
APPLICATION NO.	P09/W0396
APPLICATION TYPE	FULL
REGISTERED	27.05.2009
PARISH	WARBOROUGH
WARD MEMBER(S)	Mr John Cotton Mr Philip Cross
APPLICANT	Mr & Mrs Nigel Conie
SITE	Violets Farm Hammer Lane Warborough
PROPOSAL	New three bed dwelling with new access off Thame Road (As clarified by Agent's email dated 12 June 2009).
AMENDMENTS	None
GRID REFERENCE	459632194227
OFFICER	Miss G Napier

1.0 **INTRODUCTION**

- 1.1 This application has been referred to the Planning Committee because the officer recommendation conflicts with that of Warborough Parish Council.
- 1.2 The application site is shown on the OS plan **attached** at Appendix 1. The site lies on the northern limits of the settlement of Warborough. The existing property, Violets Farm is a detached dwelling and is accessed from Hammer Lane. The property has a substantial rear garden which leads up to Thame Road, the main route through the village. Views into the site from Thame Road are limited due to the dense vegetation which grows along this boundary.
- 1.3 The site lies within the Oxford Green Belt and the Warborough Conservation Area.

2.0 **PROPOSAL**

- 2.1 The development proposes the erection of a three bed dwelling within the rear garden of Violets Farm with a new access on to Thame Road. The property has an 'L' shaped footprint with an attached double garage and an amenity area to the rear.
- 2.2 A copy of the plans is **attached** at Appendix 2, the supporting information is available on the Councils website.

3.0 **CONSULTATIONS & REPRESENTATIONS**

- County Archaeological Services - No objection. Recommends standard informative.
- Highway Officer - No objection subject to conditions.
- Forestry Officer - Objection. The development would require the removal of 10 trees which, collectively, have a high amenity value with considerable life expectancy. It is considered that the replacement planting is unachievable due to a lack of available space on the site.

- Building Control - Concerns that bedroom 1 does not have a suitable window which can be used as a means of escape.
- Warborough Parish Council - Recommend approval. Comments that ‘The question of suitability of exits on to Thame Road should be looked at by SODC with care and the advice of Highways’.
- Neighbour Representations (1) - No objection in principle but concerned about overlooking from bedroom 2, loss of trees and boundary hedging and that the new dwelling should not be any closer to their property than as is shown on the plans. Request that slab level of new dwelling is lowered.
- Conservation Officer - Objection. The proposal would be detrimental to the character and appearance of the Conservation Area. The application does not contain any design rationale or information on how the new development would fit in with the local character.

4.0 **RELEVANT PLANNING HISTORY**

4.1 P84/W0004 - Erection of 3-bedroom residence and double garage. Violets Farm, Warborough. **REFUSED. Appeal - Dismissed**

4.2 **Relevant history on adjacent site**

P88/W0319 - Erection of one dwelling with integral garage. Land adj. Upper Farmhouse Thame Road, Warborough. **REFUSED. Appeal - Dismissed.**

5.0 **POLICY & GUIDANCE**

5.1 **Adopted South Oxfordshire Local Plan 2011, policies:**

- C9 Landscape features
- G2 Protection and enhancement of the environment
- G6 Promoting good design
- GB2 New buildings in the Green Belt
- GB4 Visual amenity
- CON7 Proposals affecting a conservation area
- CON12 Archaeology
- D1 Good design and local distinctiveness
- D2 Vehicle and bicycle parking
- D4 Privacy and daylight
- D8 Energy, water and materials efficient design
- D10 Waste provision
- H5 Proposals for housing

5.2 **South Oxfordshire Design Guide principles**

- Planning Policy Statement 1
- Planning Policy Statement 3
- Planning Policy Guidance Note 15

6.0 **PLANNING CONSIDERATIONS**

6.1 The main issues in this case are:

- Principle
- Impact on Green Belt
- Impact on Conservation Area
- Impact on trees
- Design
- Sustainable design
- Neighbour impact
- Waste provision
- Amenity and parking

6.2 **Principle.** The site is located in Warborough which is listed under paragraph 5.17 (iv) of the adopted South Oxfordshire Local Plan as a ‘smaller village in the Green Belt and elsewhere’. In these villages strict infill development only will be permitted under Policy H5 of the Local Plan provided that it complies with all 5 criteria of Policy H4.

6.3 This case revolves around whether the proposal can be regarded as residential infilling. Infill is defined as the filling of an appropriate gap in an otherwise largely built-up frontage. The site comprises the rear garden of Violets Farm. The plot directly to the north is similar to this site in that the property fronts on to Hammer Lane and the large garden extends up to Thame Road. To the south of the development plot is No.225 Thame Road and the dwelling is located to the south west of the plot and is set back from the road by some 22 metres. No.225 is the last property fronting on to Thame Road with the next two plots comprising the gardens of the dwellings on Hammer Lane. As such, there is no development immediately to the north or south of the plot and the proposal could not therefore be said to be filling a small gap in an otherwise largely built up frontage. On two previous appeals on this site and the adjoining garden to the rear of Upper Farmhouse the Inspector’s concluded that development on either of the sites did not constitute infilling and both appeals were dismissed.

6.4 Your officers consider therefore that the proposal is contrary to Policy H5 of the adopted South Oxfordshire Local Plan and is unacceptable in principle.

6.5 **Impact on Green Belt.** Policy GB2 of the adopted South Oxfordshire Local Plan permits limited infilling in existing villages where it complies with the requirements of Policy H5. As the proposed development does not comply with the requirements of Policy H5 it constitutes inappropriate development within the Oxford Green Belt and is therefore contrary to Policy GB2 of the adopted SOLP. The development would also be detrimental to the visual amenity of the Oxford Green Belt, contrary to Policy GB4 of the Local Plan.

6.6 On the two previous appeals already mentioned, the Inspector’s concluded that residential development on the sites was inappropriate development and would be harmful to the openness of the Green Belt and the circumstances have not changed significantly since these appeals.

6.7 **Impact on Conservation Area.** This part of Thame Road has a semi-rural character due to the sporadic nature of development, to the fact that there is no development on the opposite side of the road and to the mature, dense vegetation which lines both its sides. The proposed new access would break through this vegetation and the new

dwelling would be visible in public views from the road. Your officers consider that this rural edge contributes to the overall character of the village and that the proposal to erect a new dwelling on Thame Road (which does not reflect the local character in terms of its design) would be detrimental to the character and appearance of the Warborough Conservation Area, contrary to Policy CON7 of the adopted South Oxfordshire Local Plan.

- 6.8 **Impact on trees.** The proposal requires the removal of ten trees which collectively, have a high amenity value with a considerable life expectancy. The proposal suggests replanting to mitigate the removal of the ten trees in order to make space for the development. However, this will be unachievable due to the lack of available space once the development is complete and the proposal will therefore have a detrimental impact on the trees which are protected under the conservation area legislation. The proposal is therefore contrary to Policies G2, C9 and CON7 of the adopted South Oxfordshire Local Plan.
- 6.9 **Design.** The host property is an attractive stone built dwelling with a clay tile roof. It has a simple linear form and steeply pitched roofs. The character of Warborough is mixed with a range of properties from 1960's bungalows on the western side of Thame Road to a number of listed stone built properties on the green.
- 6.10 The proposed dwelling is made up of three elements and is described in The Design & Access Statement as being '... based on two fairly shallow plan low wings linked at approximately right angles by a subservient link structure...'. It is to be constructed in facing brickwork with a tile roof. There is no identification of the special character, interest and identity of this part of the conservation area and no explanation as to how the proposal fits in with this identified character.
- 6.11 Your officers therefore consider that insufficient work has been undertaken to develop the design of the proposed dwelling and that the development would not reflect the local character. As such, the proposal is contrary to Policies D1 and G6 of the adopted South Oxfordshire Local Plan and to the South Oxfordshire Design Guide principles on building design.
- 6.12 **Sustainable design.** A Sustainability Statement Template has been submitted with the application and this demonstrates that the new dwelling would meet a level 1* rating of The Code for Sustainable Homes. This accords with the Councils' requirements as set out in Section 4.4 of the South Oxfordshire Design Guide.
- 6.13 **Neighbour impact.** The occupants of No.46 Hammer Lane are concerned that their property would be overlooked from the window to bedroom 2 and suggest a number of ways that any impact could be minimised. The South Oxfordshire Design Guide recommends a 'back-to-back' distance of some 25 metres in order to ensure that privacy is maintained. The distance between the rear of No.46 Hammer Lane and the rear of the proposed dwelling would be some 40 metres. Having regard to this distance your officers consider that the proposed development would not have a detrimental impact on the amenities of the occupants of No.46.
- 6.14 Within the south facing elevation of the proposed dwelling there are two rooflights, one serving bedroom 3 and one serving the loft space above the garage. Views from bedroom 3 across to No.225 Thame Road would be largely obscured by the south wing and the distance between the two dwellings would be some 25 metres. As such, your officers consider that the impact of the development on the amenities of the occupants of No.225 will be limited.

6.15 Notwithstanding the objections to the principle of development the neighbour impact is considered acceptable.

6.16 **Waste provision.** The application advises that bins will be stored near to the kitchen door and can be brought to the access on collection days in accordance with Policy D10 of the adopted South Oxfordshire Local Plan.

6.17 **Amenity and parking.** The proposed rear amenity area measures some 240 sq metres and therefore accords with the Councils' requirements as set out in Section 3.2 of the South Oxfordshire Design Guide. The site can accommodate 4 vehicles and the development therefore accords with the Councils parking standards.

7.0 **CONCLUSION**

7.1 This proposal does not constitute infill development and is therefore inappropriate development within the Green Belt. The new dwelling would be harmful to the rural character of this part of the Warborough Conservation Area and would also result in the loss of a number of trees on the site which collectively have a high amenity value.

8.0 **RECOMMENDATION**

8.1 **That planning permission be refused for the following reasons:**

1. **That, the site lies within the Oxford Green Belt and Warborough is one of the villages where strict infill only will be permitted. The proposed development does not constitute infilling because the site is not a small gap in an otherwise built-up frontage. The principle of the development is therefore unacceptable and would constitute inappropriate development within the Oxford Green Belt, contrary to Policies H5, GB2 and GB4 of the adopted South Oxfordshire Local Plan and to advice contained within PPG2.**
2. **That, this part of Warborough has a semi rural character and marks the edge of the village envelope. The proposal to erect a new dwelling with access onto Thame Road would erode the rural character of the area and would set an undesirable precedent for further development in the immediate area. The provision of a house and the loss of vegetation would be detrimental to the character of the area in general and would detract from the character and appearance of the Warborough Conservation Area contrary to Policies G2 and CON7 of the adopted South Oxfordshire Local Plan and to advice contained within PPG15.**
3. **That, having regard to the details of design the proposal fails to reinforce local distinctiveness contrary to Policies D1 and G6 of the adopted South Oxfordshire Local Plan and to South Oxfordshire Design Guide principles.**

4. **That ten trees would be lost as a result of the development and the mitigation measures that are proposed could not be implemented due to site constraints. Collectively the trees have a high amenity value and their loss would be detrimental to the rural character of the area in general and the character and appearance of the Conservation Area contrary to Policies G2, C9 and CON7 of the adopted South Oxfordshire Local Plan.**

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