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<b>APPLICATION NO.</b>	P09/E1015
<b>APPLICATION TYPE</b>	Full
<b>REGISTERED</b>	23.09.2009
<b>PARISH</b>	Thame
<b>WARD MEMBERS</b>	Mr David Dodds Mrs Ann Midwinter
<b>APPLICANT</b>	Mr A Pudsey-Dawson
<b>SITE</b>	Demolish existing garage and shed and construction of a two storey detached dwelling
<b>PROPOSALS</b>	Land to the rear of 9 Hazelton Close, Thame
<b>AMENDMENTS</b>	None
<b>GRID REFERENCE</b>	470475/205909
<b>OFFICER</b>	Mr T Wyatt

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1.0 **INTRODUCTION**

1.1 This application is referred to Committee as the Officer's recommendation conflict with the views of the Town Council.

1.2 The application site, which is shown on the OS extract **attached** as Appendix A, is located close to the centre of Thame. The site is within the Thame Conservation Area and is also identified as a burgage plot. The site is a largely open strip of land surrounded by existing residential development, however, the site contains a pre-fabricated garage structure and shed used for domestic purposes in relation to 9 Hazelton Close. It is essentially part of the garden area of this property although a close board fence forms the southern boundary of the site and the enclosed garden immediately to the rear of 9 Hazelton Close. The site is effectively in two halves being divided by a brick wall. The northern half is laid to lawn with a few fruit trees. The southern half contains the garage and shed.

1.3 Much of the surrounding residential development is relatively modern with the three dwellings immediately to the west (Burgage Place) receiving planning permission in 1995. Hazelton Close is a 1960s development whilst an existing bungalow to the east of the site dates from the 1970s. There have been previous unsuccessful applications for residential development on the application site. Most recently planning permission was refused and dismissed on appeal for a single dwelling and garage under application P98/N0117.

2.0 **THE PROPOSAL**

2.1 This application seeks planning permission for the construction of a new detached dwelling. The proposed two storey dwelling is of a unique, contemporary design with sections of curved and mono-pitched roof with irregular wall heights and glazing patterns. The dwelling would have maximum dimensions of 11.5 metres deep, 7.5 metres wide and 5.5 metres high. The main materials proposed are timber weatherboarding for the external walls and a sedum mat for the roof areas.

2.2 A copy of the proposed plans is **attached** at Appendix B whilst other documents relating to the application can be found on the Council's website, [www.southoxon.gov.uk](http://www.southoxon.gov.uk).

3.0 **CONSULTATIONS AND REPRESENTATIONS**

- 3.1 **Thame Town Council** – The application should be approved.
- 3.2 **OCC (Highway Authority)** – No objections subject to conditions.
- 3.3 **OCC Archaeologist** – No objections, however, the County Archaeologist should be notified of any finds.
- 3.4 **Forestry Officer** – No objections subject to a tree protection condition.
- 3.5 **Conservation Officer** – The principle of the development remains unacceptable. The development would fail to preserve or enhance the character and appearance of the Conservation Area and would encroach into the adjacent burgage plot.
- 3.6 **Contaminated Land Officer** – Conditions to investigate for, and if necessary, remediate any contamination on the site are recommended.
- 3.7 **Environmental Health Officer** – No objections.
- 3.8 **Waste Management Officer** – Provision for the storage and collection of waste and recyclables needs to be made.
- 3.9 **Neighbours** –

One letter of objection received raising concerns regarding loss of privacy from overlooking, demolition of burgage plot wall, and impact on adjacent trees

Two letters have been received raising no specific objections but asking that overlooking windows are obscured and that trees are protected.

Three further letters of conditional support have been received based on drainage issues being resolved and the access drive to the site being kept open during construction as this also serves adjacent properties.

4.0 **RELEVANT PLANNING HISTORY**

- 4.1 P09/E0525 – Erection of two storey dwelling. Withdrawn prior to determination on 25<sup>th</sup> August 2009.

This application was also for a contemporary style two storey detached dwelling located on a similar building line but slightly further to the east of the siting of the dwelling now proposed. This application also proposed a detached garage. The application was withdrawn following your Officer expressing concerns regarding the impact on adjacent trees as well as the impact on the burgage plot and Conservation Area.

- 4.2 P98/N0117 - Erection of detached dwelling and garage. Refusal of Planning Permission on 20<sup>th</sup> May 1998 and appeal dismissed on 15<sup>th</sup> October 1998. The application was refused for the following reason:

*That the proposal constitutes an inappropriate form of development which detracts from and conflicts with the special character and appearance of the Conservation Area thereby being contrary to CON15 of the South Oxfordshire Local Plan (adopted April 1997).*

A copy of the plans and appeal decision relating to the application are **attached** at

Appendix C.

- 4.3 P97/N0596 - Demolition of existing garage/shed. Erection of detached dwelling and garage. Refusal of Planning Permission on 19<sup>th</sup> November 1997.
- 4.4 P92/N0067 - Erection of two domestic dwellings and garages. Refusal of Planning Permission on 2<sup>nd</sup> April 1992 and appeal dismissed on 11<sup>th</sup> November 1992.
- 4.5 P91/N0108/O - 4 No. domestic dwellings for the elderly. Refusal of outline planning permission on 8<sup>th</sup> July 1991.
- 5.0 **POLICY AND GUIDANCE**
- 5.1 Policies of the Adopted South Oxfordshire Local Plan 2011 (SOLP):  
-G1, G2, G6, C9, CON6, CON7, CON10, EP8, D1, D2, D3, D4, D8, D10, H4, H5, T1, T2
- 5.3 Government Guidance:  
-PPS1 – Delivering Sustainable Development  
-PPS3 - Housing  
-PPG13 – Transport  
-PPG15 – Planning and the Historic Environment  
-PPS23 – Planning and Pollution Control
- 5.4 Supplementary Planning Guidance  
-South Oxfordshire Design Guide July 2008 (SODG)  
-Thame Conservation Area Character Appraisal
- 6.0 **PLANNING ISSUES**
- 6.1 The planning issues that are relevant to this application are:  
1. The principle of the development  
2. The Impact on the character and appearance of the surrounding area  
3. The impact on the amenity of neighbouring occupiers  
4. The impact on trees  
5. Other material considerations

The Principle of the Development

- 6.2 The site lies within a central location within the main built up area of Thame where the principle of new residential development is broadly acceptable having regard to Policy H4 of the SOLP. However, Policy H4 outlines several criteria, which a development proposal should meet and a broad assessment of the proposal against these criteria is outlined below.

The Impact on the Character and Appearance of the Surrounding Area

- 6.3 The site is located within the Thame Conservation Area and is also within a burgage plot. A previous application for a dwelling on the site, P98/N0117, was refused due to the impact on the character and appearance of the Conservation Area. The consequent appeal was dismissed with the Inspector raising concerns about the impact on the burgage plot and the Conservation Area. Paragraph 12 of the Inspector's decision notice states:

*I observed on my site inspection that the burgage plot to the rear of Number 16 High Street is particularly well preserved and that its historic linear and enclosed nature could be readily appreciated when viewed from the rear of the frontage buildings on the*

*High Street and from the turning head of Hazelton Close. Although the proposal would leave boundary walls intact the new dwelling would effectively reduce the length of the burgage plot and much of its open and spacious quality would be lost.*

6.4 At Paragraph 13 the Inspector concludes that:

*it (the dwelling) would appear cramped and incongruous within the narrow confines of the historic burgage plot. As a result it would fail to preserve the character and appearance of the Thame Conservation Area.*

6.5 Little appears to have changed in respect of the appearance of the site compared to the situation in 1998, and thus the main material differences between the previous scheme and this scheme is in respect of the design. The appealed scheme proposed a two storey dwelling of more traditional design and construction, more in keeping with the appearance of the adjacent dwellings to the west. The dwelling was sited in a similar position to the current proposal and displayed similar dimensions in terms of width and depth, thereby also taking up the majority of the width of the plot. The height of the previous proposal was over 2.5 metres higher than the current scheme, and this along with the evident contrast in design approach represent the main differences between the schemes.

6.6 Although the height of the dwelling has been reduced, the proposal would still reduce the length of the burgage plot and would erode its open and spacious quality. This is despite the intention to use timber weatherboarding and sedum roofs in an attempt to make the development appear more natural and agricultural in appearance. The adjacent properties are relatively modern and have little architectural or historic merit. I do not consider that any development on the site should mimic this style of dwelling, and as such I consider that the principle of a highly sustainable contemporary dwelling is not unacceptable. Given the strong objections to the previous proposal by the Inspector, despite the fact that the adjacent properties in Burgage Place were already in existence, I do not consider that the new design approach mitigates the negative impact on the burgage plot and the Conservation Area.

6.7 Policy CON10 of the SOLP states that burgage plots to the rear of principle streets should be protected from amalgamation and from development that detracts from their historic interest, amenity and nature conservation value. The supporting text of this Policy states that, 'the structural prominence of new built development, where there has been none in the past, is particularly damaging to the open nature of plots undeveloped since the foundation of the towns in the Middle Ages'. There are existing domestic buildings on the site, however, the proposed dwelling and garage would result in a much more intensive form of development. There is also evidence of a previous structure on the site, apparently a dovecot. However, this building has long since been demolished and was, in any case, a much more appropriate development within the burgage plot.

6.8 Policy CON7 of the SOLP seeks to ensure that development does not harm the character and appearance of a conservation area. The burgage plot is a key feature of the Conservation Area and the proposal to introduce a new two storey dwelling largely infilling the width of the plot would have a negative impact on the character and appearance of Thame Conservation Area.

6.9 In light of the above, I consider that the proposal fails to comply with criteria (i)-(iii) of Policy H4 of the SOLP, which respectively seek to ensure that an important open space of public, environmental or ecological value is not lost, that the design, height, scale and materials of the proposed development are in keeping with the surroundings, and

that the character of the area is not adversely affected.

- 6.10 The proposal is clearly at odds with the design, height, scale and materials of the surrounding residential development, contrary to criterion (iii) of Policy H4. However, as stated overleaf, I do not consider that the modern housing adjacent to the application site is of any architectural or historic merit. As such I do not consider that the general design of the adjacent housing should necessarily be copied. If the principle of providing a dwelling with the burgage plot were to be acceptable, I consider that the design approach of the proposal development would not be objectionable.

#### The Impact on the Amenity of Neighbouring Occupiers

- 6.11 The site adjoins several neighbouring residential properties with the most affected being 8 and 9 Hazelton Close to the south, 15c High Street to the east, and 1 Burgage Place to the west.
- 6.12 The previous scheme was not refused due to neighbour impact, and the Inspector did not raise any concerns in relation to this issue. The front (south) elevation of the dwelling would face the rear (north) elevations of 8 and 9 Hazelton Close but the distance between the respective elevations of the properties would be sufficient to ensure that harmful levels of overlooking would not occur.
- 6.13 The east elevation of the dwelling itself would be approximately 3 metres from the shared boundary with the rear garden of 8 Hazelton Close and within 1 metre of the boundary with the garden area of 15c High Street to the north. Although close to the boundary with Number 8 Hazelton Close, the dwelling is relatively low in height and would partially slope away from the boundary. Given these factors, and the separation distance to the eastern boundary along with the size of the neighbouring garden area, I do not consider that the proposal would have a detrimental impact on the occupiers of 8 Hazelton Close through overshadowing or overbearing effects. The part of the proposed dwelling closest to the boundary with 15c High Street has been deliberately designed to slope away from a small section of the shared boundary and again I do not consider that the proposal would harm the outlook from this property. Windows have also been positioned and designed to reduce the possibility of overlooking to 15c High Street to an acceptable level.
- 6.14 The front and rear building lines of the dwelling would broadly line up with those of the adjacent property to the west, 1 Burgage Place. On this basis I do not consider that the proposal would have an adverse impact on the occupiers of this property.

#### The Impact on Trees

- 6.15 Trees affected by the development are not protected by TPOs but are afforded protection by their location within the Conservation Area. The previous scheme earlier this year was closer to the eastern boundary and therefore the adjacent trees. The Forestry Officer raised concerns with regard to the impact on these trees. The current scheme has moved the dwelling away from the trees and as such there is now no objection to the proposal, subject to the trees being adequately protected during construction works.

#### Other Material Considerations

- 6.16 The proposal would utilise the existing access to the land, which serves an existing garage that would be demolished. There would be sufficient space for parking within the site. The Highway Authority has no objections to the proposal.

6.17 Policy D8 of the SOLP seeks to ensure that new development demonstrates high standards in the conservation and efficient use of energy, water and materials. This Policy is supported by guidance contained within the SODG. The applicant has outlined a number of measures that would enhance the sustainability of the development, including rainwater harvesting, high levels of insulation, heat exchangers, solar panels, and a ground source heat pump. In light of these measures I consider that the proposal would comply with the requirements of Policy D8.

7.0 **RECOMMENDATION**

7.1 **That planning permission be refused for the following reason:**

- 1. The proposed development is located on a burgage plot within the Thame Conservation Area. The proposed development, due to its siting, design, size, and bulk, would fail to preserve the character and appearance of the Conservation Area and the open character and historic integrity of the burgage plot. As a result, the proposal would be contrary to Policies G2, G6, D1, H4, CON7 and CON10 of the South Oxfordshire Local Plan 2011 and guidance contained within the South Oxfordshire Design Guide 2008 and PPS1, PPS3 and PPG15.**

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