
APPLICATION NO.	P08/W0841/RET
APPLICATION TYPE	FULL
REGISTERED	05 August 2008
PARISH	Cholsey
WARD MEMBER(S)	Mrs Pat Dawe Ms Felicity Aska
APPLICANT	Mr Richard O'Connell
SITE	51 Papist Way, Cholsey
PROPOSAL	House and detached garage on land to the rear of 51 Papist Way. (Amendment of siting to planning permissions P07/W0199 & P08/W0434).
AMENDMENTS	none
GRID REFERENCE	458862/186054
OFFICER	Kirstie Elliot

1.0 INTRODUCTION

1.1 This application is referred to the 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 1, lies within the built up area of Cholsey, towards the southern edge of the village. It is situated between the gardens of 51 and 53 Papist Way (to the south), 49 Papist Way (to the west) and 74 Honey Lane (to the north), and has direct access onto Honey Lane.

2.0 PROPOSAL

2.1 In September 2007, planning permission (P07/W0199) was granted for the erection of a two storey, four bedroom dwelling. A copy of the approved plan is **attached** as Appendix 2.

2.2 In May 2008, planning permission (P08/W0434) was granted for the erection of a detached garage, to the north of the dwellinghouse and adjacent to the boundary with 74 Honey Lane. A copy of the approved plan is **attached** as Appendix 3.

2.3 In June 2008 it was brought to the attention of the Council that the development was not being built in accordance with the approved plans (enforcement ref: WE08/154.) A site inspection revealed that the dwellinghouse has been substantially completed and that the foundations and hard-standing for the garage have been laid. The enforcement officer noted that the garage and dwellinghouse were located in a different position on the site to that approved under the aforementioned permissions. Furthermore, the dimensions of both the dwellinghouse and garage were slightly different. Photographs of the development as built are **attached** as Appendix 4.

2.4 The current application seeks retrospective planning permission for the retention of the dwellinghouse and garage in their positions on the site as built. The proposed plans are **attached** as Appendix 5.

3.0 CONSULTATIONS & REPRESENTATIONS

- 3.1 **Area Liaison Officer OCC Highways:** no highway objections. An appropriate level of parking would be provided and an existing access utilised. Condition recommended to ensure appropriate level of parking is provided/retained.
- 3.2 **Cholsey Parish Council:** application should be refused. Overdevelopment of site, unneighbourliness (overlooks adjoining property) and backland development.
- 3.3 **Neighbour Objectors (x1):** strongly oppose the application on the grounds that the new site for the garage will detrimentally affect the light to our property, be too close for privacy and will be structurally undermined by the trees along our border.

4.0 RELEVANT PLANNING HISTORY

- 4.1 P08/W0434 (approved 28.05.08) detached garage

P07/W1184 (withdrawn) new single garage

P07/W0199 (approved 05.09.07) Erection of two storey four bedroom dwelling

P06/W1094 (refused 18.12.06) Erection of a pair of semi-detached, 3-be, two storey dwellings with associated access.

5.0 POLICY & GUIDANCE

- 5.1 Adopted South Oxfordshire Local Plan 2011 Policies:

G2 – Protection and Enhancement of the Environment

G6 – Promoting Good Design

D1 – Good Design and Local Distinctiveness

D2 – Vehicle and Bicycle Parking

D3 – Plot Coverage and Garden Areas

D4 – Privacy and Daylight

D7 – Access for All

D8 – Energy, water and Materials Efficient Design

D10 – Waste Management

H4 – Towns and Larger Villages Outside the Green Belt

- 5.2 Supplementary Planning Guidance: South Oxfordshire Design Guide July 2008

- 5.3 Government Guidance: PPS3 Housing
PPG18 Enforcing Planning Control

6.0 PLANNING CONSIDERATIONS

- 6.1 The principle of a dwellinghouse and detached garage on this site has been accepted by virtue of planning permissions P07/W0199 and P08/W0434. As such, the main issue under consideration here are the impact of the changes to the siting of the dwellinghouse and garage on the site and the slight differences in their dimensions, upon:-

- (i) The character and appearance of the site and surrounding area
- (ii) The amenities of occupiers of nearby properties.

- 6.2 The differences in the dimensions of the dwellinghouse and garage as approved and as built/proposed are as Follows:-

	<i>House as approved:</i>	<i>House as built:</i>
Width (north to south):	10.5m	10.8m
Depth (front to back):	7.0m	6.6m
Height	7.8m	7.9m
	<i>Garage as approved</i>	<i>Garage as built/proposed:</i>
Width (north to south):	3.5m	3.5m
Depth (front to back):	6.0m	6.6m
Height	3.9m	3.8m

- 6.3 In terms of their locations on the site, under the previous permissions the dwellinghouse and garage should have followed a line parallel with the garden boundary shared with no. 49 Papist Way, with the rear of the house and garage being approximately 4.6m to the east of this boundary. The south facing elevation of the dwellinghouse should have been built parallel with the rear boundaries of 51 and 53 Papist Way at a constant distance of 5.6m to the north of this boundary.
- 6.4 As built, the dwellinghouse is located closer to the front (west facing) boundary of the site and has been erected at an angle from the boundaries with 49, 51 and 53 Papist Way. As such, the north-west corner of the dwellinghouse is 5.6m from the boundary with 49 Papist Way and the south-west corner is 7.2m from this boundary. The south-west corner of the house is 3.5m from the boundary with 51 Papist Way and the south-east corner is located 4.7m from the boundary with 53 Papist Way.
- 6.5 In respect of the garage, this is not substantially complete but the foundations and hardstanding are laid. As approved the rear (west) facing elevation of the garage should have been in line with the rear building line of the dwellinghouse. The hardstanding has been laid as such. As approved, the garage should have followed a line parallel with the garden boundary shared with 74 Honey Lane at a constant distance of 1m to the south of the boundary. Following the building line of the dwellinghouse, the garage hardstanding has been laid at an angle so that it is 1.2m from the boundary at the north-west corner and 0.5m at the north-east corner. The garage depth has been increased by 0.6m which has been added to the front area so that garage is almost in-line with the front building line of the dwelling house, rather than stepped behind it.
- 6.6 It is considered that the changes to the dimensions of the dwellinghouse are relatively insignificant and taken as a whole do not affect the impact of the development. The dwellinghouse has moved away from the boundary shared with 49 Papist Way, and while it is closer to the boundaries with 51 and 53 Papist Way, it is not considered that this change is immediately perceptible to the occupiers of these properties and given the length of the gardens and open area to the west (Honey Lane) it is not considered that it has overbearing impact affecting their outlook. Furthermore, being located to the north of these properties, it is unlikely that the change in distances materially affects the provision of sunlight to the rear of these properties. Although the application property is angled towards the rear of these properties it is not considered that this materially affects the overlooking of the rear of the neighbouring properties.

6.7 The garage is not yet complete; however, at the point closest to 74 Honey Lane (i.e. the north-west corner) it would actually be located further from the boundary than previously approved. The north-east corner would be closer to the boundary by some 0.5m however it is not considered that this change would affect the overall impact of the garage upon the amenities of the occupiers of no.74, especially as this corner is approximately 15m from the property. A view of the garage site from the driveway of 74 Honey Lane is **attached** as Appendix 5.

7.0 **ENFORCEMENT CONSIDERATIONS**

7.1 Government advice in PPG18 indicates that enforcement action should only be taken where planning harm is identified and where action is necessary in the public interest. Any such action should be proportionate to the breach of planning control, balancing the right of the owner to peacefully enjoy the property with the general public interest to prevent development that is harmful to other legitimate interests.

7.2 In considering whether or not it is expedient to take enforcement action officers have to consider whether the harm being caused by a development is significant and if so whether it can be made acceptable by the imposition of conditions. Enforcement action should not be taken simply to regularise development that has been carried out without planning permission. In this case it is considered for the reasons set out in paragraphs 6.1 to 6.7 above that the differences between the approved development and that built do not cause significant harm and officers do not consider that it would be expedient to take formal enforcement action

8.0 **CONCLUSION**

8.1 The development complies with relevant Local Plan policies and it is considered that, subject to the attached conditions, the development would not materially harm the character or appearance of the area, nor the living conditions of nearby residents.

9.0 **RECOMMENDATION**

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

1. **Remove Class A, B & C permitted development rights**
2. **Garage to be used for ancillary purposes only**
3. **Provide parking and turning areas prior to occupation**
4. **Retain wall along road boundary**
5. **Submit scheme for boundary treatment**

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