

**SUBJECT**            **COMMITTEE SITE VISIT REPORTS ITEM 7**

**10 OCTOBER 2007**

**REPORT OF**        Attendance – Verbally updated at Committee  
Head of Planning & Building Control

**APPLICATION NO.**        P07/E0635  
**APPLICATION TYPE**      Full  
**REGISTERED**            17.07.2007  
**PARISH**                 Woodcote  
**WARD MEMBERS**        Mr Robin Peirce  
**APPLICANT**            Penhurst Homes  
**SITE**                     89 – 91 Whitehouse Road  
**PROPOSALS**            Erection of 1 four bed detached house and 1 two bed chalet style house, amended drive access and boundaries to 89 and 91 Whitehouse Road.  
**AMENDMENTS**        One – Drawing number 07 WHW SP7A and 07 WHW P20A  
**GRID REFERENCE**      464582/181404  
**OFFICER**                Mr T Wyatt

**1.0 INTRODUCTION**

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

The application site (which is shown on the OS extract **attached** as Appendix A)  
1.2 comprises part of former Water Board land that is presently being used informally as part of the residential garden area of Number 89 Whitehouse Road. The site is located within the main built up area of Woodcote, which is washed over by the Chilterns Area of Outstanding Natural Beauty. There are several mature trees on and adjacent to the site that are protected by a Tree Preservation Order and the land rises up from west to east.

## 2.0 THE PROPOSAL

2.1 The proposal seeks permission for the construction of two detached dwellings. Plot 1 comprises a two bedroom dwelling, with the first floor within the roof space. This dwelling is located on the northern side of the site where it would be within 1.2 metres of the boundary of the site at its closest point. The dwelling would have a depth of approximately 10 metres, a width of 13 metres and a height of 7 metres. An integral garage would be provided with a further parking and turning area to the front.

### 2.2

Plot 2 comprises a four bedroom dwelling on the southern side of the site. The main two storey part of the dwelling would have a depth of approximately 12 metres, a width of 11.5 metres and a height of slightly over 7.5 metres, following the receipt of amended plans. A single storey garage would be attached to the west elevation of the dwelling, which would allow for two parking spaces. Again, a further parking and turning area would be provided to the front of the dwelling.

### 2.3

Both dwellings would be accessed via a widened access off Whitehouse Road to the front of Number 89. This access would also continue to serve Number 89. However, this proposal seeks to alter the alignment of the access drive so that it would extend into part of the existing garden area of Number 91 Whitehouse Road. This requires the removal of the majority of the existing boundary vegetation between the garden areas of Numbers 89 and 91, however, replacement planting is proposed.

### 2.4

A copy of the proposed plans is **attached** as Appendix B.

## 3.0 CONSULTATIONS AND REPRESENTATIONS

3.1 **Woodcote Parish Council** – The Parish Council considers that the application should be refused for the following reasons:

- Overbearing impact on neighbouring occupiers.
- Number 89 is dominated by the development.
- Overlooking of adjoining properties.
- Traffic generation
- Flooding and stability issues

### 3.2

**OCC Highways Liaison Officer** – No objections subject to conditions to ensure that the access and parking are provided prior to the first occupation of the dwelling. Conditions are also required to ensure that the boundary fence at the front of the site does not exceed 0.9 metres in height, to ensure that the garage accommodation

is retained for parking, and to ensure that no surface water is discharged onto the public highway.

### 3.3

**Forestry** – No objections subject to conditions requiring tree protection measures to be put into place, a landscaping scheme to be approved, and an arboricultural method statement to be approved in relation to any works within the root protection areas of the trees on the site.

### 3.4

**Environmental Health (Contamination)** – Conditions to require investigation of contamination and if necessary remediation should be attached to any planning permission.

### 3.5

**Public Amenities** – Refuse and recycling provision is needed for the new dwelling.

### 3.6

**Neighbours** – Eight letters of objection have been received.

- Impact on neighbouring occupiers through overlooking, overbearing effects, loss of light and additional noise.
- Traffic generation and highway safety implications
- Overdevelopment
- Loss of trees and wildlife
- Alteration to the water table and possible implication for Greenmore ponds
- Water runoff

## 4.0 RELEVANT PLANNING HISTORY

4.1 P02/S0045/O - Erection of 4 no. 1-bed flats, 3 no. 3-bed houses and 2 no. 1-bed houses. Withdrawn prior to determination on 28 February 2002.

P87/S0558/O - Residential development comprising 5 houses and 1 bungalow.

4.2 Allowed on appeal 08 December 1988.

## 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

- T1 – Sustainable Travel
- T2 – Car Parking
- T8 – Development Proposals
- EN1 – Landscape Character
- H1 – The Amount and Distribution of Housing
- H3 – Design, Quality, and Density of Housing Development

## 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
- G5 – Making the Best Use of Land
- G6 – Promoting Good Design
- C2 – Areas of Outstanding Natural Beauty
- C9 – Landscape Features
- EP2 – Noise and Vibrations
- EP4 – Protection of Water Resources
- EP6 – Surface Water Protection
- EP8 – Contaminated Land
- D1 – Good Design and Local Distinctiveness
- D2 – Vehicle and Bicycle Parking
- D3 – Plot Coverage and Garden Areas
- D4 – Privacy and Daylight
- D8 – Energy, Water and Materials Efficient Design
- D10 – Waste Management
- H4 – Towns and Larger Villages Outside the Green Belt
- H7 – Range of Dwelling Types and Size
- H8 – Dwelling Densities
- T1 & T2 – Transport Requirements for New Developments

## 5.3 Government Guidance:

- PPS1 – Delivering Sustainable Development
- PPS3 – Housing
- 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:

1. The principle of the development
2. Housing Mix
3. The impact of the development on the character and appearance of

- the surrounding area
4. The impact on neighbouring amenity
  5. The impact on protected trees
  6. Highway considerations
  7. Other material considerations

### The Principle of the Development

- 6.2 The application site is located within the main built up area of Woodcote where the principle of new residential development is broadly acceptable with regard to Policy H4 of the SOLP. In particular, it would comply with Criterion (v), which states that backland development should not extend the built limits of the settlement.

### 6.3 Housing Mix

Policy H7 of the SOLP seeks to address housing need identified by the South Oxfordshire Housing Needs Survey by providing a mix of house types and size. This approach is supported by guidance contained in PPS3. In this regard, at least 45% of dwellings built for sale on the open market on sites suitable for two or more dwellings should be provided as 2 bedroom dwellings. In the case of this proposal, the dwelling proposed on Plot 1 is a two bedroom dwelling with little scope to later convert the internal space at first floor level to provide a further bedroom. In light of this, it is considered that the proposal accords with Policy H7.

### 6.4

#### The Impact of the Development on the Character and Appearance of the Surrounding Area

- 6.5 The site, like the village of Woodcote in its entirety is located within the Chilterns Area of Outstanding Natural Beauty. With regard to Government guidance contained within PPS7 and Policy C2 of the SOLP there is a strong requirement to conserve, and, where possible, enhance the natural beauty and special landscape qualities of the area.

- 6.6 Although the site lies close to the southern edge of Woodcote it is surrounded by residential development of varying design, size and age on all four sides. At the present time, the site is an area of undeveloped grass with several mature trees, individually protected by a Tree Preservation Order dated 30<sup>th</sup> March 1998. Despite the undeveloped nature of the site, its immediate surroundings is dominated by the existing residential built form, and in light of this the site has an

urban character and appearance.

As already outlined, the principle of new residential development on the site is broadly acceptable subject to Policy H4 of the SOLP. There are several criteria attached to Policy H4, against which proposals for new residential development are assessed. An assessment of the proposal against these criteria is outlined below.

- i. There should be no loss of an important open space of public, environmental or ecological value, and an important public view should not be lost.

The site is private land that extends behind existing residential development. Therefore, there are limited public views into the site from the surrounding land, including from Whitehouse Road. As such the site is not considered to be an important area of open space within the built up area, which would need to be preserved. There may be wildlife within the site, however, there is no indication that the site has any particular ecological value in terms of providing a habitat for protected species.

- ii. The design, height, scale and materials of the proposed development should be in keeping with its surroundings.

As already outlined, the site is sandwiched between existing residential development, which displays considerable variety in terms of the age, design and size of the buildings. The majority of the surrounding dwellings are two storey although there are some examples of bungalows in the immediate vicinity of the site. The dwellings consist of a mix of semi-detached and detached dwellings and a small terrace in respect of recent development immediately to the east of the application site. Whilst there are examples of older properties fronting Whitehouse Road, much of the surrounding development is relatively modern with little architectural merit or consistency of design. In light of the housing mix in the area surrounding the site, it is not considered that there is any particular design or style of dwelling that should be repeated in respect of the application site.

The proposed dwellings are detached with the unit to the north of the site being a chalet style dwelling with the first floor contained within the roofspace whilst the dwelling to the south would be a more substantial two storey building. It is considered that the design of the development is appropriate given the context of the surrounding built form.

6.11 The height of the buildings are not excessive, particularly when having regard to the height of the surrounding development, particularly in relation to the recent development to the east. Indeed, amended plans have been submitted in relation to this application to reduce the height of the two storey dwelling on Plot 2 to slightly over 7.5 metres. In terms of scale, the site extends to over 0.1 hectares and there is sufficient space to accommodate two detached dwellings whilst still respecting the character and appearance of the surrounding built form in terms of the dwelling to plot ratios and the size of dwellings. In order to comply with the Government's minimum density target of 30 dwellings per hectare, which is reflected in Policy H8 of the SOLP, there would need to be at least three dwellings on the application site. However, in this case, it is considered that three dwellings would not be appropriate given the relative spaciousness of the surrounding built form and the constraints of the site, particularly with regard to the protected trees, the proximity to neighbouring properties and its topography.

6.13 The proposed facing materials for the dwellings consist of brick and plain tiles. Such materials are appropriate given those used in relation to the surrounding built form. A condition requiring approval of materials would be attached to any planning permission.

iii. The character of the area should not be adversely affected

6.14 The site and its surroundings are dominated by residential development. The introduction of two additional dwellings on vacant land amongst this existing built form would not adversely affect the mixed residential character of the surrounding built form. The site is sufficiently large to accommodate the additional dwellings having regard to the scale and general appearance of the surrounding development.

The land does rise up from west to east and the development would be on higher land than the dwellings fronting Whitehouse Road, and this would increase the prominence of the built form from the west. However, the site is set back from Whitehouse Road by approximately 50 metres and this distance along with the

screening effects of the existing residential development fronting Whitehouse Road would help to reduce the visibility of the development from the public highway. Also, given that the land continues to rise to the east beyond the application site,

6.15 the development would also be viewed against the backdrop of the recently constructed residential properties on land immediately to the east of the site. The site is surrounded by private garden land and as such there are few opportunities for public views of the site from other directions. Overall, the scale and design of the development is considered to be in keeping with the varied character and appearance of the surrounding built form, and the proposal would not be unduly prominent in the street scene.

Overall, the size and height, general scale and design of the proposed development is in keeping with the character and appearance of the surrounding built form. On balance it is considered that the proposal would not cause any significant harm to the site or surrounding area. It is also considered that the proposal would not adversely affect the character and appearance of the Chilterns AONB.

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#### The Impact on the Amenity of Neighbouring Occupiers

6.17 Criterion (iv) of Policy H4 seeks to ensure that development does not adversely affect the amenity of neighbouring occupiers. This requirement is expressed more specifically in relation to Policy D4 of the SOLP where it states that 'development will not be permitted if it would unacceptably harm the amenities of neighbouring properties through loss of privacy, daylight and sunlight'. Also Criterion (v) of Policy H4 advises that backland development which creates problems of privacy should be resisted. Inevitably, new development in an already built up area will cause some harm to neighbouring occupiers, and it is therefore, important to determine whether the harm caused is significant enough to justify the refusal of proposed developments.

6.18 In this case, the site is completely surrounded (with the exception of the access road) by existing dwellings. Indeed, the site shares a common boundary with 14 other dwellings, including the new development immediately to the east. The difficulties of developing the site without significant detriment to neighbouring properties are increased by the topography of the land where the land rises up from west to east so that the site sits in an elevated position above the adjoining properties fronting Whitehouse Road.

The site borders two properties to the north, Number 81 Whitehouse Road and



Number 9 Oakdene. The proposed dwelling at Plot 1 is only 1.2 metres from this boundary at its closest point. 81 Whitehouse Road benefits from a large garden area and there would be a distance of over 35 metres between this adjoining dwelling and the proposed dwelling. Although close to the boundary with Number 81, the proposed dwelling would only run parallel to this boundary for a distance of 2 metres and would not cause any significant overshadowing or overbearing effects. No overlooking windows are proposed in the north or west elevations of the proposed dwelling, and as such overlooking would not be possible into the 6.19 neighbouring rear garden area.

9 Oakdene is a bungalow, which is sited some 12 metres from the proposed dwelling on Plot 1 at its closest point. Again this property enjoys a large rear garden area, however, the proposed dwelling would run parallel with 11 metres of the shared boundary and would be only 1.2 metres from the boundary for a distance of 4 metres before retreating back to 3 metres from the boundary. The 6.20 proposal also necessitates the removal of two trees on the northern boundary, which at the present time offer some screening between the application site and 9 Oakdene. A two metre close board fence would be erected on the northern boundary of the application site, and the eaves height of the dwelling at its closest point to the boundary would be level with the top of the fence. The roof slopes away from the boundary at an angle of 45 degrees before terminating at the ridge some 6 metres from the boundary. Although there are windows in the northern roof slope of the proposed dwelling, these would either be high level windows or glazed with obscure glass. As a result the dwelling would not result in direct overlooking to the neighbouring garden area. In addition, the low eaves height and 6.21 distance of the ridge from the neighbouring property along with the size of the neighbouring plot and the physical relationship and distance between the proposed and existing dwelling would, on balance, mean that the proposal would not cause a significant degree of harm to the occupiers of 9 Oakdene.

A terrace of three new dwellings lies immediately to the east of the application site. The window to window distances between these dwellings and the proposed development would be 23 metres at the closest point. In addition there are two mature oak trees on the eastern boundary of the site, which help to screen views between the two sites. In light of the above it is not considered that the proposal would cause any significant overlooking or other material harm to the adjoining occupiers to the east.

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The site shares a common boundary with three semi-detached properties to the south, which also lie on higher ground. The window to window distances between the existing neighbouring dwelling and proposed dwelling on Plot 2 would be approximately 30 metres at the closest point and there would be a gap of at least 4 metres between the side/rear elevation of Plot 2 and the southern boundary of the site. These factors would ensure that no significant harm would be caused to the

neighbouring properties to the south.

#### 6.23

To the west the site shares a common boundary with Numbers 85, 87, 89, 91, 93 and 95 Whitehouse Road. Again there would be a separation distance between the proposed dwelling on Plot 2 and the rear elevations of Numbers 91, 93 and 95 of over 25 metres. As a result of this distance, along with the distance of the main part of the dwelling on Plot 2 from the boundary (8 metres) and the oblique angle of the dwelling to the western boundary of the site, it is not considered that significant overlooking would occur to the rear garden areas of these properties. 91, 93, and 95 all benefit from deep rear gardens, and the proposal would not be excessively overbearing or cause undue overshadowing to these garden areas. The application site lies on land substantially higher than these adjoining garden areas, and as such it is accepted that the development would be prominent when viewed from the gardens. However, it is not considered that the prominence of the dwelling would be sufficiently harmful when assessing the actual harm caused to the amenity of the neighbouring occupiers.

Numbers 85 and 87 Whitehouse Road are a pair of semi-detached dwellings whose rear elevations are approximately 25 metres from the boundary with the application site. The proposed dwelling associated with Plot 1 would be set at an angle to the common boundary with it being 2 metres from the boundary at its closest point. No windows are proposed in the west elevation of Plot 1 and given the low height of the proposed dwelling and the distance from the neighbouring

6.24 properties, it is not considered that the proposed would result in any substantial harm to the occupiers of Numbers 85 and 87.

Number 89 is arguably the most affected by the development. The proposed access road to the site would pass by the side of this property and the rear

6.25 elevation of the dwelling is only 8 metres from the boundary with the application site, and 10 metres from the side elevation of Plot 1 and the parking area associated with this plot. However, again no overlooking windows would face this property, and as already explained Plot 1 would be a low rise chalet style dwelling. Although close to the boundary with Number 89, the dwelling on Plot 1 would not immediately abut the boundary and would be set further back to the north. In light of this it is not considered that the dwelling would be unduly overbearing in the outlook from Number 89. Number 89, like Number 91, would suffer from noise disturbance as a result of the proposed access and parking areas. This would be

6.26 exacerbated by the topography of the land. However, it is likely that with two dwellings, the number of traffic movements would be relatively low. In addition, the applicant has options to purchase Numbers 89 and 91. Indeed, at least part of these dwellings would need to be purchased to facilitate the development. This would bring the neighbouring properties into the control of the applicant. Although it is considered that the amenity of dwellings should be protected in any case, the fact that Numbers 89 and 91 would be within the applicant's control does need to

be considered. Overall, whilst the development would cause some harm to the living conditions of the occupiers of Numbers 91 and, in particular, Number 89, on balance it is considered that the level of harm would not be significant to justify a refusal of planning permission.

On balance it is considered that the proposal would not cause any significant harm to the residential amenity of adjoining occupiers.

### The Impact on Protected Trees

There are a small number of mature trees within the application site, which make a positive contribution to the character and appearance of the site and surrounding area. Indeed, two Oaks within the application site are protected by a TPO whilst a third Oak, which overhangs part of the southern boundary of the site is also protected. As well as the protected trees, there are a small number of other mature and semi-mature trees on and adjacent to the site, which largely comprise Ash and Silver Birch.

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To facilitate the development, it would be necessary to remove several trees. The majority of the trees to be removed are Ash and Silver Birch of between 7 and 17 metres in height. These trees are having to be removed to allow for the access road to be realigned between Numbers 89 and 91 Whitehouse Road. These trees are currently on the boundary between these two properties. The proposal includes provision for some replanting where space allows.

Policy C9 of the SOLP seeks to resist the loss of landscape features, such as trees, where their loss would be detrimental to the character and appearance of the area or where they support important wildlife interests. The majority of the trees to be removed are relatively small and their loss would not have a significant impact on the character and appearance of the area. The large protected oak trees on the site would be retained as would a large ash tree at the entrance to the site from Whitehouse Road. The Council's Forestry Section has been consulted in respect of this application, and has raised no concerns subject to conditions requiring the approval and implementation of a tree protection plan, a detailed landscape plan and an arboricultural method statement.

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### Highway Considerations

Criterion (iv) of Policy H4 seeks to ensure that development is not prejudicial to highway safety. This is reinforced by Criterion (v) that advises that backland development, which creates problems of access should be resisted.

The existing access serving 89 Whitehouse Road would be retained as the entrance to the application site, however, the access would be realigned along the common boundary of Numbers 89 and 91 to allow for greater separation between the side elevation of Number 89 and the access. The Highway Authority are satisfied that the visibility at the junction of the access with Whitehouse Road is acceptable subject to a restriction on the height of fencing adjacent to the entrance being restricted in height. The Highway Authority are also satisfied that the width of the access and the parking and turning areas are acceptable.

### Other Material Considerations

The SODG advises that the minimum garden areas for 2 bed and 4 bed properties should be 50m<sup>2</sup> and 100m<sup>2</sup> respectively. The garden areas being provided are far in excess of these areas and as such it is considered that the proposed development would be provided with sufficient external amenity space.

Some concern has been expressed from neighbouring occupiers regarding possible water runoff and the impact of the development on the local water table. It is proposed to attach a condition to any planning permission to require details of drainage to be approved prior to the commencement of development.

#### **7.0 CONCLUSION**

7.1 The application proposal is in accordance with the relevant development plan policies and national planning policy, as, on balance, the proposal would not cause any significant harm to the character and appearance of the site and the surrounding area, or to the amenity of neighbouring occupiers and would not be prejudicial to highway safety.

#### **8.0 RECOMMENDATIONS**

8.1 **That planning permission be granted, subject to the following conditions:**

1. **Commencement within 3 years**
2. **Samples of materials to be submitted and approved**
3. **Scheme for hardsurfacing to be submitted and approved**
4. **Details of levels to be submitted and approved**
5. **Landscaping scheme to be submitted and approved**

6. **Tree protection details to be submitted and approved**
7. **Arboricultural method statement to be submitted and approved**
8. **Fencing/means of enclosure details to be submitted and approved**
9. **Permitted development rights removed for extensions/outbuildings**
10. **Obscure glazing to windows in north elevation of Plot 1**
11. **Permitted development rights removed for openings**
12. **Contaminated land assessment to be carried out**
13. **Contaminated land assessment and remediation**
14. **Surface water drainage works to be submitted and approved**
15. **Means of access onto Whitehouse Road to be formed**
16. **Parking and turning areas to be provided**
17. **Boundary fence height restriction adjacent to the access**
18. **Retention of garage accommodation**
19. **No surface water to be discharged onto the adjoining highway**

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