

APPLICATION NO.	P09/W0958/RET
APPLICATION TYPE	RETROSPECTIVE
REGISTERED	8 October 2009
PARISH	DORCHESTER-ON-THAMES
WARD MEMBER(S)	Mr Phillip Cross
APPLICANT	Mr & Mrs G Lester
SITE	Spindle Trees, 1a Oxford Road, Dorchester-on-Thames
PROPOSAL	New garage with storage over (Amendment to previous approved garage under planning reference P08/W1056)
AMENDMENTS	Amplified by location plan N56 P06 and accompanying letter from agent dated 15.11.2009
GRID REFERENCE	457661/ 194790
OFFICER	Tom Allington

1.0 INTRODUCTION

- 1.1 This application is referred to the Planning Committee at the request of Councillor Cross.
- 1.2 This retrospective planning application has been submitted following a planning enforcement investigation (WE09/073) alleging that an approved garage outbuilding was being constructed in a different position to that shown on planning permission P08/W1056.
- 1.3 The application site is shown on the OS extract **attached** as Appendix 1. The site contains a large detached two storey dwelling which fronts onto Oxford Road to the east and backs onto Abingdon Road to the west. The property is set back from Oxford Road with a front garden and a generous driveway which then leads down the side (south) of the house. Spindle Trees is also served by a large rear garden and the dwelling has benefited from various extensions including a recent single storey rear extension with skylight and a porch extension to the front.
- 1.4 The property lies within the Oxford Green Belt.

2.0 PROPOSAL

- 2.1 The application seeks retrospective planning permission for a single detached garage with a first floor storage room accommodated within the roof space. A similar detached garage was previously approved in a different location under planning permission P08/W1056, which was granted approval on 7 November 2008. The previously approved garage measured 6.55m in length by 3.2m in width and had a height of 5.35m to the roof pitch. The garage/ outbuilding which is the subject of this application measures 6.7 metres in length by 3.65 metres in width and would have a total ridge height of 5.55 metres. As such, the length of the partially built garage is increased by 0.15m and the width is increased by 0.45m and the height is increased by 0.2m when compared to the approved garage. The completed garage would have two roof lights to the front (east) elevation and would have a timber stair leading to a solid timber door at first floor level on the side (north) elevation, providing access to

the storage room. The garage is set back from the rear elevation of the house and is set 0.85 metres from the side (shared) boundary with 4 Abingdon Road. The brickwork matches the existing house and the roof would be of plain clay tile to match the house.

- 2.2 The plans of the proposed development are **attached** as Appendix 2. Supporting letter from Mr R Anderson (agent) dated 28 September 2009 is **attached** as Appendix 3

3.0 **CONSULTATIONS & REPRESENTATIONS**

- 3.1 **Dorchester-on-Thames Parish Council** – No strong views

3.2 **Local residents** –

Five letters of objection from three local residents with the following concerns:

- Garage building is intrusive and overbearing and adversely impacts the enjoyment of our garden
- Did not object to previous application as the garage would have been screened by trees and would have been less intrusive
- Proposal is unneighbourly and allows for overlooking and would result in a loss of privacy
- It will block a view
- Resembles a small house

4.0 **RELEVANT PLANNING HISTORY**

- 4.1 Planning permission P08/W1056 was granted on 7 November 2008 for 'Removal of existing front conservatory and replacement with single storey porch. Rear single storey extension. New detached garage with storage over'.

- 4.2 Planning enforcement investigation WE09/145 was opened 21 September 2009 following an allegation that the detached garage as approved under planning permission P08/W1056 was being constructed in a different position to that shown on approved plans. Following a site visit it was confirmed that the garage was being constructed in the wrong location and thus represented a breach of planning control. The owner of the property was made aware of the breach and was asked to cease all work on the garage until the matter had been resolved. The owner was recommended to submit a planning application to seek to remedy the breach.

5.0 **POLICY & GUIDANCE**

- 5.1 Adopted South Oxfordshire Local Plan 2011 Policies:
G2 – Protection and enhancement of the Environment
G6 – Promoting Good Design
GB2 – New buildings in the Green Belt
D1 – Good Design and Local Distinctiveness
D4 – Privacy and Daylight
H13 – Extensions to dwellings
- 5.2 Supplementary Planning Guidance:
South Oxfordshire Design Guide 2008 – Sections 5 and 6.
- 5.3 Government Guidance:
PPS1 – Delivering Sustainable Development
PPG18 – Enforcing Planning Control

6.0 **PLANNING CONSIDERATIONS**

6.1 In respect of the planning application, the principal issues are:

- i) Whether the proposal would have an adverse impact on the living conditions of neighbouring properties
- ii) Whether the scale and design of the proposal are in keeping with the character of the dwelling, the site and appearance of the surrounding area

i) Impact on neighbouring properties:

6.2 Criterion (iii) of Policy H13 states that the erection of ancillary buildings within the curtilage of a dwelling, will be permitted provided that the amenity of occupants of nearby properties is not materially harmed. Policy D4 states that development will not be permitted if it would unacceptably harm the amenities of neighbouring properties through loss of privacy, daylight or sunlight.

6.3 The partially completed/ proposed garage has the greatest impact on the neighbour to the south of the site at No.4 Abingdon Road. No.4 faces onto Abingdon Road but has its main amenity area to the front of the property and so is adjacent to the rear garden of Spindle Trees. Various objections have been received from the owner of No.4 of which are listed at section 3.3 above.

6.4 The proposed garage is set 3m further back in the rear garden of Spindle Trees than the garage previously approved and the angle/ position has also been changed so that it sits parallel with the shared boundary with No.4 Abingdon Road. As such, the garage is now set further away from this property with the line of the front elevation now set some 12.2m from the front elevation of No.4 (whereas before it was set 9.7m back). Given the distance of the garage from No.4 Abingdon Road, officers consider that the garage does not have an unacceptable overbearing impact to the front of No.4 and any impact has in fact been reduced by the set back. It is noted that the garage is now more visible from the front garden of No.4 as it would have been partially screened by a tree along the boundary in its previous position. However, the garage is separated from this main amenity area by the 0.85m gap from the boundary fence, by boundary vegetation and by the access drive which leads from Abingdon Road to the front of No.4. Given this gap, which is estimated to be 7 – 8m, together with the remaining screening, officers do not consider that the garage results in any significant overbearing or adverse impact to the front garden area.

6.5 In terms of sun and daylight, the application property is to the north of No.4 Abingdon Road and as a result the garage does not result in any significant overshadowing to either the house or the main amenity area at No.4. Furthermore, there are no windows or other openings to the south (side) elevation of the partially completed garage and none are proposed. Two roof lights are proposed to the front elevation which would only allow views towards Spindle Trees. As such, there is no adverse overlooking and no loss of privacy towards No.4 Abingdon Road. In order to ensure this remains the case any further windows to either side elevation need to be restricted by way of an appropriate condition and condition one is suggested to cover this.

6.6 Further objections have been received from neighbours at The Limes, immediately to the north of Spindle Trees and which for the most part, are regarding potential overlooking from 'a large door sized window' to the side of the garage. It should be clarified that the window to which they refer is to be a solid timber door, used to gain access to the storage room over the garage. In addition, there are no further

openings to the side elevation and thus no overlooking would result from the garage/ outbuilding.

- 6.7 The garage outbuilding is set some 23m from the rear elevation of No.7 The Limes (12.8m from the rear boundary of No.7) and is set 24.5m from the rear of No.6 (14.5 from the rear boundary). The garage as partially completed/ proposed is in fact set further away from No.7 than the garage previously approved but is closer to No.6 due to the 3m set back. However, given the significant distance of the garage from these neighbouring properties, combined with screening from trees and vegetation, it is officers view that it has no overbearing impact and does not result in any significant loss of sunlight.
- 6.8 In light of all of the above observations, the consideration of the impacts on various neighbours, and having viewed the garage/ outbuilding from all neighbouring properties, officers are of the opinion that the partially completed/ proposed garage would not have a significantly increased impact on neighbours than that previously approved and is therefore acceptable in line with Policies H13, GB2 and D4 of the local plan.
- ii) Impact on the character of the dwelling, the site and appearance of the surrounding area
- 6.9 Criterion (iii) of Policy GB2 states that within the Green Belt the construction of new buildings will not be permitted except for the limited extension, alteration or replacement of existing dwellings where consistent with Policy H13. Criterion (ii) of Policy H13 states that the erection of ancillary buildings within the curtilage of a dwelling, will permitted provided that the scale and design of the proposal is in keeping with the character of the dwelling and the site and with the appearance of the surrounding area. Policy G6 states that planning permission will not be granted for proposals which are not of a high quality and inclusive design or which are of a scale or type that is inappropriate to the site and its surroundings.
- 6.10 As referred to above, a similar garage has been previously approved. As such, the impact on the Green Belt and on the character and appearance of the dwelling and surrounding area has already been deemed acceptable. It is noted that the partially completed/ proposed garage is larger than that previously approved. The length of the partially built garage is increased by 0.15m and the width is increased by 0.45m when compared to the garage approved. The height of the garage has also increased by 0.2m to a total of 5.55m to the ridge. However, officers consider that these increases are not overly significant and although it results in a 20% increase in the overall volume, the majority of this comes from increase of the width, which has little or no impact to neighbours and has the least impact on views of the garage/ outbuilding. Thus, it is officers opinion that the overall size, bulk and design of the garage remains acceptable.
- 6.11 The change in location of the garage has resulted in it being less prominent from Oxford Road and is barely visible from the front of the house. There are oblique views of the garage from Abingdon Road to the rear but given the distance from the rear boundary together with screening from existing trees and vegetation, the garage has minimal impact to the character and appearance of the dwelling, its site and its surrounding area. Thus, it is your officer's opinion that the partially completed/ proposed garage accords with Policies G2, G6, GB2, H13 and D1 of the local plan.

7.0 **ENFORCEMENT CONSIDERATIONS**

7.1 As this application is retrospective, the refusal of planning permission will result in consideration being given to pursuing formal enforcement action in respect of the development. The decision as to whether or not to take enforcement action is delegated to officers. PPG18 encourages local authorities to pursue enforcement action where it is expedient to and planning harm is identified. Action should be proportionate to the breach of planning control and should take account of the general public interest in preventing inappropriate development.

8.0 **CONCLUSION**

8.1 The application proposal would comply with the relevant Development Plan Policies, Supplementary Planning Guidance and Government Guidance and it is considered that, subject to the attached conditions, the proposed development would not significantly harm the living conditions of nearby residents, would not be detrimental to the character and appearance of the dwelling, the site and appearance of the surrounding area.

9.0 **RECOMMENDATIONS**

9.1 **That planning permission be granted subject to the following conditions:**

1. **No windows, doors or other openings in the side (north and south) elevations**
2. **The first floor accommodation to be used only for purposes incidental to the main dwelling**

Author: Tom Allington
Contact No: 01491 823059
Email: Planning.appeals-enforcement@southoxon.gov.uk