

West Area Planning Committee

10 August 2011

Application Number: 11/00268/FUL

Decision Due by: 5 April 2011

Proposal: Erection of single storey office in rear garden.

Site Address: 190 Iffley Road, Appendix 1

Ward: Iffley Fields Ward

Agent: Perioli Man Architects

Applicant: Smart CJS

Called in by Councillors Benjamin, Wolff, Morton and Williams on grounds of encroachment into a small amenity space and long term concerns over permanence of the proposed building.

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposed garden room is not considered to be materially out of character with the existing buildings or conservation area, is unlikely to lead to a material loss of amenity to the occupiers of adjacent properties and an adequate area of amenity space will remain. The development is not considered likely to result in an increase in crime or to have a detrimental effect on ecology in the area. All other issues can be dealt with by the conditions recommended and will ensure the development complies with Policies CP1, CP6, CP8, CP9, CP10, CP19, CP20, CP21, TR3, TR4, NE15, HE6, HE7, HS19 and HS21 of the adopted Oxford Local Plan 2001 – 2016 and Policies CS11, CS18 and CS19 of the Core Strategy.
- 2 A number of comments and objections have been received and these are dealt with in the Committee Report.
- 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 in Conservation Area
- 4 External lighting
- 5 Hours of use
- 6 CCTV
- 7 Surface Drainage Scheme

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
- CP9** - Creating Successful New Places
- CP10** - Siting Development to Meet Functional Needs
- CP19** - Nuisance
- CP20** - Lighting
- CP21** - Noise
- CP25** - Temporary Buildings
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities
- NE15** - Loss of Trees and Hedgerows
- HE6** - Buildings of Local Interest
- HE7** - Conservation Areas

Core Strategy

- CS18_** - Urban design, town character, historic environment
- CS19_** - Community safety

Other Material Considerations:

This application is in or affecting the St. Clement's And Iffley Road Conservation Area.

Relevant Site History:

83/00190/GFH - 188-190 Iffley Road - Change of use from multi-occupation to 11 bedsitters and warden's accommodation for Housing the Homeless. DMD 23rd May 1983.

86/01045/GFH - New buildings adjacent to existing to provide additional accommodation units for homeless families. DMD 15th December 1986.

Representations Received:

43 Stratford Street: Object – Increased noise and light pollution, particularly in evening / night. Concern development may become permanent, possible precedent, effect on natural habitat and community well being. May increase problems of run-off. Doubt over status of building – office or communal , residential or business.

45 Stratford Street: Object – Use of building as communal outdoor space. Noise and light pollution, no information relating to times of use or period building will exist for.

47 Stratford Street: Object – Poor drainage of area. Increase in noise pollution and loss of privacy. Overdevelopment.

49 Stratford Street: Object – Proximity to other properties, effect on local ecology. Increase in noise pollution and fear of crime, will facilitate trespass of adjoining properties. Existing light pollution, risk of fire, risk of precedent.

53 Stratford Street: Object – Effect on natural habitat, increase in noise, existing light pollution. Inappropriate location, may set precedent.

192 Iffley Road: Object – Inaccurate description (office/communal is really recreation/lounge). No demonstrated need for building, may lead to precedent. Hours of use and staffing levels not addressed. Effect on families and wildlife corridor, especially regarding noise, light and vegetation. Screening is inadequate. Suggests conditions if application is approved: Office use only; Hours of use 9am to 8pm; No exterior lighting on the building and no spotlights or similar in the environs; No exterior noise e.g. Air-conditioning.

Statutory and Internal Consultees:

Iffley Fields Residents' Association: Object –
Use of application as mechanism to facilitate a larger student hostel.
Inaccuracy of application: Office appears to be communal facility.
Concern over noise pollution. Back garden development inappropriate.
No need has been demonstrated. Current invasive lighting.
Risk of increased crime and the fear of crime. Risk of precedent.

Local Highway Authority: No objection, but would recommend a temporary permission of 3 years.

Issues:

Design in a conservation area
Effect on adjoining properties
Crime and the fear of crime
Wildlife / ecology
Car and bicycle parking
Amenity space
Permanence of building

Officers Assessment:

Site Description and Background

1. 190 Iffley Road comprises two buildings in an Arts and Craft style facing the Iffley Road with a modern building behind. The site is currently in use as a detoxification unit.

Proposal

2. Permission is sought for the construction of a free standing building in the rear garden space to provide group meetings and classes for the residents and an office space for the manager to carry out staff and confidential meetings. Attached as Appendix 2 is a supporting statement from the applicants stating the hours of use are proposed to be limited to 10am to 7pm.

Design in a Conservation Area

3. The Council expects new development to enhance the quality of the environment, and with this Policy CP1 is central to the purpose. This policy states that all new development should respect the character and appearance of the area. This view is taken a step further in Policies CP8 of the OLP and CS18 of the Core Strategy, which require all new development to demonstrate high quality urban design and ensure that the siting, massing and design creates an appropriate visual relationship with the built form of the local area.
4. Policy HE7 of the OLP states that planning permission will only be granted for development that preserves or enhances the special character and appearance of the conservation area or its setting. Policy CS18 of the emerging Core Strategy requires that developments demonstrate high quality urban design that respects the unique townscape and character in different areas of Oxford.
5. The proposed development is not easily visible from the public domain, and will be constructed from mainly natural materials in a relatively well screened area. Although the flat roofed design is not typical of the St Clements and Iffley Road Conservation Area, it does allow the building to remain below the 2.5 metre height that would constitute Permitted Development if this were a private dwelling house. Overall, and subject to a condition of planning permission to control the appearance of materials used in the build, the development is not considered to be materially out of character with the existing house or conservation area, and the proposal complies with Policies CP1, CP8 and HE7 of the OLP and CS18 of the Core Strategy, indeed as a timber structure measuring 4m by 6.3m, the building is not dissimilar in appearance to a modern summerhouse or garden room to be seen within a larger than average domestic garden.

Effect on Adjoining Properties

6. Policy CP1 of the adopted Oxford Local Plan 2001-2016 states that where relevant, development proposals must safeguard the amenities of adjoining land users and occupiers, whilst Policy HS19 of the adopted Oxford Local Plan 2001-2016 states that planning permission will only be granted for development that adequately provides both for the protection of the privacy or amenity of the occupants of proposed and existing neighbouring residential properties. This is supported by Policy CP10, which seeks to safeguard the amenities of adjoining properties.
7. Appendix 6 of the OLP sets out the 45 degree guidance, used to assess the effect of development on the windows of neighbouring properties. The proposal complies with the 45-degree guidance and is considered unlikely to have a material effect on adjacent properties in terms of loss of light, creation of overlooking or a sense of overbearing.
8. Several comments have been received suggesting that the quiet enjoyment of neighbouring occupiers may be interrupted by noise or light pollution. With regard to light pollution, it appears that security floodlights have been installed to the rear of 190 Iffley Road. These are not part of the current application, but it is important that the current proposals do not exacerbate the situation. It is therefore recommended that any grant of planning permission be conditional on no further external lighting being installed to the rear of the site without permission.
9. With regard to any potential for noise emanating from the building, the position of the structure towards the rear boundary means that internal noise will have an increased potential to escape and to impact negatively on adjoining occupiers. It is therefore recommended that any grant of planning permission be conditional on the building only being available for use within restricted hours during the day time hours.
10. These conditions should ensure that the proposed building will not lead to an adverse effect on the residential amenity of adjoining occupiers and that the development complies with Policies CP1, CP10 and HS19 of the OLP.

Crime and the Fear of Crime

11. Policy CS19 of the Core Strategy states that new developments are expected to promote safe and attractive environments, which reduce the opportunity for crime and the fear of crime.
12. The building itself is not considered likely to lead to an increased risk of crime and in light of its distance from the boundary is an impractical aid to gaining access to adjoining properties. However, the proposed building will reduce natural surveillance of the area immediately behind the building, and a condition of planning permission to require details of CCTV monitoring to this area is considered reasonable to ensure the development complies with policy CS19 of the Core Strategy.

Ecology and Flooding

13. Policy CP11 of the OLP requires that existing trees of significant landscape value are retained, and states that where development is permitted near trees, protection during site works will be necessary and expects these to be required by a condition of planning permission.
14. Policy CS11 of the Core Strategy states that unless it is shown not to be feasible, all developments will be expected to incorporate sustainable drainage systems or techniques to limit run-off from new development, and preferably reduce the existing rate of run-off.
15. It is proposed that the building be sited on a "Rapidpad" system which requires no foundations. The impact on tree roots, small ground dwelling creatures and overall permeability of the site will therefore be minimal.
16. The flat roof does however have the potential to increase rainwater run off to the rear of the site and it is considered reasonable for any grant of planning permission to be conditional on the implementation of a sustainable drainage scheme shall be implemented in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority before commencement of the build to ensure the development complies with policy CS11 of the Core Strategy.

Amenity Space

17. Policy HS21 states that planning permission will not be granted for development proposals where insufficient or poor quality private open space is proposed.
18. The proposed development will result in the loss of some amenity space to the rear of the property, but the garden will still provide a usable garden area considerably in excess of 200 sq m, which is considered sufficient for the use of the site and the proposals therefore comply with policy HS21 of the OLP.

Parking

19. The building is not intended to increase the capacity of the site beyond that already permitted, and therefore will not generate a need for increased parking on site. Currently there are three car parking spaces provided to the frontage which would remain as existing.

Permanence of Building

20. The applicant states that it is intended to remove the building when and if they vacate the site, and that their current lease expires in October 2013. The development has therefore been described as temporary.
21. However, the development is considered acceptable and it is not considered

that making a grant of planning permission temporary would improve the development. It should be noted though that the retention of the building may impact on the suitability of the site for other uses in the future.

Conclusion:

22. The proposed garden room is not considered to be materially out of character with the existing buildings or conservation area, is unlikely to lead to a material loss of amenity to the occupiers of adjacent properties and an adequate area of amenity space will remain. The development is not considered likely to result in an increase in crime or to have a detrimental effect on ecology in the area. All other issues can be dealt with by the conditions recommended and will ensure the development complies with Policies CP1, CP6, CP8, CP9, CP10, CP19, CP20, CP21, TR3, TR4, NE15, HE6, HE7, HS19 and HS21 of the adopted Oxford Local Plan 2001 – 2016 and Policies CS11, CS18 and CS19 of the Core Strategy. The application is therefore recommended for approval.

Human Rights Act 1998

23. 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.

24. 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

25. 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: 11/00268/FUL

Contact Officer: Tim Hunter

Extension: 2154

Date: 25 July 2011

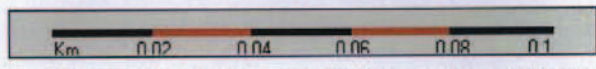
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190 Iffley Road



Legend

Scale: 1:1250



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Organisation	Not Set
Department	Not Set
Comments	Appendix 1
Date	27 July 2011
SLA Number	Not Set