
APPLICATION NO.	P09/E0577
APPLICATION TYPE	Full
REGISTERED	29 May 2009
PARISH	Chinnor
WARD MEMBER(S)	Mr Geoff Andrews Mr Christopher Hood
APPLICANT	Mr and Mrs Daly
SITE	Land to rear of 24 Oakley Road, Chinnor
PROPOSAL	Erection of 1 x 4-bed detached dwelling and garage.
AMENDMENTS	As amplified and amended by agent's e-mails dated 29 June 2009 and 1 July 2009 with accompanying plan reference 1328/JPPC).
GRID REFERENCE	475256/200706
OFFICER	Mrs H Moore

1.0 INTRODUCTION

- 1.1 The application is referred to Planning Committee because the Officer recommendation differs from the Parish Council's views.
- 1.2 The site lies within the main confines of Chinnor on the north side of Oakley Road. Development in the immediate area is mainly residential and comprises a mixture of two storey and single storey dwellings. Number 24 Oakley Road is a mature two storey dwelling with a large garden to the rear. Trees along the eastern boundary are protected by a Tree Preservation Order.

2.0 PROPOSAL

- 2.1 The proposal is to erect a two storey dwelling in the rear garden of 24 Oakley Road. The existing vehicle access would be used to serve the existing and proposed properties, and the driveway would be extended into the rear garden area. The proposed dwelling is a 4 bedroomed two storey property with an attached double garage. The property is proposed in red brick with a plain clay tiled roof.
- 2.2 An amended plan has been submitted which shows the re-alignment of the proposed driveway to be further away from the protected trees. In addition, the agent has confirmed that the trees along the rear boundary of the site can be retained, and that additional screening can be provided between the proposed dwelling and the property to the east (20b Oakley Road).
- 2.3 A lengthy design and access statement and an arboricultural report are submitted with the application. Full details of these can be viewed on the Council's web site www.southoxon.gov.uk. In brief, the agent considers that the proposals comply with Policy H4 of the South Oxfordshire Local Plan 2011. In his view, no public open space would be lost, the design, height and scale of the proposals would be in keeping with its surroundings and the proposals would be acceptable in highway terms. In addition, windows at first floor on the side elevations have been kept at high level to avoid overlooking. Whilst the proposal constitutes backland development, the agent considers that the development would not create problems of privacy or access, and it would not extend the built limits of the settlement.
- 2.4 A location plan and details of the proposals are **attached** at Appendix 1.

3.0 **CONSULTATIONS & REPRESENTATIONS**

- 3.1 Chinnor Parish Council – Objection raised. The proposals are contrary to Policy H4, in particular paragraphs 5.19 (damage to the character of the area) and 5.20 (problems of backland development). The proposals are unneighbourly.

OCC Highways – No objection raised, subject to imposition of appropriate conditions.
Forestry Officer – No objection raised to amended plan, subject to the imposition of appropriate conditions.

Environmental Protection Officer – The site may have been subject to contamination. A contamination investigation and remediation condition should be imposed on any planning permission.

Neighbour responses – Comments and objections received from 5 properties. The objections raised include the following matters –

- The proposed dwelling is sited close to the rear boundary and would adversely affect properties in Rannal Drive. In particular, overlooking would occur and the height and bulk of the dwelling would dominate and be intrusive.
- Trees on the rear boundary are proposed to be removed. These should be retained if permission is granted. Windows facing Rannal Drive should be eliminated.
- The development is too close to protected trees.
- The proposed house would overlook the bungalow to the east which is situated on higher ground, and would cut out light and be overbearing.
- Any new dwelling on the site should be single storey.
- The proposals represent overdevelopment of the plot.

4.0 **RELEVANT PLANNING HISTORY**

- 4.1 P86/N0807 – Two storey rear and side extension – Granted.
P69/M0553 – Extension for nursery – Granted.

- 4.2 In the 1980's, this land was included as part of a larger site. However, land to the west has been developed by the erection of houses, excluding this site.

5.0 **POLICY & GUIDANCE**

- 5.1 Adopted South Oxfordshire Local Plan 2011 (SOLP) – Policies G1, G2, G5, G6, C9, EP8, D1, D2, D3, D4, D6, D8, D10, H4, T1, T2.
South Oxfordshire Design Guide 2008.
Government Guidance – PPS1, PPS3, PPS23.

6.0 **PLANNING CONSIDERATIONS**

- 6.1 The proposed development would be located within the built-up area of the village of Chinnor which is a settlement where residential development is acceptable in principle. Development proposals are 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;
- Whether the size and appearance of the proposal would be in keeping with the character and appearance of the surrounding area;
- Whether the living conditions of neighbouring residential occupiers would be compromised and the development would provide suitable living conditions for future occupiers;

- Whether 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
- Whether the proposal would incorporate sufficient sustainability and waste management measures.

6.2 Loss of open space.

Criterion (i) of Policy H4 of the SOLP requires that an important open space of public, environmental or ecological value is not lost, nor an important public view spoiled. The site forms part of the rear garden of the frontage property. It is an enclosed piece of land and there would be no loss of an important open space and no loss of an important public view. In terms of ecology, important trees on the site will be retained, as discussed in subsequent paragraphs. As such, Officers consider that development of the site by the erection of a new dwelling would not involve the loss of a valuable public space or trees of amenity value.

6.4 Character and appearance

Criteria (ii) and (iii) of Policy H4 of the SOLP seek to ensure that the design, height, scale and materials of the proposed development are in keeping with its surroundings and that the character of the area is not adversely affected. In terms of scale and height, existing dwellings in the area are a mixture of two storey and single storey. There are two storey dwellings to the north, west and south of the site. The proposed dwelling is four bedroomed, with a height of some 8.4 metres, in keeping with the scale of the frontage property and properties to the west. In terms of the pattern of development, backland development has been permitted on the site to the east, and development into the depth of the plot has been permitted on land to the west. Accordingly, this proposal would be in keeping with the pattern of surrounding development. With regard to design and materials, the appearance of the new dwelling is traditional, and it is proposed to be constructed in traditional materials, red brick with a plain clay tiled roof. Trees which are protected by a Tree Preservation Order lie along the eastern boundary of the site. The amended plan shows the proposed driveway moved further from the protected trees in order to ensure their continued health. As such, Officers consider that the erection of the new dwelling would maintain, and be in keeping, with the character and appearance of the area.

6.5 Living conditions.

Criterion (iv) of Policy H4 of the SOLP requires that there are no overriding amenity objections. Criterion (v) explains that if the proposal constitutes backland development, it should not create problems of privacy or access. In terms of the relationship with adjoining dwellings, there is substantial screening on the western boundary of the site, and there should be no significant impact to properties which lie to the west. There is a dense line of conifer trees along the rear (north west) boundary of the site. Whilst the forestry report accompanying the application advises that these trees would be removed and replaced, the agent has subsequently confirmed that the trees can be retained. They do provide a very good screen between the site and the houses to the north, Rannal Drive. The trees are more than 5 metres in height which should ensure that first floor windows in the rear and sides of the proposed dwelling do not overlook the properties to the rear. The bungalow to the east of the site (20b Oakley Road) lies on slightly higher ground than the development site, and the agent has confirmed that boundary screening can be increased to cut out any potential overlooking from ground floor side windows facing that property. First floor windows facing the bungalow are proposed at high level to prevent overlooking. With regard to the property on the frontage of the site, the window to window distance between that property and the proposed dwelling is some 30 metres which meets the Council's guidelines on privacy. Whilst some neighbours consider that the proposed dwelling should be single storey

only, in view of the above circumstances, Officers consider that a two storey dwelling would be acceptable.

6.6 The erection of a new dwelling in a backland position can cause problems of traffic noise and disturbance. However, the frontage property does not have any significant living room windows on the driveway side of the house, and there is a fenced boundary plus trees on the eastern boundary. In these circumstances, intrusion from traffic accessing the rear of the site should not be significant. Having regard to the above, Officers consider that the proposals should not adversely affect the amenity of adjoining properties. In addition, the proposed dwelling would benefit from a good sized garden, exceeding the Council's guidelines, and would provide good living conditions for the future occupiers of the new dwelling. Whilst the Parish Council and neighbours have expressed concern about the principle of back land development, in view of the circumstances set out above, Officers consider that the new dwelling can be constructed without undue impact on the amenity of adjoining properties.

6.7 Highways and parking.

Criterion (iv) of Policy H4 of the SOLP requires that there are no highway objections, as does criterion (v) in relation to backland development. The proposal is to use the existing vehicle access to serve the existing and proposed properties. The Highway Authority is satisfied that the existing access is of sufficient standard to serve both properties. Parking for the existing property is shown to be retained to the east of the drive, and parking for the new dwelling would be within the proposed garage. Accordingly, the proposed access and parking arrangements meet the Council's standards.

6.8 Sustainability and waste management.

Information submitted with the application confirms the measures that would be put in place to ensure that the new dwelling would meet Code Level 1 of the Code for Sustainable Homes. These include, for example, installation of a condensing boiler, energy efficient bulbs, dual flush WC's, locally sourced materials, windows, doors and walls to meet insulation standards, and space for recycling and waste. In terms of waste and re-cycling collection, there is space at the front of the site to provide a collection point.

7.0 **CONCLUSION**

7.1 The proposals would comply with the relevant Development 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 or the character and appearance of the area.

8.0 **RECOMMENDATION**

8.1 **That planning permission be granted subject to the imposition of the following conditions:**

1. **Commencement detailed 3 years**
2. **Sample of all materials to be submitted and agreed**
3. **No garage conversion into accommodation.**
4. **Construction and retention of driveway, parking and turning.**
5. **High level windows shown in side elevations to have a minimum cill level of 1.7m**
6. **No additional windows in side elevations above ground floor or windows in roof without the grant of planning permission.**
7. **Tree protection measures to be put in place in accordance with details provided**

- 8. Notwithstanding the details accompanying the application, trees along the rear boundary to be retained and maintained at a height of not less than 5m.**
- 9. Additional screening to be provided adjacent to 20b Oakley Road**
- 10. Withdrawal of permitted development rights for extensions, roof extensions and garden structures.**
- 11. Existing parking for 24 Oakley Road to be retained as such.**
- 12. Contamination investigation**
- 13. Sustainability measures to be incorporated.**

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