which includes the removal of tree, hedgerows or other valuable landscape features where this would impact on public amenity or ecological interest. Where appropriate, the council will grant planning permission subject to soft landscaping, which takes into account the character of the area, being undertaken.
  5. 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.
  6. The recent loss of the mature trees (magnolia and orchard fruit trees) from the rear garden, prior to the submission of these applications, is considered particularly unfortunate as these trees are characteristic of the North Oxford Victorian Suburb Conservation Area and make a positive contribution to its character and appearance. Notwithstanding this, and whilst the current revised landscaping scheme is an improvement on the initially submitted scheme removing the pleached tree hedging and proposing herbaceous boarders, it does not compensate for the previously removed trees. The proposed removal of the front garden landscaping and the proposed hedging is also likely to encroach on the proposed reinstated front railings. It is therefore, as per Policy NE15, considered reasonable to apply a condition, 12, requiring a revised landscaping scheme to be submitted featuring more native and substantial planting, including trees, that relate to and will enhance the character and appearance of the conservation area and the registered park and garden of Park Town.
  7. The proposed development would, for the most part, be outside the root protection area of nearby protected trees and would therefore be unlikely to result in harm to them. However, the proposed front lightwell and stairway may impact the roots of the Lawson Cypress in the front garden. However, any encroachment of would be slight and would therefore likely not result in harm to the tree. However, condition 11 has been included to ensure that the proposal would have no detrimental impact on this, or other, protected trees. With this condition in place, the proposal is therefore considered acceptable in this regard.
  8. With conditions 11 and 12 in place, it is considered that the proposed development would not result in unacceptable harm to protected trees and the landscaping proposal would respond sufficiently to the character of the area so as to be acceptable.
  9. Ecology
  10. 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.
  11. It is noted that the repairs to the roof included in the submitted plans may have had implications in terms of bats, a species protected under European Law. However, the final revised plans omit any works to the roof and therefore also the element of the proposal which would have required a bat survey. The rest of the development proposal would have acceptable implications on the ecology of the site.
  12. The proposal is therefore considered acceptable in terms of its ecological impact and would therefore comply with Policy CS12.

1. CONCLUSION
   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.
   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.
   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.
   4. In summary, the proposed development would be an acceptable addition to the site. The proposed loss of a dwelling is considered acceptable in this case as the material considerations set out in the report outweigh policy HP1. The proposals are suitable in design and heritage terms and comply with policies CP1, CP8, CP10, HE3 and HE7 of the Oxford Local Plan 2001-2016, HP9 of the Sites and Housing Plan and CS18 of the Core Strategy and DH1 and DH3 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 NE15 and NE16 of the Oxford Local Plan 2001-2016. The proposal would not result in ecological harm and thereby complies with policy CS11.
   5. Therefore officers consider that the development accords with the development plan as a whole.
   6. *Material consideration*
   7. The principal material considerations which arise are addressed below, and follow the analysis set out in earlier sections of this report.
   8. National Planning Policy: the NPPF has a presumption in favour of sustainable development.
   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.
   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. 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.
   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.
2. 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 All existing original internal features, such as plaster work, floorboards, ironwork, fireplaces, doors, windows, staircase balustrading and other woodwork, shall remain undisturbed in their existing position, and shall be fully protected during the course of works on site unless expressly specified to the contrary in the approved drawings. Any as yet unknown features of historic interest discovered during the progress of the works shall be retained in situ and preserved to the satisfaction of the Local Planning Authority. The Local Planning Authority shall be notified of their discovery and details of their preservation shall be submitted to, and approved in writing by, the Local Planning Authority before any relevant works take place.

Reason: To ensure the preservation of valuable features of historic interest, which might otherwise be lost during the proposed works in accordance with policies CP1 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

4 Samples of all exterior materials proposed to be used, including but not limited to, roof materials, stone for new boundary walls, plinths and surfacing, rear balcony and stair surfaces, shall be made available for inspection on site and approved in writing by the Local Planning Authority before the start of the relevant work and only the approved materials shall be used.

Reason: To ensure a sympathetic appearance for the new work and in the interest of the special character of the listed building, in accordance with policies CP1, CP8 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

5 Details and samples of the render proposed to be used for the existing building and new extension shall be made available for inspection on site and approved in writing by the Local Planning Authority before the start of work on the site and only the approved materials shall be used. The colour and appearance of the render shall match the existing natural stone window surrounds, which shall remain exposed.

Reason: To ensure a sympathetic appearance for the new work and in the interest of the special architectural interest of the listed building, in accordance with policies CP1 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

6 The proposed new lightwell walls and steps to the front of the building shall be constructed to match the appearance of the existing low plinth walls to the front of the building with rendered walls, natural stone capping and natural stone steps.

Reason: To ensure a sympathetic appearance for the new work and in the interest of the special architectural interest of the listed building, in accordance with policies CP1 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

7 The following details of the new front boundary railings, rear balcony stair railings and new external stairwell railings, shall be submitted to, and approved in writing by, the Local Planning Authority prior to the installation of the railings and the works shall be carried out in accordance with the approved details only:

a) elevation drawings of the new railings at a scale of at least 1:20

b) either by sample or by large scale drawings, profiles and sections of the different elements of the new railings and gate

c) material, colour and finish of the new railings

d) fixings of the new railings to the new plinths

Reason: To ensure a sympathetic appearance for the new work and in the interest of the special character of the listed building, in accordance with policies CP1 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

8 Large scale drawn details at a scale of at least 1:20, a method statement and schedule of work including finish details, for the works to the existing rear iron terrace and external stairs shall be submitted to, and approved in writing by, the Local Planning Authority before the relevant works are carried out and the works shall be carried out in accordance with the approved details only. Insofar as practical, all of the existing original ironwork shall be retained and restored.

Reason: To ensure a sympathetic appearance for the new work and in the interest of the special character of the listed building, in accordance with policies CP1 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

9 Large scale full joinery and finish details for the following, shall be submitted to, and approved in writing by, the Local Planning Authority before the relevant parts are installed and the works shall be carried out in accordance with the approved details only:

a) All new external windows

b) All new external doors

Reason: To ensure a sympathetic appearance for the new work and in the interest of the special character of the listed building, in accordance with policies CP1 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

10 Details in the form of drawings, method statements, schedules of works and structural engineers reports, of any necessary structural repair or replacement works, including the proposed removal of the steel beam between the lower and upper ground floor levels or other alterations which would involve the removal of or impact to existing historic fabric shall be submitted to and approved in writing by the Local Planning Authority before the start of the relevant works. The works shall only be carried out in accordance with the approved details.

Reason: To ensure the appropriate conservation of the listed building, in accordance with its special architectural and historic interest and with policies CP1 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

11 The development shall be carried out in strict accordance with the approved methods of working and tree protection measures contained within the planning application details shown on drawing -Tree Protection Plan (Dwg110), unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason: To protect retained trees during construction in accordance with policies CP1, CP11, NE15 and NE16 of the Oxford Local Plan 2001-2016 and CS12 of the Oxford Core Strategy 2011-2026.

12 Notwithstanding the approved plans, prior to the commencement of work, a landscape plan shall be submitted to, and approved in writing by, the Local Planning Authority before development starts. The plan shall include a survey of existing trees showing sizes and species, and indicate which (if any) it is requested should be removed, and shall show in detail all proposed tree and shrub planting, treatment of paved areas, and areas to be grassed or finished in a similar manner. The approved landscape plan shall be carried out upon substantial completion of the development and be completed not later than the first planting season after substantial completion. All planting which fails to be established within three years shall be replaced.

Reason: In the interests of visual amenity in accordance with policies CP1, CP11 and NE15 of the Adopted Local Plan 2001-2016.

Informatives:

1 In accordance with guidance set out in the National Planning Policy Framework, the Council tries to work positively and proactively with applicants towards achieving sustainable development that accords with the Development Plan and national planning policy objectives. This includes the offer of pre-application advice and, where reasonable and appropriate, the opportunity to submit amended proposals as well as time for constructive discussions during the course of the determination of an application. However, development that is not sustainable and that fails to accord with the requirements of the Development Plan and/or relevant national policy guidance will normally be refused. The Council expects applicants and their agents to adopt a similarly proactive approach in pursuit of sustainable development.

2 Any damage caused to the building as a result of the works hereby approved shall be made good to match the existing original work in respect of materials used, detailed execution and finished appearance

3 This consent does not include works to the roof or roof space. If works are planned to the roof, the agent / applicant is advised to assume that bats are present, which are protected by UK and European legislation, and to plan ahead, including carrying out surveys for bats and assessing any impacts at an early stage. Occasionally protected species, such as bats, can be found during the course of development even when the site appears unlikely to support them. In the event that this occurs, it is advised that the developer stops work immediately and seeks the advice of the local authority ecologist and/or the relevant statutory nature conservation organisation (e.g. Natural England). Developers should note that it is a criminal offence to deliberately kill, injure or capture bats, or to deliberately disturb them or to damage or destroy their breeding sites and resting places (roosts). Further works may require a licence to proceed and failure to stop may result in prosecution.

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.
3. EQUALITIES ACT 2010
   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.