
APPLICATION NO.	P08/W0535/RM
APPLICATION TYPE	RESERVED MATTERS
REGISTERED	29.04.2008
PARISH	HORSPATH
WARD MEMBER(S)	Ms Janet Carr Mr Andrew Hodgson
APPLICANT	Mr M Green
SITE	41 Manor Drive Horspath
PROPOSAL	Erection of 2 dwellings together with garages and access from Church Road.
AMENDMENTS	As amended by Drawing Nos. FS543/02E, 05E, 07B & 02+SDE accompanying Agent's letter dated 28 July 2008.
GRID REFERENCE	457178/204846
OFFICER	Mrs S Crawford

1.0 INTRODUCTION

- 1.1 The application has been referred to the Committee because the recommendation conflicts with the views of the Parish Council.
- 1.2 This site is an open gap on Church Road in an otherwise built up frontage within the centre of Horspath. The site sits at the top of a low bank and is screened from the road by a fence and vegetation. It is well screened from both side boundaries by conifer hedging and deciduous trees. The site rises up from the road but levels out to the rear. A yew tree at the front of the site and an oak tree at the rear of the site are protected by a Tree Preservation Order. The site lies within the Oxford Green Belt and opposite the grade 1 listed church.
- 1.3 Outline planning permission has already been granted for two dwellings on this site.
- 1.4 An ordnance survey extract showing the location of the site is **attached** at Appendix 1.

2.0 PROPOSAL

- 2.1 The application, as amended, seeks reserved matters approval for the erection of two dwellings (1 no. two bed unit with attached garage and 1 no. Four bedroom house with attached garage).
- 2.2 Reduced copies of the amended plans accompanying the application and the Design and Access Statement are **attached** at Appendix 2.

3.0 CONSULTATIONS & REPRESENTATIONS

- 3.1 OCC (Highways) To be reported verbally.
- OCC (Archaeology) No objection s/t NB attached to decision notice.
- Forestry Officer There are two protected trees on this site no objection s/t tree protection conditions and no dig method for turning areas with root protection areas.

Conservation Officer	Comments and concerns regarding the setting of the church.
Environmental Health	No objection s/t a contaminated land condition. Condition relating to hours of construction recommended.
Public Amenities	A collection point for each dwelling is required.
Parish Council	Refuse. A hipped roof should be provided on 2 bed property, reduction in size of dwelling 2 to reduce impact on 12 Church Road, and materials should be in keeping with the character of the church.
Neighbour Objectors (4 to original plans) (5 on amendments)	Proximity to boundary of 12 Church Road, Concern about the setting of the church, Loss of hedge to road and trees on site. Unacceptable impact on 20 Church Road Site is too small to accommodate two houses, Concern about use of brick as main material Rainwater running of driveways will cause problems on the road. Unacceptable overdevelopment. The site should only be developed with one house. Loss of privacy and loss of sunlight.
Neighbour Representations (3)	Certain trees on the site should be protected by a TPO. The site is very sensitive, it has always been open, previously an orchard if development is to go ahead it should be well set back from the road and screened behind landscaping.

4.0 **RELEVANT PLANNING HISTORY**

- 4.1 P08/W0108/RM – Erection of two dwellings with garages – Withdrawn because of concerns relating to neighbour impact.
- 4.2 Outline planning permission for two dwellings on this site was granted in 1981. The permission has been renewed every 3 years since that date (10 times). The most recent being P05/1001/OR.
- 4.3 An application for the reserved matters was withdrawn in 2003 because of concerns regarding design and neighbour impact P03/W1052/RM.

5.0 **POLICY & GUIDANCE**

- 5.1 Adopted SOLP Policies
G2 – Protection of District's resources, G3, proximity of new development to existing services and links to public transport, G6 – Quality of design and local distinctiveness, GB2 – New buildings in the green Belt, C1 – Landscape character, C8 – development

affecting protected species, EP1 – adverse affects of development, EP3 – proposals for external lighting, EP4 – Protection of water resources, EP6 - Surface water drainage requirements, EP7 – Ground water resources, EP8 – Contaminated land, D1 – Principles of good design, D2 – Parking for vehicles and cycles, D3 – Provision of private amenity areas, D6 – design against crime, D8 – Conservation and efficient design, D9 – Renewable energy, D10 – Management of waste, H4 – New housing within larger villages, H7 – Mix of units, H8 - density, H9 – affordable housing, T1 transport.

South Oxfordshire Design Guide

PPS1 – Delivering sustainable development
PPG2 – Green Belts
PPS3 – Housing
PPG13 – Transport
PPS22 – Renewable Energy

6.0 **PLANNING CONSIDERATIONS**

6.1 The main issues in this case are;

- Whether the principle of development is acceptable
- Green Belt issues
- H4 Criteria
- Density and provision of gardens
- Mix of units
- Tree issues
- Sustainable design issues
- Access and drainage issues

6.2 **Principle.** The principle of two dwellings with garages on this site has already been approved under the outline planning permission ref P05/W1001/OR. The reserved matters to be considered under this application are means of access, siting, external appearance and landscaping. Whilst the principle has been accepted, the development would still need to meet the criteria for acceptable forms of new residential development specified in Policy H4 and these are discussed below in paragraph 6.4.

6.3 **Green Belt impact.** Green Belt policy allows for limited infilling within villages; as the site lies within the centre of the village the impact of development on the openness of the Green Belt would be minimal in your officer's view.

6.4 **H4 criteria issues.**

- i. That an important open space of public, environmental or ecological value is not lost;

Neighbours have expressed concern about the loss of this open space within the village and have pointed out how important the site is in contributing to the setting of the listed building opposite the site. However, the site benefits from a long standing outline planning permission for two houses which is a material factor in the consideration of this application.

- ii. Design, height and bulk in keeping with the surroundings;

The application drawings include a street scene elevation that shows the two proposed dwellings in relation to the houses on either side of the site. The height of the buildings is in line with the houses to either side and the design of the houses is similar to other

brick built houses immediately to the south of the site.

With regard to the bulk of the buildings, dwelling 1 has been substantially reduced in size to address neighbour concerns and mix issues and the footprint of dwelling 2 in comparison with 12 Church Road it not dissimilar. In your officer's view it would be difficult to argue that the proposed development was not in keeping with the design, height and bulk of other houses in the area.

iii. That the character of the area is not adversely affected;

Concern has been expressed about the loss of the hedge on the frontage of the site and to opening up the frontage to provide accesses etc. At present there is a bank across the full frontage with the site being at a higher level than the road (approx 1 metre higher). Levels will need to be lowered to allow for the access to each dwelling but a 16 metre bank in the central part of the site would be retained at its current level. The yew tree on this bank is protected by a tree preservation area and would be retained. The agent has agreed to the provision of a picket fence on the frontage and a landscaping condition would ensure that the bank was planted in an appropriate manner. The houses themselves would sit back some 12 metres from the road behind the line of both 12 and 20 Church Road. For these reasons it is your officer's view that the proposal would not adversely affect the character of the area or the setting of the listed building opposite.

iv. Amenity, environmental or highway objections; and

Highway issues. The road level is approx 1 metre lower than the site and the accesses will need to cut into the bank and climb quite steeply up to current levels (the slope would be in the region of 4.5 metres in length). There are detailed conditions relating to the provision of accesses on the outline application which will still apply to this proposal.

Parking provision. Each of the dwellings has a garage with a parking space and turning facilities. The proposal is acceptable in this respect.

Neighbour impact.

Impact on 12 Church Road. The site is due north of no. 12 and as result dwelling 2 would not block direct sunlight to the side windows in 12. Whilst there are a number of windows in the side elevation of 12, there are no first floor windows in the new dwelling. Dwelling 2 is set back from the frontage of 12 and the bulk of the building is broken up by having a projecting wing at the rear and a lower height to the garage at the side. The relationship is similar to other side to side relationships.

Impact on 20 Church Road. The site is due south of no. 20 and the impact on neighbour amenity due to blocking sunlight is potentially much greater. 20 Church Road is set further forward on the site with a gable wall onto the road boundary, the plan form is T-shaped, with a cross wing to the rear of the site. There are a number of windows on the side elevation of 20 Church Road to ground and first floor rooms. The relationship between the buildings, the position of windows and the sun on ground impact is shown on the drawing **attached** at Appendix 3. There is a substantial conifer hedge along the boundary between 20 and dwelling 1 that would be retained. At its closest point there would be a gap of approx 2.5 metres from 20 to the single storey garage on dwelling 1.

The amended plans have substantially reduced the bulk of dwelling 1 to address concerns relating to neighbour impact and the mix. The neighbour's objection relate to the impact on privacy and light (copy letter **attached** at Appendix 4). With regard to

privacy the concern relates to overlooking from the first floor windows in the front elevation of dwelling 1 (bathroom and bedroom), the bathroom window is closest to the boundary and would be obscure glazed. The angle of overlooking from the bedroom window of dwelling 1 and the first floor bedroom windows in 20 is very oblique and there would be no direct line of vision in your officer's view.

With regard to sunlight, the drawing at Appendix 3 shows the impact on the centre ground floor window with the impact of the dwelling being experienced between the hours of 9.00am to approximately 11.30. A high level window to the lounge would be affected until approximately 2.00pm however, this room is served by other windows in the front and rear of this wing. There would be an impact on the rear garden later in the day. In considering the impact on sunlight, your officer's have had regard to the impact from the existing conifer hedge that marks the boundary and would be retained. On balance the impact is considered to be acceptable and is not dissimilar to other relationships along this road.

v. Backland development issues

Not applicable

6.5 **Density and provision of gardens.** Minimum standards for new residential development are recommended in the South Oxfordshire Design Guide and in policies D3, and H8 of the Local Plan.

- **Provision of garden areas.** The garden for each dwelling is in the region of 220 square metres which is well in excess of the minimum requirement
- **Density.** PPG3 seeks to ensure that proposals for housing are provided at a density of 30 dwellings or more per hectare (dph) within villages and this is reflected in Policy H8 of the local plan. In this case the density equates to 20 dwellings per hectare which is below the level recommended. However, in your officer's view the site is not suitable for development of a higher density due to neighbour and character constraints.

These factors both indicate that the proposal does not represent overdevelopment of the site.

6.6 **Mix of units.** Policy H7 of the adopted Local Plan 2011 requires an acceptable housing mix to ensure a steady provision of small two bedroom properties. On all sites that are capable of accommodating two or more dwellings, 45% of the development shall be two bedroom units unless this provision for small dwellings would adversely affect the character of the area. In this case, the proposal includes 1 no two bed unit and 1 no 4 bed unit and is acceptable in this respect in your officer's view.

6.7 **Tree issues.** There are two protected trees on the site; a yew tree on the frontage and an oak at the rear of the site (TPO 08/S01). Both of these trees are to be retained. The Forestry Officer has no objection subject to tree protection conditions and a no dig method for turning areas within the root protection areas.

6.8 **Sustainable design issues.** Policy D8 of the SOLP seeks to ensure that all new development demonstrates high standards in the conservation and efficient use of energy, water and materials. This Policy has recently been afforded greater weight by the Government's Planning Policy Statement: Planning and Climate Change, which was published in December 2007. This Statement is a supplement to PPS1.

The Design and Access statement proposes attaining a Code level 3, which is equivalent to being 25% more energy efficient than a home built to the 2006 Building Regulations standards, and to using no more than approximately 105 litres of water per person per day. A condition is proposed to ensure that the development makes reference to code level 3 measures.

6.9 **Access and drainage issues.** Conditions relating to the provision of a safe access to the highway and to the provision of foul and surface water drainage to the site were attached to the original outline application and would still apply to the development.

7.0 **CONCLUSION**

7.1 Your officer's recommend that planning permission be granted because the principle of development has already been approved at outline stage. The dwelling on plot 1 has been carefully sited to reduce the neighbour impact, the houses are of an appropriate scale for the site, there is an acceptable housing mix with sustainable design features and the driveway and turning areas should not damage an important Yew Tree. As such the proposal would accord with the Development Plan Policies.

8.0 **RECOMMENDATION**

8.1 **That planning permission is granted subject to the following conditions.**

1. **Commencement 3 yrs - Full Planning Permission**
2. **Sample materials required (walls and roof)**
3. **Windows and external doors to specification**
4. **Tree Protection (Detailed)**
5. **Sustainable Homes - Code Level 3**
6. **Landscaping**
7. **Hours of construction**
8. **No additional windows, doors or other openings**

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