

**East Area Planning Committee**

6<sup>th</sup> July 2011

**Application Number:** 11/00378/FUL

**Decision Due by:** 1st April 2011

**Proposal:** Erection of a 2 bedroom dwelling house.

**Site Address:** 24 Milton Road Oxford Oxfordshire OX4 3EF

**Ward:** Cowley Marsh Ward

**Agent:** N/A

**Applicant:** S Khanam

Called in by: Councillors Malik, Rowley, Lloyd Shogbesan and Price.

Reason: Over development, parking, access and back garden development.

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**Recommendation:**

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposal would make a more efficient use of land within an existing residential area which is sustainably located. The proposal would have an appropriate visual relationship with the street and would preserve the residential amenities of neighbouring properties without increasing the risk of flooding elsewhere. The application therefore accords with policies CP1, CP6, CP8, CP10, TR3, TR4, HS19, HS20 and HS21 of the Oxford Local Plan 2001 - 2016 and policies CS11, CS18 and CS23 of the Oxford Core Strategy 2026.
- 2 No specific objections have been received from third parties, but a number of concerns have been raised relating mainly to parking, flooding and residential amenity. These have been considered in the officer's report and conditions have been recommended to address any material issues.
- 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 Materials - matching
- 4 Landscape plan, parking, vision splays
- 5 Implementation of parking and landscape
- 6 Suspected contamination
- 7 Bin and cycle storage
- 8 Design - no additions to dwelling
- 9 Amenity windows obscure glass rear facing bathroom and cloakroom,

**Main Local Plan Policies:**

**Oxford Local Plan 2001-2016 (OLP)**

- CP1 - Development Proposals
- CP6 - Efficient Use of Land & Density
- CP8 - Design Development to Relate to its Context
- CP10 - Siting Development to Meet Functional Needs
- TR3 - Car Parking Standards
- TR4 - Pedestrian & Cycle Facilities
- HS10 - Loss of Dwellings
- HS11 - Sub-Division of Dwellings
- HS19 - Privacy & Amenity
- HS20 - Local Residential Environment
- HS21 - Private Open Space
- NE12 - Groundwater Flow
- NE15 - Loss of Trees and Hedgerows

**Core Strategy**

- CS11\_ - Flooding
- CS18\_ - Urb design, town character, historic env
- CS23\_ - Mix of housing

**Other Material Considerations:**

Planning Policy Statement 3 – Housing (PPS3)

Planning Policy Statement 25: Development and Flood Risk (PPS25)

Oxford City Council Balance of Dwellings Supplementary Planning Document (SPD)

Oxford City Council Planning Design Guide 1 – Corner Site Extensions  
(Design Guide1)

Oxford City Council Planning Design Guide 2 – Side Extension (Design Guide 2)

**Relevant Site History:**

10/03029/FUL - Erection of 2 storey 2 bedroom house. Provision of one car parking space accessed from Cricket Road. REF 10th January 2011.

**Representations Received:**

138 Cricket Road: Concerns relating to construction traffic, noise and dirt and to issues relating to loss of light, parking and floodwater.

**Statutory and Internal Consultees:**

Local Highway Authority – Proposals would need amendments to visibility splays to meet highway safety requirements.

County Council Drainage Officer: No objection – Development will not fall under the Flood and Water Management Act 2010, subject to details of separate soak-away provision.

Thames Water: No objection.

OCC Environmental Protection team: No objection, subject to condition requiring a phased risk assessment to identify and address any ground or water contamination.

**Issues:**

- Principle
- Balance of dwellings
- Urban design
- Effect on adjoining properties
- Amenity / private open space
- Parking
- Bin and bike stores

**Officers Assessment:**

Proposal

1. Permission is sought for the construction of a two storey side extension for use as a dwelling house.

### Site description

2. The proposed dwelling would be highly visible from the public domain, occupying a site on the corner of Milton Road and Cricket Road.
3. Both Milton Road and Cricket Road are characterised by two storey properties that are generally set behind front gardens that are enclosed by dwarf walls or hedges. Whilst some of the houses are set back further from the road, a clear building line is evident along both roads.
4. The surrounding houses are primarily rendered, though there are examples of exposed brick within the wider area, the architecture is traditional and roofs are generally hipped, with double storey gabled bays being common on the opposite side of Cricket Road.

### Principle

5. Planning Policy Statement 3 (PPS3) encourages the effective and efficient use of land. Effective use of land is encouraged by re-using land that has previously been developed. Central Government have now amended PPS3, which now excludes private residential gardens from the definition of previously developed land in Annex B. As private residential gardens are not now classed as 'previously developed land', this is therefore a material consideration in determining this application.
6. However, the aim of PPS3 to encourage efficient use of land remains relevant, indeed PPS3 states that it is "a key consideration in planning for housing", but further notes that "good design is fundamental to using land efficiently".
7. This is developed in policy CP6 of the Oxford Local Plan 2001-2016 (OLP) which states that development proposals should make efficient use of land by making best use of site capacity in a manner that does not compromise the surrounding area.
8. Although the proposed dwelling is not situated on an area of previously developed land, it is in a position where a domestic extension of a similar scale would ordinarily be approved and makes efficient use of land. The principle of the scheme – to provide an additional dwelling – is therefore welcome and the proposal complies with PPS3 and policy CP6 of the OLP.

### Balance of dwellings

9. PPS 3 also encourages a mix in the balance of dwellings and this is reflected in Core Strategy policy CS23 which states that the predominance of one particular form of housing type within a locality may have unwelcome social implications.

10. According to PPS3, key characteristics of a mixed community are a variety of housing, particularly in terms of tenure and price and a mix of different households such as families with children, single person households and older people. This is reiterated in policy HS8 of the Local Plan in which the City Council will have regard to the local distribution of dwelling types (including size of unit, tenure, and specialist occupation) with a view to achieving a balanced and suitable distribution of dwelling types.
11. In support of policy CS23 the Balance of Dwellings SPD (SPD) has been drafted (adopted Jan 08) which has assessed the housing stock within Oxford and has identified areas of pressure. The aim of the SPD is to ensure that development provides a balanced and mixed community and as a result Neighbourhood Areas provide the framework for the assessment of new residential developments.
12. The application site falls within an area defined by the SPD as red, which indicates that the scale of pressure is considerable and as such a proportion of family dwellings should form part of new development: The SPD does not specify any particular mix for development below 3 units in this area. The proposal is for 1 additional two bed house and does not therefore trigger the requirements in the Balance of Dwellings SPD and policy CS23 of the Core Strategy. In addition to this, it would provide a family dwelling.

#### Urban design

13. Policy CP1 of the Oxford Local Plan 2001-2016 states that planning permission will only be granted for development that shows a high standard of design, that respects the character and appearance of the area and uses materials of a quality appropriate to the nature of the development, the site and its surroundings. This view is taken a step further in Policies CP8 of the OLP and CS18 of the Core Strategy, which require all new development to demonstrate high quality urban design and ensure that the siting, massing and design creates an appropriate visual relationship with the built form, grain, scale, materials and details of the surrounding area whilst CP10 states planning permission will only be granted where proposed developments are sited to ensure that street frontage and streetscape are maintained or enhanced or created.
14. Oxford City Council Planning Design Guide 2 – Side Extensions seeks to ensure that pairs of semi detached houses are not unbalanced by side extensions that are not subordinate to the existing houses. It suggests that it is usually best practice to continue building lines and detailing on terraced houses.
15. Oxford City Council Planning Design Guide 1 – Corner Site Extensions seeks to ensure that houses on corner sites are not unbalanced by excessively wide side extensions that dominate the existing houses. It suggests that it is usually best practice to set extensions back from the front wall and set ridges lower to ensure the extension remains subordinate to the existing house.

16. The proposed dwelling does not cross the building line, is set back 700mm from the front wall of the existing house and set down 300mm from the existing roof. This helps to ensure that the addition remains subordinate to the existing house and pair of semis.
17. Whilst the building will be highly visible from the public domain, it is not considered to be visually out of place in its location and subject to a condition controlling materials, the proposals are not considered likely to be jarring or incongruous in the street scene, are considered acceptable in terms of design guide 1 and 2, and the application complies with policies CP1, CP8 and CP10 of the OLP and policy CS18 of the Core Strategy.

#### Effect on adjoining properties

18. Policy CP1 of the adopted Oxford Local Plan 2001-2016 states that where relevant, development proposals must safeguard the amenities of adjoining land users and occupiers, whilst Policy HS19 of the adopted Oxford Local Plan 2001-2016 states that planning permission will only be granted for development that adequately provides both for the protection of the privacy or amenity of the occupants of proposed and existing neighbouring residential properties. This is supported by Policy CP10, which seeks to safeguard the amenities of adjoining properties.
19. Appendix 6 of the OLP sets out the 45 degree guidance, used to assess the effect of development on the windows of neighbouring properties.
20. The proposal complies with the 45-degree guidance and due to the location of the proposed development, it is considered unlikely to lead to any issues of loss of light or creation of an overbearing effect. There is some opportunity for increased overlooking of adjacent gardens along Cricket Road from the rear facing first floor windows, but taken in the context of windows in the existing house, the increase is not considered to be material. Subject to a condition to ensure that the bathroom / cloakroom windows are fitted with obscure glass and fixed shut below head height, the proposals are considered unlikely to have a material effect on adjacent properties, and comply with Policies CP1, CP10 and HS19 of the OLP.

#### Amenity / private open space

21. The adopted Oxford Local Plan requires that new dwellings should provide an amount of private open space to allow their occupants to enjoy fresh air and light in privacy. It goes on to say that where occupiers are likely to be children, then shared amenity space is not appropriate and, generally, the length of a private garden for a family house should be 10 metres.
22. Policy CP1 requires relevant development proposals to safeguard the amenities of adjoining land users and occupiers, whilst CP10 states that permission will only be granted where developments are sited to ensure that outdoor needs are properly accommodated, including private amenity space, where buildings are orientated to provide satisfactory light, outlook and

privacy, and where the amenity of other properties is adequately protected. Policy HS21 states that planning permission will not be granted for development proposals where insufficient or poor quality private open space is proposed.

23. The corner site location of the site means that the available garden space is more exposed and likely to offer less privacy than would be usual in a typical rear garden. This effect is somewhat ameliorated by the mature hedge which provides screening to the plot. The current application shows the proposed dwelling positioned in the middle of the plot, which would result in the available garden space being divided in two. The area of garden fronting Milton Road has a maximum dimension (measured parallel to Milton Road) of 10 metres and is considered adequate for the proposed dwelling.
24. The existing house will lose much of its amenity space, but will retain an area to the rear that is reasonably well screened and measures around 9.5 metres by 9.5 metres. It is noted that a conservatory has been constructed within this space, but the area is still considered adequate for the house and the proposal complies with policies CP1, CP10 and HS21 of the OLP.

### Parking

25. Policy CP1 of the OLP, supported by policies CP10 and CP13, requires new development to be acceptable in terms of access, and to provide suitable access arrangements and facilities for use by all members of the community with special access needs.
26. Policy TR3 of the adopted Oxford Local Plan 2001-2016 states that planning permission will only be granted for development that provides an appropriate level of car parking spaces no greater than the maximum car-parking standards shown in the plan's Appendix 3.
27. The proposal would create a two bedroom house. One parking space is proposed for the new house and two are proposed for the existing three bedroom house. Appendix 3 of the OLP gives a maximum standard of two parking spaces for a two or three bedroom house, and bearing in mind the sustainable location of the site and its proximity to local services and bus routes, the proposed parking provision is considered acceptable. The proposal therefore complies with Policy TR3 of the adopted Oxford Local Plan 2001 – 2016.
28. The Local Highway Authority has raised concerns relating to highway safety in terms of visibility splays in a sensitive location, and it is considered that these could be dealt with by condition requiring an amended parking and planting plan showing the provision of adequate visibility splays to ensure that the development complies with policies CP1, CP10 and CP13 of the OLP.

### Bin and bike stores

29. Policy HS19 of the OLP requires applications to provide storage for cycles and refuse and recycling. Policy CP10 requires screened refuse and recycling storage.
30. The location of an adequate level of bin and cycle stores is shown on the application drawings, and the development complies with policies CP10 and HS19 in this regard. A condition is however proposed to ensure that the facilities are included.

### Flooding

31. Planning Policy Statement 25 (PPS25) sets out Government policy on development and flood risk. Its aims are to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas of highest risk. Policy CS11 of the Core Strategy seeks to limit the effect of development on flood risk, floodwater flows and flood water storage, and require a flood risk assessment to be prepared for applications in areas of low lying land defined as Flood Zone 2 or above, whilst stating that development will not be permitted that will lead to increased flood risk elsewhere.
32. The application site is not defined in the Proposals Map as being in an area of low lying land, and is not in Flood Zone 2 or above. However rain water run off from the site would, if unmitigated, increase flood risk in the areas around Boundary Brook. The County Drainage Officer has recommended the provision of separate soak-away details.
33. It is considered that the incorporation of permeable surface treatments and a soak away to deal with run off from the new roof would be sufficient mitigation, and it is recommended that any grant of planning permission be conditional on the submission of further details of a scheme to be implemented to this effect to ensure the development does not increase the risk of flooding elsewhere and complies with Policy CS11 of the Core Strategy. It is suggested that these details can be provided as part of the landscape parking and visibility splays plan recommended in paragraph 28 of this report.

### **Conclusion:**

34. The proposal would make a more efficient use of land within an existing residential area which is sustainably located. The proposal would have an appropriate visual relationship with the street and would preserve the residential amenities of neighbouring properties without increasing the risk of flooding elsewhere. The application therefore accords with policies CP1, CP6, CP8, CP10, TR3, TR4, HS19, HS20 and HS21 of the Oxford Local Plan 2001 - 2016 and policies CS11, CS18 and CS23 of the Oxford Core Strategy 2026 and the application is recommended for approval.



## Human Rights Act 1998

35. 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.
36. 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

37. 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 safety.

**Background Papers:** 11/00378/FUL, 10/03029/FUL

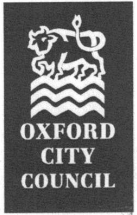
**Contact Officer:** Tim Hunter

**Extension:** 2154

**Date:** 22nd June 2011

# 10/03029/FUL

## 24 Milton Road



Scale : 1:1250



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Ordnance Survey 100019348.

Organisation	Not Set
Department	Not Set
Comments	Appendix 1
Date	24 June 2011
SLA Number	Not Set