

74 – 76 Banbury Road, Kidlington 15/01023/F

Ward: Kidlington South

District Councillor: Billington, Griffiths and Prestidge

Case Officer: Aitchison Raffety

Recommendation: Refusal

Applicant: Mr Ian Ashcroft

Application Description: Demolition of two bungalows and erection of building to form 8 No. apartments and associated works including hardstanding and bin enclosure

Committee Referral: Member referral

Committee Date: 6 August 2015

1. Site Description and Proposed Development

- 1.1 The site incorporates two adjacent dwelling plots, occupied by modest sized bungalows. Both are rendered properties set below tiled hip roofs. The properties have been enlarged through side and rear extensions. Parking for both properties is provided to the front, with private amenity space at the rear. The land included within the application site extends to 0.11 ha and includes a number of trees and hedgerows.
- 1.2 This part of Banbury Road consists largely of 1, 1.5 and 2 storey properties. The style of these dwellings varies, but typically they incorporate render and/or brick facades set below hipped, tiled roofs. Constructed post-war, there has been some redevelopment in recent decades. This includes number 70 with a two storey building plus accommodation within the roof to create six 2 bedroom apartments.
- 1.3 Number 72 adjoins the site to the south and is a detached chalet bungalow. To the north there is a narrow public footpath, with number 78 beyond. This is a two storey house. To the rear (north-east) is a garage complex, accessed off Marlborough Avenue.
- 1.4 This application seeks to demolish the existing bungalows on site and replace them with a single structure containing eight 2 bedroom flats. These will be provided across three floors, with the uppermost floor set within the roofspace. The new building is designed in a T-shape, with a central rear projection. The front element is 16.7 metres wide and a maximum of 10.8 metres deep. The rear element incorporates two stepped rear lines, with widths of 7.1 and 9.6 metres and a depth of 7.7 metres. The maximum depth of the building is therefore 18.6 metres.
- 1.5 The building will be constructed from brick with render elements on the side and rear elevations. The eaves are set at 5.1 metres and the ridge at 7.9 metres. The building has a mansard roof, with dormer windows facing front and back. Small flat roof sections are present over part of the rear projection.
- 1.6 The land adjacent to the highway will provide 8 parking spaces, along with incidental soft landscaping. Along the southern side of the new building, a bin store and secure cycle store will be provided. To the rear, private amenity

spaces for the three ground floor units will be provided, along with a shared area for the remaining flats.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter and site notice. The final date for comment is 06 August 2015.

Two objection letters have been received to date. Any additional correspondence will be presented as part of the 'late items'. The following issues have been raised:-

Material planning comments:

Loss of Amenity to neighbouring residents: outlook and sunlight
Out of character: Scale, excessive depth,
Highway Safety due to under-provision of parking

Non-material comments:

No planning notice erected (subsequently one has been posted)
Flats being aimed at commuters not locals
Concern over future proposals for development on rear part of site
Concern over loss of bungalows, a much needed dwelling type

3. Consultations

- 3.1 **Kidlington Parish Council:** No objection

Cherwell District Council Consultees

- 3.2 **Private Sector Housing:** The position of windows in the corners of the bedrooms of the rear flat isn't ideal. Especially as these are very narrow due to the design of the rear part of the building.

- 3.3 **Ecology:** The proposals for demolition have some potential to impact protected species however I do not think there is a higher than average likelihood of the bungalows supporting bats due to their location. I would however recommend the attachment of an informative on bats so the applicant is aware of what to do should any be discovered during works. If the applicant suspects bats to be present they should contact the ecology team.

Recommend attach condition PN25 Bats.

Oxfordshire County Council Consultees

- 3.4 **Highways Liaison Officer:** Response awaited

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan 2011-2031 Part 1

The following policies are considered to be relevant:-

PSD 1	Sustainable development
BSC 2	Effective and efficient use of land
ESD 1	Mitigating and adapting to climate change
Villages 1	Village Categorisation
Villages 2	Distributing growth across the rural areas

Adopted Cherwell Local Plan 1996 (Saved Policies)

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

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Planning Practice Guidance

Non-Statutory Cherwell Local Plan 2011

In December 2004 the Council resolved that all work to proceed towards the statutory adoption of a draft Cherwell Local Plan 2011 be discontinued. However, on 13 December 2004 the Council approved the Non-Statutory Cherwell Local Plan 2011 as interim planning policy for development control purposes. Therefore this plan does not have Development Plan status, but it can be considered as a material planning consideration. The policies listed below are considered to be material to this case and are not replicated by saved Development Plan policy:-

H1a	Location of new housing
TR5	Road safety
TR11	Parking
Appendix B	Parking standards

Planning and Design Guidance: Sub Division of Buildings for Residential Use (February 2011)

5. Appraisal

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

- Relevant Planning History
- Principle of Development
- Layout
- Scale and Design

- Residential Amenity
- Highway and Parking

Relevant Planning History

- 5.2 These is no planning history of relevance to the application site, but the following other planning application on a nearby site is relevant to this proposal:-
- 70 Banbury Road, Kidlington – 05/01775/F
Demolition of dwelling and the erection of one building comprising 6 No. residential flats. Conditional Approval 21 November 2005.

Principle of Development

- 5.3 The site is located within Kidlington, a sustainable location where minor development is considered acceptable. Provision of additional dwellings in this location is therefore supported by sustainable location policies, subject to compliance with other detailed policies.
- 5.4 In terms of the sub-division or combination of housing plots, neither the Cherwell Local Plan 2011-2031 Part 1 nor the Local Plan 1996 have policies these matters. An assessment needs to therefore 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.
- 5.5 The application site incorporates 1090 sq m, offering a reasonably large plot for two modest sized properties. The area incorporates various plot sizes, reflecting in part the alignment of the highways and redevelopment opportunities that have come forward already. Intensification of sites has previously been considered acceptable, as noted in the planning history section above. The replacement of two dwellings with flats is therefore considered acceptable in principle and in accordance with Policy PSD 1 of the Adopted Cherwell Local Plan 2031 Part 1, Policies H1a and H15 of the Cherwell Non-Statutory Local Plan and the Framework.

Layout

- 5.6 The proposal seeks to reposition the front elevation of the new building slightly behind that of the current bungalows. This part of Banbury Road incorporates a staggered building line and thus the minor realignment at numbers 74 – 76 will not undermine the wider street scene.
- 5.7 The layout for the site provides vehicle parking between the building and highway, with the land to the side reserved for bin storage and a secure cycle store. Amenity space is provided to the rear. This offers an overall layout that is akin to the character of the area and protects the quiet environment to the rear of properties along this street.
- 5.8 The parking forecourt will not create a hardstanding area that is out of scale with those already present along the street, but limited opportunities for planting to provide screening to the parking will occur. The retention of the front

hedgerow to number 76 and scope to provide tree and other planting along the side of the plot will allow sufficient softening to ensure appropriate integration into the street scene.

- 5.9 There are a number of trees within the rear gardens, along with a hedge demarking the northern side boundary to number 76. It is unclear from the plans whether these species will be retained. Although they are not of particular quality, their established form provides a positive interaction with the character of the area. Their retention, or replacement with new vegetation, could be secured via condition, seeking a landscaping scheme to any approval.
- 5.10 The site layout is therefore considered acceptable, with the level of parking provision and impact upon neighbouring residential amenity considered under separate headings below.
- 5.11 The proposed internal layout will provide suitably sized units and individual room sizes to provide functional units. A coherent arrangement is provided for access to all units, with a central hallway and staircase enabling access. The windows face over the parking forecourt and associated amenity areas, generating passive surveillance for these areas. There is concern over the direct viewing of the garden from unit 2 from one bedroom window in unit 3, but reconfiguration of the amenity spaces could easily resolve this issue.
- 5.12 Concern has been raised by the Private Housing Officer in respect of the rear facing windows to the bedrooms in units 3 and 6. These provide narrow windows at the ends of these bedrooms, which do not offer a particularly good level of light into these rooms. This position is reinforced for the windows located to the north of the projecting rear section. With the building form currently proposed, it is not possible to rectify this issue and as such the internal layout is considered to contravene Policy C30 of the Adopted Cherwell Local Plan 1996.

Scale and Design

- 5.13 Design of buildings should not be prescribed by the Council, but it is recognised that any development should be of high quality and respect its location appropriately. The immediate context to the application site is one of traditional 1 and 2 storey hipped roof properties, which are mostly rendered. Fronting onto a straight section of highway, it is within this context that the proposed frontage building will be viewed.
- 5.14 The existing bungalows are both 5.8 metres high and 8.5 metres wide. The replacement building provides a single structure 16.5 metres wide and 7.9 metres high. The depth is also notably increased, with the largest element 18.8 metres. The scale of the building, due to its form is therefore significantly increased compared to the current buildings. The proposed building is set away from both boundaries and will act as part of the stepped ridgelines along the street, with number 78 placed higher and 72 lower. Its overall height could therefore be considered acceptable, but the mass of the building, emphasised by its excessive depth and inclusion of a mansard roof generates a building that is not in keeping with the scale of buildings generally in the area. The projection of the building above that of number 72 and the provision of a public

alleyway between the site and number 76 also means that the side elevations will also be particularly visible in the street scene. The stepped approach to the rear section does little to reduce the impact from these views.

- 5.15 It is acknowledged that there is a larger building containing 6 flats that has been constructed in recent years to the south (number 70). This building is still notably shorter in length and width than the current proposal (3.3 metres deeper and 5.0 metres wider). Although the current proposal is 0.5 metres shorter than number 70, the additional footprint of the building and the mansard roof proposed (compared to a hipped roof with central crown at number 70) offers a structure that is notably larger in bulk. This results in a materially different scale of building.
- 5.16 The design of the proposed building seeks a classical appearance. This provides a brick and tile structure, with regular window arrangements and contrasting reconstituted stone lintels and cills. The provision of dormer windows in the front and rear elevation continues this style of building, but the dormers have not been sufficiently reduced in height to offer the typical subservient feel to the loft level accommodation. Some of the windows have also been mis-aligned which reduces the rhythm of the front and rear façade. The forward projection of part of the building also generates an uncharacteristic element. Insufficient detailing is provided to highlight this as a notable feature over the remainder of the front elevation, and as such its inclusion is considered to be to the detriment of the façade.
- 5.17 The rear elevation, with the flashes of render in the intermediate stepped arrangement offers a welcomed softening to the palate, which reduces the apparent mass of the building from this direction. The incorporation of small flat roof elements does not appear at odds, since they integrate appropriately with the eaves level of the rest of the building.
- 5.18 The side elevations offer relatively bland flank elevations, reflecting in part the juxtaposition of adjoining properties and the need to protect amenity. However, the limited detail to brickwork and lack of other features does not assist in breaking down the overall mass of the building, which results due to its excessive depth.
- 5.19 The overall concept for design is therefore considered acceptable, but particular features of the design and the overall scale results in the development being considered contrary to Policies C28 and C30 of the Adopted Cherwell Local Plan 1996.

Residential Amenity

- 5.20 The development has the potential to impact upon the adjoining properties, 72 and 78 Banbury Road. To the rear of the site is a garage complex and thus no impact upon the relationship will occur to these units.
- 5.21 Number 72 is located to the south of the application site and thus the impact upon light will not be a particular issue. However, this property is a modest dormer bungalow that is already overshadowed by the much larger building at number 70. Provision of an even larger structure at number 74/76 would result

in an overbearing relationship to this property. Although the proposed building is set away from the boundary, it is not considered sufficient to overcome this sense of enclosure from the garden of number 72.

- 5.22 The application site currently incorporates bungalows on site. This prevents any overlooking of the garden of number 72 from this property, but views are already possible from the upper floors of number 70. The perceived overlooking of the private amenity space will therefore be increased for number 72, but there will be no direct loss of privacy to this unit. All proposed habitable room windows are either in the front or rear elevations, offering only oblique views over its garden.
- 5.23 Number 78 is located to the north of the application site, with a narrow public footpath between the two sites. Both side boundaries incorporate high hedgerows, approximately 3.5 metres in height. Number 78 has two side facing windows which serve a landing and bathroom. The light to these windows will be affected but this is not considered to be a material consideration as they do not form habitable room windows. The new building is also offset from the front building line and set over 5 metres away, so adequate light will still reach these windows.
- 5.24 The set back of the proposed building results in it projecting around 11 metres beyond the rear building line of number 78. The whole of the building is set off this side boundary, with much of the rear projection set away from the side boundary of number 78 (up to 8 metres). Whilst the boundary hedge will screen the lower part of the building, the top 2 – 3 metres of the building will be clearly visible. The depth of the projection is considered to lead to a sense of an overbearing relationship from the garden of number 78.
- 5.25 The height and position of the new building would also cast additional shadowing over the garden area of number 78. However, the presence of the boundary hedges results in the level of shadowing being limited, such that the arrangement from this perspective is considered acceptable.
- 5.26 The proposal, due to the scale and projection of the building beyond the adjacent dwellings, is considered to have an overbearing impact upon both 72 and 78 Banbury Road, undermining the amenity of these properties. It is therefore considered contrary to Policy C30 of the Adopted Cherwell Local Plan.

Highways

- 5.27 Comments from OCC Highways have not received at the time of writing, and thus consideration of the highway matters are all subject to no contradictory views from this statutory consultee.
- 5.28 The proposal is seeking to replace two access points with a single wider access. A reduction in the number of driveways onto this classified highway should be considered positively. The proposed driveway is located in the centre of the plot and is 4.25 metres wide. This will enable two vehicles to pass, avoiding the need for queuing traffic on the highway. Clear visibility is provided in both directions along Banbury Road, whilst space is provided within the site

to allow vehicles to exit in a forward gear. Highway safety is not considered to be undermined.

- 5.29 For this development of eight units, there is a maximum parking requirement of 16 car parking spaces. Eight spaces are proposed (one per unit), along with secure cycle parking to the side. Given the sustainable location of the site, the level of parking proposed is considered acceptable.
- 5.30 Parking and highways are therefore considered acceptable and in accordance with Policies TR5 and TR11 and Appendix B of the Non-Statutory Cherwell Local Plan, subject to no technical objection being raised by OCC Highways.

Consultation with Applicant

- 5.31 The concerns in respect of this planning application have been highlighted to the agent. These cannot be resolved through amendments to the current proposal, and as such the agent has been informed that the proposal would be recommended for refusal if it is not withdrawn.

Conclusion

- 5.32 The proposed development is considered to be excessive in scale and mass, such that it will be overdominant within the street scene. Its design through misaligned features and failure to breakdown the mass sufficiently will result in a harmful addition to the street scene, which should be resisted.
- 5.33 The scale and position of the building will undermine the amenity of the neighbouring properties (72 and 78 Banbury Road) by reason of an overbearing relationship.
- 5.34 The proposal is therefore considered unacceptable and contrary to Policies C28 and C30 of the Adopted Cherwell Local Plan 1996 and the National Planning Policy Framework.

6. Recommendation

Refuse, for the following reasons:-

1. The proposed development, due to its design, scale and mass would appear as an incongruous and overdominant structure, to the detriment of the character and appearance of the street scene. The proposal is considered contrary to Policies C28 and C30 of the Adopted Cherwell Local Plan and the National Planning Policy Framework.
2. The proposed development due to its scale and position would lead to a loss of amenity to 72 and 78 Banbury Road due to the creation of an overbearing relationship. The proposal is thereby contrary to Policy C30 of the Adopted Cherwell Local Plan.

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.