

East Area Planning Committee

- 6th December 2011

Application Number: 11/02666/FUL

Decision Due by: 13th December 2011

Proposal: Demolition of existing single storey garage. Erection of two storey side extension to form two self-contained one-bed flats. Provision of 2 car parking spaces for existing house.

Site Address: 27 Weldon Road Oxford Oxfordshire OX3 0HP

Ward: Marston Ward

Agent: Ifor Rhys Ltd

Applicant: Mr Sadiq Ghulam

Call in – The application was called in by Councillors Clarkson, Lygo, Price, Van Nooijen and Sanders on the grounds of parking and traffic safety on this corner.

Recommendation: The East Area Planning Committee is recommended to grant planning permission for the following reasons:

- 1 The proposal would make a more efficient use of the site in a manner that is sympathetic to the site constraints, the character and appearance of the area and neighbouring residential amenities. The proposal would provide an acceptable residential environment for future residents. Matters of boundary treatment, landscaping and enforcement of the car free nature of the development can be secured by conditions. The application accords with the Oxford Local Plan and Oxford Core Strategy.
- 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.

Conditions:

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Materials - matching
- 4 Boundary details before commencement
- 5 Landscape plan required
- 6 Landscape carry out after completion
- 7 Landscape management plan
- 8 Car Parking Space for House
- 9 Vision splays
- 10 Variation of Road Traffic Order to omit flats from Controlled Parking Zone
- 11 Bin and cycle storage
- 12 Design - no additions to dwelling under permitted development

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
- HS11** - Sub-Division of Dwellings
- HS19** - Privacy & Amenity
- HS20** - Local Residential Environment
- HS21** - Private Open Space

Oxford Core Strategy 2026

- CS2_** - Previously developed and greenfield land
- CS18_** - Urban design, town character, historic environment
- CS23_** - Mix of housing

Other Material Considerations:

- PPS 1 – Delivering Sustainable Development
- PPS 3 – Housing
- PPG 13 – Transport
- Regional Spatial Strategy for the South East
- Balance of Dwellings Supplementary Planning Document
- Parking Standards Supplementary Planning Document

Relevant Site History:

08/00857/FUL - Demolition of existing garage and erection of two storey side extension (amended plans) – approved

11/01850/FUL - Demolition of existing garage. Erection of two storey side extension to form 2 x 1-bed flats. Provision of 2 parking spaces for existing house plus 2 parking spaces for flats – withdrawn

Third Party Representations Received: The following comments have been received:

- Flats are not in keeping with local area
- Loss of privacy to neighbouring properties
- Unwanted views into the gardens of proposed flats
- Proposed gardens not safe and secure
- Proposed fencing out of keeping
- Providing no cars is not realistic
- Extension out of scale with existing building
- Planning reference 08/00857/FUL has expired

Statutory and Internal Consultees:

Thames Water Utilities Limited – No objection

Highways Authority – No objection subject to conditions relating to vision splays and treatment of car parking area (to be provided for house prior to occupation)

Sustainability: The development would make more efficient use of an existing site, which is within a highly accessible area within close proximity to shops, services and public transport nodes.

Officers Assessment:

Site Description and Proposal

1. The application site comprises No 27 Weldon Road, a two storey semi-detached property situated within a predominantly residential area. The site is located at a 90° bend in the road and as such has an exposed return to the north. There is an existing garage to the rear of the site with vehicular access.
2. The application proposes a two storey side extension to provide 2x1 bed flats. Two new car parking spaces are proposed in front of the existing house to serve it exclusively. The flats have no off street car parking.
3. Officers consider the main issues of the case to be the principle of development, quality of the residential environment proposed, the impact on neighbouring residential properties, the form, appearance and visual impact of the development, and finally car parking.

Planning History

4. Planning permission was granted on the 3rd July 2008 for a two storey side extension. That planning permission has now lapsed. However, it was granted under the same local plan and in the light of the same design guide principles for side extensions. The proposed side extension is the same width as that now proposed but approximately 1.65m longer. Although the extension is slightly larger to that previously approved and

the previous permission has now lapsed, officers consider that the principle of a side extension remains acceptable.

5. In such cases CLG Circular 03/09 - *Costs Awards in Appeals and Other Planning Proceedings* points out that a planning authority may be considered to have acted unreasonably if it does not determine like cases in a like manner. The Circular further explains that a Planning Authority may be vulnerable to costs in two other circumstances noted in the circular: where it fails to grant permission for a scheme that is subject to an extant or recently expired permission, and where there has been no material change in circumstances. In this regard officers would advise that as there has been no great shift in the policy context, site constraints, or the Councils approach to side extensions, it would not be reasonable to resist the principle of a side extension. Officers would therefore afford the previous permission considerable weight in assessing the current application.

Principle of Development

6. 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. It however goes on to state that this should be in a manner, which does not compromise the surrounding area.
7. Policy CS23 of the Oxford Core Strategy states that the predominance of one particular form of housing type within a locality may have unwelcome social implications. To remedy this policy CS23 supports a balance of dwelling types within any given locality.
8. In support of policy CS23 the Balance of Dwellings Supplementary Planning Document (BoD SPD) 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.
9. The application site falls within an area defined by the SPD as amber, which indicates that the scale of pressure is considerable and as such a proportion of family dwellings should form part of new development. In this area the SPD does not prescribe a particular mix for development below 3 units and as such officers have no objection to the principle of 2x1 bed flats.

Proposed Residential Environment

10. Policy HS21 of the OLP states that residential development should have access to private amenity space. Units with 2 or more bedrooms are required to have exclusive access to an outdoor space and where the unit is a house the garden should generally be a minimum of 10m in length.

The existing house would retain an 11.2m long garden. This is considered to be acceptable and in accordance with the requirements of policy HS21.

11. The preamble to policy HS21 also explains that where the residential units are unlikely to be occupied by people with children the amenity space can be provided in the form of a shared space. The flats would have only one bedroom and it is therefore reasonable to conclude that they would be extremely unlikely to be occupied by persons with children. A communal garden is provided to the rear and front of the extension measuring approximately 38.69m² (7.3m x 5.3m) and 43m² (7m x 6.3m) respectively. Officers do not consider the front garden to provide a secure and private area, however the rear space would be both secure and private. The latter space is alone large enough to accommodate the two flats, however the front area does provide an additional area, albeit with limited privacy. Officers are therefore satisfied that the level and quality of outdoor space would be acceptable and in accordance with policy HS21.
12. Policy HS11 requires flats to have a floor area of at least 25m² and be fully self contained. The proposed flats would comply with this requirement. Bin and cycle storage is proposed at the rear. This is an acceptable solution and officers recommend that the detail of their appearance be secured by a condition.

Impact on Neighbouring Properties

- 13 The extension is located to the north of the existing house and would not therefore adversely impact upon light to the rear habitable room windows of the existing dwelling. In addition the 45° code when applied to the rear facing habitable room windows would not be breached.
- 14 There would be new windows to the front, side and rear of the extension. These would not result in an unreasonable loss of privacy to neighbouring properties due to the separation distances. In addition the relationship between the extension and houses opposite is not uncommon in the street or residential areas in general.
- 15 Officers therefore conclude that the development would not adversely affect the residential amenities of neighbouring properties.

Form, Appearance and Visual Impact

- 16 Policy CP8 of the Oxford Local Plan 2001-2016 suggests the siting, massing and design of development creates an appropriate visual relationship with the form, grain, scale, materials and details of the surrounding area and 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.
- 17 Weldon Road has two characters. The first is that experienced between the southern end of the road. This sees the relatively uniform pairs of

semi-detached properties forming a strong building line. To the west of the application site the road has a different pattern. The street gently winds with houses of different sizes built along a staggered line with houses stepping in and out.

- 18 Within this context the erection of a side extension would not appear out of keeping and officers attach significant weight to the material consideration of the previous permission which established the principle of a side extension. The extension would be a subservient form to the main house, being set back from its frontage and with a lower ridge height. The side elevation has been articulated with windows and the two entrances all providing activity at street level. The inclusion of fences is not uncommon on return properties and officers would recommend a condition to control the boundary treatment to ensure that it is sympathetic to the street while providing adequate privacy to the rear garden.
- 19 In consideration of the sympathetic scale and design, as well as the previous permission, officers conclude that the extension would be an appropriate addition to the street and would not be unduly out of keeping with its character and appearance.

Car Parking

- 17 The existing house would retain two off street car parking spaces, whilst the two flats would be car free. The level of provision for the house accords with appendix 3 of the OLP. The car free status of the flats can be enforced by removing the site from the controlled parking zone so that the flats would have no entitlement to parking permits. Officers would suggest a condition to secure this. The Highway Authority raise no objection to this approach.
- 18 The application was called in on the ground of concerns about highway safety at this corner. The proposed car parking is in front of the existing house and although adjacent to the bend in the road the Highway Authority raise no objection subject to a condition to provide visibility splays.

Conclusion: Officers recommend that the Committee grant planning permission subject to the conditions set out above.

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 grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers: 11/02666/FUL and 08/00857/FUL

Contact Officer: Steven Roberts

Extension: 2221

Date: 24th November 2011

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