

East Area Planning Committee

- 4th January 2012

Application Number: 11/02816/FUL

Decision Due by: 28th December 2011

Proposal: Demolition of existing rear single storey extension and front porch. Erection of single and two storey side, front and rear extension, and alterations to roof. Sub-division to form 2 bed house and provision of car parking

Site Address: 77 Sandfield Road (**Appendix 1**)

Ward: Headington Ward

Agent: Mr Saeed Khan

Applicant: Dr Z Jiang

Call in: The application was called in by Councillors Wilkinson, Campbell, Jones and Rundle on the grounds that the previous application was called in and the subdivision is a contentious issue in the immediate neighbourhood.

Recommendation: It is recommended that planning permission be **approved** for the following reasons:

- 1 The principle of the development was established by the extant planning permissions (ref 10/02781/FUL and 11/00051/FUL). The application seeks to bring these two permissions together under one consent with some small alterations that are not considered to unacceptably impact on neighbouring properties or the character and appearance of the building or street. The application accords with policies CP1, CP6, CP8, CP10, TR3, TR4, HS19, HS20 and HS21 of the Oxford Local Plan 2001 - 2016 and policies CS2, CS18 and CS23 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.

Conditions:

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Materials - matching
- 4 Boundaries in accordance with plans
- 5 Landscaping in accordance with plans
- 6 Car parking in accordance with plans
- 7 Vision Splays
- 8 Development removed from CPZ
- 9 Bin and cycle stores
- 10 Northeast study window obscure glass
- 11 Design - no additions to dwelling

Main Local Plan Policies:**Oxford Local Plan 2001-2016 (OLP)**

CP6 - Efficient Use of Land & Density

CP8 - Design Development to Relate to its Context

CP1 - Development Proposals

CP10 - Siting Development to Meet Functional Needs

HS19 - Privacy & Amenity

HS20 - Local Residential Environment

HS21 - Private Open Space

TR3 - Car Parking Standards

TR4 - Pedestrian & Cycle Facilities

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:

10/02781/FUL - Alteration to front and rear elevation to include porch and rear patio door. Conversion of existing two storey side extension to self contained one bedroom house- provision of 3 car parking spaces to frontage plus cycle and storage for bins and provision of amenity space to rear – Approved

11/00051/FUL - Erection of part single storey, part two storey, extensions to the side and rear and single storey front extension. (Amended plans) – Approved

11/02153/VAR - Variation of conditions 5 and 7 of planning permission 10/02781/FUL for extension and creation of one bedroomed house, to allow details of landscaping to be submitted following commencement of development, and car parking spaces to be laid out after occupation – Withdrawn

11/02155/VAR - Variation of conditions 5 and 10 of planning permission 11/00051/FUL for extension to front – Withdrawn

11/02243/FUL - Demolition of existing rear single storey extension and front porch. Erection of single and two storey side and rear extension, front porch and alterations to roof. Subdivision to form 1 bed house. Provision of car parking - Withdrawn

Third Party Representations Received: The comments received can be summarised as follows:

- Extension to porch will have an overbearing impact on and result in a loss of light to front window of No 79 Sandfield Road
- Ground floor layout nonsensical
- Not in keeping with the area
- Loss of privacy to No 75 and 79 Sandfield Road
- Overdevelopment
- Differs significantly from approved plans
- No means of escape from loft

Statutory and Internal Consultees:

Highways And Traffic – No objection subject to the removal of new house from the CPZ, the provision of vision splays, treatment of parking area in porous materials and provision of cycle storage.

Thames Water Utilities Limited – No objection

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 77 Sandfield Road, a two storey detached property within a predominately residential area. The building is presently undergoing alterations to the front, side and rear. Prior to these works the property had already been extended to the side and rear.
2. The application proposes the erection of a single and two storey side and rear extension and front porch in connection with the subdivision of the

property to provide two houses (1x2 beds and 1x4 beds). Car parking is provided on the site frontage for three vehicles.

3. Officers consider the main issues of the case to be the planning history and the principles that have been established therein, the impact on neighbouring properties, proposed residential environment, visual impact, and car parking.

Planning History

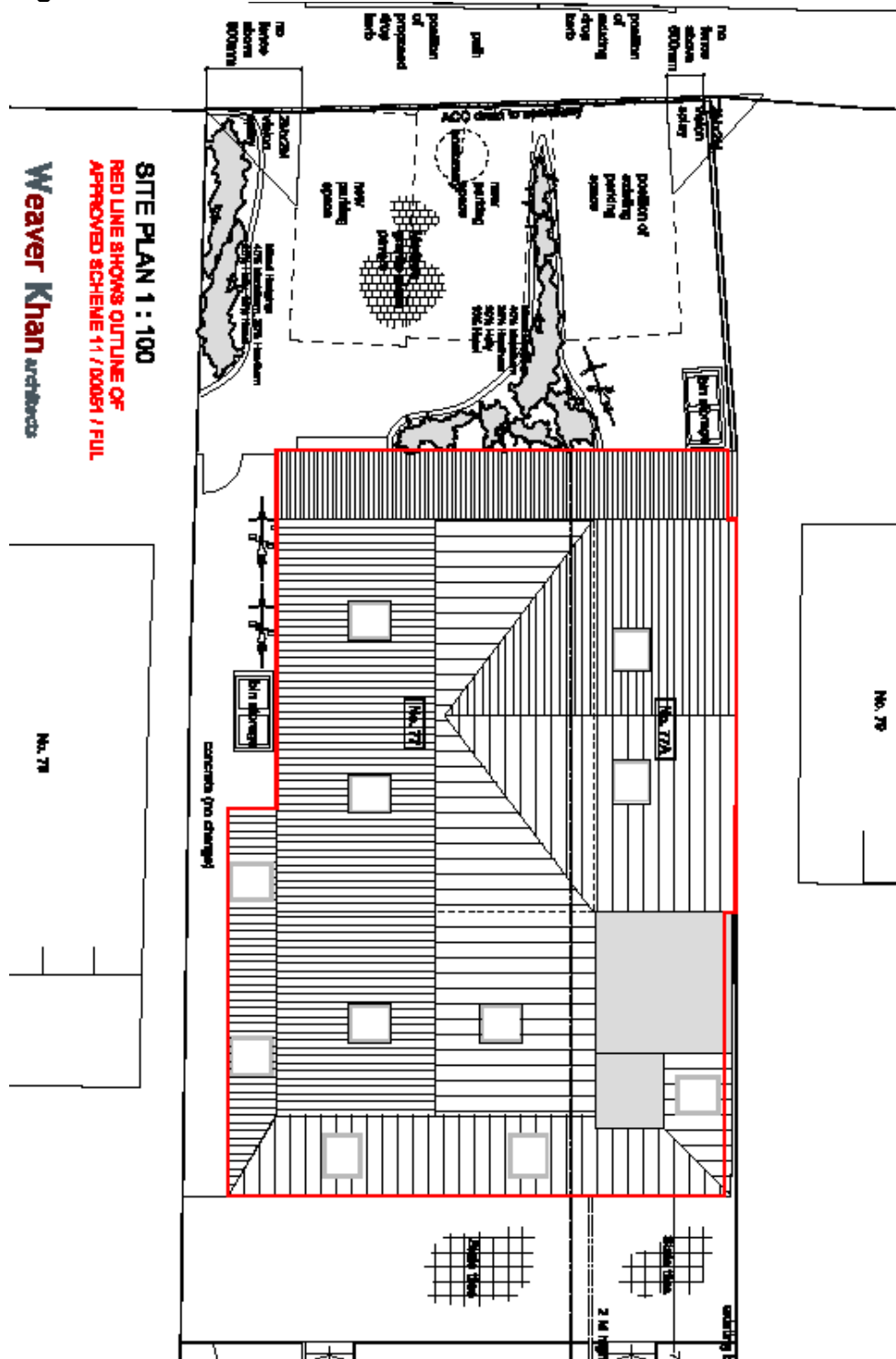
4. Planning permission was granted in 2010 to convert the earlier side extension into a one bed house, as part of that proposal a separate rear garden and car parking space was proposed (this property was known as 77A Sandfield Road). In 2011 a planning permission was granted to erect a single and two storey extension to the side and rear of the original house (known as 77 Sandfield Road). Work commenced on site, however these works differed from the approved plans and included additions to 77A Sandfield Road which were not approved under the 2010 permission. As a result a fresh planning application was required to regularise what was being built on site and to bring the 2010 and 2011 planning permissions together as they could not technically be implemented together under the separate permissions.

5. The following differences were identified between the approved applications and what was being constructed on site:

- The porch is 300mm closer to the boundary with No 79 Sandfield Road;
- The rear ground floor extension is 200mm closer to the boundary with No 79 Sandfield Road and its roof form has changed to incorporate a small area of flat roof to the rear of No 77A Sandfield Road;
- The roof of the single storey side extension adjacent to No 75 Sandfield Road, previously fully glazed, has been replaced with tiles with two roof lights inserted;
- The rear single storey extension now has two roof lights;
- The 1st floor rear extension adjacent to No 79 Sandfield Road is 200mm closer to the boundary;
- The internal layout of No 77A Sandfield Road has changed, with an additional room in its roof space (lit by roof lights);
- Two roof lights have been omitted above bedroom 4 (within the roof) in No 77 Sandfield Road. A storage area has been included which is lit by two new roof lights on the southeast roof slope;

6. There are also some internal alterations to No 77 Sandfield Road, however these do not require planning permission. The above alterations are shown on figure 1 below where the proposed plan has been overlaid by the approved plan.

Figure 1



7. As can be seen from figure 1, the proposed extensions are only marginally larger than those which have been approved. 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, a) where it fails to

grant permission for a scheme that is subject to an extant or recently expired permission, and b) where there has been no material change in circumstances. In this regard officers would advise that as the changes in the size of the extensions are only very minor (300mm at most) it would not be reasonable to resist the principle of the extensions, or for that matter the principle of the new house. Officers would therefore recommend that the previous permission be afforded considerable weight in assessing the current application.

Impact on Neighbouring Properties

8. Local Plan policy CP10 states that development should be sited to ensure that the 'use or amenity of other properties is adequately safeguarded'. Whilst policy HS19 goes further and explains that planning permission will only be granted for developments that adequately provide for the protection of the privacy or amenity of the occupants of the proposed and existing neighbouring residential properties.
9. The porch and rear single storey extension of No 77A Sandfield Road would be 300mm and 200mm nearer the boundary with No 79 Sandfield Road. There are habitable room windows at both the front and rear of No 79. The front window is a bay window which is of sufficient size and distance away from the porch so as to not suffer any unacceptable loss of light or outlook, whilst the rear window is again of a sufficient distance away so as to not be unreasonably affected by the marginal encroachment of the proposal. Officers conclude that the difference in impact between the approved extensions and those proposed is very minor and would not give rise to significant additional harm.
10. The new roof lights would not look directly into neighbouring gardens and officers would conclude that they are therefore acceptable.

Proposed Residential Environment

11. Local Plan policy HS21 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 a substantial rear garden well in excess of 10m, while the new two bed dwelling would have a rear garden approximately 10.8m in length.
12. The Local Plan does not give standards for the layout or size of houses. They should however be well lit and provide a good environment. The ground floor would be lit by windows to the front and rear and as such the rooms would receive an acceptable level of light and ventilation.
13. The proposal includes bin and cycle store in accordance with Local Plan policy CP10 and HS19.

Visual Impact

14. The proposed external alterations are very minor and would not significantly change the appearance or scale of the development. Officers therefore consider the visual impact on the site and character of the area to be acceptable.

Car Parking

15. Three off street car parking spaces are provided: one for the new house and 2 for the existing house. This level of parking provision would not fully comply with the standards set out in the Local Plan, however they are maximum standards where reduced levels are considered acceptable where the site is in a sustainable location, such as this, and that there are on street parking controls to prevent any additional parking on the highway. The site is within an accessible location and a Controlled Parking Zone. In the light of this officers consider the level of parking to be acceptable. Officers would recommend a condition to remove the houses from entitlement to parking permits.

Conclusion: The principle of development was established in granted planning permission under references 10/02781/FUL and 11/00051/FUL. The differences between those schemes and the one before Committee are not considered to give rise to an unacceptable adverse impact on neighbouring properties or the character and appearance of the area. Officers would therefore recommend that planning permission be granted subject to conditions.

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: 11/02816/FUL, 10/02781/FUL, 11/00051/FUL

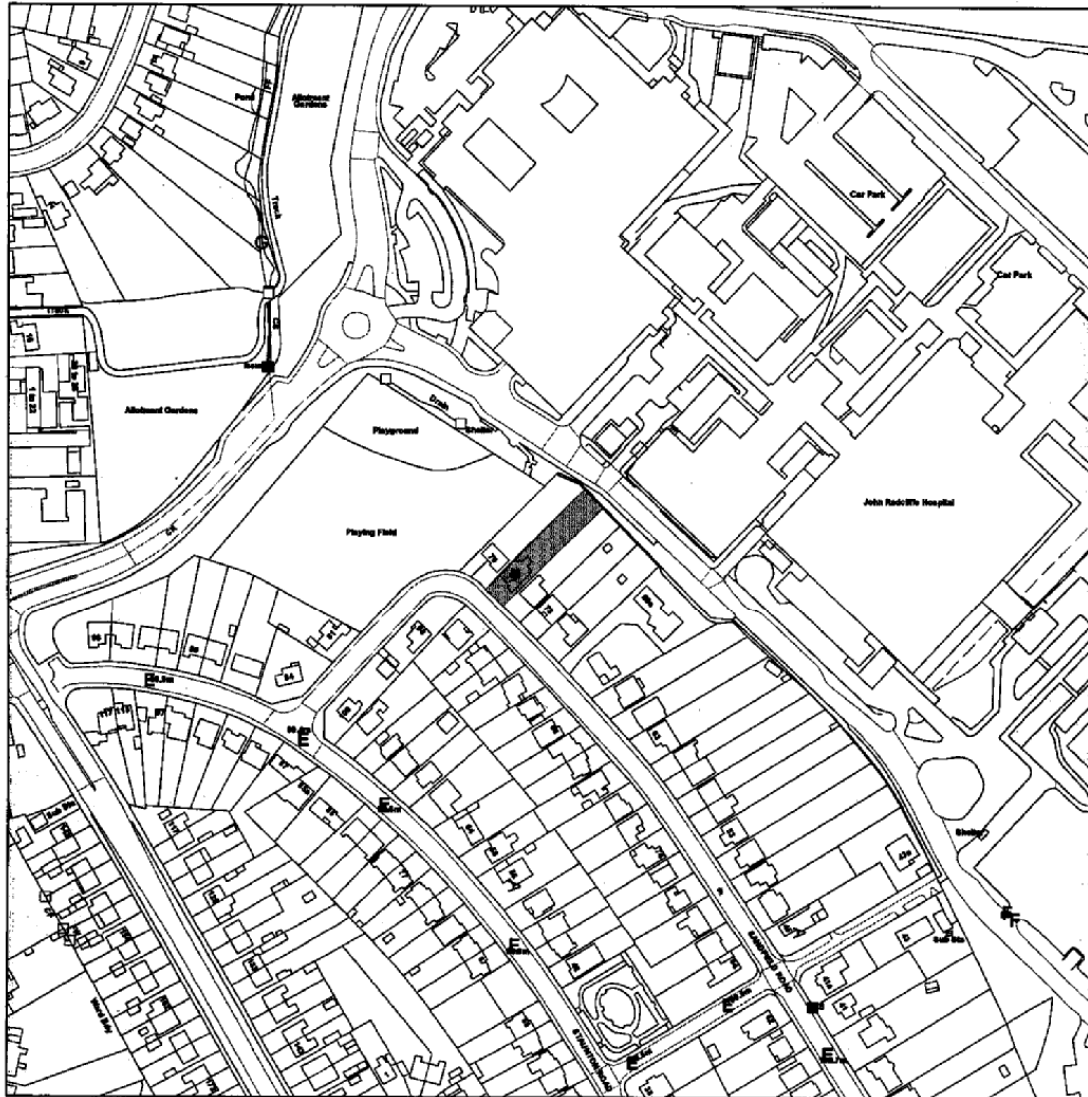
Contact Officer: Steven Roberts

Extension: 2221

Date: 9th December 2011

Appendix 1

11/02816/FUL 77 Sandfield Road



Scale : 1:2500

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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	15 December 2011
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