

**Case Officer:** Olivia Colson                      **Ward(s):** Banbury Grimsbury And Hightown

**Applicant:** Mr Alex Osborne

**Ward Member(s):** Cllr Andrew Beere  
Cllr Claire Bell  
Cllr Shaida Hussain

**Proposal:** External refurbishment to include two additional roof lights (conservation standard) to west elevation of roof and one additional roof light to east elevation. Amended fenestration throughout, removal of fascia board on north elevation and re-render whole frontage, except top most portion of north elevation. Gravel surfacing on drive.

**Referral reason:** Called in to Planning Committee by a Ward Member

**Committee Date:** 24.11.2016                      **Recommendation:** Approve

## **1. Application Site and Locality**

- 1.1 The application site comprises an end of terrace dwelling, with garden to the rear and an area for parking/servicing to the side. The building is constructed in red brick with sections of render to its principal elevation, with a slate roof. The dwelling is larger (principally it is wider) than neighbouring dwellings on Old Grimsbury Road and set within a larger plot. There are no listed buildings close proximity, and one locally listed 100 West Street to the west of the application site. The site is located within the designated Grimsbury Conservation Area.

## **2. Description of Proposed Development**

- 2.1 The application seeks planning permission for the insertion of two additional, conservation style roof lights to the west elevation of the roof of the building and one additional roof light to its east elevation, the installation of replacement fenestration throughout, the removal of the fascia board on the building's north elevation, the re-render of the whole of the building's frontage except the 'top most portion' of the north elevation, and the formation of gravel surfacing to the drive.
- 2.2 The application has been made as a householder application and does not seek planning permission for any change of use of the building. The plans suggest the applicant intends to use the building as an HMO. However, internal alterations do not require planning permission in this instance. It would be unreasonable to consider any potential future change of use as part of this application or refuse the current application for rooflights, windows and re-render on this basis.

## **3. Relevant Planning History**

08/00785/F: Change of use of part ground floor from commercial to domestic APPROVED 14 May 2008.

16/00502/F: Change of use from class c3 residential to sui generis 12 bed sit units with communal kitchens and provision of cycle parking and bin storage WITHDRAWN 25 April 2016

16/00787/F: Change of use from class C3 into two self-contained units WITHDRAWN 19 May 2016

16/00968/F: External refurbishment to include additional two dormer windows to west elevation, amended fenestration throughout, removal of fascia board on north elevation and re-render elevations except topmost portion of north facing frontage, 1 No additional conservation rooflight and free draining gravel surfacing on drive to west side. WITHDRAWN 2 August 2016

#### **4. Response to Publicity**

This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The comments raised by third parties are summarised as follows:

- Density of the occupants is inappropriate for the area.
- Inadequate off-street parking.
- Create too much noise.

The comments received can be viewed in full on the Council's website, via the online Planning Register.

#### **5. Response to Consultation**

Parish/Town Council:

BANBURY TOWN COUNCIL: No objections

Cherwell District Council:

CONSERVATION OFFICER: No comments

Oxfordshire County Council:

LOCAL HIGHWAY AUTHORITY: Objection. Recommends refusal for the observations made below.

##### Observations and Comments

The general principle of this development is for Houses in Multiple Occupancy (HMO) arrangement. I am perplexed to the fact that the description of the proposal tactfully avoids mentioning the conversion of the property into a HMO. It can be seen from planning history that an application for C3 HMO's was once made which was withdrawn before a planning consideration was made.

Taking a look at this application, I notice that the proposal would convert the household into a 12 bedroom/bedsit accommodation. The council recognises that it is difficult to set actual car parking standards for sui generis developments such as HMOs as this will often depend on the character of the location and the end users. I have thus used this as the basis of my decision.

Parking provision is a major consideration when assessing applications for HMO as it will significantly impact on the character of the area and amenity of residents, and any proposal that is considered to be detrimental to highway safety and harm amenity will not be permitted. This application has failed to demonstrate adequate levels of car parking to meet the future requirements of the likely occupants. Nevertheless, as a general principle for guidance taken in places where HMO's are predominant, off-street parking should be provided for future occupants where this is possible to at least 0.5 the number of proposed occupants. This must also be supplemented by provision of covered, secure cycle parking facilities.

Old Grimsbury Road is located within walking distance of the town centre and Banbury train station which is this well presented with regular trains to Oxford, London Marylebone and Birmingham New Street. The layout of Old Grimsbury Road is a narrow road, predominantly fronted by terraced dwellings on both sides of the carriageway void of front gardens and off-street parking. To the east, Old Grimsbury Road is relatively wide, gradually narrowing down to about 4metres in width to the west and areas fronting the development. This section of the carriageway is also compounded by a bend which affects forward visibility. There are no TRO's along the length of the Old Grimsbury Road. Collectively, the safety of road users is likely to be put to risk by parking behaviour.

The application here proposes only 2 parking spaces, a provision likely to create excessive parking pressure on Old Grimsbury Road. In the vicinity of the development, the carriageway is not wide enough to accommodate parking on both sides of the carriageway and still leave sufficient vehicle access. The scale of the proposed development is thus likely to exacerbate parking demand. With the absence of TRO's, there is no guarantee that indiscriminate parking shall not happen.

Paragraph 23 of the Design and Access Statement has made reference to the removal of the hard surfacing in the back garden, to be replaced by permeable pea gravel. This shall not be acceptable considering that cycle storage is proposed across this surfacing, unless a hard surface walking/cycling strip is suggested for the purpose of wheeling bicycles across to the storage area. Also, access to the back garden needs to be clarified showing enough room besides the parking spaces west of the dwelling.

In light of the above, I find the proposals likely to be detrimental to the safety and movement on the highway.

Other External Consultees:

N/A

## **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

ESD15 - The Character of the Built and Historic Environment

Cherwell Local Plan 1996 (Saved Policies)

C28 – Layout, design and external appearance

C30 – Design of new residential development

## **6.2 Other Material Planning Considerations:**

National Planning Policy Framework (The Framework) - 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.

Cherwell District Council: Home Extensions and Alterations Design Guide (March 2007)

## **7. Appraisal**

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

- Design and impact on the character of the area
- Impact on Heritage Assets;
- Effect on Neighbouring Amenity;
- Highway safety

Design, and impact on the character of the area

- 7.2 While the Conservation Officer has previously encouraged the removal of as much render as possible, the proposal retains the same portions and division of brick and render as currently exists.
- 7.3 The proposal includes the re-positioning of certain windows, which require consent because they are of a different appearance and because new south-facing first floor windows are proposed which exceed the tolerances of the General Permitted Development Order. The proposed windows are sliding upvc sash windows are considered acceptable in style and size.
- 7.4 The rooflights require consent because they are upper floor windows in side-facing elevations. The proposed rooflights would, subject to a condition to require them to be flush fitting, not have a significant impact on the character of the area.
- 7.5 Neither the removal of the fascia board or the laying of gravel to the drive would have a significant impact on the character of the area. Indeed, it appears likely that (subject to conditions) neither requires planning permission.

- 7.6 For these reasons the proposal would have not have a significant impact on the wider visual amenity of the locality, and would thus accord with retained Policy C28 of the Cherwell Local Plan 1996 (Saved Policies) and Policy ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1.

#### Residential amenity

- 7.7 Other than the rooflights, no net additional upper floor windows are proposed. The three new openings to the south elevation would replace three existing openings, but would be positioned at a lower level and would have the same or reduced impact to the neighbour to the south-west of the application site. Given the position of the rooflights and their angle in the roof to which they would be inserted, it is considered that neither would adversely affect neighbours through loss of privacy. Further, as no extensions are proposed, it is considered that neighbouring residents would not be adversely impacted by way of loss of light or outlook.
- 7.8 For these reasons, the current proposal accords with Policy C28 of the Cherwell Local Plan 1996 (Saved Policies) and Policy ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1.

#### Highway safety

- 7.9 The proposal would not result in loss of parking. There would be an increase in the number of bedrooms to the dwelling, though internal alterations do not require consent, and one must have regard to the previous commercial use of the building and to the site's town centre location.
- 7.10 It is noted that the local highway authority (LHA) objects to the application on the grounds of the intended use of the building as an HMO. However, such a change of use does not form part of the current application, and it would be unreasonable to refuse the current application for rooflights, windows and re-render on this basis.
- 7.11 The LHA objects to the proposed surfacing. Notwithstanding that subject to conditions in the GPDO the proposed surfacing may not require planning permission, given that it has been included in this application and in order to ensure it complies with those conditions, it would be reasonable to require amended surfacing details by condition.

### **8. Conclusion**

- 8.1 The proposals are considered to be acceptable in visual and residential amenity terms and subject to condition the proposed surfacing is also considered acceptable. Therefore the application is recommended for approval and planning permission should be granted subject to appropriate conditions.

### **9. 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, Ecology

report, Flood risk assessment, design and heritage statement and drawings numbered: 005C, 003D, 004C, 001, 006, 002, 007 and 008.

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 With the exception of the windows hereby approved, the materials and architectural detailing to be used in the construction of the external surfaces of the development hereby permitted shall match, in material and colour, those used in the existing building, and shall be retained as such in perpetuity.

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 and Policy ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1.

4 Prior to the commencement of the development, and notwithstanding the details submitted, full details of the windows and rooflights hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the doors and windows shall be installed within the building in accordance with the approved details.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

5 The access and remaining parking provision shall be kept free of obstructions at all times and used only for the storage of private motor vehicles.

Reason - In the interests of highway safety, to ensure a proper standard of development and to comply with Government guidance contained within the National Planning Policy Framework.

6 Prior to the commencement of the development hereby approved, and notwithstanding the details submitted, full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

**CONTACT OFFICER:** Olivia Colson / **TELEPHONE NO:** 01295 221814 /  
Nathanael Stock 01295 221886