

Case Officer: James Kirkham **Ward(s):** Kidlington East

Applicant: Mrs Anne Mc-Donald

Ward Member(s): Cllr M V Billington
Cllr N Prestidge
Councillor Carmen Griffiths

Proposal: Proposed alterations to form 3 no 1bed flats with parking and ancillary space

Committee Date: 19 May 2016 **Recommendation:** Approve

Reason for Referral: Application called-in by Councillor Carmen Griffiths

1. Application Site and Locality

- 1.1 The application site is situated in an established residential area of Kidlington. The property is a two storey semi-detached dwelling constructed of brick under a concrete tile roof. The property has had a two storey side extension to the western side of the property added in the late 1980's.
- 1.2 The property is located on the corner plot where Mulcaster Avenue turns into Croft Avenue. The property faces onto Croft Avenue with parking provision situated to the south of the dwelling. An area of public open space exists to the west of the site on the opposite side of Mulcaster Avenue.

2. Description of Proposed Development

- 2.1 The current application seeks permission to convert the existing dwelling into 3 no. flats/dwellings. These would be contained within the existing footprint of the dwelling and would involve the existing ground floor garage being converted into residential accommodation. The only other changes to the external appearance of the dwelling would be some alterations to the position of windows and doors on the building.
- 2.2 The proposal also includes the provision of an extended area of parking to the front of the dwelling to accommodate 3 parking spaces and an additional 4th parking space to the rear of the property accessed from Mulcaster Avenue.

3. Relevant Planning History

<u>App Ref</u>	<u>Description</u>	<u>Status</u>
88/00163/F	Demolish garage, extend new garage to provide dining room and bedroom over	Permitted and implemented

	garage	
00/00377/F	Erection of a single garage and new vehicle access (as amended by revised plans received 25.04.2000)	Permitted but not implemented
16/00126/F	Extension and alteration to form 4 no. 1 bed flats with accompanying parking, ancillary and amenity space	Withdrawn

4. Response to Publicity

4.1 The application was publicised through neighbour notification letters and also through a site notice placed near the site. At the time of drafting this report 18 letters of objection had been received. These have raised the following concerns:

- Flats are out of keeping with the character of the area which is a low density family housing area
- Parking and bin store area would have an urbanising impact on the area
- Over development of the site. Density out of keeping with the area
- Loss of family accommodation
- No need for additional flats
- Flats should be in purpose built blocks in appropriate locations with adequate amenity space
- Loss of residential amenity
- Increase in noise and disturbance to neighbouring properties
- Inadequate amenity space for future residents
- Issues with bins storage and rubbish
- Unneighbourly form of development
- Poor visibility from parking area and dangerous access located on the sharp corner in the road
- Increase in traffic and car movements on dangerous corner plot
- Depth of parking spaces is not sufficient resulting in vehicles overhanging the pavement to the detriment of pedestrian safety
- Inadequate levels of parking
- This will set a precedent for other conversions within the area
- Poor drainage in the local area

- Concerns over lack of neighbour notification.

5. Response to Consultation

Ward Councillor

- 5.1 **Councillor Griffiths** - I would like to object to the planning application 16/00585 for the following reasons.
- 5.2 Saved Policies C30 and C31 - This proposed development is out of keeping with the residential area. There are no other conversions of houses to flats in the area . I feel that the approval of this application will set a precedent and it will be only a matter of time before the majority of other homes in this street and Mulcaster Avenue would also be converted into flats. This is not something that we want for Kidlington and indeed this point has been raised by both myself and the Parish council when commenting on the proposed Master Plan. Only purpose built flats exist in near by areas such as Blenheim Drive for which adequate amenities were provided and which were built many years ago.
- 5.3 Whilst there is the bare minimum provision of parking, this development is close to the bend and allows no provision for visitor parking other than on the already over occupied road.
- 5.4 The proposed extension of this building is not compatible with the scale of existing dwellings. The other half of this semi detached dwelling is far smaller meaning that the scale of this proposed building is out of scale and too large.

Parish/Town Council:

- 5.5 **Kidlington Parish Council** – Object. The proposals are contrary to the Adopted Local Plan Policy C30 in which it states:
- (ii) That any proposals to extend an existing dwelling is compatible with the scale of the existing dwelling, its curtilage and character of the street scene.
- 5.6 In additional the Parish consider the proposal is contrary to Saved Policy C31 of the Local Plan which states in existing residential areas any development which is not compatible with the residential character of the area, or would cause an unacceptable level of nuisance or visual intrusion, will not normally be permitted.

Oxfordshire County Council:

- 5.7 **Highways** – No objection subject to a condition regarding the laying out of the parking prior to the first occupation.
- 5.8 The number of spaces being provided on site is satisfactory, with 4 being planned for. This means that the flats would have a visitor space if needed. From the plans, it looks as though flat 1 will access the building from the side and would therefore have the rear parking space. This leaves flats 2 and 3 with parking at the front of the property, close to their access also at the front of the building.
- 5.9 Whilst the already consented parking space at the rear meets the recommended dimensions, the 3 spaces proposed at the front, do not. The length of the driveway from the building to the footway, is only 4.3m and we require at least 4.8m for a parking space. This also doesn't take

into account any space needed to walk between the building and the car and in situations such as this, we would recommend 5m in length. Any cars parked here would likely encroach over onto the adjacent footway. However, on this occasion, I believe this may be relaxed in recognition of similar arrangements across the neighbourhood where a majority of properties have hardstanding for car parking seemingly less than 5m. The width of the drive way proposed is 7.4m, which is actually suitable for 3 cars (need a width of 2.4m each).

- 5.10 Reversing off the driveway at the front of the building does seem acceptable, given that the driver will be facing the building and will therefore be able to see approaching vehicles and pedestrians coming down Mulcaster Avenue, as well as vehicles/pedestrians coming from Croft Avenue. The access to the rear of the property has already been consented under a separate planning permission; therefore, no comments can be made.
- 5.11 The cycle parking would need to be submitted in more detail outlining the nature and amount of parking proposed. It should be secure and covered.
- 5.12 A Section 184 Agreement to provide the dropped kerb will be separate to any planning permission given. In OCC's guidance on dropped kerbs it does state that 'a crossing will not usually be approved, or an existing crossing widened, so that it covers the full width of your property'. The plans are not proposing the whole extent of the frontage for a dropped kerb, however this may be taken into consideration, given the proximity of the plot to the corner between Croft Avenue and Mulcaster Avenue. For more information see our guidance page <https://www.oxfordshire.gov.uk/cms/content/dropped-kerbs>

Other External Consultees:

- 5.13 **Thames Water** – Thames Water advise that with regard to sewerage infrastructure capacity they would not have any objection to the application.

6. Relevant National and Local Planning Policy and Guidance

6.1 Development Plan Policies:

The Cherwell Local Plan 2011-2031 Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the Development Plan. Planning legislation requires planning decisions to be made in accordance with the Development Plan unless material planning considerations indicate otherwise. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

Cherwell Local Plan 2011 - 2031 Part 1

- BSC2 - Effective use of land and housing density
- ESD1 - Mitigating and adapting climate change
- ESD7 - Sustainable drainage systems

ESD10 - Protection and enhancement of biodiversity and the natural environment
ESD15 - The character of the built and historic environment
Villages 1 - Village categorisation

Cherwell Local Plan 1996 (Saved Policies)

C28 - Layout and Design of new development
C30 - Design Control

6.2 Other Material Planning Considerations:

National Planning Policy Framework (The Framework) – the National Planning Policy Framework sets out the Government’s planning policies for England and how these are expected to be applied.

Planning Practice Guidance (NPPG) – This sets out regularly updated guidance from central Government to provide assistance in interpreting national planning policy and relevant legislation.

Kidlington Draft Masterplan

7. Appraisal

7.1 Officers’ consider the following matters to be relevant to the determination of this application:

- Planning History
- Principle of Development;
- Character and Appearance;
- Residential Amenity;
- Parking and Access
- Other matters

Planning History

7.2 The current application follows an earlier application to convert the property to 4 flats (16/00126/F). This application included a number of extensions to the property and also a higher number of residential units. The application was withdrawn after officers raised concerns regarding the amount of development proposed and the combined visual impacts of the development on the character and appearance of the area. The current application has been amended by reducing the number of flats proposed and no longer includes any extensions to the property.

Principle of Development

7.3 The application site is located within the built up limits of Kidlington. Policy Villages 1 of the Cherwell Local Plan provides a framework for housing growth in the rural areas and includes Kidlington as a Category A village. Category A villages are amongst the most sustainable to accommodate new housing growth and the policy states minor development, infilling and conversions may be appropriate within the built up limits. Therefore Kidlington is considered

to be an appropriate settlement in principle for conversion of the existing building to flats, such as this proposal, subject to other material planning considerations outlined below.

Character and Appearance

- 7.4 Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 states new development will be expected to complement and enhance the character of its context through sensitive siting and layout and states all development will be required to meet high design standards. It goes on to state development should respect the traditional pattern of plots and also respect the form, scale and massing of buildings. Development should be designed to integrate with existing streets and buildings clearly configured to create defined active public frontages. Saved Policy C28 and C30 of the 1996 Local Plan also seek to ensure high quality development, consistent with Paragraphs 58 and 60 of the NPPF which state that development proposals should respond to the local character and surroundings and reinforce local distinctiveness. Paragraph 64 states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.
- 7.5 In the current application no extensions are proposed to the dwelling and the only alterations to the external appearance of the building is the conversion of the existing integral garage to living accommodation and some minor alterations to the location and size of the windows on the side and rear elevation of the building. Therefore the impact of these alterations on the character and appearance of the area is considered to be acceptable.
- 7.6 Bins stores and cycle parking are proposed to the side of the property and would be screened from the street by the existing boundary treatment to the side garden.
- 7.7 In relation to other visual impacts of the development the area of parking which exists to the front of the site facing onto Croft Avenue would be extended across a wider part of the frontage. Small pockets of landscaping would be provided either side of this parking area which would help reduce its impact and soften its appearance. Whilst the provision of more hard standing on the frontage would not be ideal and would have some urbanising impact on the character and appearance of the area, this by itself would not in officers views justify refusal of the application given the particular circumstances of the site and the existence of similar hard-surfaced frontages to other dwellings in the area. The provision of a 4th parking space to the rear of the site has previously been approved and is not considered to result in a significant visual impact on the area.
- 7.8 In terms of the concerns which have been raised in respect to the conversion to flats changing the character of the area, this is more difficult to define. The Development Plan is the starting point for determining applications, but Cherwell's Local Plan does not have any specific policy regulating the subdivision of properties. The area does have an established residential character and the character of the uses proposed would continue to be residential and appropriate for such an area. Whilst it is accepted that large numbers of property conversions can change the character of an area, as the current application would only result in the conversion of one property to flats, with minimal external alteration, it is not considered that it could be argued that the proposal would have a significant adverse impact on the character of

the area. This is particularly the case given the conclusions regarding the visual impacts of the development. Each case has to be considered on its own merits and therefore the concerns regarding the development setting a precedent are not considered to weigh significantly against the proposal.

- 7.9 The proposed development is therefore considered to be acceptable with regard to the impact it would have on the character and appearance of the area.

Residential Amenity

- 7.10 Both the NPPF and Policy ESD15 of the Local Plan seek to ensure development proposals provide a good standard of amenity for both existing and proposed occupants of land and buildings relating to privacy, outlook, natural light and indoor and outdoor space.
- 7.11 As the proposal would not include significant alterations to the building the impact on the outlook, light and privacy to the neighbouring properties is not considered to be significant. Neighbours have raised concerns in relation to the potential increase in noise and disturbance to neighbouring properties as a result of the development. The proposed development may slightly increase the level of activity at the application site however given the built up residential character of the area and the arrangement of the site this is not considered to result in significant levels of noise and disturbance to neighbouring properties. Internal noise transmission to the neighbouring property from the flats would be covered by building regulations.
- 7.12 It is also important to consider the amenity of future residents of the flats. The Council has informal guidance on internal space standards in its Subdivision guidance. However this document can only be given very limited weight now considering the new advice contained in the NPPG which states: *Where a local planning authority (or qualifying body) wishes to require an internal space standard, they should only do so by reference in their Local Plan to the Nationally Described Space Standard. (Paragraph: 018 Reference ID: 56-018-20150327).*
- 7.13 However it is still proper to consider whether future residents would have adequate living space to provide a good standard of amenity and this is consistent with paragraph 17 of the NPPF and Policy ESD15. A good starting point for this is considered to be the National Space Standards, however as the Council have not adopted these through a Local Plan Policy they can only be applied very flexibly. The development has been considered against the space standard and practicalities of the layout shown on the submitted plans. Whilst not all the flats would comply with the space standard it is considered that they would be large enough to provide an adequate level of amenity for future residents.
- 7.14 The provision of outdoor space is also a relevant consideration and in this case this is proposed to be provided through the use of some shared amenity space to the rear and side of the property. Whilst some flats do not have access to outdoor amenity space, such as those in town centres, given the location of the proposed flats in a residential area of Kidlington it is considered that outdoor amenity space for leisure and drying of clothes etc is more important. It is considered that the level and arrangement of outdoor amenity space in this case, on balance, would be acceptable so long as the area to the rear of the ground floor

flat with the bedroom facing over the communal garden is separated from the rest of the communal space to ensure that adequate levels of amenity are provided for the future resident of this flat. It is also recommended that the side facing living area window of the other ground floor unit be obscurely glazed to protect their amenity.

- 7.15 In conclusion on this matter the proposed development, on balance, is considered to adequately protect the amenity of existing residents whilst providing an adequate level of amenity for future residents.

Parking and Access

- 7.16 The application site is located on a 90 degree bend where Croft Avenue meets Mulcaster Avenue. The current application proposes to provide 3 parking spaces to the front of the site, adjacent to Croft Avenue, and a further parking space to the rear of the site accessed from Mulcaster Avenue.
- 7.17 Considerable local objection has been raised regarding the safety of the access points given the location near the sharp bend and also the level of parking provided. OCC Highways have considered the application and have raised no objection to the application subject to conditions.
- 7.18 It is considered that the proposed level of parking provision, 4 spaces, would be adequate to serve the 3 x 1 bedroom properties and would also be situated conveniently for potential occupiers of the dwellings. The parking spaces to the front of the site do not meet the recommended dimensions in terms of length as they are only 4.3m and OCC normally require 5 metres when in front of a building. However on this occasion OCC Highways have noted that there are similar arrangements across the neighbourhood where a number of properties have less than the standard length driveways. This is also the case for the existing driveway serving the property. Therefore whilst this is not considered to be an ideal situation it is not considered to result in a level of harm which would warrant refusal of the application.
- 7.19 In relation to the proximity of the access to the sharp corner the OCC Highways have confirmed they raise no objection to this and a driver will be able to have adequate visibility of vehicles and pedestrians. Furthermore it is noted that the existing parking area serving the existing dwelling is located immediately adjacent to this corner and so any conflict that may arise is already likely to occur and this is not considered to significantly exacerbate this. Furthermore given the sharp nature of this bend vehicle speeds are likely to be low.
- 7.20 The current application shows an area for cycle parking however further details of the cycle parking are required to be secured by condition to ensure residents have access to appropriate facilities, to promote sustainable modes of transport.

Other matters

- 7.21 Residents have raised concerns regarding the adequacy of the drainage system, however Thames Water have been consulted on the application and have raised no objection to the proposal.

7.22 In respect of the publicity of the application, the application was publicised in the usual matter with neighbour letters sent to adjoining properties and the displaying of a site notice near the site to provide wider publicity to the general public. The Council has therefore fulfilled its statutory requirements for the publicity of the application.

8. Conclusion

8.1 In conclusion Kidlington is amongst one of the most sustainable rural settlements in the district where planning policy allows for the conversion of buildings subject to other material considerations. The proposal's impact on the character and appearance of the area is considered to be acceptable and the proposal would protect the amenity of the neighbouring properties whilst providing an adequate level of amenity for future occupiers. Suitable levels of parking are considered to be provided and OCC have raised no objection to the impact on highway safety. Overall the development is considered to constitute a sustainable form of development and it is therefore recommended planning permission be granted.

9. Recommendation

Approve, subject to:

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 conditions attached to this permission, the development shall be carried out strictly in accordance with the details provided by the following plans and documents: Application Form, Location Plan, drawing numbers 2035-2-95, 2035-2-100, 2035-2-101, 2035-2-110, 2035-2-111, 2035-2-120, 2035-2-200, 2035-2-210 and 2035-2-220 submitted with the application.

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 The National Planning Policy Framework.

- 3 Prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

- (a) details of the proposed shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas;
- (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each

- tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation; and
- (c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

Thereafter the development shall be carried out in accordance with the approved landscaping scheme.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the Adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 4 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the Adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 5 Prior to the occupation of any part of the development hereby approved, full details of the enclosures along all boundaries of the site and to divide the communal amenity space in the interests of residential amenity, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved means of enclosure shall be erected, in accordance with the approved details, prior to the first occupation of any of the units.

Reason - To ensure the satisfactory appearance of the completed development, to safeguard the privacy of the occupants of the existing and proposed dwellings and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and C30 of the Adopted Cherwell Local Plan 1996, and Government guidance contained within the National Planning Policy Framework.

- 6 Prior to the first occupation of the development hereby approved, the parking areas shall be provided in accordance with the plan approved (Drawing No: 2035-2-95), and shall be constructed from porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site. Thereafter, the parking areas shall be retained in accordance with this condition and shall be unobstructed except for the parking and manoeuvring

of vehicles at all times.

Reason: In the interests of highway safety, to ensure the provision of off-street car parking and to comply with Government guidance contained within the National Planning Policy Framework.

- 7 Prior to the first occupation of the development hereby permitted full details of the location, type, design, and appearance of the proposed cycle parking serving the dwellings shall be submitted and approved in writing by the local planning authority. The cycle parking shall be provided in accordance with the approved details prior to the first occupation of any part of the development.

Reason: To ensure the development provides opportunities for sustainable modes of transport in accordance with the NPPF.

- 8 Prior to the first occupation of any of the dwellings hereby approved, the ground floor window serving the living/dining area in the side (west) elevation of Flat 1 (as shown on drawing number 2035-2-100) shall be fully glazed with obscured glass that complies with the current British Standard, and retained as such thereafter.

Reason: To protect the amenity of the neighbouring properties in accordance with Policy ESD15 of the Cherwell Local Plan Part 1 2015 and advice in the NPPF.

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 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. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

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