

APPLICATION NO. P06/E1328/O
APPLICATION TYPE OUTLINE
REGISTERED 18.12.2006
PARISH CHINNOR
WARD MEMBER(S) Mrs Linda Cameron
Mrs Patricia Haywood
APPLICANT Mr & Mrs D Walsh
SITE 14 Malyns Close, Chinnor
PROPOSAL New 2/3 bed house on land adjacent to 14 Malyns Close, Chinnor.
AMENDMENTS As amplified by drawing accompanying letter from Agent received 24 January 2007 and amended by drawing received 6 February 2007.
GRID REFERENCE 475296/201424
OFFICER Mrs H.E.Moore

1.0 INTRODUCTION

- 1.1 The application is referred to Planning Committee because the officer recommendation differs from the Parish Council's views.
- 1.2 The site lies within the main confines of Chinnor. Fourteen Malyns Close is an end terrace house and the site proposed for development comprises the side garden of that property. There is a walnut tree, protected by a tree preservation order, within the site. The houses in Malyns Close front onto an open area and access to the properties is via a service road to the rear.

2.0 THE PROPOSAL

- 2.1 The proposal is to erect a new detached dwelling within the side garden of the existing property. The application is submitted in outline form with all matters reserved for subsequent approval. A sketch plan has been submitted to accompany the application which gives an indication of how the dwelling could be sited, how the parking could be provided and an elevation showing what the dwelling could look like.
- 2.2 Plans showing the location of the site and details of the proposal are **attached** at Appendix 1.

3.0 CONSULTATIONS & REPRESENTATIONS

- 3.1 Parish Council - No objection.

- OCC (Highways) - No objection subject to the provision of parking for the existing and proposed properties in accordance with the submitted plan.
- Forestry Officer - Objection raised. The development would result in the loss of a walnut tree protected by a tree preservation order.
- Public Amenities - Recycling/refuse storage area should be shown.
- Letters - 1 letter - no objection
- 1 letter - no objection to the principle, but disappointed by the loss of the walnut tree.

5 letters of objection. The objections raised include the following matters:

- The proposed house would result in a loss of view, restriction of light and a loss of privacy to adjoining dwellings.
- A detached house would be out of character with existing terraced houses.
- The proposal is an overdevelopment of the site.
- The proposal would result in the loss of a walnut tree protected by a TPO.
- The proposal would result in additional traffic in Malyns Close, which is already congested and there is a lack of available parking. The service road is privately owned by residents, it is in a very poor condition and construction traffic would make this much worse. The area would become less safe for children.

4.0 RELEVANT PLANNING HISTORY

4.1 Erection of bungalows and terraced houses - approved in 1967.

5.0 POLICY & GUIDANCE

5.1 Adopted South Oxfordshire Local Plan, Policies.

H4 - Erection of houses in the towns and larger villages in the District

G6 - Promoting good design

D2 - Parking

D3 - Plot coverage and garden areas.

D4 - Privacy and daylight.

C9 - Landscape features.

South Oxfordshire Design Guide

PPS3 Housing

6.0 PLANNING CONSIDERATIONS

6.1 The main issues to be considered in the determination of this

application are as follows -

i. Whether the principle of erecting a dwelling on the land is acceptable.

ii. Whether a dwelling could be sited on the land providing satisfactory amenities for the occupiers of the dwelling and a satisfactory relationship with adjoining properties.

iii. Whether access and parking proposals are satisfactory.

iv. Whether the loss of the walnut tree is acceptable.

i) The principle

6.2 Policy H4 of the South Oxfordshire Local Plan states that the erection

of housing within the larger villages of the District will be permitted

provided that :-

- an important space of public, environmental or ecological value is not lost, nor an important public view spoiled,
- the design, height, scale and materials of the proposed development are in keeping with its surroundings,
- the character of the area is not adversely affected, and
 - there are no overriding amenity, environmental or highway objections.

6.3 The site lies on the edge of Chinnor which is one of the larger villages in the District where the principle of residential development is acceptable subject to the above criteria being met. The site forms the side garden of an existing property and the development of the site would not result in the loss of a space which has important recreation or amenity value, nor would it result in an extension of development into the open countryside or the loss of an important public view. As such the principle of a dwelling is considered acceptable.

ii) Residential facilities and relationship with adjoining properties.

6.4 The application is submitted in outline form only with all matters reserved for subsequent approval. In these circumstances, only the principle of development can be considered. Sketch plans accompany the application which demonstrate that the site is large enough to accommodate a dwelling in a manner that would be compatible with adjoining houses and would provide adequate garden areas to serve the new dwelling. The relationship of the new dwelling would be similar to the relationship between other dwellings in the immediate vicinity. Whilst some residents feel that the development would result in loss of light, view and privacy, it is your officers view that the impact is not such that a refusal of planning permission could be substantiated.

iii) Access and parking.

6.5 Access to the site would be taken along the access road to the rear of the property. The access road serves properties in Malyns Close and Springfield Drive. Whilst considerable concern has been expressed about using this road as access to the new property in terms of ownership and rights of way, that is a private matter between those parties that have an interest in the road and not a material planning consideration. In addition, congestion along the access track and noise from construction vehicles is also not a reason to refuse planning permission. Oxfordshire County Council as highway authority are satisfied that the access road is suitable to serve an additional dwelling and that parking for the existing and proposed dwelling could be provided within the site. Accordingly, the proposal is considered satisfactory in terms of highway safety.

Loss of the walnut tree

6.6 Policy H4 of the Local Plan advises that development should not be permitted if it

would adversely affect the character of the area, or result in environmental objections. Policy C9 confirms that any development that would cause the loss of landscape features will not be permitted where those landscape features make an important contribution to the local scene.

6.7 As stated above, the site contains a walnut tree protected by a tree preservation order. Sketch plans accompanying the application indicate that the new house would lie some 4-5 metres from the trunk of the walnut tree. The erection of a house in such close proximity to the tree would result in damage to the health of the tree and in pressure to remove the tree. The tree is one of four walnut trees which form an attractive soft edge to the built development with the open agricultural land beyond. As such, the trees contribute to the character of the area and the loss of the tree would detract from the character of the area. To move the proposed house any further from the tree would result in an unsatisfactory relationship with the adjoining dwelling

and would not appear to be a possibility on this site.

6.8 In correspondence concerning the tree, the applicant has confirmed he has been advised by a tree surgeon that the tree has significant pockets of rot and the crown has had to be reduced significantly for safety reasons. The applicant has offered to plant a tree in a public place for others to enjoy if the Council allows him to remove this tree. The Council's forestry officer accepts that the tree may only have a limited lifespan. However, even if the tree was to be removed, the guide to the law and good practice relating to tree preservation orders places the landowner under a duty to plant a replacement tree in the same place. This site has a number of walnut trees running along the north western fence line between the properties on Malyns Close and the paddock/field beyond. Officers consider it would be good practice to ensure retention of this line of trees to enhance the amenity value and sylvan character of the area. Accordingly, development of the site by the erection of house and the consequent loss of the tree would result in the loss of a significant landscape feature and detract from the rural character of the area.

7.0 CONCLUSION

7.1 Whilst it would appear possible to site a dwelling on the land in physical terms, the development would result in the loss of a walnut tree and as a consequence, the development would detract from the character of the area.

8.0 RECOMMENDATION

8.1 That planning permission be refused for the following reasons:

- 1. The development is contrary to policies H4 and C9 of the South Oxfordshire Local Plan. The proposals would result in the loss of a walnut tree, which is the subject of a tree preservation order, and contributes significantly to the character of the area. As such the proposal would result in the loss of an important landscape feature and would detract from the established character of this site which lies**

on the edge of the built up area of Chinnor.

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