

East Area Planning Committee

- 6<sup>th</sup> July 2011

**Application Number:** 11/00916/FUL

**Decision Due by:** 25th May 2011

**Proposal:** Conversion of existing workshop/office to a 1-bed flat. Erection of new 2-storey building with room in workspace to provide 1 x 1-bed flat and 1 x 2-bed flat. Provision of amenity space, bin and cycle storage. (Amended Plans and Description)

**Site Address:** 54 William Street Oxford (site plan: **Appendix 1**)

**Ward:** Marston Ward

**Agent:** TSH Architects

**Applicant:** I And O Limited

**Application Called in –** by Councillors – Clarkson, Price, Lygo and Van Nooijan  
For the following reasons – overdevelopment, parking

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## **Recommendation:**

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposal would make a more efficient use of land adding three new dwellings within an existing residential area which is sustainably located. The proposal would infill an open entrance to a disused commercial premises with a frontage building that would have an appropriate visual relationship with the street, would provide appropriately for the amenity needs of future occupants, and would preserve the residential amenities of neighbouring properties. There would be no adverse consequence for on-street parking and unneighbourly windows and bulk would be removed from the existing building. The application accords with policies CP1, CP6, CP8, CP10, HS19, HS20, HS21, TR3 and TR4 of the Oxford Local Plan 2001 - 2016 and policies CS18, CS23 and CS28 of the Oxford Core Strategy 2026.
- 2 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that 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.

- 3 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

Subject to the following conditions, which have been imposed for the reasons stated:-

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples
- 4 Variation of Road Traffic Order 54 William Street,
- 5 Boundary details before commencement
- 6 Landscape plan required
- 7 Landscape carry out after completion
- 8 Landscape management plan
- 9 SUD's
- 10 Bins and cycles
- 11 Revised plan - removal of cladding
- 12 Removal of PD rights for new house
- 13 Remove parts of commercial building prior to occupation
- 14 Kerb re-instated, road markings removed

### **Main Local Plan Policies:**

#### **Oxford Local Plan 2001-2016**

- CP1** - Development Proposals
- CP6** - Efficient Use of Land & Density
- CP8** - Design Development to Relate to its Context
- CP9** - Creating Successful New Places
- CP10** - Siting Development to Meet Functional Needs
- CP11** - Landscape Design
- HS19** - Privacy & Amenity
- HS20** - Local Residential Environment
- HS21** - Private Open Space
- TR4** - Pedestrian & Cycle Facilities
- TR3** - Car Parking Standards

#### **Core Strategy**

- CS18\_** - Urban design, town character, historic environment
- CS23\_** - Mix of housing
- CS28\_** - Employment sites

#### **Other Material Considerations:**

- PPS 1** – Delivering Sustainable Development
- PPS 3** – Housing

## **PPG 13 - Transport**

Supplementary Planning Document Balance of Dwellings Adopted Jan 2008.

### **Relevant Site History:**

85/00789/NO - Outline application for three storey development of 2 two-bedroom flats, with vehicular passage under first floor level. Refused

86/00220/NO - Outline application for one-bedroom dwelling with parking space. Alterations to workshop. Refused

89/00565/NF - Erection of one bedroom dwelling with parking space. Retention of office (Class B) with parking space. Appeal dismissed

01/01259/NF - Subdivision of plot and erection of single and two storey 2 bedroom house with one on-plot car parking space. Provision of two on-plot parking spaces and pedestrian access to retained office building at rear. Withdrawn

02/01463/FUL - Demolition of lean-to. Extension at front and rear, plus additional floor of accommodation to building at rear of site used as office accommodation (Amended). Refused

### **Representations Received:**

51 William Street – parking concerns; design out of character

55 William Street – parking concerns; development should be restricted to one dwelling

56 William Street – overdevelopment; parking concerns

58 William Street – parking concerns; overdevelopment; visually inappropriate

62A William Street – parking concerns; congestion from construction; out of character with neighbourhood

68 William Street – parking concerns; overdevelopment

### **Statutory and Internal Consultees:**

Thames Water Utilities Limited – no objection

Oxford Civic Society – overdevelopment; cramped accommodation; inadequate amenity space; no bin and cycle provision

Oxfordshire County Council Highways Authority - no objection subject to conditions:

- Excluded from eligibility for parking permits
- Reinstate dropped kerb at applicants expense
- Secure and sheltered cycle parking
- Relocation of any street furniture at applicants expense
- Ground resurfacing to be SUD's compliant

### **Issues:**

Principle

Design

Residential amenity

Privacy and amenity  
Car parking  
Cycle parking  
Loss of office accommodation

## **Background**

There are several historic planning applications on this site (listed above) that have been refused, including one appeal against a refusal that was dismissed. These proposals involved retaining the office use at the rear of the site whilst creating new dwellings at the front. The applications were refused on the grounds that the site was not adequate to accommodate new dwellings whilst retaining the commercial activity at the rear as the future occupiers would suffer from nuisance and disturbance relating to the commercial activity. This conflict has now been removed as the proposal involves the loss of the commercial activity. The proposals also included off street parking which added to the constrained nature of the site, and also raised concerns of highway safety by having vehicles reversing out on to the street. Again, this concern is addressed by not having off-street parking, and there would be no traffic generated by any commercial activity.

Since the previous refusals, a Controlled Parking Zone (CPZ) has been introduced to control on-street parking provision in William Street.

## **Officers Assessment:**

### Site

1. The application site comprises a plot on the southern side of William Street, off the Marston Road. There is a single storey office building located towards the rear of the site with hardstanding covering the rest of the site.

### Proposal

2. Planning permission is sought to convert the existing office building into a 1-bed dwelling, and to erect a two-storey building (with room in the roof space) fronting William Street to create 2 flats (1x 1-bed and 1x 2-bed).
3. The scheme that is for determination has been amended from the one that was originally submitted. The changes that have been made are:
  - The existing office building has been reduced in length by 5 metres
  - The existing office building would be converted to a 1-bed dwelling instead of a 2-bed dwelling
  - The design of the front elevation facing William Street has been changed to remove the full height glazing and to create a bay window
  - The depth of the first floor flat (including terrace) has been reduced by 1.5 metres
  - The length of garden for the ground floor flat has been increased by 3 metres to 6.6 metres

- Bin and cycle stores have been incorporated into the scheme
4. The ground floor of the proposed new building would be set in by 1 metre from the side elevation of no. 56 William Street but would be attached at first floor level to create a covered passageway to provide side access to the rear of the site.

#### Principle of development

5. PPS 3 identifies the need to make efficient use of land, this is reflected within OLP policy CP6 which states that development proposals should make efficient use of land by making best use of site capacity, however it goes on to state that this should be in a manner which does not compromise the character of the surrounding area.
6. The site constitutes previously developed land. The conversion of the existing former commercial building and the erection of a further residential building is considered to make more efficient use of the site. No objection is raised to the principle of this form of residential development.
7. The Balance of Dwellings Supplementary Planning Document (BoDS) was formerly adopted in January 2008 to elaborate upon the provisions of policy HS8 of the OLP (now superseded by policy CS23 of the Core Strategy (CS)) and to ensure the provision of an appropriate mix of dwelling sizes in the different neighbourhood areas. For new residential developments of between 1 – 3 units, such as the one proposed, there should be no net loss of a family dwelling.
8. The application site is currently occupied by an office building and the proposal involves no loss of a family dwelling.
9. For residential developments of between 1 - 3 units there is no specific mix of housing required and the proposal is therefore compliant with BoDs.

#### Design

10. Policies CP1 and CP8 of the OLP state that planning permission will only be granted for development that respects the character and appearance of the area and which responds appropriately to the site and surroundings in terms of the form, grain, scale, materials and details of the proposal. Policy CS18 of the Core Strategy states that planning permission will only be granted for development that demonstrates high quality urban design and responds appropriately to the site and its surroundings.
11. CP8 also states building design should be specific to the site and its context should respect, without necessarily replicating local characteristics, and that innovative design should not be ruled out.
12. William Street is a predominantly residential road, characterised by 2-storey terraced and semi-detached dwellings, although there are also some detached dwellings, including one directly to the west of the application site.

13. The houses along William Street are generally set behind small front yards that are enclosed by dwarf walls. The houses are laid out along a strong building line, with bay windows at ground floor level providing a strong feature, and predominantly pitched roofs of slate and tiles providing a uniform roofscape.
14. The houses are constructed primarily of brick, some of which have been painted, though there are examples of render. There is generally no off street car parking, although there are a few exceptions.
15. In response to these characteristics the proposed new building aligns with the front of the adjoining houses, with a front yard to provide some bin and cycle storage and some opportunity for landscaping on the frontage. The building stands at two storeys in height and incorporates a bay window at ground floor level. This treatment of the frontage is characteristic of the adjoining properties and the road in general.
16. The proposed materials to be used on the external elevations are render with some timber cladding with artificial slate on the roof. Officers consider that although brick is the predominant building material, there are examples of render on display, including directly opposite the site, and the use of this material would not be harmful to the character of the area. The use of timber cladding, however, on the front elevation is considered to be out of character and out of context with the surrounding area and therefore a condition has been attached requiring a revised plan to be submitted and approved to show the removal of the timber cladding on the street facing elevation. Officers consider that the use of timber cladding on the rear elevation would be acceptable as it would not be visible in the streetscene.
17. Due to the gradient in the street, which slopes down towards Marston Road, the proposed new building is set slightly lower than no. 56 William Street. This therefore results in the window levels and eave lines not matching up, however this is a common theme along the road due to the gradient and as such is not uncharacteristic or harmful.
18. The proposed building works hard to respect the characteristics of the street and whilst the street has common themes there are variations on display. The proposal would in-fill a gap in the street and is not considered to harm the character and appearance of the street or area.
19. The existing building at the rear of the site would be reduced in length by 5 metres, removing scale and bulk from this incongruous building. The front elevation would be reconfigured to provide a front door and bay with corner window. The windows in the side elevation would be blocked up and a rooflight inserted.

## Residential Amenity

20. Policy HS21 of the OLP states that residential developments should have access to an amount of private open space, possibly in the form of a balcony, and the amenity space must be of good quality. As proposed, the ground floor 1-bed flat would have exclusive use of a private garden 6 metres in length. The first floor 2-bed flat would have a private terrace measuring 3.5 metres by 2 metres, which allows adequate space for clothes drying, outdoor seating etc.
21. Officers consider that it would be more appropriate to sub-divide the ground floor garden to provide a private area for the 1-bed flat with direct access and have the remaining garden as a shared space for use by both flats, allowing the 2-bed flat to have access to more amenity space other than just the private terrace. This would be imposed through the use of a landscaping condition.
22. The 1-bed dwelling in the converted building has exclusive use of a private garden measuring 3.5 metres by 4.6 metres. Providing the garden is subdividing as described above, officers are of the view that these provisions of amenity space are considered suitable for a flatted development and that the amenities of future occupiers would be adequately met.
23. The OLP does not set minimum floor areas for new dwellings, but expects dwellings arising from conversions to have a minimum internal floor area of at least 25 sq. metres. The 1-bed flat in the converted office building would have a floor area of approximately 44 sq. metres; the ground floor 1-bed flat would be approximately 39 sq. metres; and the first floor 2-bed flat would be approximately 60 sq. metres.
24. The proposal is considered to provide appropriate and adequate internal layouts for all three units.

## Privacy and amenity

25. Policy HS19 of the OLP states that planning permission will only be granted for development that adequately provides both for the protection, and/or creation, of the privacy or amenity of the occupants of the proposed and existing neighbouring, residential properties. The City Council will assess each development proposal in terms of: the potential for overlooking into habitable rooms or private open space; potential for noise intrusion; sense of enclosure, or development of an overbearing nature; refuse and recycling storage; cycle storage; drying space; and sunlight and daylight standards. This policy refers to the 45/25 degree code of practice, as detailed in Appendix 6 of the OLP, which is used to calculate the potential for loss of light to habitable rooms.

## *Loss of light*

26. No. 52 William Street to the west of the application site has a large two-storey rear extension and extends to almost 15 metres in length. There is one window on the side facing elevation facing the application site but this appears to serve a hallway and not a habitable room. The proposed new

building would not project out as deep as this and so would not cause any issues of loss of light or outlook from habitable rooms at no. 52.

27. With regard to the impact of the new building on no. 56 William Street, the proposal would breach the 45° guidance when measured in the horizontal plane from the closest ground floor window on the rear elevation, but it comfortably clears the 25° guidance when measured in the vertical plane. The proposal also complies with the 45° guidance in relation to the windows in the side elevation at ground floor level, and the first floor windows facing south of no. 56 William Street. Furthermore, the rear of the property faces south so benefits from good levels of natural sunlight.
28. The proposal complies with the 45/25 degree rule in accordance with Appendix 6 of the OLP and officers are therefore satisfied that the application would not unreasonably adversely affect light to neighbouring properties.

#### *Overlooking*

29. The first floor terrace serving the 2-bed flat would be set back over 4 metres from the rear building line of no. 52 William Street and so would not cause any direct overlooking into the rear garden. The dormer in the roof space serving the second bedroom would be set back almost 7.5 metres and so for the same reason would not cause any direct overlooking to no. 52 William Street.
30. The terrace would have screening on the eastern and southern sides to prevent overlooking to and from no. 56 William Street.
31. Whilst officers recognise that the new windows would offer an opportunity to look down into adjoining gardens, this is a common occurrence within dense residential areas such as this and would not be unreasonably harmful.
32. A major benefit of the scheme is that the windows in the side elevations of the existing office building would be blocked up so as not cause any issues of overlooking into the rear gardens of no's 52 and 56 William Street. There would be a separation distance of 18.5 metres from the ground and first floor rear windows of no. 56 William Street and the bedroom window in the converted building and officers are of the view that this is sufficient to prevent any harmful levels of overlooking.

#### *Amenity space*

33. There would be a distance of almost 12 metres between the bedroom in the converted building and the ground floor flat living room, but the garden lying in between would provide screening and would prevent overlooking and a loss of privacy.
34. Landscaping and boundary treatment details will be required by condition to be approved prior to commencement of development to ensure satisfactory screening.



### Car parking

35. The proposal is for a car free development. The site falls outside the Transport Central Area and Transport District Area, as defined in the OLP. For development outside of these areas, the Council will consider car-free residential development if there is good availability of public transport, and shops and services are provided near by.
36. The application site is off the Marston Road with its frequent bus routes to and from the city centre and Marston. There are also cycle routes to Oxford and Marston. The site is equidistant between the shopping district of St Clements to the south, and shops at Headley Way to the north. There is a post office and convenience store on the corner of William Street and Marston Road.
37. The site is within an existing Controlled Parking Zone (CPZ) which will ensure that a car free parking scheme can realistically be enforced in this location. The Highway Authority has raised no objections to the development providing it is excluded from eligibility for parking permits. A condition has been imposed to this effect.
38. Officers are of the view that the site is located close to excellent public transport links and cycle routes and would therefore be a suitable location for a small car free development.
39. Currently there is a lowered kerb along the full width of the application site with double yellow lines marked on the road to prevent vehicles from blocking the entrance. As a condition of the permission, this kerb would be raised and the road markings removed, thereby effectively creating an additional on-street parking space in front of the new building.
40. Concerns have been raised by local residents as the CPZ only applies during week days and there are no parking controls in place in the evenings or weekends, meaning the future occupiers of the new development could be car owners and still park on street during these times, creating parking pressure. Whilst this is a possibility, officers are of the view that the existing CPZ would act as a strong deterrent in discouraging people without permit eligibility from owning a car. Not everyone works 9-5 or uses a car to travel to work. Even so, it would be highly inconvenient to have to move your car when you were on annual leave/sick leave etc and find somewhere else to park it.

### Cycle Parking

41. Policy TR4 of the OLP states that planning permission will only be granted for development that provides good access and facilities for pedestrians and for cyclists and complies with the minimum cycle parking standards shown in Appendix 4. According to the Parking Standards SPD secure, and preferably sheltered, cycle parking should be integrated in the design of residential developments. The minimum requirement for residential

dwellings is two spaces per residential unit, and this has been provided. A condition has been attached requiring further details of the cycle stores to be approved prior to commencement of development.

#### Loss of employment site

42. The site is not located within a protected employment site, however, policy CS28 of the Core Strategy states that the loss of any employment generating site must be justified and evidence provided to show that the current use is not viable.

43. Evidence has been submitted to show that the site has been marketed as office accommodation and also as D1 and D2 use for an extended period but has received very little interest and no occupiers have been found. The main reason given is due to its location in a predominantly residential area, which is undesirable for potential occupiers. Officers are therefore satisfied that the loss of the office use is justified in this instance.

#### **Sustainability:**

The site lies in a sustainable location within easy access of shops, services and public transport links and the proposal would constitute a sustainable form of development that would make more efficient use of an existing brownfield site.

#### **Conclusion:**

The proposal is acceptable in design terms and would make an efficient use of land in this existing residential area. The existing building would be reduced in bulk and the new building on the frontage relates well to the surrounding area. It would not cause significant levels of harm to the living conditions of neighbours or future occupiers. Officers are satisfied that parking pressure would not be increased, and the Highways Authority has raised no objection. The loss of the employment site has been justified and the proposal is considered to comply with the relevant policies of the Oxford Local Plan 2001-2016 and Core Strategy 2026.

#### **Human Rights Act 1998**

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

## **Section 17 of the Crime and Disorder Act 1998**

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to approve, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

**Background Papers:** 11/00916/FUL

**Contact Officer:** Rona Gregory

**Extension:** 2157

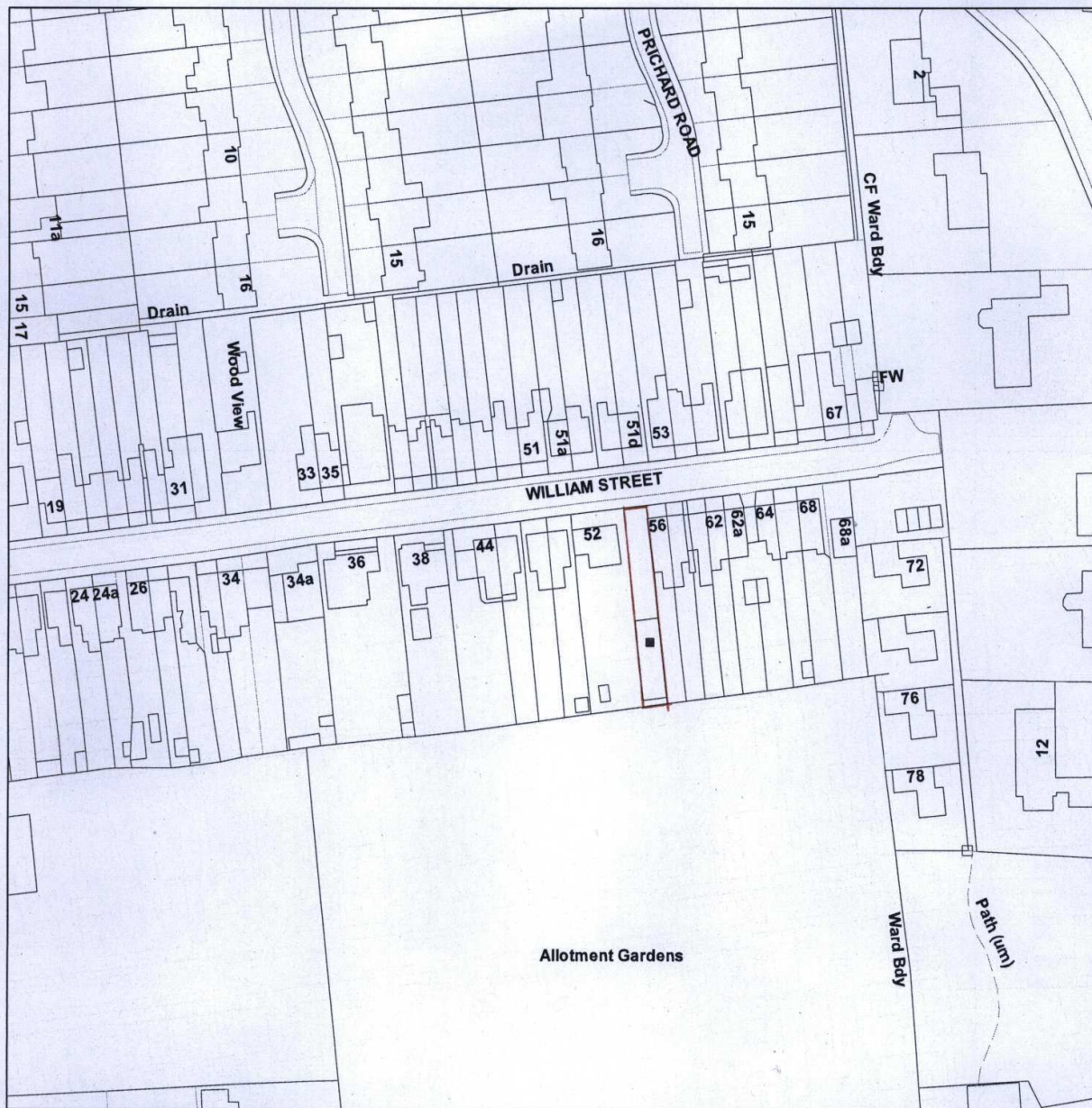
**Date:** 20th June 2011

# 54 William Street

11/00916/FUL



GIS by ESRI (UK)



Scale : 1:1250

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