

**Site Address: 61 Evans Lane
Kidlington**

15/00971/F

Ward: Kidlington South

District Councillor: Cllrs Billington,
Griffiths, and Prestidge

Case Officer: Aitchison Raffety

Recommendation: Approval

Applicant: Mr and Mrs El-Mergrisi

Application Description: Extension and alterations to form 4no. 1-bed flats

Committee Referral: Member Referral

Committee Date: 6 August 2015

1. Site Description and Proposed Development

- 1.1 The application site comprises a two-storey, semi-detached property located on the corner of Evans Lane and Springfield Road. The house is constructed with a white render finish to the external walls with a concrete tile roof. The application site has vehicle accesses to both Evans Lane and Springfield Road.
- 1.2 The north-western boundary onto Evans Lane where the main vehicle access currently is remains open, giving views to the front of the house. The north-eastern boundary is formed by a mixture of dense Leylandii hedging near to the corner of the two roads, leading to 2m high double gate and a 2m high white-painted breeze block wall. To the south-east of the site is 2 Springfield Road, which has a two-storey flat roofed extension to its side that immediately abuts the boundary with the application site. Number 63 Evans Lane lies to the south-west and the gardens are separated by a mixture of fencing and hedging with a height over 1.5m.
- 1.3 The house has been extended in the past, with a two-storey side extension, as well as a single storey rear extension.
- 1.4 It is proposed to extend the property by increasing the width of the existing side extension by 0.6m and adding a rear, two-storey extension with a depth of 3m. The existing single storey extension would be removed.
- 1.5 The proposed extensions would facilitate the conversion of the single household into four 1-bed flats, with 2 flats on each floor. Parking would be to the front and the side. The parking off Springfield Road would be achieved through the demolition of the existing breeze block wall and providing a hardstanding for two cars. The existing access onto Springfield Road would be blocked up.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter, site notice and press notice. The final date for comment was the 9 July 2015.

Seven letters of objection have been received. The following matters were raised and summarised below:-

- Overdevelopment of the site
- Effect on the character of the neighbourhood
- Noise and disturbance
- Insufficient parking for cars
- Overlooking and loss of privacy
- Highway safety and access onto Springfield Road
- Set precedent

3. Consultations

3.1 Kidlington Parish Council:

No objections

Cherwell District Council Consultees

3.2 Housing Officer: No objections or comments

3.3 Councillor Carmen Griffiths: Councillors Neil Prestidge, Maurice Billington, Sandra Rhodes and I would all like to object to the above planning application.

We would like to object for the following reasons:-

TR5

At the moment this property is used as a residence. The number of cars at this property is somewhat less than might be expected of four flats which could easily amount to 8 cars (whilst we accept that only 4 can be taken into consideration). Despite this, the owner parks 2 cars on Springfield Road, much to the annoyance of neighbours and we feel that this situation will only get worse. There is no opportunity for turning and cars both at the front and the back will have to back out on a busy junction, close to a bus stop and with a large number of pedestrians walking to primary and secondary schools.

C30 (i)

The new development is not compatible with the density of existing dwellings. This is already an imposing property and a further extension will make it feel too large for neighbouring properties.

The only other flats along the whole of this road are purpose built. This is how we would like this part of Old Kidlington to stay and we know that you have received other letters of objection from residents supporting this!

C30 (ii)

As above

9.69 This is providing high density housing in an area where low densities predominate

C31

All other flats in the area and on this road are purpose built which are acceptable. To allow conversion of a residential house will open up a can of worms and set a precedent for many others to follow suit which we do not want and which causes great concern.

Oxfordshire County Council Consultees

3.4 **Highways Liaison Officer:** Awaiting comments

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

C28 Layout, design and external appearance of new development
C30 Design of new residential development

Cherwell Local Plan 2006 – 2031 Part 1

The following policies are considered to be relevant:-

Policy PSD1	Presumption in Favour of Sustainable Development
Policy BSC2	The effective and efficient use of land

4.2 Other Material Policy and Guidance

National Planning Policy Framework

National Planning Policy Framework 2012 – Core planning principles and the delivery of sustainable development with regard to the following sections:-

4	Promoting sustainable transport
6	Delivering a wide choice of high quality homes
7	Requiring good design

Planning Practice Guidance

Non-Statutory Cherwell Local Plan 2011

Whilst some policies within the plan may remain to be material considerations, other strategic policies have in effect been superseded by those in the Submission Local Plan (October 2014). The main relevant policies to consider are as follows:-

Policy H1a	Location of New Housing
Policy H4	Types of Housing
Policy H15	Category 1 Villages
Policy H23	Sub-Division of Existing Dwellings

5. Appraisal

5.1 The key issues for consideration in this application are:-

- Planning History and the Principle of Development
- Impact on neighbouring amenity
- Impact on wider area
- Parking

Planning History and Principle of Development

5.2 The planning history relevant to the application site comprise a 2001 application for the two-storey side extension and a 2008 application for the rear extension and the vehicular access onto Springfield Road. Both these applications were considered to be appropriate and have since been implemented.

5.3 The Development Plan for Cherwell District comprises the saved policies in the Adopted Cherwell Local Plan 1996. Section 70 (2) of the Town and Country Planning Act 1990 provides that in dealing with applications for planning permission the Local Planning Authority shall have regard to the provisions of the development plan, so far as is material to the application, and to any other material considerations. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

5.4 The site lies within the built-up area of Kidlington, which is considered to be one of the highest category villages within the District in terms of sustainability and range of services. As such, in terms of providing additional housing, the application site is considered to be in an appropriate location and complies with Policy Villages 1 of the new Local Plan, which categorises Kidlington as a Category A village.

5.5 Neither the Local Plan or the Submission Plan have policies specific to the sub-division of housing plots and, therefore, an assessment needs to be made in respect of the individual aspects that such a proposal may bring, in respect of impact on neighbouring amenity, the wider area and highways/parking. Indeed, the Non-Statutory Local Plan does have a policy (Policy H23) specific to the sub-division of houses and makes provision for them to be permitted subject to site specific issues being considered.

5.6 Objections have been raised in respect of the potential precedent this may set for the wider area and other properties but each application must be determined on its own merits and the site specific issues considered in turn.

Impact on Neighbouring Amenity

5.7 As well as seeking to convert the dwelling into four flats, the application also proposes an increase in width of the existing two-storey side extension, as well as a further two-storey extension to the rear of the house. In respect of the addition to the existing extension, this amounts to an additional 0.6m to the

overall width of the house. This would still maintain a 1.9m gap with the side boundary of the plot, providing access around the property. Furthermore, this aspect of the proposal extends the house towards Springfield Road, as opposed to any other residential properties and so would not impact on the amenity of neighbours.

- 5.8 It is also proposed to construct a two-storey rear extension that would come out from the now built two-storey side extension. The nearest residential property is 63 Evans Lane and the two-storey element of this extension would sit almost 6m from their shared boundary with an eaves height of 4.8m and the apex of the roof set down from that of the main house. In addition, this extension would be to the north-east of number 63. Therefore, it is considered that the proposed extension would be adequately separated from the nearest neighbouring property and the orientation be as such that it would not overshadow. Furthermore, the proposal includes the demolition of an existing single storey rear extension that lies adjacent to the boundary with number 63. The removal of this structure would improve the living conditions of this property.
- 5.9 Objections have been raised as to the potential disturbance arising from the increase in the number of properties on the site, with particular assertions as to the types of persons that may live there. In considering this application, the only basis to assess it is that it would be a residential use, albeit intensified, on a site already used for residential purposes. Vehicle movements may increase by a small level but these would still be to areas within the site where parking either already takes place or could take place.
- 5.10 As such, it is considered that the proposal would not have a detrimental impact on neighbouring amenity and complies with Policies C28 and C30 of the Local Plan, as well as Policy H23 of the Non-Statutory Local Plan.

Impact on the wider area

- 5.11 As previously discussed, there are several elements to the proposal, as well as the conversion of the house to four flats, that could impact on the wider area. In respect of the increase in width of the existing side extension, this is small and maintains a suitable gap with the side boundary and so is not considered to create an overly prominent addition to the existing structure.
- 5.12 In respect of the two-storey rear extension, this would be visually apparent given that the site lies on a corner plot and this element would be visible, particularly from Springfield Road. However, the extension has been set down from the height of the main roof and the existing extension and so would appear subservient and not overly dominant. Furthermore, it would be seen against the backdrop of existing built development and, therefore, not appear prominent.
- 5.13 The application proposes the removal of the side wall that faces onto Springfield Road to facilitate two parking spaces. The wall is a white-painted breeze block wall that does not add any particular architectural merit and its removal would not be to the detriment of the wider street scene. Whilst parked cars would be visible within the street scene, this is not an uncommon occurrence within a residential area and, therefore, would not appear incongruous.

5.14 As such, for the above reasons, the proposed alterations would not have a detrimental impact on the character and appearance of the wider area and is considered to comply with Policies C28 and C30 of the adopted Local Plan and H23 of the Non-Statutory Local Plan.

Parking

5.15 Comments from the Highway Authority are awaited, however, it should be noted that the parking to the front of the property uses existing parking spaces and access that currently serves the main house. The parking off Springfield Road would be in a similar position to an existing vehicular access that was approved in 2008. As such, from a planning perspective, rather than a technical highway issue, the principle of access and parking in these locations has already been set.

5.16 Objections have been raised that the four parking spaces provided are not sufficient and there could be further on street parking, however, the 4 flats would each have one bedroom and the parking provision meets the appropriate standard. Furthermore, the site lies within Kidlington, which is considered to be a sustainable location with a wide range of services and any residents could potentially not use a private car.

5.17 As such, subject to no technical issues being raised by the Highway Authority, the proposal is considered to raise no parking and access issues and complies with Policies C28 and C30 of the Local Plan and H23 of the Non-Statutory Local Plan.

Engagement

5.18 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

Conclusion

5.19 The application site lies within the main built up area of Kidlington, one of the main sustainable settlements within the District. Whilst there are no specific policies relevant to the sub-division of dwellings within the adopted Development Plan, Policy H23 of the Non-Statutory Plan seeks to allow such development where there is no detrimental impact to the area.

5.20 It is considered that there are no site specific issues in this matter that prevent planning permission from being granted and the development is considered to comply with saved Policies C28 and C30 of the Local Plan, as well as Policy H23 of the Non-Statutory Local Plan.

6. Recommendation

Approve, subject to the following conditions:

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

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms, Site Location Plan, Design and Access Statement (dated 27 May 2015), 0114-1-90, 0114-1-100, 0114-1-101, 0114-1-110, 0114-1-120, 0114-2-90, 0114-2-100, 0114-2-101A, 0114-2-110, 0114-2-120.

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government guidance contained within the National Planning Policy Framework.
3. The materials to be used for the proposed extensions hereby approved shall match in terms of colour, type and texture those used on the existing building.

Reason: To ensure that the development is constructed and finished in materials which are in harmony with the materials used on the existing building and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.
4. Prior to first occupation of the proposed development, the existing single storey rear extension, shown to be removed on the proposed plans, shall be removed and the external appearance of the rear elevation made good.

Reason: To ensure that the site is not over developed and to ensure an appropriate finish and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Statement of Engagement

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.