

APPLICATION NO.	P07/E1435
APPLICATION TYPE	FULL
REGISTERED	20.11.2007
PARISH	SHIPLAKE
WARD MEMBER(S)	Mr Malcolm Leonard
APPLICANT	Mr Robert Peasgood
SITE	Donfield Homes Limited
PROPOSAL	Land adjoining Lashbrook Grange, Mill Road, Lower Shiplake Erection of detached two storey 3-bedroom dwellinghouse with associated access, parking and landscaping.
AMENDMENTS	Update to site survey plan.
GRID REFERENCE	477549/179210
OFFICER	Paul Lucas

1.0 INTRODUCTION

- 1.1 This application is reported to the Planning Committee as a result of a conflict between the Planning Manager's recommendation and the views of Shiplake Parish Council.
- 1.2 The application site is shown on the OS extract attached as **Appendix 1**. The site is some 0.28 hectares in size and lies within the built-up area of the village of Lower Shiplake. Mill Road is an established residential road with no footpaths, also forming part of the Thames Path National Trail, where the prevailing development is low density, principally large residential properties, many of which are set back from the road frontage. There are a large number of mature trees, hedges and shrubs, creating a sylvan character. The site is an irregular-shaped, elongated plot lying roughly parallel to the residential plots fronting Mill Road. The front of the site comprises part of the front garden and gravel driveway of Lashbrook Grange, a large two/three-storey semi-detached house (attached to Lashbrook Leys) fronting onto Mill Road, which forms the northern boundary of the site. The site is bordered to the east by the rear gardens of Little Cotham, Duxford House and Old Stocks, which are all two storey detached dwellings fronting onto Mill Road. The southern site boundary is formed with the northern boundary of the rear garden of Mill Hatch, which also fronts onto Mill Road. The site backs onto the long rear gardens of Woodstock, on Crowlsley Road and The Bothy, on New Road. The majority of the site is therefore bounded by other gardens.
- 1.3 The site is undeveloped and contains numerous mature trees and a number of these are the subject of a Tree Preservation Order, namely an Ash and two Larch at the front of the site, a Scots Pine and a Sycamore on the rear boundary, a group of two Sycamore and two Silver Birch on the southern boundary and a Cherry in

the centre of the site. Consent was given recently for the removal of three Walnut trees in the centre of the site. The site rises slightly from the north-east corner to the south-west corner. The site was formerly largely overgrown, but has been recently extensively cleared to leave an open plot with more established vegetation remaining at the periphery. A 20 metre section of the site, closest to Mill Road lies within Flood Zones 2 and 3.

2.0 PROPOSAL

2.1 The application seeks full planning permission for the erection of a two-storey three-bedroom detached dwelling and a detached garage. The dwelling would be located in the centre of the main western part of the site and would have an L-shaped footprint, orientated to take advantage of the sun's movement from east to west. It would have two main hipped roof wings, one running north-south and the other east-west and a central projecting flat-roofed section in between the wings, housing the stairs and supporting photovoltaic roof tiles with tanks in the roof void below. The maximum height of the dwelling would be the flat-roofed section, which would be 8.5 metres high. The ridge height of the wings would be 7.5 metres. There would be balconies over single storey flat roofs at either end of the wings. The overall depth of the north-south axis would be 14.5 metres and the east-west axis would be 13.5 metres, including the balconies. A curved conservatory would be erected on the western side of the dwelling, connecting several rooms inside the two wings at ground floor level, with additional glazing above. There would be minimal high-level glazing on the northern elevation. Part of the dwelling would be sunk up to 1 metre into the ground to keep the roof height consistent. The walls would be constructed of local bricks and napped flint, with the central feature either render or local stone. Windows would be oak or beech frames with double or triple glazing. The roof would be constructed from clay tiles, apart from the solar connectors. The house would be an innovative design and demonstrates high standards in the efficient use of energy and water in the following ways:-

- Use of low energy materials
- Insulation to prevent heat loss in winter and overheating in summer (chimney incorporating hot-air extractor)
- Underground pumps to heat water and provide under floor heating
- Rainwater collected from roof to be used in house and garden
- Foul water to be treated on site using a Bio-Tec system and then re-used
- Photovoltaic cells and solar collectors on top of roof
- Wind turbine

It is anticipated that the dwelling would achieve Level 4 standard on the Code for Sustainable Homes.

2.2 Access to the main part of the site to the west would be via the existing gravel driveway from Mill Road running through the part of the site in front of Lashbrook Lodge. The driveway would be realigned 3.5 metres further north and widened to 4.1 metres for its first 10 metres. An acoustic fence would be established along the boundary with the driveway and Little Cottram, with planting alongside. The

driveway would run for about 80 metres and would lead to a turning area in front of a low angled-roofed pergola positioned in front of the house. The pergola would be constructed from brick base with wooden lattice work and translucent roofing allowing plants to grow above. It would have space for two vehicles, cycle parking and garden equipment storage, water butt and recycling. In addition to retaining the protected trees, the application proposes a comprehensive landscaping scheme involving the treatment of the driveway and the creation of four specific garden areas with fruit and vegetables, planting on the dwelling's balconies and garage roof and the formation of a pond.

- 2.3 The application is accompanied by a full planning, design and access statement, an ecological appraisal, a transport statement, a Code for Sustainable Homes pre-assessment report, acoustic barrier details, a detailed planting and landscaping layout and a method statement for no dig driveway works in the tree protection zones.
- 2.4 The applicant's transport statement is attached as **Appendix 2**. The plans of the proposed development are attached as **Appendix 3**.

3.0 CONSULTATIONS & REPRESENTATIONS

- 3.1 **Shiplake Parish Council** – The application should be refused on the following grounds:

1. The access will create a traffic hazard both to vehicles and pedestrians travelling along Mill Road, as well as those exiting and entering the property. We do not believe this can be approved conditional upon the hedge being maintained. Further investigations should be made with regard to sight-lines.
2. The new development will create light and noise nuisance to the adjoining neighbours.
3. The development will impinge on the privacy of adjoining neighbours.
4. The proposed trees will take several years to become established.
5. The development is a backland development, which is out of context to the existing properties in Mill Road.
6. Does the proposal meet H4 regulations?

- 3.2 **OCC Highways** – The application is similar to a previously refused scheme. However, highway concerns have been addressed by the applicant. The cutting back of vegetation along the highway boundary (which can be enforced through powers under Section 154 of the Highways Act 1980) would achieve a visibility splay of 2 metres by 36 metres, which would accord with the visibility standards in 'Manual for Streets', which the Highway Authority accepts as appropriate guidance in this location. There are no objections to this application subject to conditions requiring formation of access and parking and turning prior to occupation and maintenance of access and visibility splays and retention of parking thereafter.
- 3.3 **Forestry Officer** – Required provision of updated site survey (submitted). Satisfied that no further tree removal required than shown in method statement. The significant landscaping proposals need to take account of retained trees and plot existing root protection areas. Preferable to retain entirety of Beech hedge at entrance. Landscaping and tree protection conditions required.

- 3.4 **Countryside Officer** – Satisfied with conclusions of ecological survey – no objections.
- 3.5 **Environmental Services (Public Amenities)** – Collection point for refuse and recycling required close to front entrance, sufficient to accommodate x3 240 litres wheeled bins and for additional containers for glass and food waste to enable kerbside collection and a 1 x 330 litre composter should also be provided. These aspects could form the basis of a planning condition.
- 3.6 **Building Control** – No adverse comments.
- 3.7 **Monson** – There is a public foul sewer in Lashbrook Road, which should be utilised rather than on-site drainage. No observations on surface water drainage.
- 3.8 **Environmental Health (Contamination)** – Standard condition required.
- 3.9 **Neighbours** – Ten representations of objection from adjoining residents raising the following points:
- Dangerous access; increased traffic on Mill Road; harm to highway and pedestrian safety; access previously found to be substandard; reliance on hedge maintenance.
 - Overintensive infilling; modern house out of keeping; large in bulk and size, dominating and harmful to character.
 - Destruction of protected trees.
 - Precedent for further dwellings or garage buildings on site.
 - Similar proposals resisted previously.
 - Harm to living conditions of many neighbours: Loss of privacy to bedrooms and gardens of Lashbrook Leys, Lashbrook Grange (to north); harm to living conditions from privacy, noise and lighting to rear of Old Stocks, Duxford House and Little Cottam (to east) and Sherwood (to west) as a result of balconies and position and orientation of house and use of access and turning areas.
 - Harm to bat roosts in surrounding area; recent clearance loss of natural open space harmful to wildlife.
 - Access alterations harmful to appearance of frontage.
 - Loss of foliage from recent clearance; replacement planting unlikely to be successful.
 - Concerns about future occupiers working from home.
 - Position of bin stores too close to Old Stocks.
 - Concern about water run-off towards Old Stocks and impact on adjacent Flood Plain (to east of site).

4.0 RELEVANT PLANNING HISTORY

- 4.1 Numerous planning applications for residential development of part or the entire site were submitted in the 1960's and 1970's. All were either refused planning permission (with 3 appeals dismissed) or withdrawn.
- 4.2 In 1997, four planning applications for residential development of the site were submitted. Two proposals involving 3 dwellings were withdrawn. Proposals involving 2 dwellings and a single dwelling were refused planning permission.
- 4.3 Since 2000, there have been two planning applications submitted for residential development. P00/S0068 – Planning permission was refused in March 2000 for a

detached house and garage on the basis that the proposal would constitute an intrusive form of backland development that would be harmful to the character and appearance of the surroundings and unneighbourly to Little Cottam and Lashbrook Grange when assessed against Policies in the South Oxfordshire Local Plan 1997. A subsequent appeal was dismissed in March 2000 with the reasons for refusal being supported.

4.4 P05/E0767 – Planning permission was refused in September 2005 for a two storey dwelling with associated access, parking and landscaping. The proposal is almost identical to this application, with the main difference relating to a different alignment of the access at Mill Road. Planning permission was refused for the following reasons:

“1. That the development would result in the intensification in the use of a substandard vehicular access which would be detrimental to the safety of all users of the highway. As such the development would be contrary to Policy T18 of the Oxfordshire Structure Plan 2011, the adopted South Oxfordshire Local Plan, particularly policy G10 and the South Oxfordshire Local Plan 2011 (Second Deposit) Draft, particularly policy T1.

2. That having regard to the provision of an access drive through the frontage of Lashbrook Grange the proposal would result in an inappropriate form of backland development that would result in a loss of privacy and noise and disturbance to the occupiers of that property, to the detriment of their residential amenities. As such the proposal would be contrary to the provisions of South Oxfordshire Local Plan particularly Policies H5 and H18 and South Oxfordshire Local Plan 2011 Second Deposit Draft particularly Policy H5.”

4.5 A subsequent appeal was dismissed. The Inspector concluded that when compared with the scheme dismissed at P00/S0068, the reduced size of the proposed dwelling, its improved design and repositioning of the access with acoustic barriers and additional planting would be sufficient to overcome the previous Inspector’s concerns and that the second reason for refusal set out above could not be sustained. However, the Inspector also concluded that when assessed against ‘Places Streets and Movement’ (a companion guide to Design Bulletin 32 – Residential Roads and Footpaths) the proposal would fail to provide the required visibility of 60 metres and the shortfall would be so significant that the increased use of the access by an additional dwelling would result in an unacceptable increase in the risk to highway safety. A copy of the Inspector’s decision letter is attached as **Appendix 4**.

5.0 POLICY & GUIDANCE

5.1 Adopted Structure Plan 2016 Policies:

- G1 – General Policies for Development
- G2 – Improving the Quality and Design of Development
- T8 – Development Proposals
- EN1 – Landscape Character
- H1 – The Amount and Distribution of Housing

- H3 – Design, Quality and Density of Housing Development

5.2 Adopted South Oxfordshire Local Plan 2011 Policies:

- G2 – Protection of the Environment
- G6 – Promoting Good Design
- C4 – The Landscape Setting of Settlements
- C6 – Biodiversity Conservation
- C8 – Species Protection
- C9 – Landscape Features
- EP2 – Noise and Vibrations
- EP3 – Light Pollution
- EP5 – Flood Risk
- EP6 – Surface Water Protection
- EP8 - Contamination
- 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
- H5 – Larger Villages Within the Green Belt and Smaller Villages Elsewhere
- T1 – Transport Requirements for New Developments
- T2 – Transport Requirements for New Developments

5.3 Supplementary Planning Guidance:

- South Oxfordshire Design Guide – Sections 4.2, 4.3, 4.4 and 4.5.
- South Oxfordshire Landscape Assessment – Character Area 11.

5.4 Government Guidance:

- PPS1 – Delivering Sustainable Development
- PPS3 – Housing
- PPS7 – Sustainable Development in Rural Areas
- PPG13 – Transport

6.0 PLANNING ISSUES

6.1 Although there is some uncertainty as to whether the site was formerly residential garden land or a separate rural plot and hence whether the site constitutes previously developed land, the site is bounded on all sides by residential development within the settlement of Lower Shiplake, where Policy H5 of the adopted South Oxfordshire Local Plan 2011 allows for infilling or backland development of one or two detached dwellings. The principle of residential development on this site is therefore accepted and it is appropriate to consider the application against the criteria set out in Policy H4, which are cross-referenced in

Policy H5. The planning issues that are relevant to this application are whether:

- The development would not result in the loss of an open space or view of public, environmental or ecological value;
- The size and appearance of the proposal would be in keeping with the character and appearance of the surrounding area, taking into account protected trees;
- The living conditions of neighbouring residential occupiers would be compromised and the development would provide suitable living conditions for future occupiers;
- The development would result in an unacceptable deficiency of off-street parking spaces for the resultant dwelling or other conditions prejudicial to highway safety;
- The proposal would incorporate sufficient sustainability measures; and
- There would be any other material planning considerations.

Loss of Open Space

6.2 Criterion (i) of Policy H5 of the adopted SOLP 2011 requires that an important open space of public, environmental or ecological value is not lost, nor an important public view spoiled. The site is mainly well set back from the road and there is no public access and limited public views. Whilst the site has remained undeveloped and local residents have stated that wildlife has been observed, the ecological report does not identify any important habitats or species that would be compromised by the proposal and the Council's Countryside Officer is happy with the content of this report. This criterion would therefore be satisfied.

Character and Appearance

6.3 Criteria (ii) and (iii) of Policy H5 of the adopted SOLP 2011 seeks to ensure that the design, height, scale and materials of the proposed development should be in keeping with its surroundings and that the character of the area is not adversely affected. Criterion (v) explains that if the proposal constitutes backland development, it would not extend the built up limits of the settlement. The proposed house would be a substantial building, but it would be set back some 100 metres from the road frontage and positioned behind frontage dwellings. It would be located in the main part of the site, 30 metres away from the eastern boundary (the pergola would be at a distance of 13 metres), 14 metres from the northern boundary, 12 metres from the western boundary and 7 metres from the southern boundary and its size, bulk and massing would not be excessive in this context. The design would be modern, led by sustainable principles. Although the frontage dwellings are long-established, there is a variety in form and design. The location of the proposed dwelling would mean that it would not be read in the context of these dwellings. The dwellings at Maxwood and Sherwood to the west of the site were permitted in backland locations in 1991 and Estoril to the north was permitted in the 1960's, all within 50 metres of the site. Consequently, the development of this dwelling in a backland location would not be entirely against the grain of the built form and would be of a density in keeping with the surroundings. The proposal would retain the trees subject to the tree preservation order. A significant amount of additional landscaping is proposed to help assimilate the development into its surroundings. The scale of the pergola building would be subservient to the main house. The Inspector who considered the previous appeal scheme, which was for

an identical dwelling to that now proposed, found the dwelling would be of a high quality design, that combined with the landscaping, would make a positive contribution to the character of the area. The Inspector considered that the alterations to the access in front of Lashbrook Grange would alter the symmetry with Lashbrook Leys, but the degree of harm would not be sufficient to dismiss the appeal. Although the position of the driveway has changed slightly, the overall impact would be the same. The proposed dwelling would not be unduly prominent in the street scene and would be in keeping with the wider character of the surroundings, preserving the landscape setting of Lower Shiplake. In light of this assessment, the proposed development would comply with the above criteria.

Living Conditions

6.4 Criterion (iv) of Policy H5 of the adopted SOLP 2011 explains that there should be no overriding amenity objections. Criterion (v) explains that if the proposal constitutes backland development, it would not create problems of privacy or access. The Council's recommended standard for window to window distances is 25 metres as set out in Section 4.2 of the SODG. The nearest window to window distances to an adjacent property would be 60 metres and it would be more than 25 metres from the boundary with the dwellings that back onto the site (Little Cottam/Duxford House/Old Stocks), so that the outlook and light of the adjoining occupiers would not be compromised. There would only be high-level glazing on the northern elevation, preventing overlooking of Lashbrook Grange and Lashbrook Leys. Whilst the balconies would allow some views over adjoining gardens, principally The Bothy and Mill Hatch, these are not garden areas close to the respective houses and there are established boundary trees in these locations that would be supplemented by additional planting to limit any views. The Inspector did not find the balconies to raise issues of overlooking. He also considered that the effect of overlooking and loss of privacy from the joint use of the access would be mitigated by the distance from Lashbrook Grange and that the route of the proposed drive would pass at sufficient distance from Lashbrook Grange and Little Cottam to ensure that the potential for disturbance from additional traffic would not be significant. It was also concluded that the provision of an acoustic screen and associated planting adjacent to the northern boundary of Little Cottam would also prevent any potential disturbance. Disruption from security lighting would not be likely to be problematic given the proposal involves a single dwelling and due to the aforementioned distances. The current application proposes a similar form of boundary treatment. The proposed dwelling would have generous outdoor areas and a well-designed internal layout for future occupiers. On the basis of this assessment, the impact on the residential amenity of adjoining residents and future occupiers would not be compromised in conformity with the above criterion.

Highways and Parking

6.5 Criterion (iv) of Policy H5 of the adopted SOLP 2011 requires that there are no overriding highway objections. The proposal would make alterations to the existing driveway serving Lashbrook Grange to create a shared access. The access point would be moved north and the highway hedge would be cut back to enable a vision splay on 2 metres by 36 metres to be achieved. The applicant has relied on the recent Department of Transport publication 'Manual for Streets' (March 2007), which provides guidance for lightly trafficked residential streets, including lightly-trafficked lanes in rural areas. The Highway Authority has accepted that the advice

set out in this document is relevant to this location. Therefore, it supersedes the guidance in 'Places Streets and Movement', which the Inspector relied on in reaching his conclusion that the appeal proposal would have inadequate sightlines and would be prejudicial to highway safety. On 26 April 2006, the Highway Authority carried out a speed survey in the vicinity of the site, which showed that the 85% percentile wet weather speed of traffic to be 26.5mph. Table 7.1 Section 7 Street Geometry in Manual for Streets shows that the required visibility 'y' distances for speeds of 25 and 28 mph to be 33 and 38 metres, respectively. By interpolation it has been established that the required 'y' distance for the measured 26.5mph is 36 metres, which the application shows would be achievable in both directions. The Highway Authority has agreed that this level of vision is acceptable and has raised no objections to the proposed development on highway safety grounds, subject to conditions requiring access works, visibility splays and parking and manoeuvring areas to be provided prior to occupation of the dwelling and thereafter retention of visibility splays (which can be enforced under Section 154 of the Highways Act 1980). The proposal would therefore address the Inspector's previous concerns about highway safety as it would now accord with the updated government guidance and would consequently satisfy the above criterion.

Sustainability Measures

- 6.6 Policy D8 of the adopted SOLP 2011 requires proposals to incorporate sustainability measures in terms of energy, water and materials efficient design. The application is accompanied by a pre-assessment report that anticipates that a Level 4 score would be achieved when judged against criteria in the Code for Sustainable Homes. The features are listed in paragraph 2.1 above. In this respect, the application is to be commended. The pergola would contain cycle parking. Recycling facilities have also been shown housed within the pergola and a planning condition is required to ensure a facility for collection at kerbside in accordance with Policy D10, thus making a further contribution to the objectives of Policy D8.

Other Material Considerations

- 6.7 The issue of precedent is not relevant to this application, as any future planning applications on this site or adjoining land would be considered on their merits against the prevailing planning policies. The use of one room in a dwelling as a home office is normally considered to be an incidental use to the enjoyment of a dwelling and as such can be implemented under permitted development rights. Monson, the Council's drainage engineers are not concerned that surface water run off from the proposed dwelling would have an impact on the adjacent flood plain.

7.0 CONCLUSION

- 7.1 The application proposal would comply with the relevant Development Plan policies and it is considered that, subject to the attached conditions, the proposed development would not materially harm the character and appearance of the area, the living conditions of nearby residents or result in conditions prejudicial to highway and pedestrian safety.

8.0 RECOMMENDATION

8.1 Grant Planning Permission

Subject to the following conditions:

1. **Standard 3 year time limit**
2. **Samples of materials**
3. **Details of hard and soft landscaping including boundary treatment and driveway surfacing and tree protection prior to commencement**
4. **Access alterations and visibility splays prior to occupation and maintained**
5. **Parking and manoeuvring prior to occupation and retained**
6. **Removal of permitted development rights for extensions, outbuildings, openings in the first floor, rooflights and porches**
7. **Details of refuse and recycling storage hardstanding on frontage prior to commencement and composter implemented prior to occupation**
8. **Contamination – investigation prior to commencement and remedial measures as necessary**

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