

REPORT 3

APPLICATION NO.	P06/E1027
APPLICATION TYPE	Full
REGISTERED	12.10.2006
PARISH	Stoke Row
WARD MEMBER	Mr Jules Thomson
APPLICANT	Mr and Mrs P Olley
SITE	Unit 4B, Crest Estate, Stoke Row
PROPOSALS	New detached two storey dwelling and detached garage.
AMENDMENTS	One:- 06/PO/1568.2B
GRID REFERENCE	467431/184077
OFFICER	Mr T Wyatt

1.0 INTRODUCTION

1.1 This application is referred to Committee as the Officer's recommendation conflicts with the views of the Parish Council.

The application site (which is shown on the OS extract **attached** as Appendix A) is
1.2 located on the western fringes of Stoke Row in an area of loose knit development, the majority of which comprises detached dwellings set within spacious plots. However, there is also commercial development in this area of the village, such as that currently existing on the application site.

The site is located towards the western edge of the village in a transitional zone
1.3 between the main built up area of Stoke Row to the east and the countryside to the north and west. The site and the surrounding area is located within the Chilterns Area of Outstanding Natural Beauty.

2.0 THE PROPOSAL

2.1 The proposal seeks to demolish the existing commercial building and construct a two storey detached dwelling and detached double garage on the land.

2.2 The proposed dwelling would be sited slightly to the north of the existing commercial building and would have a footprint of approximately 120 square metres with a height of 8 metres. The dwelling would compromise four bedrooms with its front elevation facing west rather than north towards the road (Kit Lane) and vehicular entrance to the site. The proposed facing materials consist of plain

clay tiles, and brickwork with decorative corner quoins and arched soldier coursing over the windows. Part of existing grazing land to the east of the existing commercial building would be incorporated into a residential curtilage for the proposed dwelling, otherwise the curtilage would be restricted to that of the existing commercial use. The applicant has stated that this land to the east was historically part of the curtilage of the industrial unit and that it has been fenced off to prevent overspill parking on the land. This may have been the case, however, the land clearly has the appearance of rough pasture at the present time that is independent from the industrial unit.

2.3

Following the submission of amended plans, the proposed garage would be sited alongside the western boundary of the site where it would lie behind the front building line of the proposed dwelling. The garage would be constructed with timber clad walls and plain clay tiles to the roof. Vehicular access to the site would be gained from the existing access serving the commercial use. A copy of the proposed plans is **attached** as Appendix B.

3.0 CONSULTATIONS AND REPRESENTATIONS

3.1 **Stoke Row Parish Council** – The application should be approved.

Monson (Drainage Consultants) – A public foul sewer runs north to south through the site. Its location should be indicated on a plan to ensure that building over the sewer is not involved.

OCC Highways Liaison Officer – The existing access does not meet visibility standards used by the Highway Authority. However, when compared to the current use, the proposed dwelling would generate fewer traffic movements and therefore would benefit highway safety. Sustainability is an issue, however, the reduction of traffic movements is considered to outweigh sustainability issues. The Highway Authority has no objection to the proposal subject to a condition requiring parking and turning areas to be provided prior to the occupation of the dwelling.

Environmental Health Service – Due to the existing use of the site, the land may be contaminated. As such a condition requiring the investigation and remediation of any contamination should be imposed on any planning permission. No objections subject to a condition being imposed on any consent to ensure a suitable room layout for the development.

Thames Water – No building will be permitted within 3 metres of the public sewers 3.5 crossing the site without the approval of Thames Water.

Neighbours – One letter of support has been received:
3.6

- The development would remove an eyesore that detracts from the appearance of the village
- The semi-industrial nature of the site is out of keeping with the otherwise rural and residential nature of the area and landscape.

4.0 RELEVANT PLANNING HISTORY

- 4.1 P95/S0558/O - Construction of an industrial building for B1 use. Refusal of Planning Permission on 22 December 1995 and appeal dismissed on 24 October 1996. The main refusal related to the site's location beyond the edge of the built up area of the village and that the building would consolidate and intensify the built form in this area.
- 4.2 P93/S0476/O - Industrial garage and storage building. Refusal of Planning Permission on 14 January 1994.
- 4.3 P93/S0464 - Demolition and rebuilding of existing production area for light industrial use. Planning Permission on 25 October 1993. This permission relates to the building immediately to the north of the current application site.
- 4.4 P80/S0477 - Use of building and land for storage purposes. (Unit 7). Refusal of Planning Permission on 04 July 1980, however, an appeal was allowed on 27th January 1981.
- 4.5 P80/S0476 - Use of building and land for the manufacture of fencing (Unit 4B). Appeal allowed on 27 January 1981.
- 4.6 P80/S0373 - Use of building for the manufacture of boat sails

and covers. Appeal allowed on 27 January 1981.

4.7

As well as the above planning history of the site and its immediate surroundings, the planning history of a neighbouring property to the west of the site, Woodlands, is also of relevance. In relation to this property, an established use certificate was granted for the storage, repair and maintenance of furniture in April 1992 under application P91/S0501/EU. An application for the demolition of the commercial buildings with established use and the erection of a house and garage, P93/S0133, was refused but allowed on appeal on 18 January 1994. The issues surrounding this application are very similar to those relating to the development now being proposed, particularly as the site is adjacent to the current application site.

5.0 POLICY AND GUIDANCE

5.1 Adopted Structure Plan 2016 Policies:

- G1 – General Policies for Development
- G2 – Improving the Quality and Design of Development
- G5 – Development Outside Settlements
- EN1 – Landscape Character
- T2 – Car Parking
- H1 – The Amount and Distribution of Housing

5.2 Policies of the Adopted South Oxfordshire Local Plan 2011 (SOLP):

- G1 – General Restraint and Sustainable Development
- G2 – Protection and Enhancement of the Environment
- G3 – Locational Strategy
- G4 – Development in the Countryside and on the Edge of Settlements
- G6 – Promoting Good Design
- C1 – Landscape Character
- C2 – Areas of Outstanding Natural Beauty
- EP1 – Prevention of Polluting Emissions
- EP2 – Noise and Vibrations
- EP8 – Contaminated Land
- D1 – Good Design and Local Distinctiveness
- D2 – Vehicle and Bicycle Parking
- D3 – Plot Coverage and Garden Areas
- D4 – Privacy and Daylight
- D6 – Design Against Crime
- D8 – Energy, Water and Materials Efficient Design
- H5 – Larger Villages within the Green Belt and Smaller Villages throughout the District
- H6 – Locations where New Housing will not be permitted
- H7 – Range of Dwelling Types and Size
- H8 – Dwelling Densities

- E6 – Retention of Employment Sites
- T1 & T2 – Transport Requirements for New Developments

5.3 Government Guidance:

- PPS1 – Delivering Sustainable Development
- PPS3 – Housing
- PPG4 – Industrial, Commercial Development, and Small Firms
- PPS7 – Sustainable Development in Rural Areas

5.4 Supplementary Planning Guidance

- South Oxfordshire Design Guide December 2000 (SODG)

6.0 PLANNING ISSUES

6.1 The planning issues that are relevant to this application are:

- The principle of the development
- The impact on the character and appearance of the surrounding area
- The impact on the amenity of neighbouring occupiers
- The impact on the living conditions of the future occupiers of the development
- Highway considerations

The Principle of the Development

6.2 The site is currently in an existing employment use. As such Policy E6 of the South Oxfordshire Local Plan 2011 is relevant to this proposal. The Policy seeks to retain employment sites and therefore resist the redevelopment or change of use of employment land or buildings. In light of this, planning permission resulting in the loss of employment uses outside of the towns of Didcot, Henley, Thame and Wallingford will usually only be granted where it can be demonstrated that the existing employment use is no longer economically viable. In order to try and demonstrate that this may be the case, it is necessary for the site to be marketed for employment purposes for at least a year at a reasonable price in relation to its current employment use or a suitable alternative employment use.

6.3

In this case it is apparent that the site has not been marketed in terms of an employment use and as such this would conflict with the requirements of Policy E6. In the lower case text of Policy E6 Paragraph 6.20 states, 'the need to retain employment opportunities in the villages of the district is particularly strong as many employment sites have been redeveloped for housing in recent years and as well as providing job opportunities, local employment plays an important role in supporting village services and facilities'.

6.4

Policy H5 of the SOLP relates to housing development within the smaller villages of the district, such as Stoke Row and states, “infill, which is defined as the filling of an appropriate small gap in an otherwise largely built up frontage by the erection of one or two detached or up to four small terraced or semi-detached dwellings, or backland development of the same scale, will be permitted provided that the criteria in Policy H4 can be met”. The proposed development is evidently small scale as it only relates to one dwelling, but the application site does not represent a ‘small gap in an otherwise largely built up frontage’. Furthermore, the application site is located outside the main built up area of the village as it forms part of a sporadic pattern of residential and commercial development running towards the open countryside.

6.5

Support for the above view has been taken from an Inspector’s appeal decision dated 18th January 1994 in relation to the redevelopment of commercial buildings to construct a dwelling at Woodlands, a property immediately to the west of the application site (as referred to in Section 4 of the report). In his appeal decision, the Inspector stated, ‘Two Inspectors in appeals in 1980 and 1992 took the view that the property now known as Schatjes, lying some distance to the east of the appeal site, was outside the built up part of the village. In my opinion the existing development to the west of The Vicarage is more sporadic than that to the east. Consequently I share the Council’s view, supported by the views of previous Inspectors, that the appeal site is outside the main built up part of the village’. A plan showing the location of ‘Schatjes’ and the ‘Vicarage’ is **attached** as Appendix C and a copy of the appeal decision relating to Woodlands is **attached** as Appendix D.

6.6

Although over ten years has elapsed between the Inspector’s appeal decision and the current application, there has been no material change to the built form in this intervening period, which would change this view. Therefore, the principle of the development is considered to be contrary to Policy H5.

6.7

Whilst the Inspector allowed the above appeal his reasons were based mostly on the consideration that the proposal would replace existing buildings and would not therefore extend the urban area into the countryside. The current proposal would also replace an existing building but Policies E6 and H5 of the SOLP 2011 are now in place, and are of direct relevance. Hence the policy context has changed since the Inspector allowed the appeal in respect of Woodlands. Notwithstanding this it is interesting that the Inspector stated, ‘I do not consider that... a precedent would be set for the redevelopment of other commercial units in the vicinity, because, firstly, in this case the floorspace of the proposed dwelling and the existing buildings are similar and, secondly, the other buildings are much more exposed to

public view and can be distinguished from the appeal proposal.'

6.8

The Impact on the Character and Appearance of the Surrounding Area

6.9 Notwithstanding the fact that the principle of the development is not acceptable, the impact of the development on the character and appearance of the site and surrounding area also has to be assessed. The site lies in a visually sensitive position within the Chilterns Area of Outstanding Natural Beauty. Whilst the site is well screened from the road frontage to the north of the site and to the west of the site by mature vegetation along the road frontage and by the existing commercial building to the north (Unit 3) it is open to views from the road to the east of the site.

6.10 It is acknowledged that the existing commercial use is not an attractive feature of the area. This use involves the repair and maintenance of motor vehicles and consequently there are several vehicles, and associated equipment stored on the surrounding open land. The building is a single storey structure running south to north with its front elevation facing the road to the north. The building has a floor area of approximately 100 square metres.

6.11 The proposed dwelling would be a two storey building and would have a separate double garage building on the western boundary of the site. The floor space of the proposed residential buildings on the site would be approximately 270 square metres representing an increase of 170% over the existing building. Furthermore, the height of the dwelling would be 8 metres compared to the 4 metre height of the existing building. In addition the proposed dwelling would be sited closer to the road than the existing building and part of an open grassed area to the east of the commercial building would be incorporated into the curtilage of the dwelling.

6.12 As such the proposed dwelling and its garage would have a significantly greater visual impact than the existing building, particularly when viewed from a section of the road to the east of the site and in terms of the built form, it would intrude into the surrounding area to a greater degree than the existing building.

The character and appearance of the area is spacious due to the size of the plots on which both the commercial and residential buildings sit. This spaciousness has

allowed for the abundant vegetation which helps to screen and soften the built form as well as provide an important transitional character between the more dense built form to the west and the countryside to the west and north. It is therefore important that any development does not result in the erosion of the spacious character and appearance of the area. The substantial increase in the built form on the site would significantly increase the visual prominence and intrusion of the built form in this location to the detriment of the character and appearance of this part of the Area of Outstanding Natural Beauty contrary to Policy C2 as well as guidance in PPS7.

The visual impact of the development and its consequent impact on the AONB would also be increased through the incorporation of part of what currently appears to be grazing land into the garden area of the proposed dwelling. This land lies immediately to the east of the existing building outside its curtilage. This area currently appears as rough grazing land which makes a positive and significant contribution to the character and appearance of the area. The land abuts the highway to the north and is open to view. Its open and agricultural appearance provides an important contrast to the more urban built form to the east and allows a transition from the main built area of the village to the countryside to the west. Hence the incorporation of this land within the proposed garden would detract from the appearance of this part of Stoke Row.

The proposed development would result in the intensification and consolidation of the built form to the detriment of the spacious and semi-rural character and appearance of the area. Furthermore as the site is considered to lie outside of the main built up part of the village, the proposal is contrary to Policies H6 and G4 of the SOLP. Policy H6 states, inter alia, that new housing development will not be permitted on the edge of settlements where the built up area of the settlement would be extended. This restriction is also mirrored by Policy G4, which relates to the more general requirement to protect the countryside for its own sake in respect of all development.

The Impact on the Amenity of Neighbouring Occupiers

Policy H4 also seeks to ensure that new development does not adversely affect the amenity of neighbouring occupiers. No objections to the application have been received from the neighbouring residents and one letter of support has been received. The author of this letter welcomes the loss of the existing commercial use. It is acknowledged that the replacement of the existing commercial use with a residential use is likely to improve the amenity of adjoining residential occupiers through a reduction in noise, traffic and other environmental disturbance. In this regard the proposal would comply with the broad thrust of Policy EP1 and EP2 of

the SOLP.

6.17

It is also considered that the proposed dwelling would not result in any overlooking, overshadowing, or overbearing effects on neighbouring amenity as the site is of a substantial size and a substantial distance to neighbouring properties would be retained. Furthermore, the site is well screened from surrounding neighbours, apart from in respect of the commercial premises directly to the north, and as such the development would not result in a loss of privacy to neighbouring properties.

6.18

Although the proposed development would benefit neighbouring occupiers, this does not outweigh the basic policy objections to the proposal or the increased visual impact of the proposed development compared to the existing building on the site.

6.19

The Impact on the Living Conditions of the Future Occupiers of the Development

Policy D3 of the SOLP seeks to ensure that all new dwellings are provided with adequate amenity areas. The dwelling would be provided with a substantial garden area that would comply with the size requirements for garden areas outlined in the SODG. Furthermore, the garden area would afford a good degree of privacy although the front of the dwelling would be in view of the occupiers of the commercial premises immediately to the north.

There is a possibility that the site is contaminated due to the existing and previous commercial uses on the site. In order to address this issue, a condition is recommended requiring the investigation and, if necessary, the remediation of contamination on the site in line with Policy EP8 of the SOLP.

Highway considerations

The Highway Liaison Officer has stated that the visibility lines at the road junction serving the site are not sufficient. However, in mitigation of this it is recognised that the proposed use would generate less traffic than the existing commercial use. In light of this no objections are raised in respect of this issue. There would be sufficient parking and turning space on the site.

7.0 CONCLUSION

7.1 The application proposal fails to accord with the relevant development plan policies and national planning policy. The development would result in the unjustifiable loss of an existing employment use and would result in the construction of a new dwelling outside of the main built up area of the village. Furthermore, the proposal would cause harm to the character and appearance of the surrounding area to the detriment of the Chilterns AONB.

8.0 RECOMMENDATION

8.1 That planning permission be refused for the following reasons:

- 1. The proposed development involves the loss of the existing employment use of the application site. Policy E6 of the South Oxfordshire Local Plan 2011 (SOLP) seeks to retain existing employment uses unless it can be demonstrated that the employment use of the site is no longer economically viable. The application has not demonstrated that the employment use of the site is economically unviable and therefore the proposal is contrary to Policy E6 of the SOLP.**

- 2. Stoke Row is a village where small scale residential development may be permitted. However, the application site lies within an area of loose knit development on the western fringes of Stoke Row, which is located outside of the main built up part of the village. Consequently the application proposal is not in accordance with Policy H5 of the SOLP, which only allows for small scale infill or backland development within the main built up part of the village. In addition the proposal would extend the built up area of the settlement contrary to Policies G4, and H6 of the SOLP and guidance contained in Planning Policy Statement 3: 'Housing' and Planning Policy Statement 7: 'Sustainable Development in Rural Areas'.**

- 3. The application site is located on the western fringe of the settlement of Stoke Row, which represents an important transitional area**

between the more dense built form to the east and the surrounding countryside. The proposed dwelling, due to its scale, size, siting, and bulk, and due to the extent of its garden area, would substantially increase the visual prominence and impact of the built form on the site to the detriment of the character and appearance of the site and the surrounding area, which forms part of the Chilterns Area of Outstanding Natural Beauty. As a result the proposal is contrary to Policies G2, G4, G6, C1, C2, D1, and H4 of the South Oxfordshire Local Plan 2011 and guidance contained within Planning Policy Statement 1: 'Delivering Sustainable Development, Planning Policy Statement 3: 'Housing'; Planning Policy Statement 7: 'Sustainable Development in Rural Areas' and the South Oxfordshire Design Guide 2000.

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