

CUNLIFFE CLOSE HOUSEHOLDERS' ASSOCIATION

6 CUNLIFFE CLOSE OXFORD OX2 7BL

Head of Planning and Development Oxford City Council
St Aldates Chambers, Oxford
By E-Mail: Planning@Oxford.gov.uk

20 February 2021

Dear Madam,

ERECTION OF TWO DWELLINGS IN THE GARDEN OF 122 BANBURY ROAD:
21/00269/VAR VARIATION OF 18/03113/FUL

We adopt and repeat the comments made on behalf of Linton Road Neighbourhood Association. Further the enlarged scale of the proposed construction and closer proximity to Belbroughton Road exacerbate the unsuitability of the proposed variation.

Failing the withdrawal of the Application we write to object on various grounds elaborated in the attached document, Comments and Objections, including the following:

1. The Application is for a significantly larger development than approved under Application 18/03113/FUL with extensions to the East and West and higher roofline.
2. Character of North Oxford Victorian Suburb Conservation Area (NOVCA)
 - i. Design is more intrusively inconsistent with NOVCA; does not preserve or enhance its character.
 - ii. Closer proximity to 1 Belbroughton Road, detracts from a Grade II listed building.
 - iii. First floor extension of the development unacceptably close to Cunliffe Close houses and gardens. Comparable hedge or fence would not be permitted.
 - iv. Lack of detail and information, including about materials and visual impact.
 - v. Over-development of site.
3. Biodiversity - Greater risk to significant protected ginkgo tree.
4. Mass and Scale – 5,000+ square foot houses not affordable or key worker housing.

These objections specifically address the changes sought.

We respectfully urge the Council to reject this Application.

Yours faithfully

Sa'id Mosteshar
Chairman, CCHA

Attachment: Objections to Application 21/00269/VAR

Copy: Mr Tobias Fett

PLANNING APPLICATION 21/00269/VAR: 122 BANBURY ROAD ("THE APPLICATION")

COMMENTS AND OBJECTIONS FROM CUNLIFFE CLOSE HOUSEHOLDERS' ASSOCIATION

The following Comments relate to the proposed variation Application 21/00269/VAR over and above those made on Application 18/03113/FUL.

1. GENERAL CONTEXT

The present application is a substantial change from the previous, approved, application (18/03113/FUL). The roofline is higher and there are considerable extensions to the North and East compared with the approved plans.

The extensions are sufficiently large that, had the approved plans been built, a full application would have been required for the proposed changes. In addition, the amount of information provided (there is no design statement) make it impossible to judge the application. In short, there is too much here to be presented as a Variation; it should be withdrawn and a new application submitted.

This Application provides little information about many aspects of the proposal or justification for departure from the current consent.

In addition the Application is contrary to important Council policies:

CP1. "Planning permission will only be granted for development which shows a high standard of design, including landscape treatment, that respects the character and appearance of the area; and uses materials of a quality appropriate to the nature of the development, the site and its surroundings."

CP8. "All new and extended buildings should relate to their setting to strengthen, enhance and protect local character."

For conservations areas: HE7. "Planning permission will only be granted for development that preserves or enhances the special character and appearance of the conservation areas or their setting."

2. CONSULTATION

It is a requirement of law that the Council acts as a fair and impartial adjudicator between the developer promoting a scheme and a third party opposing it. This requires that the Council should not only act fairly but be seen to act fairly between two opposing positions. We expect this of the officers dealing with this Application.

Furthermore, the NPPF requires local planning authorities to "encourage any applicants who are not already required to do so by law to engage with the local community before submitting their applications [National Planning Policy Framework, 2018, Paragraph 40]." No such consultations have taken place with this or any other local association or neighbours save on my initiative and about the fences belonging to adjoining properties when a passing mention was made that the buildings would move a little to the East without reference to the significant extension of the building and changes proposed.

3. HERITAGE ASSETS

The proposed development increasing its height to two floors at the East will be more visible from Belbroughton and Banbury Roads, increasing the impact on the following heritage assets:

The North Oxford Victorian Suburb Conservation Area – including 122 Banbury Road; and,
The setting of three nearby listed buildings - 1 Belbroughton Road (Grade II), 121 Banbury Road (Grade II) and Somerville House (Grade II).

1 Belbroughton Road ("1 BBR") being adjacent to the proposed development ("the Enlarged Development") will be most immediately adversely affected by its closer proximity and greater bulk than approved. The Application does not include any relevant legal or policy analysis. Nor does it plead any substantial public benefit that would outweigh the harm done.

The character of the NOVSCA is heavily influenced by the generous space that exists between buildings, the long and conspicuous domestic gardens. These characteristics and qualities will be further diminished by the Enlarged Development, alien to the NOVSCA and extremely harmful. No countervailing benefit is suggested to overcome this harm making the East extension and size of the Enlarged Development clearly unacceptable.

4. CHARACTER OF THE BUILDINGS

The new buildings will be even more visible from Belbroughton Road, an intrusion into the setting and offensive to the visual quality of 1 BBR. The design is too large in scale.

This Enlarged Development would substantially harm the 1 BBR heritage asset and should be refused on this basis alone. There is in addition no public benefit to counterbalance the harm. The proposed buildings would not enhance or improve the NOVSCA or the setting of 1 BBR in any way, while being more visible through the drive, having moved to the East.

4.1 View into and out of the NOVSCA

The Enlarged Development would interrupt and harm the views into and out of the Conservation Area.

Much was made of the reduction of impact by the original development through landscape screening. This cannot be sustained in support of the Enlarged Development.

Views from Cunliffe Close into the Conservation Area will be virtually completely obstructed by the Enlarged Development.

4.2 Spacing between Buildings

The North Oxford Victorian Suburb Conservation Area comprises "spacious layout of properties with gaps between houses providing a combination of privacy to residents while affording views between homes of the trees and green landscape beyond." These characteristics are further diminished by the expanded Enlarged Development.

At over 5,000 square feet each new expanded detached house will have a particularly small garden relative to others in the NOVSCA.

5. DESIGN AND STYLE

5.1 Scale & Mass

The Enlarged Development comprises two houses, each over 5,000 sq ft in blocks of different shapes and sizes with first floor extension East, presenting a larger mass. The scale, massing and design of the Enlarged Development do not respect or reflect the local context. No policy or public benefit justification is identified.

5.2 Windows and Doors

There is no indication of the structure or appearance of the windows and doors. The Application documents appear to look different from those currently permitted.

5.3 Materials

There is insufficient information about materials. In so far as any are mentioned the materials clash with 122 Banbury Road and others in NOVSCA.

6. CHARACTER OF THE GARDENS & LANDSCAPE

This NOVSCA is characterized by large back gardens, mature trees, and pleasant views in and out. The Enlarged Development would further break that pattern.

The Council's own language in a recent planning appeal is important.

"This is a prominent corner site with an unbroken line of trees along the road frontage of the Enlarged Development, on the main arterial route into the City." "The character and appearance of the NOVSCA depends on the spaces between the buildings and on the mature landscape settings that establish the verdant qualities." "The tree and boundary elements provide continuity to the character and appearance of the area." [The Council's submission re: the 26 Lathbury Road Appeal].

The extension to the East will significantly reduce views and damage this aspect of the character of NOVSCA.

6.1 Fences

Although there have been proposals discussed, there is no detail in the Application about how the current fence on the north boundary to Cunliffe Close will be preserved.

6.2 Ginkgo Tree

The landmark Ginkgo T11 near the corner of the existing house has an offset RPA that will be encroached by excavation for the proposed light well. This tree is on the list of Endangered Species of the IUCN. The Enlarged Development poses serious risk to the tree.

7 AMENITY

Some of the following amenities will be limited for the new houses, and lost for neighbours and the public.

7.1 Ambient Light: Neighbouring Houses

The gardens of 4 and 6 Cunliffe Close are characterised by southern exposure and high levels of sunlight. South Lodge also has a substantial southern exposure. 2 Cunliffe Close has mixed sun and shade but enjoys considerable light from the south, especially in winter.

The Enlarged Development will increase the height of House 1 to 2 floors, within 1m or less from the north hedge and would cast considerable shade and reduce ambient light for all four adjoining houses, and obstruct light to those Cunliffe Close south-facing gardens. No hedge or fence of this height would be permitted at such proximity to adjoining properties.

7.2 Privacy and Overlook

The West windows of the Enlarged Development would look into both South Lodge and its garden, and into the existing house, reducing its privacy and limiting that of the new dwellings.

Privacy for 2, 4, 6 Cunliffe Close will be lost by the new windows of the Enlarged Development.

1 BBR will suffer the most loss of privacy from the proposed Enlarged Development, with its closer proximity, large number of floor-to-ceiling windows overlooking the back of 1 BBR and its entire garden.

8 PLANNING STATEMENT

We refute assertions in the Planning Statement, including but not limited to the claim that there is need for additional housing in North Oxford of the size and nature proposed; that the proposed enlargement conforms to the character of the area; and that it is of good design; an essential element of good design being community acceptability that this does not meet.