
SUBJECT DEVELOPMENT APPLICATION REPORTS ITEM 8

REPORT OF Head of Planning & Building Control

APPLICATION NO.	P09/W1062
APPLICATION TYPE	FULL
REGISTERED	23.10.2009
PARISH	CHOLSEY
WARD MEMBER(S)	Mrs Pat Dawe Ms Felicity Aska
APPLICANT	Balmoral Land (UK) Limited
SITE	Land at 10 Rowland Road Cholsey
PROPOSAL	Proposed construction of 1 x four bedroomed house with associated access and parking.
AMENDMENTS	None
GRID REFERENCE	459073/186432
OFFICER	Mr P Bowers

1.0 INTRODUCTION

- 1.1 The application is referred to Planning Committee because the views of Cholsey Parish Council conflict with those of Officers.
- 1.2 The site lies within the built up limits of Cholsey which is one of the larger villages in the district outside the Oxford Green Belt.

Rowland Close is a residential cul-de-sac dating back to pre-1948. The application site is located at the southern end of the road. The character of the area is made up of two storey semi detached dwellings of similar design with steep cat slide roofs to the side and rendered exteriors.

To the south of the application site is a 1960's development of properties of differing architectural character and design.

2.0 PROPOSAL

- 2.1 This application seeks full planning permission for the erection of one detached four bedroom, hipped roof dwelling with single storey conservatory on the rear and flat roof garage to the north side elevation.
- 2.2 A plan identifying the site can be found at **Appendix A** and a block plan and elevations at **Appendix B**.

3.0 **CONSULTATIONS & REPRESENTATIONS**

3.1 **Cholsey Parish Council** – Object on the grounds of over development.

Neighbours – 5 x Letters of objection on the grounds of being unneighbourly, out of character with the area, access is too narrow, poor parking, loss of views and overlooking.

OCC Highways – Sufficient parking provision is made for the existing and proposed dwelling. Recommend conditions relating to parking and SUDS.

Thames Water Development Cntrl - No strong views.

4.0 **RELEVANT PLANNING HISTORY**

4.1 **P08/W1079/O** - Outline for construction of 2 x three bedroom houses with associated access and parking and erection of a car barn (As amended by drawings 08036-01A and 08036-05A accompanying letter from Agent dated 4 November 2008). - Withdrawn prior to determination on 20 November 2008.

P08/W1320/O - Erection of 2 three bed dwellings with car barn, parking and associated access. - Refusal of Outline Planning Permission on 06 February 2009 - Appeal Dismissed on 10 August 2009.

Planning permission was refused for the following reasons;

1. **That, having regard to the height, bulk and scale of the building in close proximity to the rear elevations and gardens of 27 and 29 Panters Road the development represents a harmful, overbearing and oppressive form of development materially affecting the amenities of the occupants of these properties. The proposal is therefore contrary to Policies H4 and D4 of the South Oxfordshire Local Plan 2011 and South Oxfordshire Design Guide 2008.**
2. **That, having regard to the character of the residential built form of the surrounding area, the proposal represents a cramped and incongruous form of development that would not reinforce local distinctiveness and would detract from the more spacious character of Rowland Road contrary to Policies G2, G6, D1, and H4 of the adopted South Oxfordshire Local Plan and the advice contained in the South Oxfordshire Design Guide 2008.**
3. **That the proposal to erect two no 3 bedroom dwellings on the site would fail to meet an identified housing need for smaller two bedroom dwellings in the district. As such the proposal would be contrary to Policy H7 of the adopted South Oxfordshire Local Plan.**
4. **The scheme proposes a layout dominated by the parked car and garaging which would be out of keeping with the established character of the area. As such the proposal would detract from the character and appearance of Rowland Close contrary to Policies G2, G6, D1, D2 and H4 of the adopted South Oxfordshire Local Plan and the advice contained in the South Oxfordshire Design Guide 2008.**

The appeal against the refusal of outline planning permission was dismissed. The Appeal Inspector concluded that the principle of development was acceptable but the built form which comprised two dwellings would be cramped on the site, the car barn would detract from the areas distinctive character due to its prominence and agreed with the Council on the issue of housing mix. However the building and designs indicated on the plans was considered acceptable as was the neighbour impact on the

occupiers of 27 and 29 Lapwing.

A plan showing the layout of the appeals scheme is attached at **Appendix C**.

5.0 POLICY & GUIDANCE

- 5.1 Adopted South Oxfordshire Local Plan 2011, policies. G2, G6, D1, D4, D8, H4, H7, T1, T2
South Oxfordshire Design Guide 2008
PPS3 Housing

6.0 PLANNING CONSIDERATIONS

- 6.1 Following the outcome of the appeal this application seeks to overcome the outstanding issues on which the Appeal Inspector chose to uphold the Councils decision.

The application overcomes the issue of housing mix now it is for a single dwelling. The previously proposed car barn has been removed and parking is now on the frontage and to the side of the dwelling. The remaining issues are impact on neighbours and the character of the area.

Therefore the main issues for consideration are:

- i) Whether the principle of development is acceptable.**
- ii) Impact on the character and appearance of the area with regard to the provisions of Policy H4.**
- iii) Impact on the amenities of the occupants of nearby properties.**
- iv) Whether the development includes a high standard of sustainable features.**

- 6.2 **i) Whether the principle of development is acceptable.**

The site lies within the built up limits of Cholsey where proposals for residential development will be permitted providing they meet the provisions set out in Policy H4 of the South Oxfordshire Local Plan.

- 6.3 **ii) Impact on the character and appearance of the area with regard to the provisions of Policy H4.**

Provision (i) states 'an important open space of public, environmental or ecological value is not lost, nor and important view spoilt.'

The existing space to the west of number 10 Rowland Road is not an important open space and does not provide for views.

Provision (ii) states 'the design, height, scales and materials of the proposed development are in keeping with its surroundings.'

Whilst Provision (iii) states that the 'character of the area in not adversely affected.'

These two criteria are the primary considerations for this application. The character of the Rowland Road is one of two storey, semi detached dwellings. The introduction of a two storey detached property will be at odds with the established character. However, the design of the building has been informed by the design of the existing houses with a hipped roof, lowered eaves on the north and south elevations and a chimney. The depth of the house is slightly larger than the average depth of the properties in Rowland Road but it is not so deep that it noticeably different and significantly out of scale. In

addition there is a set back from the main road frontage due to the nature of the plot. In your officers view the fact that the dwelling will be detached does not significantly harm or detract from the areas overall character.

Provision iv) of Policy H4 states that there should be no overriding amenity or environmental or highway objections.

The dwellings provide for sufficient private amenity space for a four bedroom dwelling as advised in the South Oxfordshire Design Guide.

In terms of highway safety there is no objection in terms of the new access. Sufficient parking is shown on the property which includes the garage and area at the front of the property and a space for the existing dwelling at number 10. There will be no increased pressure to park on the highway as a result of this development.

6.4 iii) Impact on the amenities of the occupants of nearby properties.

The impact on the amenities of the occupants of the properties 27 and 29 Lapwing Lane constituted a reason for refusal on the previous scheme on the grounds of being oppressive and overbearing. The Appeal Inspector concluded that there would be no material harm to these properties as a result of that development. In comparison the proposed dwelling is the same distance from the boundary and is some 0.3 metres higher at the ridge. However, because of the way the building has been designed the highest part of the roof is further away from the boundary than the previously proposed semi. In addition the main bulk of the building is 1 metre deeper than the previous scheme. It is important to note that the previously proposed scheme was in outline and the plans indicative.

Whilst there are differences between the refused scheme and the current proposal, they are not considered to be material. Having regard to the fact that the Appeal Inspector did not agree with the Councils view on neighbour impact the proposed new dwelling is considered acceptable on these grounds.

More windows in addition to the en-suite bathroom window shown on the plan could be unneighbourly. However any additional first floor clear and opening windows cannot be inserted without the need for a separate planning application as this would not be permitted development.

6.5 iv) Whether the development includes a high standard of sustainable features.

Policy D8 of the South Oxfordshire Local Plan requires new developments to demonstrate a high standard of conservation and efficient use of energy, water and materials.

The Design and Access Statement has stated that the new dwelling would seek to attain Code Level 3 of the 'Code for Sustainable Homes'. The South Oxfordshire Design Guide 2008 requires that up until April 2010 proposals for 1 dwelling shall be looking to attain one star rating. The proposed dwelling therefore exceeds this minimum requirement. In conjunction with the proposed condition which requires details of how Code Level 3 will be achieved before the development begins, the development demonstrates a high level standard that is required in Policy D8.

7.0 CONCLUSION

7.1 The proposed development overcomes the previous reasons for refusal which were upheld by the Planning Inspector. The detached dwelling due to its size, design and set back in the plot does not significantly detract from the wider character of the area and does not result in a materially harmful unneighbourly impact. Your officers recommend that planning permission be granted.

8.0 RECOMMENDATION

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

- 1. Commencement 3 yrs - full planning permission**
- 2. Sample materials required (walls and roof)**
- 3. Contamination (investigation)**
- 4. Contamination (remediation and validation)**
- 5. Sustainable Design Features - details required (general)**
- 6. Car parking and turning areas**

Author Mr. P. Bowers
Contact No. 01491 823278
Email Add. planning.west@southoxon.gov.uk