

**Oxford City Planning Committee**

17th September 2024

**Application number:** 24/01356/FUL

**Decision due by** 31st July 2024

**Extension of time** 17th September 2024

**Proposal** Demolition of garage and rear extension. Erection of a part single, part two storey side and rear extension with integral garage. Formation of rear dormer and raising of existing ridgeline in association with a loft conversion. Insertion of rooflights and PV panels to front roof slope and an air source heat pump. Alterations to fenestration. (Amended description and plans).

**Site address** 145 Howard Street, Oxford, Oxfordshire, OX4 3AZ – see **Appendix 1** for site plan

**Ward** Donnington Ward

**Case officer** Nia George

**Agent:** Mr Richard Prangle      **Applicant:** Ms Caroline Green

**Reason at Committee** The applicant is a member of staff.

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## 1. RECOMMENDATION

1.1. Oxford City Planning Committee is recommended to:

1.1.1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission.

1.1.2. **agree to delegate authority** to the Head of Planning Services to:

- finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary.

## 2. EXECUTIVE SUMMARY

2.1. This report considers a proposal to demolish a garage and rear extension and the erection of a part single, part two storey side and rear extension with integral garage. The proposal also includes the formation of a rear dormer, raising of the existing ridgeline in association with a loft conversion, the insertion of roof lights, PV panels, and an air source heat pump, as well as alterations to fenestration.

2.2. This report considers the following material considerations:

- Design and impact upon local heritage assets
- Neighbouring amenity
- Vehicle parking and highways safety
- Bicycle storage
- Drainage
- Ecology

2.3. The proposed development is acceptable with regards to its design and would not cause any detrimental harm upon the character and appearance of the dwelling itself or the streetscene of Howard Street, nor the setting of the locally listed Donnington Arms. The proposals would not cause any detrimental impacts upon the amenity of any neighbouring dwellings, and nor would the proposals cause any impacts in relation to drainage or ecology. In addition the proposal would not cause any detrimental impacts associated with vehicle and bicycle parking nor highways safety, subject to conditions. As such the proposals are considered to comply with the policies of the Oxford Local Plan, and the NPPF.

2.4. Officers consider that the proposals would be acceptable and that the development would accord with the policies of the development plan when considered as a whole and the range of material considerations and support the grant of planning permission.

2.5. It must be noted that amended plans were received during the course of the application amending the design of the front fenestration and solar panels. It is these revised plans upon which the application is considered. Due to the minor changes made, there was no need to re-advertise the application.

### **3. LEGAL AGREEMENT**

3.1. This application is not subject to a legal agreement.

### **4. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

4.1. The proposal is not liable for CIL.

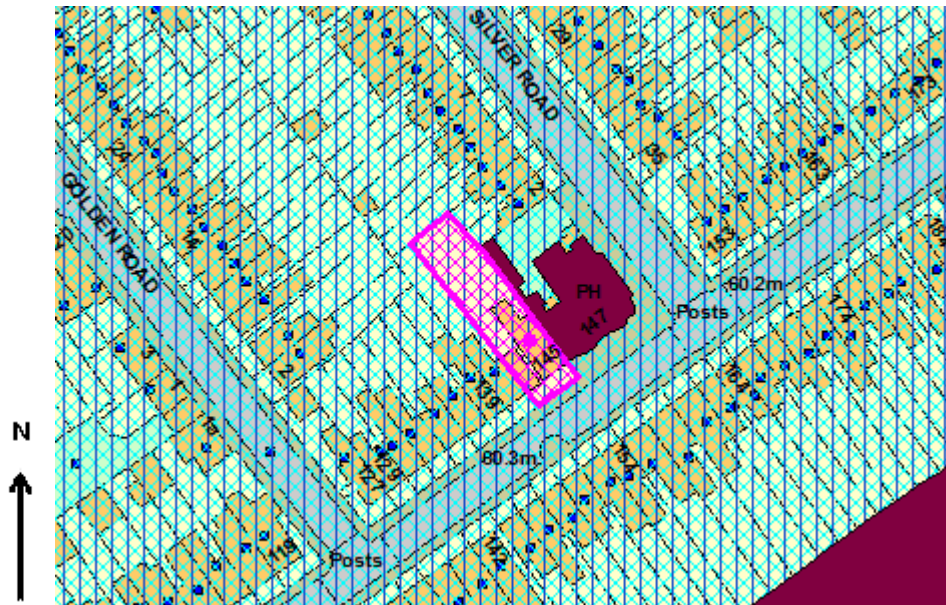
### **5. SITE AND SURROUNDINGS**

5.1. The site is a two storey dwelling located on the northern side of Howard Street. The property currently benefits from a lean-to single storey garage at the western site of the plot, and to the rear benefits from a part single, part two storey rear projection.

5.2. To the east of the application site lies the former Donnington Arms which is a local heritage asset; added to the Oxford Heritage Register in 2015. Currently the

building is in use as a restaurant, however the building was originally built for Halls' Brewery in 1935 as a public house.

5.3. See block plan below:



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## 6. PROPOSAL

6.1. The application proposes to demolish a garage and rear extension and erect a part single, part two storey side and rear extension with integral garage. The proposal also includes the formation of a rear dormer, raising of the existing ridgeline in association with a loft conversion, the insertion of roof lights, PV panels, and an air source heat pump, as well as alterations to fenestration.

## 7. RELEVANT PLANNING HISTORY

7.1. There is no relevant planning history for the application site.

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan
Design	131-141	<b>DH1</b> – High quality design and placemaking
Conservation/Heritage	195-214	<b>DH5</b> – Local Heritage Assets

<b>Housing</b>	60-84	<b>H14</b> – Privacy, daylight, and sunlight
<b>Natural environment</b>	180-194	<b>RE4</b> – Sustainable and foul drainage, surface and groundwater flow <b>G2</b> – Protection of biodiversity and geodiversity
<b>Transport</b>	108-117	<b>M3</b> – Motor vehicle parking <b>M4</b> – Provision of electric charging points <b>M5</b> – Bicycle Parking
<b>Environmental</b>	180-194	<b>RE7</b> – Managing the impact of development <b>RE8</b> – Noise and vibration
<b>Miscellaneous</b>	7-14	<b>S1</b> – Sustainable development

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 18th June 2024. Whilst amended plans were received during the course of the application, given that the amendments only altered the scale of the fenestration proposed to the front of the property and reduced the number of solar panels proposed, there was no need to re-advertise the application given the minor changes.

### **Statutory and non-statutory consultees**

Oxfordshire County Council (Highways)

9.2. No objection, subject to condition

### **Public representations**

9.3. No representations were received.

## 10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- Design and impact upon local heritage assets

- Neighbouring amenity
- Vehicle parking and highways safety
- Bicycle storage
- Drainage
- Ecology

**a. Design and impact upon local heritage assets**

- 10.2. Policy DH1 states that planning permission will only be granted for development of high quality design that creates or enhances local distinctiveness, and where proposals are designed to meet the key design objectives and principles for delivering high quality development as set out in Appendix 6.1.
- 10.3. Policy DH5 states that permission will only be granted for development affecting a local heritage asset or its setting if it is demonstrated that due regard has been given to the impact upon the asset's significance and its setting and that it is demonstrated that the significance of the asset and its conservation has informed the design of the proposed development.
- 10.4. Paragraph 209 of the NPPF also states that the effect of an application on the significance of a non-designated heritage asset should be taken in account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 10.5. Howard Street comprises predominantly of two storey residential dwellings. The dwellings are all slightly set back from the road behind small front gardens, and whilst primarily the dwellings are arranged in short and long rows of terraces, there are a few examples of semi-detached and detached dwellings along the road.
- 10.6. The application site is a two storey dwelling attached to the former Donnington Arms (now in use as a restaurant) directly to the east. To the west there is a short terrace of two storey dwellings, in which currently the single storey garage at the application site is attached to and separates the dwelling itself from the rest of the terrace.
- 10.7. As noted previously in this report, the former Donnington Arms is a local heritage asset; added to the Oxford Heritage Register in 2015. Currently the building is in use as a restaurant, however the building was originally built for Halls' Brewery in 1935 as a public house. The building has both historic and architectural interest; it is an example of the 'improvement public houses' style produced in the inter-war years, which was intended to change the perception of public houses by making them more aspirational destinations.

10.8. Due to the proposed development at the application site comprising of a number of elements, the design section has been separated into the following sub-headings which consider each element of the proposal.

*Alterations to existing roof*

10.9. It is proposed to raise the existing ridgeline of the host dwelling in association with the proposed loft conversion to gain additional internal head height by 26cm. As mentioned before the property is separated from the terrace of dwellings to the west of the site and given that the proposed two storey side extension would be located between the start of the terrace and the host dwelling, it is considered that the slight increase in height would not be prominently noticeable. In relation to the former Donnington Arms, although the dwelling is attached to it, this building has a flat roof and is much higher whereas the application site has a lower pitched roof. As such it is considered that due to the site context and the minimal increase in height proposed, that this element of the scheme would not cause any harm to the character or appearance of the dwelling, nor to the setting of the adjacent locally listed heritage asset.

10.10. It is proposed for three roof lights to be inserted onto the front roof slope and for solar panels to be installed just below these on the roof slope. Originally it was proposed for the roof lights to be placed high at the top of the roof with panels filling the roof below, which officers considered to not represent good quality design, cluttering the roof. Amended plans were received which reduced the number of panels and the roof lights are now proposed to be sited lower down on the roof slope. This proposed change is considered to now result in a more proportionate and balanced roof scape which would not appear overly cluttered. The roof lights themselves would not appear out of character given that various properties along Howard Street feature roof lights, and the number and size proposed would be considered appropriate for the size of the roof slope.

10.11. Whilst solar panels located on the front roof slope of dwellings are not common along Howard Street, Officers consider that their introduction in the street would not be highly out of character given the varied age and design of properties. Although solar panels are typically utilitarian additions, it is considered that given they would be arranged in a uniform layout in the centre of the roof, that these would not detract from the character or appearance of the dwelling, nor to the setting of the adjacent locally listed heritage asset.

*Alterations to the existing front fenestration*

10.12. The existing dwelling has a projecting bay window at ground floor level next to the entrance door, with two windows above at first floor level. It is proposed to replace the existing UPVC openings on the front elevation of the property with white timber/timber-effect composite sash windows and door. It is considered that this proposed change from UPVC to timber or timber-effect composite would be a positive improvement to the character and appearance of the property which would enhance the appearance from Howard Street. It is considered that the alterations would be an improvement to the property and would not cause any harm to the setting of the locally listed building next door.

*Demolition of garage and erection of two storey side extension*

- 10.13. Currently at the western side of the dwelling there is a single storey lean-to garage. It is proposed to demolish this existing garage and to replace it with a two storey side extension. This would infill the entire width between the host dwelling and 141 Howard Street to the west, and would feature a garage at ground floor level, with living accommodation above. At ground floor it is proposed for there to be a new garage door and at first floor level two new sash windows. The extension would be set back from the principal elevation of the dwelling by 30cm, and would have a pitched roof set down from the ridgeline of the host dwelling by 25cm. The two storey side extension would extend for 7m in depth, in line with the original rear elevation of the host dwelling.
- 10.14. It is considered that the existing garage is not of a high quality design and given that garages are not common within Howard Street nor contribute positively to the character of the street, that as such its demolition would be acceptable in principle.
- 10.15. As noted previously, the character of Howard Street is varied with some detached and semi-detached properties, however predominantly there are rows of terraced properties. It is considered that the proposed replacement of the single storey garage with a two storey infill extension would due to the site context not detrimentally impact upon the character or appearance of Howard Street, as the existing gap between the host dwelling and 141 Howard Street is not an important feature of the streetscene. The infill extension would essentially join the host dwelling up with the rest of the terrace to the west, and as such would not be out of keeping. Whilst the dwelling would effectively have a frontage nearly twice the width of the other properties in the terrace, given that the terrace is not entirely uniform, it would not be considered highly prominent. The terrace to the west features varying materials, varied styles of openings particularly at ground floor level, and the property on the western end of the terrace has its frontage facing onto Golden Road. As such on this occasion due to the pattern and grain of development along Howard Street, it is considered that the removal of the gap between the site and 141 Howard Street would be acceptable; fitting comfortably into the streetscene.
- 10.16. The proposed extension would be set back and set down from the main dwelling which would ensure that it has a subservient relationship to the host dwelling. It is considered that the design of the fenestration as amended would be acceptable, with a white timber/timber-effect composite door and two sash windows above, in which the scale of the windows would appropriately respond to the design of the windows located at first floor level on the main dwelling with matching stone window headers and cills. The extension would be finished in brick and roof tiles to match the host dwelling, and as such the extension proposed would be considered overall to have a high quality design which would complement the host dwelling, and would not give rise to any harm to the setting of the locally listed heritage asset.
- 10.17. It is also proposed for the front roof slope of the extension to feature solar panels alike those proposed on the roof slope of the main dwelling. Although solar panels are typically utilitarian additions, it is considered that given they

would be arranged in a uniform layout in the centre of the roof, that these would not detract from the character or appearance of the dwelling, nor to the setting of the adjacent locally listed heritage asset.

*Part single, part two storey rear extension*

- 10.18. It is proposed to erect a part single, part two storey rear extension which would partially extend to the rear of the proposed side extension. At ground floor it is proposed to erect a flat roofed extension which would measure 3m tall. It would have a stepped layout where it would extend for a maximum depth of 7.4m along the boundary with the former Donnington Arms, and near to the boundary of 141 Howard Street the wider element would measure 2.3m in depth. Above this flat roofed extension the first floor part would feature a pitched roof and which would partially replace the existing first floor projection. This would measure 3.9m in width and 3.9m in depth.
- 10.19. In relation to the single storey rear extension, it is considered that this would be a sizeable addition to the property, however given the depth and scale of the existing ground floor projection at the site, coupled with the fact that many of the neighbouring dwellings have large ground floor extensions, it is considered that the scale of the single storey extension would not be out of character with the surrounding area and on balance would be acceptable in design terms. It is proposed to finish the extension in brick to match the existing dwelling, and there would be contemporary elements with a metal clad header above aluminium framed Crittall style sliding doors. Although the design of the extension would be contemporary in design and would deviate from the more traditional design elements of the property, given the flat roofed form and the high quality choice of materials proposed, overall it is considered that the design would be appropriate and of a high quality, particularly given it is single storey only and of limited visibility outside the site.
- 10.20. In relation to the first floor extension, given that the design and siting of the extension would largely reflect the existing rear projection, coupled with the limited increase in width, and the subservient form of the roof with eaves matching the host dwelling and the ridgeline being set down, that overall this element would be a subservient addition which would not be out of character. It is appreciated that the extension would extend off the rear wall of the proposed dormer window (discussed further below), and whilst this is unfortunate, again given the presence of other examples of such design in the local area, it would be considered unreasonable to refuse permission on this basis alone.
- 10.21. The top of the first floor rear extension would be visible from Silver Road where there is a view of the rear of the former Donnington Arms. Given that the design of the first floor extension is considered to be of a traditional design with sympathetic materials, it is considered that this would be of an appropriate design which would help blend in with the backdrop of the view and would not detract from the setting of the Donnington Arms.

*Rear dormer window*



10.22. It is proposed in association with a loft conversion to erect a flat roofed rear dormer window on the rear roof slope of the property. This would measure 4.5m in width, 2.65m in height, and 3.6m in depth; essentially spanning the entire rear roof slope. Whilst large flat roofed dormer windows are not considered to be typically of a high quality design, there are many examples of dormer windows in the local area. Due to householder permitted development rights which allow such alterations to a roof, these have been erected along many properties within the street without needing the Local Planning Authority's consent. As such, it is considered that it would be unreasonable to object to the principle of such an addition where they are very common within the immediately locality.

10.23. In terms of the detailed design of the dormer, it would be finished in wall hung tiles to match the roof on its cheeks, which is considered to be an appropriate finish as this would help mitigate any stark contrast from the roof itself. Aluminium frame windows are proposed at the rear and it is considered that the finish and design proposed would continue the window hierarchy as they replicate the size and design of the windows at first floor level.

10.24. The rear dormer would be visible from the same view described previously on Silver Road, where the rear of the former Donnington Arms is clearly visible. Whilst the dormer window would be a large addition to the roof, Officers consider that given its sympathetic design, particularly the use of roof tiles to clad the cheeks which would not form a stark contrast with the rest of the roof, that the dormer would not cause any harm to the setting of the former arms and its architectural interest.

#### *Air source heat pump*

10.25. It is proposed to install an air source heat pump within the rear garden. This would measure 0.65m in height, 0.83m in width, and 0.28m in depth. This would be a relatively small structure which would not be visible from the public realm, and as such although air source heat pumps can be rather utilitarian in their design, it is considered in this instance that the addition would not be harmful to character and appearance of the property. This addition would also not be sited within the setting of the Donnington Arms.

10.26. Overall it is considered that the proposal would be considered to comply with Policies DH1 and DH5 of the Oxford Local Plan and the NPPF, and that no harm would be caused by the proposals upon the setting of the former Donnington Arms. It must be noted that this assessment has been based upon the amended plans only.

#### **b. Neighbouring amenity**

10.27. Policy H14 states that planning permission will only be granted for new development that provides reasonable privacy, daylight and sunlight for occupants of both existing and new homes, and does not have an overbearing effect on existing homes. Appendix 3.6 of the Oxford Local Plan sets out guidelines for assessing the loss of sunlight and daylight using the 45/25 degree code.

10.28. Policy RE7 states that planning permission will only be granted for development that ensures that the amenity of communities, occupiers and neighbours is protected.

10.29. Policy RE8 states that planning permission will only be granted for development proposals which manage noise to safeguard or improve amenity, health, and quality of life. Planning permission will not be granted for development that will generate unacceptable noise and vibration impacts.

10.30. The site in question is located between 141 Howard Street and Everest Nepalese Restaurant; the former Donnington Arms.

*141 Howard Street*

10.31. 141 Howard Street is a two storey end of terrace property located to the west of the application site. It currently benefits from a part single, part two storey rear projection. The proposed two storey side extension would not extend beyond the front elevation of the neighbouring dwelling. As such the daylight and outlook afforded to the front facing openings would not be detrimentally impacted, nor would the neighbours privacy. There are also no openings located on the eastern side elevation of the neighbouring building which would be affected by the two storey infill side extension.

10.32. At the rear of no. 141, there are glazed doors serving the kitchen/diner. The 45 degree angle test has been applied to these doors and the proposal would not contravene this angle. On the side of the neighbours ground floor extension there is a window serving a utility room, however given this is not a habitable room the 45 degree uplift angle test does not need to be applied to this opening.

10.33. There is also at ground floor level on the original rear elevation of the property a window serving a lounge. Officers have applied the 45 degree angle test to this opening and the proposed ground floor rear extension would significantly contravene this. The 25 degree uplift angle test has also been applied to this window and the proposed rear extension would also contravene this. Although the rear extensions would not comply with the test, Officers note that the existing rear projections at the site already contravene both of these mentioned angles too. As such this opening would receive at present limited light. It is also noted that the neighbouring lounge benefits from a second source of light from the front ground floor bay window; the lounge has an opening directly into the front sitting room. As a result, on balance, Officers considered that it would be unreasonable to refuse the application in this regard as the room would still receive light from the opening to the front of the site which would not be impacted by the proposals.

10.34. There is a rear facing window at first floor level which serves a bedroom. The 45 degree angle test has been applied to this opening and the proposed first floor rear extensions would not contravene this angle. As such it is considered that the daylight afforded to this room would not be detrimentally impacted by the extensions.

10.35. The neighbouring dwelling has a rear roof light serving the loft. The proposed raised ridgeline and rear dormer window would be situated over 3.3m away from

the shared boundary, and therefore it is considered that the alterations to the roof would be located a sufficient distance away from this roof light so not to detrimentally impact upon the daylight.

- 10.36. The ground floor extension would have a total depth of 7.3m which is significant. Officers consider however that due to the stepped alignment of the extension, coupled with the neighbours benefitting from a deep extension of their own at some parts spanning the full width of site to the boundary, that the stepped alignment would mitigate its potential impact upon the outlook afforded to the neighbour, and that overall the proposal would not be overbearing.
- 10.37. Although the first floor rear extension would be 1m closer to the neighbour, given it would not extend further in depth compared to the existing projection and its pitched roof where the ridgeline would be located over 4.2m away from the boundary, that this element would not be overbearing, nor detrimental upon outlook. Whilst the dormer would be a large addition to the roof, given this would be contained on the roof slope and would not extend beyond the rear elevation of the neighbouring property, it is considered that this would not detrimentally impact upon outlook, nor would it be overbearing to no. 141.
- 10.38. There are openings proposed to the side of the ground floor extension which would serve the utility/boot room and the W.C. Although located in close proximity to the neighbouring dwelling, given its siting at ground floor level and the tall boundary treatment between the sites, it is considered that these openings would not overlook the neighbour. There are no openings proposed to the side of the first floor extension and although there would be openings introduced at second floor level height to the rear within the proposed dormer, it is considered that these openings would not create new views when compared to the existing first floor rear projection window.

*Everest Nepalese Restaurant*

- 10.39. Although at ground floor the neighbouring building comprises of a restaurant, at first floor level there is a flat used for residential accommodation.
- 10.40. Given that the proposed two storey side extension would not extend beyond the front elevation of the host dwelling, this element of the scheme would not detrimentally impact upon any openings to the front serving the neighbouring flat. For the same reasons it would not detrimentally impact upon the privacy or outlook afforded to the neighbouring flat, nor would it be considered overbearing.
- 10.41. Due to the flat being located at first floor level, the proposed ground floor rear extension would be considered not to detrimentally impact upon the daylight afforded to the openings to the rear serving the flat, nor would it be overbearing, detrimental upon their outlook, nor would it be harmful to the occupiers' privacy.
- 10.42. In relation to the first floor rear extension, raised ridgeline and rear dormer window proposed, the 45 degree angle test has been applied to the north facing windows located closest to the application site. The window located immediately next to the shared boundary would be contravened however the second window would not be contravened. Although the window located next to the boundary

would be impacted, it is already contravened by the existing dwelling and therefore it is considered there would not be any further detrimental impact compared to the existing situation. The 45 degree uplift angle test has also been applied to the two side facing windows at first floor level facing the application site, and the proposals would not contravene this angle. It is therefore considered that the proposed first floor rear extension, raised ridgeline and rear dormer would not detrimentally impact upon the daylight afforded to this flat.

- 10.43. Although the property is proposed to be extended at first floor level to the rear, the proposed extension would not extend any closer to the flat when compared to the existing rear projection, nor would it extend any deeper than the existing first floor rear projection of the application site. It is appreciated that the height of the eaves and the ridgeline would be taller than the roof of the existing first floor projection. Nevertheless, given the extension would still be located 1.8m away from the shared boundary, the rear opening serving the flat (not on the boundary) being located 3.4m away, and the side facing windows being located over 7.5m away, Officers consider that the increased height would unlikely be harmful to the outlook of the neighbouring occupiers, nor would the proposal be overbearing.
- 10.44. With regard to the raised ridgeline and dormer window, the dormer would be contained on the roof slope, located 3.4m away from the rear facing window (not on the boundary), and would only project 1.9m in depth beyond this window. In relation to the side facing windows, the dormer would be located over 7.5m away. The raised ridgeline would not be noticeable from the rear facing openings and only very glimpsed views would be appreciated from the side facing window; nevertheless it is only proposed to increase by 26cm. Overall it is therefore considered that the proposals would not be detrimental upon the outlook from this flat or be overbearing.
- 10.45. No openings are proposed at first floor level to the eastern side of the property facing the flat. Furthermore the openings proposed to the rear of the dormer would be sited in front of the rear facing window serving the flat and the closest side window serving the flat. Whilst located behind the small side facing window serving the flat, this opening would be located at least 8.7m away and given the side facing opening is located immediately next to a protruding wall, and as such it is considered that the proposed openings within the dormer window would not overlook or detrimentally impact upon the privacy of the occupiers of this flat.
- 10.46. All other properties are considered to be located a sufficient distance away from the site and therefore there would likely be no impact upon their access to daylight, outlook or privacy.
- 10.47. An air source heat pump is proposed to be sited within the rear garden to the side of the single storey rear extension. Given its siting at ground level in the garden and its small size, it is considered that this element would not have any impact upon the neighbours in terms of loss of light, creating a sense of enclosure or loss of privacy.
- 10.48. The proposed air source heat pump would be sited generally in close proximity with other neighbouring dwellings, and it is noted that whilst air source heat pumps used for domestic premises usually have a low noise output, there is

still however the potential for noise to be generated causing a nuisance to other occupiers. Officers note however that the proposed siting of the air source heat pump would be located in a position which would be acceptable using permitted development rights, for which the application site has been checked and there has been no removal of permitted development rights for this property based on conditions attached to any previous planning consents. As such a formal noise assessment was not required, however to control potential noise issues and to ensure there would not be an increase in noise that would be harmful to the amenity of neighbouring properties, two conditions have been recommended which would ensure the noise does not exceed background levels, and that the pump would be mounted on anti-vibration isolators.

10.49. Given that the proposal includes a flat roofed extension to the rear, a condition has been recommended which would prevent the proposed flat roof being used as a platform, terrace or balcony as this use would be considered unacceptable, creating detrimental privacy impacts upon the neighbouring occupiers through direct/perception of overlooking, noise and disturbance.

10.50. Subject to the recommended conditions, the proposal would be considered to comply with Policies H14, RE7 and RE8 of the Oxford Local Plan 2036.

### **c. Vehicle parking and highways safety**

10.51. Policy M3 states that in CPZs where development is located within a 400m walk to frequent public transport services and within 800m walk to a local supermarket or equivalent facilities, planning permission will only be granted for residential development that is car-free. It also states that in the case of the redevelopment of an existing or previously cleared site, there should be no net increase in parking on the site from the previous level and the Council will seek a reduction where there is good accessibility to a range of facilities.

10.52. Policy M4 states that where additional parking is to be provided in accordance with Policy M3, planning permission will only be granted for new residential developments if:

a) provision is made for electric charging points for each residential unit with an allocated parking space; and

b) non-allocated spaces are provided with at least 25% (with a minimum of 2) having electric charging points installed.

10.53. Policy RE7 of the Oxford Local Plan 2036 states that planning permission will only be granted for development that does not have unacceptable transport impacts.

10.54. The application site is located within the Magdalen South Controlled Parking Zone. The site is located within an 800m walk of a local supermarket and within an 400m walk to a frequent public transport service. As such the site is eligible to be a car-free development.

10.55. It is proposed to demolish the existing garage on the site and within the proposed two storey side extension incorporate a garage at ground floor level.

Although the existing garage does not provide a compliant car parking space of 3m x 6m, evidence has been provided within the Design and Access Statement submitted for the application which shows that the garage has been used historically as a parking space.

- 10.56. The Local Highways Authority were consulted on the application and they noted that given evidence has been provided of the garage fitting a car inside, that as a result they consider the new garage would not constitute an increase in off-street parking on the site, and as such would not be contrary to Policy M3 as no net gain in parking would result.
- 10.57. Officers also note that it is proposed to install an electric vehicle charging point inside the garage. Whilst this would not be strictly required in accordance with Policy M4 as the proposal is not creating a new dwelling, this would be welcomed; encouraging the use of electric vehicles in the city.
- 10.58. The Local Highways Authority did note however that they had concerns regarding the construction phase of the project with Howard Street being an important two-way cycle route, having multiple parked cars on the carriageway and a high number of pedestrians using it at peak times. They noted that construction vehicles will need to be managed carefully to avoid peak times and park in appropriate locations without creating safety concerns to pedestrians and cyclists, with banksmen being present for any manoeuvring taking place. As such they raised no objection subject to a condition requiring a construction traffic management plan being submitted to and approved in writing prior to construction.
- 10.59. Subject to this condition, the proposal would be considered to comply with Policies M3, M4 and RE7 of the Oxford Local Plan 2036.

#### **d. Bicycle parking**

- 10.60. Policy M5 states that planning permission will only be granted for development that complies with or exceeds the minimum bicycle parking provision as set out in Appendix 7.3. Appendix 7.3 states that for a house with 3 or more bedrooms, at least 3 spaces per dwelling would be required. It also states that bicycle parking should be, well designed and well-located, convenient, secure, covered (where possible enclosed) and provide level, unobstructed external access to the street
- 10.61. It is proposed to accommodate bicycle storage within the garage. This would ensure that there is secure and covered space available for the occupiers to park any bicycles, and the location within the garage would provide well-located and convenient access to the road itself.
- 10.62. Although it has not been specified how many bicycles would be parked inside the garage, given that this is a householder application and the number of bicycles specified within Appendix 7.3 does not need to be strictly adhered to; rather being for new dwellings, the provision of cycle parking is welcomed.
- 10.63. As such the proposal would be considered to comply with Policy M5 of the Oxford Local Plan 2036.

### **e. Drainage**

- 10.64. Policy RE4 of the Oxford Local Plan states that all development is required to manage surface water through Sustainable Drainage Systems (SuDS) or techniques to limit run-off.
- 10.65. The site is located in Flood Zone 1 and is not at significant risk of flooding from any sources. However in accordance with Policy RE4, the development should be drained using a sustainable drainage system (SuDS).
- 10.66. Subject to a condition which requires the proposal to be drained using SuDS, the proposal would be considered to comply with Policy RE4 of the Oxford Local Plan 2036.

### **f. Ecology**

- 10.67. Policy G2 of the Oxford Local Plan states that development that results in a net loss of sites and species of ecological value will not be permitted. Compensation and mitigation measures must offset any loss and achieve an overall net gain for biodiversity.
- 10.68. All species of bats and their roosts are protected under the Wildlife and Countryside Act 1981 and The Conservation of Habitats and Species Regulations 2017 (as amended). These laws make it an offence to deliberately kill, injure or capture a bat; to damage, destroy or obstruct access to a breeding or resting place; and to intentionally or recklessly disturb a bat while in a structure or place of shelter or protection.
- 10.69. A preliminary ecological appraisal was submitted with the application in which the existing building was assessed to be of negligible suitability for roosting bats and no further surveys were recommended. No potential roosting features (PRFs) were identified externally or internally.
- 10.70. The Council's internal ecology officer was consulted on the proposal and they confirmed that they were satisfied that a robust assessment was undertaken and the potential presence of protected habitats and species has been given due regard.
- 10.71. The Local Planning Authority, in exercising any of its functions, has a legal duty to have regard to the requirements of the Conservation of Habitats and Species Regulations 2017, which identifies four main offences for development affecting European Protected Species (EPS):
1. Deliberate capture, injuring or killing of an EPS
  2. Deliberate disturbance of an EPS, including in particular any disturbance which is likely
    - a) to impair their ability –
      - i) to survive, to breed or reproduce, or to rear or nurture their young; or

ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate; or b) to affect significantly the local distribution or abundance of the species to which they belong.

3. Deliberate taking or destroying the eggs of an EPS

4. Damage or destruction of a breeding site or resting place of an EPS.

10.72. The Council's ecology officer also confirmed that they were satisfied that European Protected Species are unlikely to be harmed as a result of the proposals.

10.73. Subject to a condition which requires details of ecological enhancements to be submitted to the Local Planning Authority prior to occupation, and informatives reminding the applicant of their duty in relation to bats and wild birds, the proposal would be considered to accord with Policy G2 of the Oxford Local Plan, the Wildlife and Countryside Act 1981, The Conservation of Habitats and Species Regulations 2017 (as amended), and the NPPF.

## **11. CONCLUSION**

11.1. On the basis of the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes it clear that proposals should be assessed in accordance with the development plan unless material consideration indicate otherwise.

11.2. In the context of all proposals paragraph 11 of the NPPF requires that planning decision apply a presumption in favour of sustainable development. This means approving development that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in the Framework that protect areas or assets of particular importance provides a clear reasons for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

11.3. Therefore it would be necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which are inconsistent with the result of the application of the development plan as a whole.

### *Compliance with development plan policies*

11.4. In summary the proposed development is acceptable in regards of its design and would not cause any detrimental harm upon the character and appearance of the dwelling itself or the streetscene of Howard Street, nor the setting of the locally listed Donnington Arms. The proposals would not cause any detrimental impacts upon the amenity of any neighbouring dwellings, and nor would the proposals cause any impacts in relation to drainage or ecology. In addition the



proposal would not cause any detrimental impacts associated with vehicle and bicycle parking nor highways safety, subject to conditions. As such the proposals are considered to comply with the policies of the Oxford Local Plan, and the NPPF.

11.5. Therefore officers considered that the proposals would accord with the development plan as a whole.

#### *Material considerations*

11.6. The principal material considerations which arise are addressed above, and follow the analysis set out in earlier sections of this report.

11.7. Officers consider that the proposal would accord with the overall aims and objectives of the NPPF for the reasons set out in the report. Therefore in such circumstances, paragraph 11 is clear that planning permission should be approved without delay. This is a significant material consideration in favour of the proposal.

11.8. Officers would advise members that, having considered the application carefully, including all representations made with respect to the application, the proposal are considered to be acceptable in terms of the aims and objectives of the National Planning Policy Framework, and relevant policies of the Oxford Local Plan 2036, and that there are no material considerations that would outweigh these policies.

11.9. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions set out in section 12 of this report.

## **12. CONDITIONS**

### **Time limit**

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

### **Development in accordance with approved plans**

2. The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings and to comply with Policy DH1 of the Oxford Local Plan 2036.

### **Materials – as specified**

3. The materials to be used in the new development shall be those as specified on the approved plans. There shall be no variation of these materials without the prior written consent of the Local Planning Authority.

Reason: To ensure the satisfactory visual appearance of the new development in accordance with Policy DH1 of the Oxford Local Plan 2036.

### **SuDS**

4. All Impermeable areas of the proposed development, including roofs, driveways, and patio areas shall be drained using Sustainable Drainage measures (SuDS). This may include the use of porous pavements and infiltration, or attenuation storage to decrease the run off rates and volumes to public surface water sewers and thus reduce flooding. Soakage tests shall be carried out in accordance with BRE Digest 365 or similar approved method to prove the feasibility/effectiveness of soakaways or filter trenches. Where infiltration is not feasible, surface water shall be attenuated on site and discharged at a controlled discharge rate no greater than prior to development using appropriate SuDS techniques and in consultation with the sewerage undertaker where required. If the use of SuDS are not reasonably practical, the design of the surface water drainage system shall be carried out in accordance with Approved Document H of the Building Regulations. The drainage system shall be designed and maintained to remain functional, safe, and accessible for the lifetime of the development.

Reason: To avoid increasing surface water run-off and volumes to prevent an increase in flood risk in accordance with Policy RE4 of the Oxford Local Plan 2036.

### **Ecological enhancements**

5. Prior to occupation of the development, details of ecological enhancement measures including at least one bat roosting device or one bird nesting device per dwelling shall be submitted to and approved in writing by the Local Planning Authority. Details must include the proposed specifications, locations, and arrangements for any required maintenance. The approved devices shall be fully constructed under the oversight of a suitably qualified ecologist prior to occupation of the approved development. Any new fencing will include holes suitable for the safe passage of hedgehogs. The approved devices and fencing holes shall be maintained and retained in perpetuity unless otherwise approved in writing beforehand by the Local Planning Authority.

Reason: To enhance biodiversity in Oxford City in accordance with paragraph 174 of the National Planning Policy Framework.

### **Construction Traffic Management Plan**

6. A Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works. This shall incorporate the following in detail:

- A CTMP which is appropriately titled, including the site and planning permission number

- Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
- Details of and approval of any road closures needed during construction.
- Details of and approval of any traffic management needed during construction.
- Details of wheel cleaning/wash facilities - to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
- Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions.
- The erection and maintenance of security hoarding / scaffolding if required.
- A regime to inspect and maintain all signing, barriers etc.
- Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.
- The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
- No unnecessary parking of site related vehicles (worker transport etc) in the vicinity - details of where these will be parked and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
- Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
- A before-work commencement highway condition survey and agreement with a representative of the Highways Depot - contact 0845 310 1111. Final correspondence is required to be submitted.
- Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
- Any temporary access arrangements to be agreed with and approved by Highways Depot.
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

The approved CTMP shall be adhered to at all times during the construction of the development.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times in accordance with Policy RE7 of the Oxford Local Plan 2036.

### **Amenity – no balcony**

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or enacting that Order), no part(s) of the roof of the building(s) permitted shall be used as a balcony or

terrace nor shall any access be formed to the roof.

Reason: To safeguard the amenities of the adjoining occupiers in accordance with Policy H14 of the Oxford Local Plan 2036.

### **Noise**

8. The external noise level emitted from plant, machinery or equipment at the development hereby approved shall be lower than the lowest existing background noise level by at least 10dBA, by 15dBA where the source is tonal, as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity. This will maintain the existing noise climate and prevent 'ambient noise creep'.

Reason: To ensure that the amenity of occupiers of the development site/surrounding premises is not adversely affected by noise from plant/mechanical installations/equipment in accordance with Policy RE8 of the Oxford Local Plan.

### **Noise vibration**

9. Prior to use, plant or equipment and associated ducting at the development shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by vibration in accordance with Policy RE8 of the Oxford Local Plan.

### **INFORMATIVES :-**

- 1 In accordance with guidance set out in the National Planning Policy Framework, the Council tries to work positively and proactively with applicants towards achieving sustainable development that accords with the Development Plan and national planning policy objectives. This includes the offer of pre-application advice and, where reasonable and appropriate, the opportunity to submit amended proposals as well as time for constructive discussions during the course of the determination of an application. However, development that is not sustainable and that fails to accord with the requirements of the Development Plan and/or relevant national policy guidance will normally be refused. The Council expects applicants and their agents to adopt a similarly proactive approach in pursuit of sustainable development.
- 2 All species of bats and their roosts are protected under The Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended). Please note that, among other activities, it is a criminal offence to deliberately kill, injure or capture a bat; to damage, destroy or obstruct access to a breeding or resting place; and to intentionally or recklessly disturb a bat while in a structure or place of shelter or protection. Occasionally bats can be found during the course of

development even when the site appears unlikely to support them. In the event that this occurs, work should stop immediately and advice should be sought from a suitably qualified ecologist. A European Protected Species Mitigation Licence (EPSML) may be required before works can resume.

- 3 All wild birds, their nests and young are protected under The Wildlife and Countryside Act 1981 (as amended). Occasionally nesting birds can be found during the course of development even when the site appears unlikely to support them. If any nesting birds are present then the buildings works should stop immediately and advice should be sought from a suitably qualified ecologist.

### **13. APPENDICES**

- **Appendix 1** – Site location plan

### **14. HUMAN RIGHTS ACT 1998**

- 14.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

### **15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

- 15.1. 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.

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