

LATHBURY ROAD RESIDENTS ASSOCIATION

25 Lathbury Road Oxford OX2 7AT
Chairman Lady Pasley

Letter to City Councillors

20 January 2010

*Strategic Development Control Committee – 27 January 2010
re: planning application 09/02175/FUL – 26 Lathbury Road*

Further to my letter to you of 12 January 2010, we have a major concern with the Officers' Delegated Report of 23 December 2009 that is attached to the agenda for your meeting. Paragraph 3 of the Report is, in the view of this Association, mistaken. It says (emphases added):

*Members should note that a planning application (08/02028/FUL) for identical alterations, extensions and conversion of the existing house, but including a proposal to erect an additional pair of semi-detached dwellings in the gap between the existing house and 24 Lathbury Road, was refused **only** on grounds **primarily** relating to the proposed new pair of houses. On that basis Officers maintain their assessment and recommendation set out in the report to the North Area Committee which is hereby attached. For those reasons Officers consider the application to be acceptable and the Strategic Development Control Committee is therefore recommended to grant planning permission subject to the conditions set out in the report.*

In our last letter, we addressed the concern of our Association's members about a decision driven by expediency. But we had not anticipated that the Officers' Report would misinform and therefore risk misleading the Members. To correct the inaccuracies, we request you to take account of the following points:

1. Our Residents Association was well represented at the North Area Committee meeting in December 2008 when the application 08/02028/FUL was determined. We heard the thrust of the Members' comments (principally voiced by Cllrs Goddard and Fooks) being directed at the failure of the proposal in all its parts to meet the City's conservation area planning policies. Other matters were mentioned including parking, but we suppose that the conservation aspect of the application came in for special and particular criticism simply because the Officers had said:

...The proposed extensions would appear in keeping with the scale and character of the existing building and would not detract from its attractive setting and appearance in the street scene.

We believed, as clearly did the Members, that the Officers' recommendation was amiss.

2. Although it may have been the preference of Officers, it was certainly our perception that the Members did not intend the application 08/02028/FUL to be refused "only on grounds primarily" relating to the proposed new pair of houses. It appeared that Members were

set on correcting an egregious recommendation where Officers did not even advise against the insertion of the infill houses on conservation grounds, advancing instead a recommendation that reversed Policy HE7 of the adopted Oxford Local Plan 2001-2016 whereby the acceptance of a degree of harm to the character and appearance of the area became an acceptable policy for a conservation area. For the Officers had said of the proposed new houses that:

[their] form and appearance is not so harmful as to warrant a refusal of the application on these grounds.

3. Further, if during that 2008 meeting the Members decided that the proposal be turned down comprehensively on conservation grounds, why does this latest Report not say so? The silence, as we explained in our earlier letter, may arise from the failure in the published reasons faithfully to record the rationale behind the Members' decision.
4. Despite these misgivings, it is our view that no matter what they were designed to convey, the written reasons for refusing the 2008 application do not intrinsically provide any indication that the application was refused either "primarily" or even "only" for the reason that two houses were proposed to be built in the gap between the applicant's house and its neighbour. For when the wording is examined, it will be seen that the very first observation concerns "the verdant setting" of the house, which would have been lost. This was expressed *together* with the importance of maintaining "the spaces between buildings". For not only would there be the "loss of a gap between the buildings" but, as stated with equal emphasis, the proposal would have had "an adverse impact on the garden setting on the house, causing harm to the character and appearance of the Conservation Area, contrary to national guidance and policies CP1, CP8, CP9 and HE7 of the adopted Oxford Local Plan 2001-2016."
5. Accordingly there can be no justification for the Officers' recommendation that this application be approved because the earlier application was refused for reasons that had no relevance to the present application. We consider the reasons for refusal given by the North Area Committee at its December 2009 meeting to be an entirely apposite application of national guidance and Local Plan Policy HE7, which we believe the applicant had every reason to expect. The applicant may well be disappointed, but will have no reason to be taken by surprise by a refusal in these terms.

Although we accept that Officers acted correctly by notifying Members of the SDCC, we would be concerned if in all cases of a difference of opinion between Members and Officers there is a presumption that the Members of the Area Committee have acted in error. This Officers' Report gives an impression that the Officers are exceeding their advisory role. Its mistakes and omissions raise natural questions about undue and purposive influence which we cannot ignore.

Nonetheless we hope that our concerns are unfounded, and to that end we look forward to a decision on this application that is made on its merits, a decision that accords not only with the Council's own stated policies, but also with the wealth of its published guidelines. We believe that the only possible outcome is for this application to be refused, in conformity with the Council's 2008 decision and the Area Committee's decision just given. We urge that you make that same decision when you come to decide it next week.