

Central South and West Area Committee

9 March 2010

Application Number: 10/00083/FUL

Decision Due by: 19 March 2010

Proposal: Amendments to planning permission 06/02401/FUL comprising raising height of conservatory, replacement of boundary wall and new gate (part retrospective).

Site Address: 28 Worcester Place Oxford (site plan at **Appendix 1**)

Ward: Jericho And Osney Ward

Agent: Adrian James Architects

Applicant: Mr Mark Johnson-Watts

Application Called in – by Councillors – Cook, Van Nooijen, Clarkson and Price for the following reasons – public concern at the appropriateness of such development in a conservation area

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposed amendments and alterations are considered not to cause harm to the character or appearance of the conservation area
- 2 Officers were mindful of objections raised with regards to the car parking space and related traffic implications, the containerised tree and impact on the conservation area. The Highway Authority have raised no objections to the proposal and one off street car parking in the Transport Central Area is considered acceptable within the context of the adopted Oxford Local Plan 2001-2016. The containerised tree is a container grown tree which will subsequently be planted as requested through a condition on planning permission 08/01172/FUL (for two new dwellings on Walton Lane) and the alterations to the wall and increase in height to the conservatory do not cause harm to the character or appearance of the conservation area. All other matters raised were not planning issues.
- 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 Colour treatment of gate
- 2 Hardstanding details

Main Local Plan Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals

CP6 - Efficient Use of Land & Density

CP7 - Urban Design

CP8 - Design Developmt to Relate to its Context

CP10 - Siting Developmnt to Meet Functionl Needs

HE7 - Conservation Areas

HS19 - Privacy & Amenity

TR3 - Car Parking Standards

Core Strategy – Proposed Changes

CSP19 - Urban design townscape char & hist env

Other Material Considerations:

This application is in or affecting the Central Conservation Area.

PPS1 Delivering Sustainable Development

PPS15 Planning and the Historic Environment

Circular 01/2001 Arrangements for Handling Heritage Applications.

Relevant Site History:

69/22048/A_H - Internal alterations to provide new kitchen and bathroom. PDV 14th October 1969.

70/22417/A_H - Demolition of existing kitchen and bathroom and alterations to form new kitchen and bathroom. PDV 27th January 1970.

94/00097/NFH - Change of use from dwelling to student hostel. REF 13th April 1994.

06/01328/CAT - Fell ash tree in the Walton Manor Conservation Area at 28 Worcester Place. ROB 2nd August 2006.

06/02393/TPO - Fell ash tree referenced on the Oxford City Council Worcester Place (No. 1) TPO, 2006 at 28 Worcester Place. SPL 1st December 2006.

06/02401/FUL - Insertion of 2 basement windows and associated excavation works to create 2 lightwells facing Worcester Place. Excavation works to rear to create lightwell. Single storey rear extension and alterations to roof to include raising of ridge, and insertion of dormer windows to rear and rooflights to the frontage. PER 12th January 2007.

09/02738/NMA - Application for non-material amendment to planning permission 06/02401/FUL. REF 6th January 2010.

Representations Received:

1 Richmond Road, 41 Richmond Road, 8 Richmond Road, 24 Worcester Place, 8 Walton Street, 14 Richmond Road, 12 Walton Street, 6 Richmond Road, 12 Richmond Road,

Summary of Comments

Increase in traffic problems.

Two new houses built in Walton Lane are out of keeping with neighbouring houses.

Retain green space at the rear.

Two new houses already increasing traffic in Walton Lane

Gateway allows the rear garden to be used as a car parking space.

Enlarging of the entrance and provision of a containerised tree creates conditions for a car parking space.

Car parking space against planning policy.

Tree should be permanent not containerised.

Compensation for the enlarged conservatory should be paid to the community.

Serious and detrimental effect on the character of the Lane and the Conservation Area more widely.

Out of proportion with the existing house.

Light spillage on to Walton Lane

Changes are superficial

A skip free Worcester Place will be welcomed.

Statutory and Internal Consultees:

Jericho Community Association: contravenes councils objectives to reduce car use in the city centre, tree in a container is likely to be removed, applicant should be asked to make compensation to the local community for the abuse of the original planning permission.

Highway Authority: Having reviewed the planning application and visited the site, the Highway Authority has no objection to planning application 10/00083/FUL, subject to any ground resurfacing being SUDS compliant and the Highway adjacent to the site being reinstated to its original condition.

Issues:

Demolition of wall

Replacement wall

New access/Hardstanding

Conservatory

Other issues

Officers Assessment:**Site Description**

1. The application site lies on the corner of Worcester Place and Walton Lane within Jericho and comprised a double fronted end of terrace in red brick with a slate tile roof.

Proposals

2. The application is seeking amendments to a previously approved application (ref.: 06/02401/FUL) in the form of raising the conservatory roof by 200mm, replacement of boundary wall with new brick to match the old (adjacent to the conservatory the wall has been raised by 300mm and then steps down 600mm, at this point it is 300mm lower than that approved). The proposal also involves the insertion of a new sliding gate in vertical tongue and groove timber adjacent to the new dwellings on Walton Lane to replace the pedestrian gate shown in the approved scheme and hardstanding in gravel behind. The majority of the proposed alterations have been carried out.
3. In this instance because planning permission has been granted for works that involve the replacement of the boundary wall conservation area consent is not required for this revised scheme.

Assessment

4. The wall running along Walton Lane is an important element within the street framing the lane and enclosing the domestic space to the side of No 28 Worcester Place. Although the wall has been raised in part it continues to act as a means of enclosure along Walton Lane. The increase in height of the wall does not cause harm to the character or appearance of the conservation area.
5. There are other openings within Walton Lane of similar size and appearance to the proposed gate therefore it will not look out of place when viewed within the lane. The gate is to facilitate access to an area of hardstanding at the rear. The Highway Authority has raised no objections to the insertion of the gate or the hardstanding area or its use in terms of traffic generation and visibility splays. Inserting the gate will not harm the character or appearance of the conservation area. A condition is required to control the colour treatment of the timber.
6. Policy TR3 of the OLP states Planning Permission will only be granted for development that provides an appropriate level of car parking spaces, no greater than the maximum parking standards shown in Appendix 3. The application site lies within the Transport Central Area (TCA) where a maximum of one off street car parking space is considered acceptable for residential dwellings given there are excellent alternative to the car. The property does not currently benefit from any off street car parking therefore the inclusion of a car parking space is not considered to be contrary to policy.
7. The alterations to the conservatory include the raising of the roof by 200mm and a reduction in the amount of glazing. It is Officers opinion that the alterations are minimal and the design is comparable to that approved.

Conclusion:

8. The alterations proposed are therefore considered to have a neutral impact on the conservation area when compared to those approved and therefore Officers recommend they be approved.

Other issues

9. Reference has been made to the two new houses built in Walton Lane. They were approved under application 08/01172/FUL and are therefore not related to these current applications before Members.
10. Under the planning system there is no mechanism for compensation to be paid for a breach of planning permission. The applicant is given the opportunity to rectify the situation by submitted a new planning application and if this is subsequently refused enforcement action may be taken.
11. Light spillage from the conservatory roof will be no different to that approved.
12. Concerns have been raised over the reference on drawing number 192/WP/GA/07/B to a containerised tree. This is referring to a condition (condition 6) on the application approved under 08/01172/FUL for the erection of 2x4 bed semi-detached 2-storey houses in Walton Lane which states

*The over-mature ash tree located in the rear garden of No.28 Worcester Place shall be replaced with a container-grown extra heavy standard nursery stock tree of the species *Betula pendula* or another species to be agreed in writing by the Local Planning Authority. A plan showing the location of the tree in an appropriate position to provide visual amenity to the Walton Lane street scene as it grows, and detailing aftercare of the replacement tree, shall be submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with this approved plan.*

Reason: In the interests of the character and appearance the Central (City and University) Conservation Area in which it stands

13. This therefore means the tree is to be container grown to a certain size and then planted in the ground. It does not refer to a tree to be placed in the garden in a container.

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:

10/00083/FUL

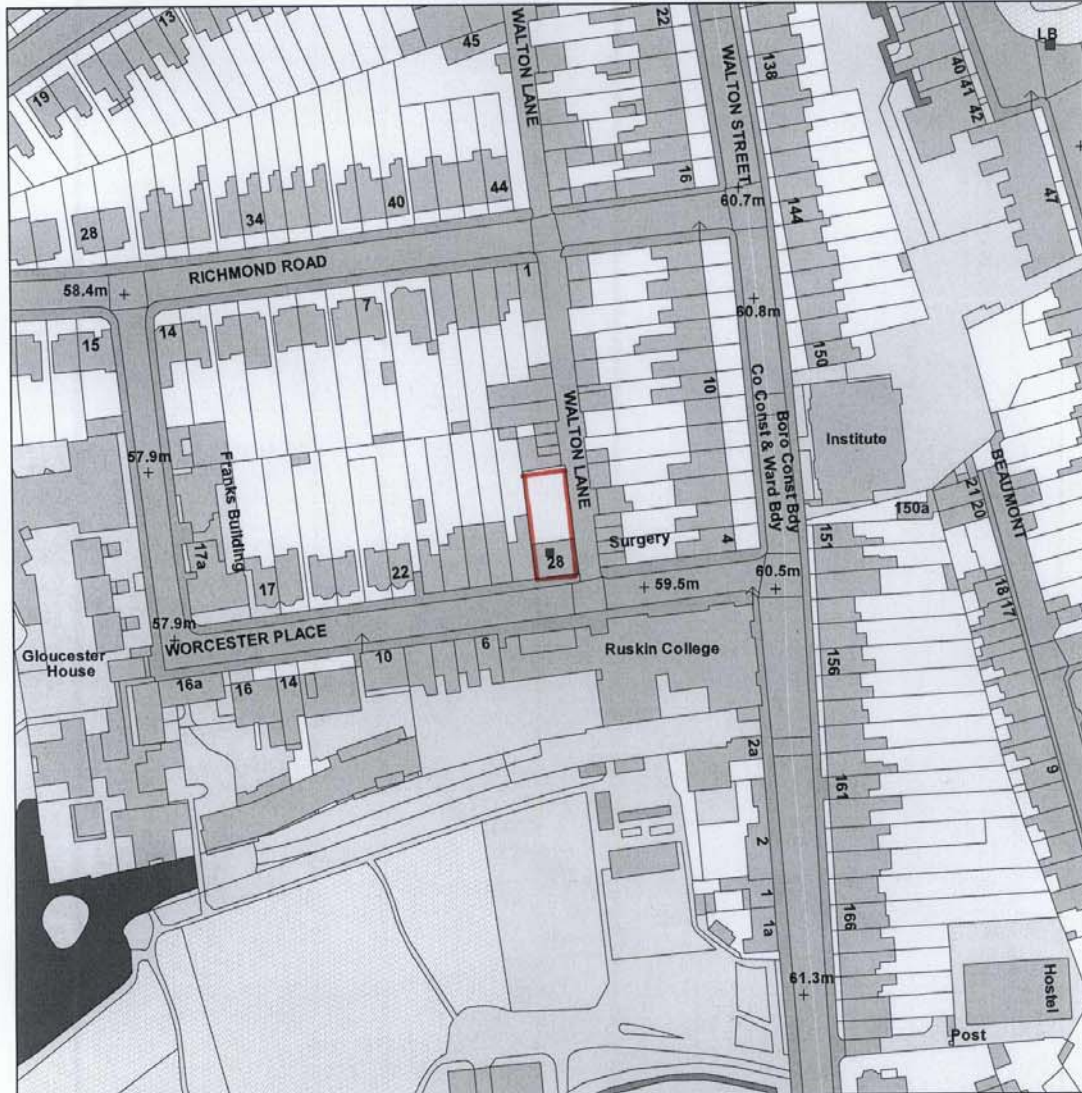
Contact Officer: Lisa Green

Extension: 2614

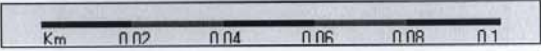
Date: 23 February 2010

Appendix 1

10/00083/FUL 28 Worcester Place



Scale : 1:1250



Organisation	Not Set
Department	Not Set
Comments	
Date	24 February 2010
SLA Number	LA100019348

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.