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<b>APPLICATION NO.</b>	<a href="#">P09/W0283</a>
<b>APPLICATION TYPE</b>	FULL
<b>REGISTERED</b>	07.04.2009
<b>PARISH</b>	EAST HAGBOURNE
<b>WARD MEMBER(S)</b>	Mr Patrick Greene
<b>APPLICANT</b>	Mr & Mrs A Wilson
<b>SITE</b>	Rear garden/land adjacent to 40 Bishops Orchard New Road East Hagbourne
<b>PROPOSAL</b>	Erection of a three bedroomed house with single garage (As amended by drawing numbers 0827, 0826, 0828 & 0829 received on 10 June 2009).
<b>AMENDMENTS</b>	Drawing numbers, 0827, 0826, 0828, 0829
<b>GRID REFERENCE</b>	452988/189067
<b>OFFICER</b>	Mrs E Hamerton (W)

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## 1.0 INTRODUCTION

- 1.1 This application is referred to Planning Committee as the Parish Council's recommendation differs from the Officers recommendation.
- 1.2 This site is currently the rear garden area of 40 New Road, East Hagbourne which is a corner plot on New Road and Bishops Orchard. This site is within the built up limits of the village that in this particular area has a varied character in terms of the style and design of the houses. **Attached** at Appendix 1 is a copy of the site location OS plan.
- 1.3 At present, there are trees and vegetation along the common boundary with number 42 New Road. There is also a substantial amount of vegetation along the boundary that runs adjacent to Bishops Orchard. Therefore, the site is not clearly visible in the street scene.

## 2.0 PROPOSAL

- 2.1 This application is for a new house with an adjoining single garage. The house will have a living room, kitchen, hall and WC at ground floor level with three bedrooms and a bathroom at first floor level. **Attached** at Appendix 2 is a copy of the elevation and floor plans. The additional supporting information can be found on the Council's website at [www.southoxon.gov.uk](http://www.southoxon.gov.uk).
- 2.2 Amended plans were submitted that reduced the height of the house by 0.4m and omitted a window on the east elevation and south elevation and replaced these with rooflights.
- 2.3 The house is 6.8m high and including the garage has a width of 11m. The design of the house includes two dormer windows on the front elevation with three rooflights on the rear. There is one obscure glazed window in the west elevation that serves a landing area.

## 3.0 CONSULTATIONS & REPRESENTATIONS

### 3.1 East Hagbourne Parish Council

- Refuse
- An overbearing and overlooking development setting a precedent of excessive housing density

### **Neighbour Representations**

- We do not consider that the revised detailing of the application bears upon the fact that we consider the proposed development would be too close to the boundary between the two properties, shadowing and overlooking our house and garden in an unwelcome manner that would detract from our amenity.
- The site for the building lies wholly within the property of 40 New Road, which has no access to the pavement or roadway of Bishops Orchard. The site plan does not clearly mark the boundary of number 50 on that northern side.
- Whereas the new plan has addressed the issue of overlooking and has slightly improved one aspect of the problem of proximity to our bedroom, we still consider the proposed building to be overbearing and unneighbourly because of its location.
- The amended plan brings the east elevation of the building two metres closer to our house than the original plan. If built it would impact negatively on our present quality of life and disturb wildlife that currently enjoy the shelter of our garden.
- There is no shortage of accommodation offered by the proposed new building in the Didcot area. Indeed several thousand more are due to be built, yet there is a demand for larger family houses with gardens, such as numbers 40 and 42 New Road
- We note that to deal with the problem of overlooking, the sky windows facing number 42 New Road are to be fixed shut and fitted with obscure glass. This means an upstairs bedroom will not have any natural ventilation and no alternative exit. How would this be enforced if planning permission were granted.

### **Area Liaison Officer**

- No objection subject to recommended conditions

### **Forestry Officer**

- No objection subject to recommended conditions

### **Health & Housing**

The proposed residential use of the site would be sensitive to any contamination and as required by PPS23 a precautionary approach should be adopted and the possibility of contamination assumed for these sensitive developments. Condition requesting contamination survey recommended.

#### **4.0 RELEVANT PLANNING HISTORY**

- 4.1 P08/W0414 – Erection of three bedroom house with single garage and alteration to existing access. Refused August 2008. Appeal dismissed December 2008. **Attached** at Appendix 3 is a copy of the previous application and the appeal decision.
- 4.2 In the appeal decision, the Inspector stated that the proposed siting and layout of the new dwelling was such that the rear garden house would be only some 3m from the boundary with no. 42's rear garden, and there would be first floor bathroom and bedroom windows on the rear elevation. Thus there would be direct overlooking of the rear garden of number 42, close to the dwelling itself. In such close proximity, this would result in the loss of privacy to no. 42.
- 4.3 However, the Inspector went onto state that the proposal in their opinion would not cause undue loss of light at no. 42 nor appear unduly dominant in the outlook from that property. In addition, the Inspector also concluded that the separation distance from

number 1 Bishops Orchard would be sufficient to prevent it appearing unduly oppressive or overbearing in the outlook from no. 1.

5.0 **POLICY & GUIDANCE**

5.1 **Adopted South Oxfordshire Local Plan 2011**

- G5 Making the best use of land
- G6 Promoting good design
- C9 Landscape features
- EP8 Contaminated land
- H4 Housing
- H5 Housing
- D8 Energy, water and materials efficient design
- T1 Transport requirements for new developments

South Oxfordshire Design Guide

PPS3

PPS23

6.0 **PLANNING CONSIDERATIONS**

6.1 The principle of housing development in this location was not an issue at the previous appeal. This report focuses on how the current scheme addresses the concerns that led to the previous appeal being dismissed. The main issues in this case are:

- Principle of development
- Impact on neighbours
- Design / impact on street scene
- Highway safety and convenience
- Landscaping and trees
- Contaminated land

**Impact on neighbours**

6.2 Amended plans were submitted to overcome concerns about the impact on nearby neighbouring properties, mainly no. 42 New Road. The height of the house was reduced by 0.4m, the windows on the rear elevation were changed to rooflights, and the window on the east elevation was omitted. In addition, the house was moved forward in the plot therefore creating a distance of 5m from the common boundary of no. 42.

6.3 The Inspector dismissed the previous application at appeal because of direct overlooking of no. 42 at a close distance of 3m from the first floor windows of the proposed house. The position of the proposed house is now further away from the common boundary with no. 42 at a distance of 5m. In addition, the windows in the rear elevation are all rooflights and a condition is recommended stating that the cill level of these windows will be 1.7m from floor level. Therefore, this proposal is considered to have overcome the issue of direct overlooking.

6.4 The neighbours at no.42 are also concerned that this development is overbearing. However, when considering the previous scheme the Inspector concluded that the previous dwelling would not be unduly prominent at a distance of 3m from the boundary. The proposed house would sit further away at 5m from the boundary and is lower in height compared to the previous scheme.

6.5 The occupiers of no. 1 Bishops Orchard have also objected to the development and consider the house would be too close to the boundary between the two properties

leading to shadowing and overlooking. The previous house was 1m from the common boundary with no. 1, which is the same distance as this current application. The main two storey element of the proposed house will be approximately 4m from the common boundary, as the closest part of the development to number 1 is the single storey garage. In relation to the previous proposal the Inspector did not consider the development to be unduly oppressive or overbearing in the outlook from no. 1 and would not lead to an unacceptable loss of amenity. As the height of the currently proposed house has been reduced and all other elements of the house are the same as previous in relation to no. 1, this development is not considered to be harmful to the amenity of the occupiers of no. 1.

**Design / impact on street scene**

- 6.6 The character of the area in terms of the style and design of the houses is varied. Bishops Orchard is a 1990's style residential development. The nearby properties on New Road are a mix of detached and semi-detached houses and there are some bungalows to the east.
- 6.7 The design of this house is simple and would not be harmful to the character of the street scene.
- 6.8 There is a condition requiring the submission of sustainable design features prior to the commencement of development. The Inspector did not have any concerns relating to this matter in relation to the previous proposal.

**Highway safety and convenience**

- 6.9 The Highway Officer has not raised any objection to this proposal, subject to the conditions set out in section 8 of this report.
- 6.10 The occupiers of no.1 Bishops Orchard own a strip of land adjacent to the application site. It is over this strip of land that access to the site is proposed. Notice has been served on the occupiers of no. 1, however it is a Civil matter as to whether or not an agreement can be reached between the applicants and the owners of no. 1 in respect of the access over this land.
- 6.11 In order to ensure that the house is not construction before the access issue is resolved, a condition is recommended that prior to the commencement of development the access shall be formed to an acceptable standard.

**Landscaping and trees**

- 6.12 There is a significant amount of vegetation on the north and southern boundaries. The occupiers of no. 42 have raised concerns about the impact of this development on the existing vegetation and trees in their garden. The Forestry Officer has not raised any objection, however has recommended that prior to the commencement of any development a landscaping scheme and tree protection statement is submitted for approval. This will allow the Council to have greater control over the landscaping details and protection of the existing trees on and close to the site.

**Contaminated land**

- 6.13 In line with the precautionary approach set out in PPS23 the Council's Environment Health Officer has recommended a condition requiring a land contamination survey. This is therefore forms a condition on the recommendation.

**7.0 CONCLUSION**

7.1 This proposal accords with development plan policies. The development is not considered to cause any undue harm. The issues raised in the Inspectors appeal decision have been addressed through the amended plans.

**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 (all)**
3. **The proposed rooflights on the building hereby permitted shall have a cill high of 1.7m from the internal floor level.**
4. **No windows, doors or other openings**
5. **Withdrawal of PD (Part 1 Class E) - no buildings/enclosures**
6. **Withdrawal of PD (Part 1 Class A) - no extension/alteration**
7. **Sustainable Design Features - Details required (general)**
8. **Landscaping Scheme (trees and shrubs only)**
9. **Tree Protection (Detailed)**
10. **No Garage conversion into accommodation**
11. **New vehicular access**
12. **Parking & Manoeuvring Areas Retained**
13. **Boundary walls & fences**
14. **Contamination (investigation)**

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