

East Area Committee

1st February 2012

Application Number: 11/02885/FUL

Decision Due by: 4th January 2012

Proposal: Subdivision of existing garden serving 51 Littlemore Road. Demolition of existing garages and erection of detached 2 storey, 4 bedroom dwelling provision of 2 car parking spaces access off Van Diemens Lane. Provision of bin and cycle stores and private amenity space.

Site Address: 51 Littlemore Road Oxford (Site plan attached at **Appendix 1**)

Ward: Littlemore Ward

Agent: Demarcation Design

Applicant: Mr P Carney

Application Called in – by Councillors – Tanner, Lloyd-Shogbesan, Timbs and Sinclair
for the following reasons – overdevelopment and local concern

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposal is considered acceptable as the site lies within an accessible urban area and its development is consistent with policies encouraging the efficient use of land and it will add to the balance and mix of dwellings within the area. It is considered to form an appropriate relationship with and respect the character and appearance of the area and does not impact on the immediate neighbours in a detrimental way. It also provides adequate amenity space, cycle parking and car parking. Given the plot can adequately provide all the requirements of the Oxford Local Plan 2001-2016 it is not considered to be an overdevelopment of the site.
- 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 Vision Splays
- 5 Vehicles/cycles/bins
- 6 Surface Water Run Off
- 7 Sustainability
- 8 Remove outbuildings
- 9 Landscape plan required
- 10 Landscape carry out by completion
- 11 Design - no additions to dwelling
- 12 Amenity no additional windows
- 13 No outbuildings 51 Littlemore Rd

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
- CP11** - Landscape Design
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities
- HS19** - Privacy & Amenity
- HS20** - Local Residential Environment
- HS21** - Private Open Space

Oxford Core Strategy (OCS)

CS2_ - Previously developed and greenfield land

CS9_ - Energy and natural resources

CS18_ - Urb design, town character, historic env

CS22_ - Level of housing growth

CS23_ - Mix of housing

Sites and Housing Development Plan Document (SHDPD) (proposed submission consultation January 2012)

HP2 – Accessible and Adaptable Homes

HP9 – Design, Character and Context

HP10 – Developing Residential Gardens

HP11 – Low Carbon Homes

HP12 – Indoor Space

HP13 – Outdoor Space

HP14 – Privacy and Daylight

HP15 – Residential Cycle Parking

HP16 – Residential Car Parking

Other Material Considerations:

PPS1 Delivering Sustainable Development

PPS3 Housing

Supplementary Planning Document: Parking Standards, TAs and TPs Adopted Feb 2007.

Supplementary Planning Document Balance of Dwellings Adopted Jan 2008.

Better Places to Live 2002

Relevant Site History:

76/00219/A_H - Erection of garage and extension to house to form Loggia, W.C., porch and extension to kitchen. PER 11th August 1976.

76/00245/SON_H - Formation of vehicular access. PER 13th July 1976.

94/00030/NF - Two storey side extension and single storey front and rear extension including new pitch roof over existing rear addition (Amended plans). PER 12th May 1994.

11/01564/FUL - Sub-division of existing garden serving 51 Littlemore Road. Demolition of existing garages, erection of a detached two-storey 4 bedroom dwelling, creation of 2 car parking spaces accessed from an existing vehicular access onto Van Diemens Lane (Amended Plans). WDN 3rd August 2011.

Representations Received:

49 Littlemore Road: overlooking, loss of privacy, loss of light, loss of view, overdevelopment, doesn't comply with 45/25 degree rule in relation to ground floor

windows and French doors, poor design, garden grabbing.

1 Van Diemans Lane: overdevelopment, too high, intrusive, lack of parking, inadequate access,

3 Van Diemans Lane: development too high, lack of parking, loss of parking, overdevelopment.

1A Van Diemans Lane: close to adjoining properties, too high, inadequate car parking, increase in traffic, loss of light, loss of privacy, out of keeping, over development.

55 Littlemore Road: close to adjoining properties, too high, inadequate car parking, loss of light, loss of privacy, out of keeping.

47 Littlemore Road: close to adjoining properties, too high, loss of light, loss of privacy

53 Littlemore Road: overlooking, loss of privacy, overbearing, loss of sunlight/daylight, loss of view, increase in noise, greenfield land, loss of car parking.

Statutory and Internal Consultees:

Thames Water Utilities Ltd: no objection

Highways Authority: no objections subject to conditions regarding SUDS and vision splays

Issues:

Principle
Design
Residential Amenity
Car Parking
Cycle Parking
Sustainability

Officers Assessment:

Site Description

1. The application site comprises the rear half of the garden to 51 Littlemore Road which has access of Van Diemans Lane. Van Diemans Lane comprises a mix of semi detached and detached residential properties. The site currently has a detached garage located on it for two cars.

Proposal

2. The application is seeking permission for the erection of a detached 2 storey, 4 bed dwelling in the rear garden of 51 Littlemore Road with access off Van Diemans Lane.

Assessment

Principle

3. In June 2010, Annexe B to PPS3 was changed in respect of domestic gardens in that they are no longer included within the definition of 'previously developed land'. Whilst this does not constitute an embargo on new housing development involving garden land, it is now necessary to assess the value of the site and whether its loss as open, garden land would detract from the character and appearance of the area.
4. The revised PPS3 does not outlaw garden development; when considering such proposals, decision-makers will need to balance carefully the need to comply with the overall objectives of government planning policy and a general requirement to help to deliver new housing in accordance with relevant targets, against the general need to ensure that existing amenity levels are not unacceptably harmed.
5. PPS3 also identifies the need to make efficient use of land and this is reflected in Policy CP6 of the Oxford Local Plan which states that development proposals should make efficient use of land by making the best use of site capacity. However it goes on to say that this should be in a manner that does not compromise the character of the surrounding area.
6. The site is currently occupied by a double flat roof garage therefore it is considered that the open, garden land has already been lost due to the garage therefore the inclusion of the new dwelling would not detract from the character and appearance of the area given its design and use of materials.
7. The City Council has recently approved the Site and Housing Development Plan Document (SHDPD) which will now go out to consultation before examination by an Inspector. It forms part of Oxford's Development Framework and although not adopted it does carry weight as a material consideration in determining planning applications. The SHDPD adds credence to the use of residential garden land for residential development as it seeks to strike a balance between the contribution of gardens to the local character and the need to ensure that suitable land can be used for well-designed residential developments. Therefore the approach within this proposal is consistent with policy HP10 of the SHDPD.
8. In policy HS8 of the OLP, 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. Policy HS8 is supported by the Balance of Dwellings Supplementary Planning Document (SPD) and provides an evidence base for the need to ensure a mix of dwelling types in the different neighbourhood areas set out in the SPD. These are red, amber and green. The site lies within an amber area. Amber shows that pressure is considerable so the Council needs to safeguard family dwellings and achieve a reasonable proportion of new family dwellings as part of the mix form new developments.

9. For residential developments of 1-3 units in an amber area there should be no loss of family units. In this instance there is no loss of any residential units and the creation of a four bed unit. Therefore in terms of the SPD the proposal is considered acceptable.

Design

10. Policy CS18 of the Core Strategy (CS) states planning permission will only be granted for development that demonstrates high quality urban design. This is reiterated in policies CP1 and CP8 of the Oxford Local Plan (OLP). Policy CP1 states that planning permission will only be granted for development that respects the character and appearance of the area and which uses materials of a quality appropriate to the nature of the development, the site and its surroundings.
11. Policy CP8 of the Oxford Local Plan 2001-2016 suggests the siting, massing and design of the proposed development creates an appropriate visual relationship with the form, grain, scale, materials and details of the surrounding area.
12. The proposed new dwelling is two storey and detached. It is to be constructed in red brick and render with a clay tile simple hip roof. The bottom half is to be brick with the upper half to be rendered. To the front elevation is a double height bay window. The new dwelling is very similar in design and scale to 1 Van Diemens Lane and the proposed materials are typical of Van Diemens Lane. The proposal is therefore considered form an appropriate relationship and respects the character and appearance of the area.
13. Landscaping is proposed to be required and implemented by conditions to ensure that the new dwelling is better assimilated into its surroundings. Samples of materials are also required to be approved for the same reason.

Residential Amenity

14. Policies HS19 and CP10 of the OLP require the correct siting of new development to protect the privacy of the proposed or existing neighbouring, residential properties. The general rule of thumb for minimum "back-to-back" distance is 20m. This proposal meets this requirement and there is a back to back distance with 51 Littlemore Road of 22m. It may be argued that bedrooms facing bedrooms do not create such a serious problem as a living room/bedroom or living room/living room confrontation due to the general use of the rooms and the times they are used. Therefore Officers do not consider there to be an undesirable issue of overlooking or loss of privacy to the habitable rooms of properties fronting Littlemore Road that face back towards the site. A condition is also recommended to remove permitted development rights for further windows in order that the Council can consider whether these would be acceptable.

15. Policy HS19 of the OLP sets out guidelines for assessing development in terms of whether it will allow adequate sunlight and daylight to reach the habitable rooms of neighbouring dwellings. This policy refers to the 45/25-degree code of practice, detailed in Appendix 6 of the OLP. For the purpose of these guidelines a habitable room includes a kitchen as well as living rooms, dining rooms, studies, bedrooms and/or playrooms.
16. The proposal does not breach the 45/25-degree code in relation to the properties fronting Littlemore Road. There are windows in the side elevation of 1A Van Diemens Lane; these serve a hall, a cloak room and a kitchen. The kitchen window is the only window that the assessment of sunlight/daylight should be applied to. In the case of windows in side elevations, development will not normally be allowed to intrude over a line drawn at an angle of 45 degrees in the vertical plane from the sill. The 45 degree line is not breached when applied to this kitchen side window. The kitchen also has a window and part glazed door on the rear elevation so it is officers' opinion that the kitchen at 1A Van Diemens Lane will receive adequate sunlight and daylight.
17. Policy HS19 also allows the City Council to assess proposals in terms of sense of enclosure or being of an overbearing nature. As discussed above the "back to back" distance is 22m with 51 Littlemore Road therefore the proposal is not considered to be overbearing or create a sense of enclosure on the rear of the properties fronting Littlemore Road due to this distance. The proposed new dwelling runs along the boundary of the rear garden of 49 Littlemore Road. It is acknowledged that the proposal will be overbearing on this section of their garden however it is at the end of a 43m length garden. The majority of usage of a garden occurs close to the property where there is interaction between the indoor and outdoor spaces. It is officers' opinion therefore that the impact is not significant enough to warrant a refusal.
18. The proposal is a minimum distance of 3.9m from 1A Van Diemens Lane and a maximum distance of 6.8m and it is only 1m higher, at its highest point, than 1A Van Diemens Lane. Given its height and distance from 1A Van Diemens Lane Officers do not consider the proposal to be overbearing or create a sense of enclosure on 1A Van Diemens Lane and its garden area.
19. Policy HS21 states that planning permission will not be granted for proposals involving residential uses where insufficient or poor quality private open space is proposed. Both the existing property and the proposed will have gardens of 10m in length which meets the requirements of policy HS21. However the majority of the proposed amenity space for the existing property is covered by outbuildings leaving inadequate amenity space for the dwelling. The applicant has indicated that these outbuildings are to be removed in order to provide adequate amenity space. The removal of the outbuildings can be dealt with via a condition and another condition can be added to prevent further outbuildings being constructed in the future.

20. Concerns have been raised over the loss of views down and beyond Van Diemens Lane however it is accepted that there is no private "right to a view" that the planning system should protect.

Car Parking

21. Policy TR3 of the OLP states Planning Permission will only be granted for development that provides an appropriate level of car parking spaces, no greater than the maximum parking standards shown in Appendix 3 of the OLP. The maximum provision considered for a four bed dwelling is 3 spaces. Two spaces are proposed. Officers consider this acceptable as the site is in a sustainable location close to the Cowley Centre with its amenities and frequent bus services into the City Centre. The parking spaces will be secured by condition.
22. The Design and Access statement submitted with the application states "the property (51 Littlemore Road) has 2 existing on plot spaces which are accessed off Littlemore Road itself". Having conducted a site visit Officers discovered this is in fact not true. However, the site is not within a controlled parking zone and the Highway Authority have raised no objections to the scheme in terms of parking and highway safety therefore officers' consider the level of car parking proposed to be acceptable.

Cycle Parking

23. 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 of the OLP. 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. Cycle parking has been integrated into the design; it is located within the rear garden which is a secure location. The cycle parking, along with appropriate refuse and recycling storage, will be secured by condition.

Sustainability

24. The application site lies within a sustainable location in that it is within walking distance of the Cowley Centre and its amenities and frequent public transport services to and from the city centre. The proposal will make efficient use of the land and will provide family accommodation.
25. Parts of the Building Regulations, in particular Part G (Sanitation, Hot Water Safety and Water Efficiency) and Part L (Conservation of fuel and power), including the Code for Sustainable Homes and the Energy Performance Certificates for Construction, aim to help reduce carbon emissions and protect the environment. The Code for Sustainable Homes is the national standard for the sustainable design and construction of new homes. The Code aims to reduce our carbon emissions and create homes that are more sustainable.

26. Notwithstanding the details contained within the application and the need to meet the requirements of the Building Regulations a condition is suggested for information on how sustainable design and construction methods will be incorporated into the building(s) and how energy efficiency has been optimised through design and by utilising technology that helps achieve Zero Carbon Development.

Conclusion:

For the reasons given above and taking into account all other matters raised officers conclude that the proposal accords with all the relevant policies within the Oxford Core Strategy 2026 and the Oxford Local Plan 2001-2016 and therefore recommend approval as the site lies within an accessible urban area and the development is consistent with policies encouraging the efficient use of land and it will add to the balance and mix of dwellings within the area. It is considered to form an appropriate relationship with and respect the character and appearance of the area and does not impact on the immediate neighbours in a detrimental way. It also provides adequate amenity space, cycle parking and car parking. Given the plot can adequately provide all the requirements of the Oxford Local Plan 2001-2016 it is not considered to be an overdevelopment of the site.

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:

Contact Officer: Lisa Green

Extension: 2614

Date: 9th December 2011

Appendix 1

11/02885/FUL 51 Littlemore Road



GIS by ESRI (UK)



Scale : 1:1250

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