
SUBJECT DEVELOPMENT APPLICATION REPORTS ITEM 8

REPORT OF Head of Planning & Building Control

APPLICATION NO.	P08/E0167/RET
APPLICATION TYPE	FULL
REGISTERED	29 April 2008
PARISH	Aston Rowant
WARD MEMBER(S)	Dorothy Brown
APPLICANT	BLC Building Services
SITE	Hillcrest Cottage, Brook Street, Kingston Blount
PROPOSAL	Retention of existing two storey extensions; rebuilding of original cottage section; conversion to form two dwellings with parking.
AMENDMENTS	1977.05C, 06E, 07G, 37B and 21 received on 03.09.08, and Design and Access Statement received on 25.06.08
GRID REFERENCE	473770/199625
OFFICER	Ms Kirstie Elliot

1.0 INTRODUCTION

- 1.1 This application is referred to Committee as the Officer's recommendation conflicts with the views of the Parish Council.
- 1.2 The application site (which is shown on the OS extract **attached** as Appendix A) occupies a corner plot on the south-east side of Brook Street at its junction with Bennetts Yard. The site is located adjacent to the Kingston Blount Conservation Area and opposite Little Thatch, a Grade II Listed Building.
- 1.3 Hillcrest Cottage was a detached cottage-style dwellinghouse constructed in brick with some areas of flint, all painted cream. The roof comprised part slate (front), part tiled (rear). The property had been altered and extended over the years, notably by the erection of a single storey rear extension and a car port extension to the (north-east) side. Most of the windows had been replaced with uPVC framed windows with blue shutters either side (front and side elevations). An enclosed front porch had been added with a uPVC door. Copies of photos of the front and rear elevations of Hillcrest Cottage are **attached** as Appendix B.
- 1.4 In June 2007, planning permission (ref: P06/E1189) was granted for two storey side and rear extensions, demolition of the existing car port and extension and conversion to form two dwellings. A copy of the approved plans is **attached** as Appendix C.
- 1.5 Building control records (ref: B07.0781 F) show that works to implement this permission commenced in October 2007.

2.0 THE PROPOSAL

- 2.1 In November 2007 it was brought to the attention of the Council that the development

approved under P06/E1189 was not being built in accordance with the approved plans, specifically that demolition works were being undertaken.

- 2.2 After initial contact with the agent/owner, enforcement officers were advised that the demolition works had been undertaken for safety reasons and that the existing building had not been completely demolished, nor did it need to be. A Council Building Control Surveyor advised that structural problems had been found with the original building. The agent/owner believed that the works should be viewed as repairs rather than demolition and rebuilding.
- 2.3 Following receipt of this information, a site inspection by an enforcement officer revealed that the extension to the north-east side of the property was under construction and that the north-west side of the original house had been demolished and was in the process of being rebuilt. The enforcement officer was again advised that the demolition works were necessary due to safety reasons and that the reconstructed parts of the property were being built to match the footprint and appearance of the original dwelling.
- 2.4 Following the site visit the enforcement officer advised the agent/owner that the works undertaken went beyond those capable of being considered as minor amendments to the approved scheme. As such, the development was being undertaken without the benefit of planning permission and at the owner's risk.
- 2.5 The agent indicated the owner's intention to submit an application for retrospective planning permission and the building works continued. A site visit was undertaken by enforcement officers in January 2008 at which time they were advised by the owner that the entire property had been demolished due to its unsafe condition.
- 2.6 At the time of writing the development is substantially completed. Copies of photos of the development are **attached** as Appendix D. The current application seeks the retention of the two storey extensions; rebuilding of the original cottage section and conversion to form two dwellings with parking. Copies of the 'proposed' plans as amended are **attached** as Appendix E. The drawings have been amended as requested by officers to reflect what has been built on site.

3.0 **CONSULTATIONS AND REPRESENTATIONS**

3.1 **Aston Rowant Parish Council:** application should be refused. Non-compliance with original application.

3.2 **OCC Highways:** To be reported

3.3 **X3 Neighbour objections that are summarised below:**

- drawings should more accurately reflect the actual work which has already taken place;
- demolition of original cottage is irreversible and regrettable but detail of development should be closely adhered to in keeping with original planning application;
- application makes mockery of whole process;
- permission granted last year after great debate on specific guidelines on roof material, window frames etc...specifications have been ignored and this is a conservation area;
- overlooking from clear glazed rear window at first floor level

4.0 **RELEVANT PLANNING HISTORY**

- 4.1 P06/E1189 (approved 13/06/2007) Two storey side and rear extensions; demolition of existing car port and extension; conversion to form two dwellings (as amended)
- 4.2 P06/E0765 (withdrawn 19/09/2006) Demolition of existing house and outbuildings; erection of a terrace of 3 dwellings; formation of access.

5.0 **POLICY AND GUIDANCE**

5.1 Adopted South Oxfordshire Local Plan 2011 Policies:

G2 – Protection and Enhancement of the Environment
G6 – Promoting good Design
C4 – Landscape Setting of Settlements
CON5 – Setting of Listed Buildings
CON7 – Proposals Affecting a Conservation Area
D1 – Good Design and Local Distinctiveness
D2 – Vehicle and Bicycle Parking
D4 – Privacy and Daylight
H6 – Locations where new Housing will not be Permitted
H11 – The sub-division of Dwellings and Multiple Occupation
H13 – Extensions to Dwellings
T1 – Transport Requirements for New Dwellings

5.2 Supplementary Planning Guidance: South Oxfordshire Design Guide 2000

6.0 **PLANNING ISSUES**

6.1 The main issues in this case are:

- 1) The principle of the development;
- 2) The impact of the development in relation to the character and appearance of the site and surroundings particularly given its proximity to the Kingston Blount Conservation Area and Little Thatch (listed building);
- 3) Highway and parking implications;
- 4) Impact upon the amenities of occupiers of neighbouring properties.

Principle of the development

6.2 Under Policy H6, the provision of additional dwellings in this settlement is not acceptable. However, the principle of the original development for the subdivision of the existing dwellinghouse to provide two properties was deemed acceptable against Policy H11.

6.3 In this case the original dwelling has been completely demolished and then rebuilt. As such, it would not be accurate to state that the two properties have been created through the subdivision of the existing dwelling. That said, the properties as built occupy the same footprint and are of the same size as those previously approved. Accordingly it is considered that the over-arching principle of the development is the same as that previously accepted in that there are now two properties occupying the same site where there was originally one dwelling. It is not, therefore, considered that refusing the application on the basis that an additional property has been provided in the settlement without the subdivision of the original dwelling, is sustainable.

Impact on the character and appearance of site and surroundings

- 6.4 In terms of footprint, situation within the site, size and dimensions, the properties as built are the same as those approved under the previous permission. The side extension to the north-east (construction of which had commenced prior to any demolition works) is set back from the front building line of the main building and the ridge is also set below that of the main roof. The rear gable addition is also subservient to the main building being set in from the west facing building line and beneath the ridge of the main roof.
- 6.5 Under the previous permission it was accepted that the roof shape of the original dwelling would be altered through the raising of the eaves level making for a symmetrical shape. This same roof profile is evident on the main frontage building as re-built.
- 6.6 There are a number of design details which vary from the scheme previously approved as follows:
- 1) use of uPVC framed windows throughout, not timber
 - 2) windows are casements with glazing bars, not sashes
 - 3) window dimensions (slightly wider and shorter) and ground floor window location above ground level (higher)
 - 4) no rooflights
 - 5) no first floor window in north-east elevation
 - 6) no brick arches above windows
 - 7) front porch same as side porch, not supported on pillars
 - 8) no chimney
- 6.7 There was also a condition attached to the previous permission which required samples of external materials for the walls and roof to be submitted to and approved by the Council.
- 6.8 The development has been constructed primarily in building blocks, rendered and then painted cream. The roof is clad in tiles including curved ridge tiles. While it is considered that the development as built is a somewhat prosaic version of the envisioned appearance of the development previously approved, it is not considered that it is out of keeping with the site and its surroundings. Nor is it considered harmful to the character or appearance of the adjacent conservation area or the setting of the listed building (Little Thatch) opposite.
- 6.9 While the use of uPVC framed windows and the lack of details such as brick arches above some of the windows is unfortunate, it is not considered that refusing the current application on this basis would be sustainable given that the windows on the original Hillcrest Cottage had been changed to uPVC frames and brick window arches were not a feature of the original cottage. In addition, there were no conditions attached to the previous permission removing the permitted development rights to alter the window frame or design. As such, if the development had been built as originally approved the windows could have been changed at a later date without the express consent of the Council.
- 6.10 Conditions were attached requiring details of the landscaping of the front garden area. It is considered proper to attach similar conditions if permission is granted for the current application.

Highways and Parking

- 6.11 The submitted plans show parking space for two cars per dwelling along with accesses as per the details which were approved under P06/E1189. Additional information was provided showing an alternative for 2 car parking spaces at the front of Unit 2 after concern was expressed that the proposed space at the side of Unit 2 may be difficult to provide. The spaces would be acceptable in terms of size and would still provide for an adequately sized area of soft landscaping to the front of the property. These details are considered acceptable and conditions should be attached to ensure that these details are implemented if permission is granted for this proposal.

Neighbour Amenity

- 6.12 The neighbouring property most affected by the development is Spring Bank to the east. The impact of the overall bulk of the development upon the amenity of the occupiers of this property was assessed and accepted under the previous permission. Although there have been some changes to the development, the massing of the development is unaltered.
- 6.13 During the enforcement investigation, the Council's attention was drawn to the insertion of a clear glazed opening window at first floor level in the south-east (rear) elevation of the development. A condition was attached to the previous (unimplemented) permission requiring that this window be obscurely glazed and fixed shut and permanently retained in this manner.
- 6.14 Since the submission of the current application the glazing in this window has been replaced with obscured glass. Given the proximity of this window to the rear garden of Spring Bank, it is considered prudent to attach a similar condition to this permission if granted to require that this window be retained obscurely glazed and fixed shut, as indicated on the submitted plans.

7.0 CONCLUSION

- 7.1 The proposal complies with the relevant Local Plan policies and it is considered that, subject to the attached conditions, the proposed development would not materially harm the living conditions of nearby residents, the character of the site, the setting of the adjacent listed building or the character or appearance of the adjacent Kingston Blount Conservation Area.

8.0 RECOMMENDATION

8.1 Grant Planning Permission

Subject to the following conditions:

- 1. Landscaping scheme**
- 2. Access onto Brook Street**
- 3. Parking areas**
- 4. Remove Class A and B PD Rights**
- 5. Obscurely glazed, fixed shut window in rear elevation at first floor**

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