
APPLICATION NO.	P08/E0409
APPLICATION TYPE	Full
REGISTERED	1 st April 2008
PARISH	Shiplake
WARD MEMBER(S)	Malcolm Leonard and Robert Peasgood
APPLICANT	Mr & Mrs Gregory
SITE	Land at Lleyn House, Station Road, Lower Shiplake
PROPOSAL	Erection of three bedroom dwelling.
AMENDMENTS	Lowered roof height, increased separation from boundaries, more detail on roofing and external areas.
GRID REFERENCE	477377/179344
OFFICER	Paul Lucas

1.0 INTRODUCTION

1.1 This application is reported to the Planning Committee as a result of a conflict between Officers' recommendation and the views of Shiplake Parish Council.

Appendix 1.

1.2 The application site is shown on the OS extract **attached** as Appendix 1. The application site consists of part of a residential plot within the built up area of Lower Shiplake. The residential plot comprises a detached two storey semi-detached dwelling called Lleyn House located towards the front of the site and its garden, which extends eastwards in an L-shape and has been recently separated into two segments. The application site concerns the easternmost segment, which consists of a rather overgrown garden area of about 600 square metres, containing a small shed in the north-western corner. The red line area also includes a vehicular access to the rear of the site from New Road in the form of a 65 metre length of narrow gravel driveway, which widens at the end to create a small turning area. This access is owned by the applicant, but there is a covenant allowing rights of access to Fairwinds and Mulleins. There are two mature trees located within the turning area, one of which, a Red Horse Chestnut, is subject to a Tree Preservation Order. The access is presently separated from the rest of the site by a close-boarded fence. The other boundaries consist of a mixture of close-boarded fencing, hedges and shrubs, some evergreen, some deciduous, separating the site from adjacent residential plots. The level of the land rises across the site from south to north and from east to west, so that the site is slightly higher than Downside and slightly lower than Fairwinds and The Coach House. The boundary fence belonging to Downside, which is 1.8 metres high only projects about 1.4 metres above the site ground level. Lleyn House and The Grey House were originally a single Victorian property, with Yule Lodge connected to it. The other detached dwellings in the area were built in the mid 1900's when the original large grounds were subdivided into separate plots. There is variation in building orientation, form, design and materials. The area has no statutory designations.

2.0 PROPOSAL

2.1 The application seeks full planning permission for the erection of a dwelling with an integral garage. The proposed dwelling would be located at the northern end of the plot and would occupy approximately 170 square metres of the site. The dwelling would be built on two levels, with the lower level being set below existing ground levels. The dwelling would measure 18.3 metres on its west to east axis and the north

to south axis would measure 8.3 metres on the western elevation and 11.6 metres on the eastern elevation. The dwelling would have a flat roof with its height ranging from 2.65 metres to 3.5 metres, due to the variation in levels. A 5 metre section of the southern elevation would be built between 1.5 and 1.9 metres behind the rear boundary of Downside and this would appear at a height of 3.4 metres above the neighbouring ground level. It would be positioned 1.2 metres from the boundary with Fairwinds at its closest point, stepping back to 2.2 metres. The gap to the western boundary with The Coach House would be 1.2 metres and the eastern elevation would be positioned 1.2 metres inside the existing boundary fence.

- 2.2 There would be numerous solar modules on the roof, half of which would be wedge-shaped projecting 0.5 metre above the roof level, with the remainder being flush with the roof. There would also be 5 rooflights flush with the roof. The roof would also be a green roof, with lavender and shrub planting primarily concentrated along the northern, eastern and western edges of the roof and also in the south-eastern corner closest to Downside, to be maintained no higher than 1.2 metres above roof level. The walls of the dwelling would comprise terracotta tile cladding on a base masonry structure. The lower floor of the dwelling would contain three bedrooms, a dayroom, bathroom, utility, plant and storage tanks. This floor would be lit via an area of south-facing multi-glazed wall with solar controlled glass with a circular area dug out of the garden immediately in front of it, with a water feature in the centre. The bedrooms would have rooflights positioned above them at ground level. The upper floor would contain a kitchen, dining area, lounge, lobby and double garage. The main rooms would be lit by a semi-circular set of glazing on the south elevation, supplemented by the rooflights with a conservatory and terrace above the dayroom on the lower floor. The garage would provide two parking spaces, accessed via the existing driveway. The front door would also be on this elevation, with a side pedestrian access to the garden along the southern elevation. The plans indicate that the height of the boundary fencing with Downside would be raised by 0.8 metres above its current level. A third (visitor) parking space is shown in front of the eastern elevation. The mature Cherry tree would be removed, but additional planting is proposed along the southern boundary in between existing Hazels shown to be retained.
- 2.3 The applicants' supporting design and access statement is available to view online on the Council's website, www.southoxon.gov.uk. The plans of the proposed development are **attached** as Appendix 2.
- 3.0 **CONSULTATIONS & REPRESENTATIONS**
- 3.1 **Shiplake Parish Council** – Comments on amended details as follows - The application should be refused:
Shiplake Parish Council Planning Working Committee does not support backland developments. Access and parking is a concern. Protection of Chestnut tree required. Out of character with the area.
- 3.2 **OCC Highways** – No objection to amended plans. The proposal includes an appropriate level of parking, turning and vehicles would still be able to turn at the end of the driveway. Rights of way over the access for neighbours are already secured by covenant.
- 3.3 **Forestry Officer** – No objection to amended plans including removal of Cherry and proposed green roof subject to landscaping and detailed tree protection conditions, including an arboricultural method statement to protect the Red Horse Chestnut.

- 3.4 **Environmental Services (Contamination)** – No objection subject to the imposition of a standard condition requiring investigation and mitigation as necessary.
- 3.5 **Environmental Services (Environmental Health)** – No objection on noise grounds.
- 3.6 **Waste Management** – Collection point required for waste.
- 3.7 **Monson** – No observations.
- 3.8 **Building Control** – Proposal does not provide enough information to demonstrate that it would comply with guidance requiring access for pump appliance to be within 45 metres of any point within the house. However, the Fire Service treats each case on its merits.
- 3.9 **Neighbours** – Four representations of objection to the original plans, which can be summarised as follows:
- Scale of development out of keeping with the size of plot and with existing spacious settlement patterns.
 - Inappropriate to abut existing boundaries on three elevations.
 - Proximity of dwelling to Downside exacerbated by higher land levels on site.
 - Overbearing impact on Fairwinds, spoiling outlook and seclusion.
 - Out of keeping with original Victorian house and not sufficiently removed from neighbouring properties to be viewed within its own context.
 - Terracotta tiles out of keeping with brick built properties in the surrounding area.
 - Solar panels unduly prominent and disturbance to neighbours from maintenance of roof.
 - Intensification in use of access resulting in risk to pedestrian safety, obstruction and inconvenience to rights of access, particularly to emergency and utility/delivery vehicles.
 - Exacerbation of access issues during construction process (not a planning matter).
 - Overlooking and loss of privacy to neighbouring properties, particularly between proposed ground floor windows and Downside first floor balcony.
 - Loss of mature trees.
 - Damage to boundary hedge of The Coach House and subsequent loss of screening function.
 - Loss of wildlife habitat.
 - Would worsen drainage problems.
 - Planning permission for a new dwelling refused previously on the site.
 - Three bedroom dwelling is not downsizing.

- 3.10 Following submission of several amended plans, further representations from the original objectors and an additional representation of concern were received reiterating the above points and adding these further comments:
- Roof same height as Downside first floor eaves (height subsequently reduced).
 - Set a precedent for other undesirable developments in vicinity.
 - Overlooking of Downside from pedestrian access.
 - Loss of some of turning area as a hardstanding for new dwelling.
 - Without prejudice to other objections, preferable to have a 2.8 metre brick wall on boundary between Downside and proposed house.
 - Glare from solar panels to the Coach House and to The Grey House and concern that they could be easily enlarged or modified when installed or over time.
 - Threat to Privet hedge on boundary with Fairwinds.
 - Interference with sewage, electricity, water pipes and cables (not a planning matter).

4.0 **RELEVANT PLANNING HISTORY**

- 4.1 P69/H0629 – A planning application for a dwelling on the site was refused planning permission in 1970 for the following reasons:

“1. That the proposal constitutes an undesirable intensification of backland development detrimental to the amenity of the adjoining properties and contrary to proper planning of the area.
2. That the site is inadequate to satisfactorily accommodate the development proposed.
3. That the proposed means of access is inadequate to serve further residential development.”

- 4.2 P73/H0112 – A planning application for a dwelling on this part of the site was refused outline planning permission in 1973 for the following reasons:

“1. That the proposal would result in an undesirable intensification of backland development, which would be contrary to the proper planning of the area and detrimental to the privacy and residential amenities of the occupants of the adjoining properties.
2. That in the opinion of the Local Planning Authority, the application site is inadequate in area to satisfactorily accommodate the development proposed.
3. That the access is inadequate to serve any further residential development.”

- 4.3 P06/E1281 – A planning application for a larger dwelling than that now proposed was withdrawn following Officers’ indication that it would not be supported due to its relationship with neighbouring dwellings and its visual appearance.

5.0 **POLICY & GUIDANCE**

- 5.1 Adopted South Oxfordshire Local Plan 2011 Policies:

G2 – Protection of the Environment
G5 – Making the Best Use of Land
G6 – Promoting Good Design
C4 – The Landscape Setting of Settlements
C9 – Landscape Features
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
H5 – Larger Villages Within the Green Belt and Smaller Villages Elsewhere
T1 – Transport Requirements for New Developments
T2 – Transport Requirements for New Developments

5.2 Supplementary Planning Guidance:
South Oxfordshire Design Guide 2008 – Sections 3, 4 and 5.
South Oxfordshire Landscape Assessment – Character Area 11.

5.3 Government Guidance:
PPS1 – Delivering Sustainable Development
PPS3 – Housing
PPS7 – Sustainable Development in Rural Areas
PPG13 – Transport

6.0 **PLANNING CONSIDERATIONS**

6.1 The proposed development would be located within the built-up area of the village of Lower Shiplake, which is a settlement where backland residential development of one or two detached dwellings is acceptable in principle, provided it would not extend the settlement into the countryside or would create problems of privacy or access. Consequently the proposal falls to be assessed against the criteria of Policy H4 of the South Oxfordshire Local Plan. The planning issues that are relevant to this application are whether:

- The development would 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;
- 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 dwellings or other conditions prejudicial to highway safety; and
- The proposal would incorporate sufficient sustainability and waste management measures.

Loss of Open Space

6.2 Criterion (i) of Policy H4 of the SOLP 2011 requires that an important open space of public, environmental or ecological value is not lost, nor an important public view spoilt. The site has formed an established residential plot and as such constitutes previously developed land. Although harm to wildlife has been raised as an objection to the proposal, no protected species have been referred to and there are no records of any important habitats in or around the site. There are very limited public views of the site from Crowsley Road or New Road. This criterion would therefore be satisfied.

Character and Appearance

6.3 Criteria (ii) and (iii) of Policy H4 of the SOLP 2011 seek to ensure that the design, height, scale and materials of the proposed development are in keeping with its

surroundings and the character of the area is not adversely affected. The proposed dwelling would be positioned very close to the boundaries of several adjoining residential properties. In this respect, it would differ from the other dwellings in the vicinity, which although for the most part detached, are well set back from the majority of their boundaries and, with the exception of Fairwinds and Mulleins, these properties also have road frontages. The proposal seeks to address this through being partly constructed below the existing ground levels within the site. Even taking into account the difference in levels, this would enable the overall height to remain significantly lower than the roof heights of the surrounding two storey dwellings and it would also be lower than the ridge height of Mulleins, which is a bungalow. Inevitably, the dwelling would be visible in private views from adjoining properties, but its relationship to adjoining gardens would not be particularly evident in the street scene or in the wider surroundings. The design would be unusual and is a response to the site constraints, however there are no statutory designations that might preclude this form of development from taking place. The majority of the dwellings in the immediate vicinity, with the notable exception of Lleyn House/The Grey House and Yule Lodge, were built in the 1960s and are not distinctive in design terms. Although constructed around the same time in brick, they are finished in red (Downside, Mulleins), yellow (Fairwinds) and painted white (The Coach House), which all contrast with the grey brickwork with yellow detailing on Lleyn House/The Grey House. With the exception of The Coach House, which has slates, the roof materials consist of concrete tiles. Mulleins also has some cedar boarding on the gables. In this context, officers consider that the innovative design and proposed materials would not cause harm to the character and appearance of the area. The Council would be able to exert further control over detailed matters such as the levels on which the dwelling is built, how spoil is dealt with, the appearance of external materials and the form and layout of the solar panels through planning conditions.

- 6.4 It is acknowledged that the planning history reveals the Council's previous resistance to the erection of a dwelling on the site in the 1970s. However, Government Guidance has changed over the past 40 years. One of the Government's key objectives, as set out in Planning Policy Statement 3 (PPS3) Housing, is to make effective use of land that has previously been developed through permitting higher density development (a minimum of 30 dwellings per hectare) involving properties with smaller gardens to take pressure off greenfield sites. Further, new development should be located in sustainable locations making use of existing infrastructure and services. This is reflected in current Local Plan Policies, particularly having regard to the permissive nature of Policy H5. Notwithstanding the established lower densities of surrounding plots, Lower Shiplake is one of the villages within the District with reasonable facilities and access to public transport, which makes it one of the more sustainable locations. The plots for both the proposed dwelling and that remaining for Lleyn House would comply with the recommended maximum 30% plot coverage and recommended minimum 100 square metres garden areas, as set out in the SODG 2008. The Forestry Officer is satisfied that the Red Horse Chestnut tree would be retained through tree protection and landscaping conditions and that new planting, including the green roof, would help to assimilate the development into its surroundings. In light of this assessment, the proposed development would comply with the above criteria.

Living Conditions

- 6.5 Criterion (iv) of Policy H4 of the SOLP 2011 requires that there are no overriding amenity objections. Criterion (v) explains that if the proposal constitutes backland development, it would not create problems of privacy or access. As discussed above, the proposed dwelling would be positioned very close, in particular, to the boundaries with Downside, Fairwinds and The Coach House. The impact on each of these dwellings is examined in turn:

Downside:

- 6.6 The distance between the south elevation of the proposed dwelling and the rear wall of Downside would be about 20 metres. The rear boundary of Downside spans roughly 15 metres and a 5 metre section of the southern elevation proposed dwelling would be built directly behind it. This section of wall would not contain any openings. In these circumstances, officers consider the impact on the rear-facing rooms of Downside would be acceptable, in terms of light, outlook and privacy. The proposed dwelling would have a greater impact on the rear garden. Due to the aforementioned changes in levels, the proposed dwelling (excluding any planting or solar panels) would be approximately 3.4 metres above Downside's ground level at a distance within 2 metres of the rear boundary. The proposed alterations to the boundary would mean that the top 0.8 metre of this section of the elevation would be visible above the boundary. The plans also show replacement hazel planting in between the fence and the pedestrian access. There would be no building behind the remaining two thirds of Downside's boundary, which adjoins the turning area, or along either side boundaries. Although the Cherry tree would be removed, there would also be further planting along this section of the boundary to supplement the existing foliage. The amended roof plan shows that the protruding solar panels would not be mounted on the section of roof closest to Downside and that there would be some planting on that part of the roof. The area of Downside's garden closest to the proposed dwelling is occupied by a shed and a greenhouse. Taking all of the above into account, Officers consider that there would be no material loss of sunlight or general daylight to the rear garden and that the level of activity usually associated with one dwelling would not be sufficient to cause undue loss of privacy. Whilst there would be some loss of outlook and an element of enclosure, the garden would retain a sufficiently open aspect and the dwelling would be sufficiently screened to lead Officers to conclude that, on balance, the impact on the occupiers of Downside would be acceptable.

Fairwinds:

- 6.7 The distance between the proposed dwelling and the rear wall of Fairwinds would also be about 20 metres. Fairwinds also benefits from a similar open aspect on both sides as the neighbouring dwellings to the west and east are 35 and 20 metres away, respectively. The rear boundary, denoted in the main, by a privet hedge spans roughly 35 metres and the entire northern elevation of the dwelling would extend along broadly half of this boundary. Most of this elevation would be stepped away by almost 2.5 metres from the boundary. There would be no openings on this elevation, apart from the rooflights serving the lower level, which would be installed just above ground level and so would not be noticeable by the occupiers of Fairwinds. Under these circumstances, officers consider that the impact on the south-facing rooms of Fairwinds would be acceptable, in terms of light, outlook and privacy. As with Downside, the proposed dwelling would have a greater impact on the rear garden. The relationship between the application site and Fairwinds is such that their respective ground levels are broadly at the same. However, due to the downward slope from west to east through the site the height of the flat roof above ground level would appear as 2.7 metres on the north-western corner, increasing to 3.4 metres at the north-eastern corner.
- 6.8 With the retention of the Privet hedge, the top 1 metre of this elevation would be visible above the boundary. There would be no building behind the remaining half of Fairwind's boundary, which adjoins the turning area and there would be no changes proposed to the existing foliage, including a Maple and a Cypress on this part of the boundary. The amended roof plan shows that the protruding solar panels would be mounted 1.2 metres from the edge of the roof at their closest point. However, the northern elevation also shows that these would be screened by green roof planting.

The area of Fairwind's garden closest to the proposed dwelling is used as a vegetable plot. Although the proposal would be to the south of Fairwinds, Officers consider that the protrusion of the built form above the boundary would not be so great as to result in a significant loss of sunlight or general daylight to the rear garden. Whilst there would be some loss of outlook and an element of enclosure, the garden would retain a sufficiently open aspect, with established foliage in the foreground and the surrounding gardens still visible, supplemented by the roof planting. Hence on balance, Officers consider that the impact on the occupiers of Fairwinds would be acceptable.

The Coach House:

- 6.9 The distance between the rear elevation of The Coach House and the western elevation of the proposed dwelling would be about 30 metres. Although the dwelling would be built alongside most of its rear boundary, this property is on higher ground in comparison with the application site, so this elevation of the proposed dwelling would appear about 2.3 metres in height. The boundary is denoted in the main by a high laurel hedge, which lies predominantly on The Coach House side of the boundary. In Officers' opinion, the height and density of this planting, within the neighbour's control, would largely screen the dwelling and in any event, the distance would be sufficient to prevent any significant loss of light, outlook or privacy to the house and garden.
- 6.10 Other neighbouring properties would not be significantly impacted upon by the physical form of the building or any activity associated with it. Access to the green roof could be restricted through a planning condition for maintenance purposes only and permitted development rights are proposed to be removed. The conditions requiring details of solar panels and green roof planting (landscaping) to be agreed would also require information to minimise potential glare for the immediate neighbours. On the basis of this assessment, the proposal would meet the above criterion.

Highways and Parking

- 6.11 Criterion (iv) of Policy H4 of the SOLP 2011 also requires that there are no overriding highway objections. Criterion (v) requires that if the proposal constitutes backland development, it would not create problems of privacy or access. It is understood that emergency and delivery vehicles in particular have historically experienced difficulties in accessing the Fairwinds and Mulleins, due to a combination of the narrowness of the access, the position of the protected tree and occasionally when vehicles have been parked in the turning area. However, the Highway Authority is satisfied that the proposal includes an appropriate level of parking and turning to meet adopted maximum parking standards and other vehicles would still be able to turn at the end of the driveway in the same manner as present. Although the existing vehicular access arrangements for Fairwinds and Mulleins are not ideal, Officers are satisfied that there are no parking or access standards that would demonstrate that the erection of this dwelling would materially worsen the existing situation. Although the applicant owns the driveway, it should be noted that rights of way over the access for neighbours are already secured by a private covenant, which could be enforced by any of the parties. This could include construction traffic, which it is otherwise not possible to control through planning regulations. The retention of the garage for use by two vehicles at all times can be secured via a planning condition. The proposed development would therefore satisfy the above criterion.

Sustainability Measures and Waste Management

- 6.12 Policy D8 of the SOLP 2011 requires proposals to incorporate sustainability measures in terms of energy, water and materials efficient design. Section 3 of the SODG 2008 recommends that single dwellings reach at least Level 1 of the Code for Sustainable Homes. The proposal outlines a number of measures including, solar electric, solar

heating, green roof, rain and grey water collection, heat storage system and passive ventilation, so there would clearly be scope for the dwelling to be designed so as to incorporate sufficient measures to achieve at least Level 1. Policy D10 requires the provision of waste collection facilities and space for refuse and recycling is shown on the plans. Both of these aspects could be secured via planning conditions.

Other Material Planning Considerations

6.13 The Fire Brigade issue could be resolved under Part B of a Building Regulations application. The Council's Policies in relation to housing mix (Policy H7) only relate to residential development involving a net gain of 2 or more dwellings in respect of housing mix, so proposals for individual dwellings do not need to demonstrate that they are "downsizing". 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. Monson, the Council's drainage engineers do not consider that surface water run off from the proposed dwelling would have an impact on the locality and landscaping conditions could ensure that external areas remain sufficiently porous. Issues concerning utility supply are not covered by planning regulations.

7.0 **CONCLUSION**

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

8.0 **RECOMMENDATION**

8.1 **Grant Planning Permission.**

Subject to the following conditions:

1. **Time Limit**
2. **Details of slab levels and finished ground prior to commencement**
3. **Details of spoil disposal prior to commencement**
4. **Samples of materials prior to commencement**
5. **Details of solar panels and brise soleil to be finalised prior to commencement**
6. **Removal of permitted development rights for windows or doors, extensions, roof extensions, rooflights, outbuildings or hardstandings**
7. **Access to flat roof for maintenance purposes only**
8. **Details of sustainability measures prior to commencement**
9. **Details of refuse and recycling storage and composter prior to commencement**
10. **Retention of garages for 2 vehicles and cycle parking only**
11. **Details of hard and soft landscaping including boundary treatment prior to commencement**
12. **Details of tree protection prior to commencement**
13. **Details of contamination investigation and mitigation as necessary prior to commencement**

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