

# Agenda Item 4

**West Area Planning Committee**

**10 August 2011**

**Application Number:** 11/01533/FUL

**Decision Due by:** 10 August 2011

**Proposal:** Demolition of existing single storey extension. Erection of single storey rear extension, plus two storey side extension to form 2 x 1-bed residential units. Provision of 4 parking spaces to serve existing and proposed properties accessed off Freelands Road (retrospective).

**Site Address:** 65 Donnington Bridge Road Oxford [Appendix 1]

**Ward:** Iffley Fields Ward

**Agent:** Ifor Rhys Ltd

**Applicant:** Mr M Saddiq

Called in by Councillors Tanner, Van Nooijen, Price, Clarkson, Rowley and Sinclair on grounds of overdevelopment.

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## **Recommendation:**

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposal forms an appropriate visual relationship with the existing dwelling and the surrounding development and would not detract from the character of the area. The 2 x 1 bedroom flats would both be provided with a car parking space, bin store, cycle parking and an amenity space and would comply with adopted policies contained within the Core Strategy 2026 and the Oxford Local Plan 2001 - 2016. Furthermore there is an extant permission for a similar form of development that was approved in February 2011.
- 2 One letter of objection has been received and the comments made have been carefully considered. However given that the principle of the proposal is not at issue as a result of the extant permission, officers consider that the comments made can be satisfactorily addressed through the imposition of appropriate conditions to ensure that the completed development is acceptable.
- 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 Develop in accordance with approved plans
- 2 Materials - matching
- 3 Car and cycle parking and bin stores
- 4 Sustainable Drainage
- 5 Traffic Regulation Order
- 6 Obscure glaze first floor living room windows
- 7 Complete development in accordance with construction travel plan

### **Main Local Plan Policies:**

#### **Oxford Local Plan 2001-2016**

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

#### **Core Strategy**

- CS2\_** - Previously developed and greenfield land
- CS10\_** - Waste and recycling
- CS11\_** - Flooding
- CS18\_** - Urban design, townscape character, historic environment
- CS23\_** - Mix of housing

#### **Other Material Considerations:**

- PPS1 – Delivering Sustainable Development
- PPG3 – Housing
- PPG13 - Transport

#### **Relevant Site History:**

11/00036/FUL

Demolition of existing single storey rear extension. Construction of two storey side/rear extension to create 2 x 1 bedroom flats. Construction of single storey

rear extension. Provision of additional vehicular access to serve two additional car parking spaces. Provision of bin and cycle stores and sub-division of garden with 1.8 metre high close boarded fence [amended plans]

Approved

11/01248/VAR

Discharge of pre-commencement conditions of planning permission 11/00036/FUL after the commencement of development

Withdrawn

**Representations Received:**

2 letter of objection. The main points raised can be summarised as follows:

- There have been other applications for this type of development in the area which have been refused
- The proposal protrudes significantly beyond the strong building line of Freelands Road
- The development would occupy virtually all of the site
- Cars will be parked at the entrance to Freelands Road and this is already heavily congested
- Why has the Council not served a Stop Notice?
- The developer has used Freelands Road as a permanent parking space for construction vehicles
- No site notice displayed
- The development is cramped and although there are parking spaces shown on the plans, vehicles will be bound to park on the road

**Statutory and Internal Consultees:**

Drainage Team Manager, Thames Water Utilities Limited.

Thames Water

No objections

Oxfordshire County Council as Local Highway Authority

No comments received. No objection to previously approved application [11/00036/FUL] subject to conditions relating to:

- The provision car and cycle parking
- The provision of bin storage
- A Unilateral Undertaking to prohibit waiting for cars at the junction of the B4495/Freelands/Swinburne Roads

The current application is accompanied by plans showing details of car parking, cycle parking and bin storage and is also accompanied by a construction travel plan. A condition is recommended to require the UU for the waiting of cars at the road junction to be completed prior to the first occupation of the new flats

**Issues:**

- Principle
- Form and appearance
- Impact on neighbours
- Amenity space
- Highways issues
- Biodiversity issues

**Officers Assessment:**

Site location and description

1. The site lies at the junction of Donnington Bridge Road and Freelands Road and comprises an end of terrace dwelling which has a detached single garage in the rear garden. The area is characterised by similar blocks of terraced and semi-detached dwellings.
2. Whilst parts of Donnington Bridge Road lie within Flood Zones 2 and 3, the site lies outside any registered flood zone and therefore the application is not accompanied by a Flood Risk Assessment.

The Proposal

3. The application seeks to demolish an existing single storey rear extension to 65 Donnington Bridge Road together with a detached single garage in the rear garden and erect a two storey side extension to provide 2 x 1 bedroom flats with access off Freelands Road and a larger single storey rear extension to 65 Donnington Bridge Road. The flats would both have a single car parking space accessed off Freelands Road, cycle parking at the rear of the parking spaces together with bin stores and small amenity spaces at the front and rear of the flats.
4. The demolition of the existing garage would enable the provision of two, tandem car parking spaces for the retained three bedroom dwelling at 65 Donnington Bridge Road which would also retain a rear garden with a length of 12 metres and a width of 5.5 metres.
5. The flats would be laid out over two floors with a bedroom and bathroom on the ground floor and a kitchen/living room on the first floor. They would have an internal floor area of approximately 30 square metres.
6. The development has commenced and the shell of the two storey side extension is effectively complete.

## Principle

7. PPS3 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 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. The site constitutes previously developed land and there is an extant permission for the erection of two flats.

## Form and appearance

8. Policy CP1 of the Oxford Local Plan states that planning permission will only be granted for developments that show a high standard of design, that respect the character and appearance of the area and use materials of a quality appropriate to the nature of the development, the site and its surroundings. Policy CP8 states that the siting, massing and design of any new development should create an acceptable visual relationship with the grain, scale, form, materials and detailing of the surrounding area and policy CP10 states that planning permission will only be granted where proposed developments are sited to ensure acceptable access, circulation, privacy and private amenity space.
9. The form and appearance of the two storey side extension to provide the two new flats is identical to that previously approved apart from the fenestration details on the west elevation. The extension is set down from the ridge height of the host dwelling and in this way, the extension would appear subservient to the main house.
10. In terms of the building line along Freelands Road, this point was raised in pre-application discussions with the applicant and the proposed extension was duly decreased in width by one metre. A contemporary development opposite the application site at number 70 Donnington Bridge Road has been built with little regard to the building line in Swinburne Road.
11. The only change to the built form of the proposal relative to the extant permission is the proposed erection of a larger single storey rear extension to number 65 which would project a further 2 metres than as shown on the previously approved plans.

## Impact on neighbours

12. Policy HS19 of the Oxford Local Plan states that planning permission will only be granted for development that adequately provides both for the protection and/or creation of the privacy or amenity of the occupants of the proposed and existing neighbouring, residential properties.
13. The scheme is the same as that previously approved in terms of its relationship with neighbouring properties. A condition is recommended to

obscure glaze the two small, secondary windows at first floor level that would look towards the private garden area of number 67 Donnington Bridge Road on the opposite side of Freelands Road.

14. The proposed larger single storey rear extension to number 65 would not have any adverse impact upon the amenities enjoyed by the occupiers of number 63. This property already has a single storey rear extension and the proposed additional two metre deep extension would not appear overbearing in the outlook from number 63 or result in any loss of sunlight or daylight.

#### Amenity space

15. Policy HS21 of the Oxford Local Plan states that planning permission will not be granted for development proposals involving residential uses where inadequate or poor quality private open space is proposed. It goes on to say that each dwelling should have access to a private amenity space, possibly in the form of a balcony.
16. In this case the flats proposed are modest, one bedroom units and would be served by small amenity spaces at the front and rear of the flats which would allow for sitting out and drying clothes. The provision of amenity space in the current application is identical to that previously approved.

#### Highway issues

17. The previously approved application was the subject of much discussion with the County Council as Highway Authority and as a result of these discussions, the plans were amended. No changes are now proposed to the provision of car and cycle parking, the provision of bin stores, the provision of pedestrian visibility splays and the use of permeable block paving for the new hardstandings.
18. Although the current application is accompanied by a construction travel plan, this is of limited value given that a substantial amount of development has already taken place and deliveries have caused inconvenience to other road users. However a condition is recommended to require that the remainder of the development proceeds in accordance with the construction travel plan which restricts the size of vehicles delivering to the site, hours of work and deliveries and parking of construction vehicles. In addition, a further condition is recommended to require a Unilateral Undertaking to prohibit the waiting of cars at the junction of Donnington Bridge Road/Freelands Road and Swinburne Road to be completed prior to the occupation of the flats.
19. No comments have been received from the County Council and, if necessary, Members will be up dated at the meeting.

## Biodiversity issues

20. At the time of the previously approved application, concerns were raised by a neighbour that there were great crested newts on the site and these are a protected species. Investigations were made and the County Ecologist was involved and consulted. Given the modest size of the site and its location within a built up, residential area, it was considered that there was unlikely to be any significant population of newts such that an offence under the Habitats Directive could occur. Furthermore in March 2011 the applicant commissioned Windrush Ecology to undertake a great crested newt survey and this concluded that great crested newts were unlikely to be present on the site and that there are no suitable habitats in the local area.

## **Conclusion:**

21. The proposal forms an appropriate visual relationship with the existing dwelling and the surrounding development and would not detract from the character of the area. The new flats would both be provided with a parking space, cycle parking, bin stores and an amenity space and the proposal complies with adopted policies contained within the Core Strategy 2026 and the Oxford Local Plan 2001 – 2016. Furthermore there is an extant permission for a similar form of development that was granted planning permission in February 2011.

## Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

## Section 17 of the Crime and Disorder Act 1998

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

**Background Papers:**

11/00036/FUL

11/01533/FUL

**Contact Officer:** Angela Fettiplace

**Extension:** 2445

**Date:** 11 July 2011



APPENDIX 1



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