
APPLICATION NO.	P09/W0736
APPLICATION TYPE	FULL
REGISTERED	31.06.2009
PARISH	BENSON
WARD MEMBER(S)	Mr Felix Bloomfield Mrs Susan Cooper
APPLICANT	Mr C Read
SITE	39 Mill Lane Benson
PROPOSAL	Demolition of bungalow and erection of two chalet bungalows.
AMENDMENTS	None
GRID REFERENCE	461944/191557
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 the Parish Council.
- 1.2 39 Mill Lane is a single storey bungalow located within a generous plot in the village of Benson. The character of the area is mixed with bungalows on either side of the proposed development site and two storey dwellings opposite and to the rear on The Moorlands.

2.0 PROPOSAL

- 2.1 This is a full planning application for the demolition of the existing bungalow and its replacement with two four bedroom dwellings on the site. It is proposed to erect one dwelling at the front of the site on a similar siting to the existing dwelling and a second dwelling at the rear of the plot. A shared access drive would serve both properties.
- 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

- 3.1 County Archaeological Services - No objection subject to condition – The building concerned lies within an area of some archaeological interest. If planning permission is granted the applicant should be responsible for ensuring the implementation of an archaeological watching brief.
- Forestry Officer - No objection. If the trees are to be retained then a general tree protection condition should be imposed.

- Monson Engineering Ltd. - There is no adjacent public foul sewer and existing private sewers cross the site. Details of the means of drainage should therefore be submitted for approval.
- Benson Parish Council - No strong views
- Neighbour Support (2) - Support the proposal but feel that consideration should be given to the re-surfacing of the unmade section of the lane on completion of the development and if any damage is caused to the private lay-bys these should be made good.
- Fully support the proposal but consider that the developer should improve the seal and surface of Mill Lane on the completion of the development.
- Neighbour Object (4) - The 'unmade' portion of Mill Lane is unadopted and it is in a poor state of repair. The developer should be made to improve/strengthen the existing road before the development commences and once complete the developer should have to make up Mill Lane to an 'adoptable standard'.
- The proximity of the building on Plot B to the adjoining boundary to No.37 Mill Lane will block light from the neighbouring property.
- The development would have a detrimental impact on the outlook and views from No.22 The Moorlands. The design of the properties is out of keeping with the character of the area as there are no 'chalet bungalows' in the vicinity. The density and size of the dwellings is excessive and inappropriate to the village site. Gardens should be a *minimum* of 100 m sq.
- If planning permission is granted the developer should be obligated to resurface Mill Lane including the provision of traffic calming measures. The loss of the Cherry Tree would be regrettable as it still fruits. During times of steady rain surface run-off runs along the lane. Increasing the level of development & areas of paving on the site will reduce the amount of rain absorption and increase run-off. Noise levels have been increased since the boundary hedge was removed and a second property would increase noise levels further as would the gravel driveway. Code level 3 is too low. Level 5 could easily be achieved on this site.

- No strong views (1) - This is a good sustainable location but more should be done on energy efficiency.
- Highway Officer - No objection due to low level of intensification. Recommends conditions.
- Waste Management - No objection to provision shown. Recommends Condition.

4.0 **RELEVANT PLANNING HISTORY**

4.1 **P08/W1321.** Construction of close boarded 1.8 metre high fence to the rear boundary. Planning Permission on 04 February 2009.

P79/W0432/O. Erection of bungalow. Ref.of Planning Perm on 26 September 1979.

5.0 **POLICY & GUIDANCE**

5.1 Adopted South Oxfordshire Local Plan Policies (SOLP 2011):

- D1: Good design and local distinctiveness
- D2: Vehicle and bicycle parking
- D3: Plot coverage and garden areas
- D4: Privacy and daylight
- D8: Promoting efficient use of energy
- D10: Provision for the management of waste
- H4: Development in the towns and larger villages
- H7: Range of dwelling types and size
- H8 : Density of new development
- G2: Protection and enhancement of the environment
- G6: Promoting good design
- T1: Promoting a sustainable transport network

Planning Policy Statements (PPS's):

PPS1: Delivering sustainable development

PPS3: Housing

PPS22: Renewable energy

6.0 **PLANNING CONSIDERATIONS**

6.1 The main considerations in the determination of this application are:

- Principle
- Housing mix
- Amenity provision
- Parking provision
- Sustainability
- Trees
- Drainage

6.2 **Principle.** The site lies within the built up limits of the settlement of Benson which is listed under para. 5.17 of the Local Plan as a larger village outside the green belt. The proposal will therefore be considered against the criteria of Policy H4 of the Local Plan which states that proposals for housing on sites of up to 0.5 hectares within the larger villages outside the green belt will be permitted provided that it complies with the five criteria of the policy. The site measures some 0.1 hectares and as such, the principle of the proposed development is acceptable.

6.3 **H4 criteria issues**

(i) Loss of an important open space.

There is an existing dwelling on the site and as such, the proposal would not involve the loss of an important open space.

6.4 **(ii) Design, height and scale of the proposed development**

Design

The character of properties in this part of Benson is very mixed and the house types range from single storey semi-detached bungalows to two storey detached dwellings. The majority of the properties in the surrounding area were built in the 1950's, 60's and 70's.

The proposed dwellings are described in the development description as 'chalet bungalows'. Both properties display a mixture of roof forms including pitched, hipped, half-hipped and flat roofs and officers consider that this results in an overcomplicated and incoherent design which is contrary to the design guide advice for simple uncomplicated building forms.

There are a number of dormer windows and rooflights shown on both dwellings and the dormers vary in size and position within the roofslope with some cutting through the eaves, some sitting just above the eaves and others being located within the roofslope. Dormer windows which cut through the eaves line are generally discouraged as they result in the need for additional down piping.

In your officer's view the lack of regularity in terms of opening sizes, roof forms, dormer positioning and the varying eaves heights result in an unresolved and cluttered appearance to the dwellings; the elevations also lack symmetry.

The supporting information does not include a design rationale and officers consider that the design of the development does not follow the principles of the South Oxfordshire Design Guide. Although the design may take some features from surrounding properties, the Council is striving to improve the quality and appearance of the built environment and your officers consider that the development would not enhance the character of the area and that it fails to demonstrate a high quality of design.

Height and Scale

The existing bungalow is low in profile and it is set back from Mill Lane by some 16 metres. It sits in a slightly elevated position above the road and there is some vegetation on the front boundary. The bungalow is one of five single storey dwellings along this part of Mill Lane. There are two storey dwellings on the opposite side of Mill Lane and a mixture of bungalows and two storey dwellings to the rear on The Moorlands.

The outline of the existing bungalow has been plotted on the site section plan and this indicates that the ridge height of the existing property is some 6.25 metres. The ridge height of the proposed dwelling on Plot A is some 6.9 metres. Officers consider that the height of the property on Plot A which would be the most visible of the two in views along Mill Lane would not be inappropriate given the variety of types of property within the immediate area.

The plot is one of the largest on Mill Lane and the proposal to erect two dwellings on the site would result in a density of some 19 dwellings per hectare which is below the minimum 30 dph recommended by PPS3.

6.5 **(iii) the character of the area is not adversely affected.** The majority of properties on Mill Lane have open frontages and where there are boundary treatments they tend to be hedges or five bar gates which retain the open character. Whilst there is a hedge and five bar gate on the front boundary currently, it is proposed to erect a 1.8 metre high close boarded fence running parallel to the shared access in order to create a private amenity area for Plot A. This would create a sense of enclosure that officers consider would be out of keeping with the open character of Mill Lane.

6.6 **(iv) there are no overriding amenity, environmental or highway objections.** Policy H4 of the SOLP seeks to resist development that would be harmful to the amenities of occupants of nearby properties with particular reference to privacy, outlook, sunlight, daylight, noise and disturbance. The occupant of No. 37 Mill Lane does have some concerns that the dwelling on Plot B would reduce levels of light reaching their dining room and master bedroom. The new dwelling would be located at a distance of some 6.4 metres from the side elevation of No.37 with the single storey garage element being located closest to the boundary. The two storey element is some 9 metres from the side elevation of No.37 with the relationship being side elevation to side elevation. No windows are proposed within the side elevation of the new dwelling and officers consider that this relationship is acceptable. It is likely however that an oblique view of the garden at No.37 which is located at the front of the property would be possible from the first floor windows on the front elevation of Plot B and whilst officers consider that this reason alone would not be sufficient to refuse planning permission, it is acknowledged that the development will have some impact on the amenity of the occupants of No.37 Mill Lane.

The property on Plot B would be erected at a distance of some 7.3 metres from the boundary fence belonging to No.16 The Moorlands, a single storey dwelling located directly to the rear of No.39 Mill Lane. A public right of way separates the two properties and the side elevation of No.16 faces on to the rear of No.39 Mill Lane. No.16 The Moorlands is surrounded on four sides by single storey dwellings and the rear garden and conservatory are currently not overlooked in any way. No.20 The Moorlands is a two storey dwelling but this is located in front of No.16 and the first floor windows do not overlook the private amenity area belonging to No.16.

Having regard to the relationship and proximity of the dwelling on Plot B to No 16 The Moorfields, the height of the new dwelling on Plot B at some 6.5 metres to the ridge would in your officer's view, be overbearing and oppressive to the occupants of No.16. In addition there are a number of first floor windows are proposed within the rear elevation of the dwelling on Plot B; two dormer windows which are shown on the plans to be obscure glazed and restricted opening and would serve bathrooms and two rooflights which would serve the landing and bedroom 3 and would be above eye level.

Despite them being obscure glazed and restricted opening, your officers consider that the windows would give the occupants of No.16 The Moorlands the impression of being overlooked and the proximity of the new dwelling to the bungalow would result in it being very oppressive.

Whilst there are two rooflights within the rear elevation of the existing bungalow, the distance between No.39 Mill Lane and No.16 The Moorlands is some 37 metres which is well above the recommended back-to-back distance for new development of 25 metres.

Highways

The OCC Highway Officer has advised that the use of the private, unmade Mill Lane is not ideal but the intensification of use as a result of one additional dwelling is likely to be small and a refusal on these grounds would not be justified.

- 6.7 **(v) if the proposal constitutes backland development, it would not create problems of privacy and access and would not extend the built limits of the settlement.** The house proposed on 'Plot B' would constitute backland development and as discussed in para.6.6, officers consider that the proposal would create problems of privacy.

The site is surrounded on all sides by development and is within the built limits of the village. The proposal would not therefore extend the built limits of the settlement.

Your officers therefore conclude that the proposed development does not comply with all five criteria and is contrary to Policy H4 of the Local Plan.

- 6.8 **Whether an adequate housing mix has been provided.** Policy H7 of the adopted South Oxfordshire Local Plan seeks to ensure that residential proposals provide a mix of housing to meet the needs of the area. The Policy requires a housing mix where there would be a net gain of two dwellings. The proposed development would result in the net gain of one dwelling and as such, a housing mix is not required.

- 6.9 **Whether adequate standards of privacy and amenity have been provided.** Policy D4 of the adopted SOLP states that 'new dwellings should be designed to ensure adequate privacy for existing and new residents to enable them to enjoy their homes without undue intrusion from neighbours or from the public. The garden area for Plot A would be located at the front of the new dwelling and would measure some 110 sq m. The South Oxfordshire Design Guide recommends a private amenity area of 100 sq m for three bedroom dwellings and above and as such the garden area for Plot A complies with the standards. There is a close boarded fence and a dense hedge along part of the front boundary and a 1.8 metre high fence is proposed as part of the application which would serve to enclose the garden area and screen it from Mill Lane and the new shared driveway. As noted in para. 6.5 of the report, officers are concerned that this would have a detrimental impact on the open character of Mill Lane.

The dwellings on either side of No.39 are bungalows and as such there would be no overlooking of the amenity area for Plot A. The two storey dwellings on the opposite side of Mill Lane are over 25 metres away and the relationship is considered to be acceptable.

The main garden area to Plot B would be at the front of the dwelling with a small paved area at the rear. The amenity area would measure some 126 m sq and as such, would comply with the Councils' standards.

The distance between the rear elevation of the dwelling on Plot A and the front elevation of the dwelling on Plot B is some 18 metres. The first floor windows within the rear elevation of the property on Plot A are to be obscure glazed and restricted opening. As such there would be no direct overlooking of the amenity area to Plot B and purchasers of the property would be aware of the relationship. There is also a 1.8 metre high close boarded fence on the rear boundary of the site which abuts a public footpath.

Your officers therefore consider that adequate standards of privacy and amenity have been provided in accordance with Policy D4 of the Local Plan.

6.10 **Parking provision.** The Council requires 2 + spaces for a 4 bedroom dwelling. Each of the properties is shown to have one garage and two parking spaces on the driveway. The proposal therefore accords with the Councils' parking standards.

6.11 **Whether sufficient sustainable measures have been incorporated into the design of the dwellings.** The District Council encourages the use of renewable energy technologies, especially where new build is proposed. The information accompanying the application states that the dwellings would meet Code Level 3 of the Code for Sustainable Homes which accords with the Councils' requirements for a development of this scale as specified in para. 4.4.1 of the South Oxfordshire Design Guide.

Your officers are therefore satisfied that the proposed development would accord with Policy D8 of the adopted South Oxfordshire Local Plan.

6.12 **Trees.** There are six trees on the site which are indicated on the site plan. The forestry officer has no objection to the removal of the trees and their replacement with new specimens. However, the application states that the trees are to be retained and as such, a tree protection condition should be attached to the permission are Members minded to approve the application.

6.13 **Drainage.** The application forms state that foul sewage would be disposed of via the mains sewer but the Councils' drainage consultant has advised that there is no public foul sewer and that existing private sewers cross the site. As such there is currently a lack of information regarding the means of drainage, details of which would be required by the Local Planning Authority for approval were Members minded to approve the application.

7.0 **CONCLUSION**

7.1 Whilst the principle of development may be acceptable Officers consider that the proposed development would harm the amenity of the occupants of No. 16 The Moorlands and would fail to make a positive contribution to the surrounding area due to the inappropriate and unsatisfactory details of design, contrary to Policies G6, D1 and H4 of the adopted South Oxfordshire Design Guide and to South Oxfordshire Design Guide principles.

8.0 **RECOMMENDATION**

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

1. **That having regard to the height of the proposed dwelling on Plot B, to the proposed first floor windows within the rear elevation and its location relative to No. 16 The Moorlands, the proposal represents an oppressive and overbearing form of development, which would detract from the residential amenity of occupants of No 16 The Moorlands contrary to Policies D4 and H4 of the adopted South Oxfordshire Local Plan.**

2. **That having regard to the details of design of the dwellings and to the provision of the boundary fencing along the access track the proposed development would fail to demonstrate a high quality of design and would create a sense of enclosure that is out of keeping with the character of the area. As such the development would fail to make a positive contribution to the surrounding area contrary to Policies D1 and G6 of the adopted South Oxfordshire Local Plan and to the principles of the South Oxfordshire Design Guide.**

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