The Planning Inspectorate

Appeal Decision

Site visit made on 19 February 2018

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 1st March 2018

Appeal Ref: APP/G3110/W/17/3184277
1 Cranham Street, Jericho, Oxford, OX2 6BY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by J Gebbells against the decision of Oxford City Council.
- The application Ref 17/00874/FUL, dated 3 April 2017, was refused by notice dated 20 June 2017.
- The development proposed is the erection of part two, part three storey building to provide 2 x 1-bed and 1 x 2-bed flats (Use Class C3).

Decision

1. The appeal is allowed and planning permission is granted for the erection of part two, part three storey building to provide 2 x 1-bed and 1 x 2-bed flats (Use Class C3) at 1 Cranham Street, Jericho, Oxford, OX2 6BY in accordance with the terms of the application, Ref 17/00874/FUL, dated 3 April 2017 subject to the attached schedule of conditions.

Procedural Matter

2. I have taken the description of the development from the submitted appeal form, as this is more precise than the description given in the original application form.

Main Issues

3. The main issues are:
   (a) The effect of the proposed development upon the character and appearance of the area, including the Jerico Conservation Area.
   (b) The effect of the proposed development upon the living conditions of future occupants in respect of outdoor amenity space and neighbouring occupants in respect of privacy.
   (c) Whether the proposed development is acceptable in respect of energy efficiency.

Reasons

Character and appearance

4. The appeal site is a vacant and open plot located between the rear garden area of Nos 59 and 60 Walton Street and a modern 3-storey housing development at 4 and 5 Cranham Street.

5. The site is located within Jerico Conservation Area (CA), and as set out in the accompanying Conservation Area Designation Study 2010 (CADS), Jerico forms Oxford's first industrial suburb which developed during the 18th and 19th Centuries around the canal and railway. The area has a mix of residential and commercial properties, with many shops, cafes and other uses found along Walton Street. The appraisal notes that residential architecture in the area is simple but embellished with architectural detailing often unique to an individual property or property group. Streetscapes are typified by a uniformity of building line, roofscape, fenestration and materials which give a consistency of character.

6. During the 20th Century, the area was in poor condition and led to a number of clearance schemes. Properties along Cranham Street were said to be of the poorest quality in the area and were demolished and the subsequent redevelopment of Cranham Street took place over a number of phases during the latter part of the 20th Century. Today, Cranham Street contains a mix of houses and flats. Nos 4 and 5, as well as the Grantham House development, which are close to the site, are in a contemporary design, 3-storey in height with mono-pitched roofs and brick and rendered elevations. Although modern, these form a distinct and unique grouping consistent with other dwellings within the CA.

7. The proposed development would be 3-storey in height with a profiled zinc roof. It would be slightly lower than the roof at Nos 4 and 5. While I note that the second floors to Nos 4 and 5 as well as the Grantham House development are recessed, the second floor of the proposed development also has a small set back. I therefore find the proposed building to be consistent in terms of its scale and height. Its massing would also be broken up by the small set back of the second floor accommodation.

8. In terms of its siting, the building would be set forward from Nos 4 and 5. However, as noted within the CADS, buildings along Cranham Street are set back from the road and are staggered meaning that there is not a consistent building line. In visual terms, the top part of the street scene has a degree of enclosure afforded by the former Jerico Health Centre building (now vacant) opposite the site being located at pavement edge, as well as the tall side boundary wall, serving No 60 Walton Street, also located at the pavement edge. The proposed development would be set back from this boundary wall, but would be set forward of No's 4 and 5 and would incorporate projecting balconies at first and second floor level.

9. Accordingly, I consider that its positioning within the site would mark the transition between the enclosure at the top of Cranham Street towards the staggered set back of the modern buildings. The balconies, while projecting out from the front elevation, would be broadly in line with the front boundary of the appeal site, and would assist in this transitioning.

10. The appeal site is a small infill plot. However, there is relatively high density of development, including both modern and historic buildings, within the vicinity of the site. Moreover, in light of my findings relating to the buildings scale, height and positioning, I am satisfied that the proposed scheme would not appear cramped within its plot.

11. While the Council also consider that the development would not represent a sympathetic addition to the area and fails to provide a visual link between

Cranham Street and Walton Street, given the mixed and contemporary character of Cranham Street, I find that the proposed building will successfully assimilate into the street scene in terms of its scale, mass, form and positioning. Based upon my analysis of the CA, as set out above, and the CADS, I am thus satisfied that there would be no harm to the character and appearance of the Jerico Conservation Area.

12. Materials are also consistent with the adjacent modern developments and I find that the development would comfortably assimilate into these as a group. The roof form would be in contrast to adjacent dwellings, but again I find that this would not be out of place and would mark a transition along the street scene as well as helping to reduce the buildings massing.

13. Overall, I consider that there would be no harm to the character and appearance of the area and that the character and appearance of the CA would be preserved. The development would not conflict with Policy CS18 of the Oxford Corey Strategy 2011 (CS), and saved policies CP1, CP6, CP8, CP9, CP10 and HE7 of the Oxford Local Plan 2001 (LP) and policies CP9 and HP13 of the Sites and Housing Plan 2013 (SHP) which set heritage protection and detailed design aims.

Living conditions

14. The proposed development would comprise of 2no 1 bedroom flats and a 2 bedroomed flat. The ground floor flat would be served by a rear patio area which would also incorporate cycle parking. The first and second floor units would have external balconies.

15. As set out within SHP Policy HP13, new 1 or 2 bedroom flats and maisonettes should provide either a private balcony or terrace of useable level space, or direct access to a private or shared garden. The Council consider that the balcony area for the second floor flat would not meet the minimum size required of 4.5 sqm, but no such minimum size requirements are specified within Policy HP13. While all of the spaces as proposed may be small, I consider that these areas would allow future occupants to enjoy fresh air and light, and there would be room for a table and chairs and for drying clothes.

16. In respect of privacy, while the balconies project forward of the front elevation, only oblique views of the rear private garden areas to Nos 59 and 60 would be gauged. In light of their central positioning to the building, such views would be further limited. The balconies serving No 4 Cranham Street are recessed, and again, given the central position of the proposed balconies, only limited and oblique views would be gauged.

17. The area is high in density and a degree of overlooking inevitable. In light of my evaluation above, I am satisfied that there would be no material harm to the privacy of the occupants of these dwellings.

18. While outlook was not specifically referenced in the reasons for refusal, the Council also cite concerns in respect of this issue within their Officer Report. I accept that the ground floor private garden area would be enclosed due to the presence of the flank wall of the cinema, and outlook from the ground floor bedroom would also be affected. In light of the scale of the accommodation, its open aspect to the front and the reasonable size of the proposed rear

garden area serving this unit, I do not consider that the outlook would be so poor as to warrant refusal.

19. I also consider that there is adequate separation distance between the proposed dwelling and Nos 59 and 60 Walton Street properties at around 15m, as specified on the plans. This would avoid any overbearing effects. I also note that the development would adhere to 45/25 degree guidelines in respect of light, again as depicted by the submitted plans.

20. On this matter, I therefore conclude that there would be no harm to the living conditions of neighbouring and future occupants in respect of amenity space, privacy and outlook. The proposed development is in accordance with SHP Policy HP13 as well as Policies CP1, CP10, CP20 and CP21 of the LP and Policy HP14 of the SHP which seek to protect residential amenity in respect of privacy, outlook, and light.

Energy Efficiency

21. Policy CS9 of the CS requires that all developments should seek to minimise their carbon emissions. SHP Policy HP11 requires that all developments must submit an energy statement to show how efficiencies have been incorporated into the development, using an energy template set out within appendix 6 of the plan. Low carbon technologies should also be incorporated, where practical.

22. Appendix 1 of the Design and Access Statement sets out an Energy Statement, in accordance with Policy HP11. Further detail has been provided as part of the appeal in this regard within a separate appeal statement by al3d Projects (September 2017). In light of the site constraints, I am satisfied that it would not be possible to incorporate low carbon technologies such as heat pumps. I am however, satisfied that the development would employ sustainable building techniques and would promote efficiencies in terms of exceedance of insulation 'U' values as prescribed by Part L of the Building Regulations and would offer other benefits in respect of solar gains.

23. On this basis, I consider that the development would be acceptable in respect of energy efficiency and would comply with CS Policy CS9 and SHP Policy HP11 in this regard.

Other Matters

24. While I note the concerns in respect of the capacity of local services and in respect of inclusive communities, the development would provide 3 modest units and as such there is no firm evidence to suggest that the development would adversely affect these.

25. Ownership issues in respect of the boundary wall are a private matter between parties and not within my jurisdiction. I note the concerns regarding the enclosed right of way, but again, planning permission would also not override any legal rights of access.

Conditions

26. I have had regard to the Council's suggested conditions. I have attached a condition limiting the life of the planning permission, in accordance with the

requirements of the Act. I have also specified the approved plans as this provides certainty.

27. On street parking is restricted along Cranham Street; directly outside of the site there are double yellow lines and parking bays further south are time limited to a maximum of 2hrs between certain hours. However, the development is located in an area which has good access to public transport and in proximity to local shops and services, along Walton Road. It is therefore reasonable and necessary to impose a condition which restricts the units from eligibility for parking permits in the local area, to secure the development as car-free, and in the interests of highway safety in accordance with Policy HP15 of the SHP. The mechanism for this would be by way of an amended Traffic Regulation Order. I have however amended the Council's suggested wording as the cost burden of any amended to orders is a separate matter and it is not necessary to prescribe this in a condition. In light of the urban location of the site and in the interests of highway safety and residential amenity, I have also conditioned a construction traffic management plan.

28. Three separate conditions are proposed in respect of drainage. I have imposed a single condition in this respect, to avoid repetition.

29. A condition relating to obscure glazing to the east and western elevations elevation is necessary in order to protect living conditions of neighbouring occupants. I have amended the Council's suggested wording, for precision and to include an implementation clause, prior to occupation.

30. In respect of my findings in respect of privacy and energy efficiency, I do not consider that the Council's requested conditions in respect of privacy screens or an energy statement are reasonable or necessary, and I have not included these.

31. Finally, the Council also reference the need for a condition in respect of archaeology within their Officer Report, although no wording was provided as part of the conditions submitted for this appeal. Given that the site is located to the western end of a Late Neolithic/Early Bronze Age barrow cemetery, and excavation of the site could clarify previous archaeological work in this area, I consider it necessary to impose a condition in this regard. Due to the nature of the works, this is necessary to be undertaken pre-commencement.

Conclusion

32. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

C Searson

INSPECTOR

Schedule of Conditions

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, 249/100_O, Proposed sketch elevations, 249/111_O, Proposed rear elevations, 249/110_O, Proposed front elevations, 249/109_1, Proposed plans – second floor, 249/108_O, Second floor plan – flat 3, 249/107_O, First floor plan – flat 2, 249/106_O, Ground floor plan – flat 1, 249/105_O, Survey – elevations, 249/102_O, Survey – site plan, 249/101_O, Proposed site layout, 249/103_O.

3) The development hereby permitted shall be excluded from eligibility for parking permits prior to occupation.

4) A Construction Traffic Management Plan should be submitted to the Local Planning Authority and agreed prior to commencement of works. This should identify

   (a) The routing of construction vehicles,

   (b) Access arrangements for construction vehicles,

   (c) Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours (to minimise the impact on the surrounding highway network)

5) No building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

   i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

   ii) include a timetable for its implementation; and,

   iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

   The sustainable drainage system shall be implemented and thereafter managed and maintained in accordance with the approved details.

6) The building hereby permitted shall not be occupied until the windows to the east and west elevations have been fitted with obscured glazing, and no part of that/those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing shall be retained thereafter.

7) No development shall take place until a Written Scheme of Investigation shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions and:

   i) the programme and methodology of site investigation and recording;

   ii) the programme for post investigation assessment;

   iii) the provision to be made for analysis of the site investigation and recording;

   iv) the provision to be made for publication and dissemination of the analysis and records of the site investigation;

   v) the provision to be made for archive deposition of the analysis and records of the site investigation;

   vi) the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.