

1.4 A previous application on this site (SODC ref P08/W0330) was refused and dismissed at appeal. A copy of the Inspectors report is **attached** at Appendix C.

2.0 **PROPOSAL**

2.1 This application is for a new detached house with garage and a new access. The following information accompanied the application:

- Supporting Document, October 2009
- Tree Report, Arboricultural Method Statement, Arboricultural Implications Assessment, Tree Reference Plan, Tree Protection Plan, received 25 November 2009

This information can be viewed online at www.southoxon.gov.uk

A copy of the OS plan, elevations and floor plans are **attached** at Appendix A and B. The applicant has submitted amended plans that reduce the height of the house and removed the dormers from the rear elevation. The plans also included a change to the design of the garage.

2.2 The application site is part of the garden area of the Red House and sits to the west of the plot. The site area is approximately 0.20ha and is to the west of the existing house.

2.3 There is currently one access that serves The Red House, as part of this application a new access to the site will be created which will be approximately 40m to the west. The new house will comprise 3 principal rooms with a kitchen and utility room on the ground floor and 5 bedrooms and four bathrooms and a 'bonus room' spread across the first and second floor. To the front of the house is a detached double garage. The design of the house is reflective of an Arts and Crafts style villa. The application forms state that the house will be constructed from bricks incorporating tile hanging under a plain clay tiled roof.

2.4 The house will be located approximately 26m from the road frontage with the garage to the front of the site some 14m from the road.

2.5 The site is within an Area of Outstanding Natural Beauty.

2.6 The application site is to the east of the village and is currently part of the garden area of the Red House. The character of this part of Elvendon Road is large houses set in generous sized plots. A combination of mature trees and vegetation is a strong feature of the street scene as most of the houses are set back from the road. The topography of this part of the road is also varied with the road rising to the east.

2.7 Tree Preservation Orders protect a number of trees across both the application site and the Red House.

3.0 **CONSULTATIONS & REPRESENTATIONS**

A = further comments on additional information

3.1 **Goring Parish Council**

- Refuse
- The new house would dominate Holm Oak
- The new plot would be narrower than any other property in this part of Elvendon Road with the exception of Holm Oak

- A
- This would constitute an overdevelopment of the site and the height and scale would be out of keeping with its surroundings, contrary to Policy H4 of the adopted Local Plan
 - It would have an adverse affect on the special landscape setting of this part of the Chilterns AONB
 - Concerned about the impact and loss of trees and vegetation across the site
 - The development will not relate well to the orientation of the host dwelling
 - The proposed garage in front of the house is contrary to the South Oxfordshire Design Guide
 - Development would be un-neighbourly and would dominate Holm Oak as it is on land some 1.5m higher than the ground level of Holm Oak
 - The Council considered that this fifth amendment did not address the Council's original objections to the application and confirm that these still apply

3.2 Neighbour Representations

- 15 letters of objection
- The last application was rejected and the current application has the same major detriments
- The new house would be crammed too close to both Holm Oak and The Red House
- The character of the Red House would be adversely effected
- Concerned about the closing of the gap between Holm Oak
- There is not a natural break in the trees, this is man made
- This is an intensive development
- The proposal conflicts with the aims of the Village Design Statement, in particular that new buildings should reflect the proportions of those nearby
- The leylandii boundary between the Red House and Holm Oak is in poor condition because of lack of maintenance, the hedge has no growth in the lower parts and overhangs the boundary of Holm Oak.
- The Planning Inspectorate's comments remain valid for this application
- The intensity of the built form is increased
- This will destroy the openness, character and setting of the area
- The differing site levels would give rise to an awkward juxtaposition of the application site with the host dwelling, this has not been resolved with this new scheme
- This is a large house than previously proposed
- This site has already been sub-divided to create Holm Oak, and further sub-division on this plot would be unprecedented
- Concerns about drainage from the site particularly during heavy rain and that the upper reaches of Elvendon Road are on an impervious chalk catchment
- This road is slowly being destroyed by the building of infill properties
- The development will cast a shadow on neighbours gardens due to the closeness and size of the dwelling which would be un-neighbourly
- Of the original six houses on the north side of Elvendon Road built in the early 1900's two have had houses of an equivalent size built in their rear gardens
- The Inspectors original comments on the appeal have not been overcome by this application
- It is out of keeping with the character of the area
- 1 letter of support
- The new plans have addressed all the neighbours criticisms. It is a lovely house carefully designed to fit in with the scale and style of the houses on that side of the road, the house will enhance the beauty of the area

- A
- Do not believe that the reasons why the original application was refused have changed in any way and these on going amendments do nothing to alleviate the fundamental infringements of the Local Planning Policies that were given then and have since been reiterated by several of us who live in close proximity to the Red House. This is a further subdivision of this plot.
- A
- It would appear from the latest amendment to the above plan that mention has been made of the degree of shadowing to Holm Oak caused by the new building but no mention has been made of the consequential server shadowing which will affect the Red House by this proposal
- A
- The additional information does not negate my objections to this scheme and my original objections still stand

3.3 Conservation & Design Officer

- No objection to the amended plans
- Original concerns related to:
 - It is regrettable that the garage is sited in front of the house
 - The garage style is out of place and the materials should be changed so that the building appears less like an agricultural building
 - Need confirmation in relation to the gates that are proposed to the new access
 - Would like a section drawing through the site showing the level changes

3.4 Forestry Officer

- No objection, subject to conditions

3.5 Highway Officer

- No objection, subject to conditions

3.6 Countryside Officer

- No objection

3.7 Thames Water Development

- No objection

3.8 Contaminated Land Officer

- No objection

4.0 RELEVANT PLANNING HISTORY

4.1 P79/S0667 – Erection of one dwellinghouse, alterations to access. Planning permission 1979

4.2 In 2008 planning permission was sought for the erection of a house on the same site as this application. (SODC ref. P08/W0330). Planning permission was refused and it was dismissed at appeal.

4.3 The Inspector considered there to be four main issues in the case. Firstly, whether the site was inside the built up limits of the village, on this matter he concluded that it was therefore the principle of a new house on this site is acceptable. Secondly, the effect of the development on the Chilterns AONB, which he concluded would be harmful to the character of the area and the natural beauty of the AONB. The third issue related to the impact of the development on the amenity of the nearby neighbours. The Inspector considered the impact the new house and garage would have on both Holm Oak and The Red House, but concluded that the development would not harm the living conditions of the neighbours. The fourth issue related to the conservation and efficient use of energy, water and materials. The proposal did not

identify how specific measures would be incorporated; therefore, the Inspector concluded that this would conflict with Policy D8 of the adopted Local Plan. A copy of the Inspectors decision is **attached** at Appendix C.

5.0 **POLICY & GUIDANCE**

5.1 South East Plan May 2009

- CC4 Sustainable Design and Construction
- H5 Housing Design and Density
- C3 Areas of Outstanding Natural Beauty

Adopted South Oxfordshire Local Plan

- G2 – Protection of the Environment
- G4 – Development in the Countryside and on the Edge of Settlements
- G6 – Promoting Good Design
- C1 – Landscape Character
- C2 – Areas of Outstanding Natural Beauty
- C4 – The Landscape Setting of Settlements
- C9 – Landscape Features
- D8 – Energy, Water and Materials Efficient Design
- H4 – Towns and Larger Villages Outside the Green Belt

South Oxfordshire Design Guide
South Oxfordshire Landscape Assessment

National Planning Statement
PPS1
PPS3
PPS7

6.0 **PLANNING CONSIDERATIONS**

6.1 As the Inspector concluded that this site falls within the built up limits of the village, the principle of this development is acceptable. Therefore this proposal is assessed under Policy H4 of the adopted Local Plan and as such there are considered to be five issues, as follows

- Impact on neighbours
- Impact on the AONB and the character of the area
- Trees
- Design / energy efficiency
- Highway safety and convenience

Impact on neighbours

6.2 Criterion (iv) of Policy H4 seeks to protect the amenity of neighbours. Development that would be harmful to the amenity of the occupiers of nearby neighbouring properties will not be permitted.

6.3 One of the main concerns that the Parish Council and neighbours raised about this development was the impact it would have on the amenity of the occupiers of Holm Oak. Holm Oak is to the west of the application site and the ground level is about 1.5m lower than the application site. Both the Parish Council and the occupiers of Holm Oak consider that given the height of the proposed house and the difference in levels it would be a very dominate development and would overlook the garden area of both Holm Oak and the Red House.

- 6.4 The applicant has submitted amended plans that omitted the originally proposed rear dormer windows and lower the height of the proposed house. The rear of the proposed house aligns with the rear elevation of Holm Oak but is approximately 9.6m behind the Red House. The amended plans removed the rear dormer windows, as these would have led to an unacceptable level of overlooking of the rear garden area of Holm Oak. Given the relationship and distances between the proposed house and Holm Oak the remaining windows on the rear elevation would not give rise to an unacceptable level of overlooking that would be harmful to the amenity of the occupiers of Holm Oak.
- At its closest point, the proposed house would be 9m from the flank wall of Holm Oak and the proposed house (5.4m from the boundary fence). The side walls on both the previous application and this current one are not straight and include projections. Although the application site is at a higher level than Holm Oak and despite the increase in height of this currently proposed house, at these distances the development is not oppressive or overbearing.
- In section 8 of this report a condition is recommended that removes permitted development rights to make any alteration or addition to the roof. This will restrict any future occupiers automatic right to install any additional windows in the roof.
- 6.5 There is a substantial amount of vegetation across the application site, Holm Oak and the Red House. One of the neighbours concerns related to the loss of light and overshadowing this proposed house may have on Holm Oak. The occupiers of Holm Oak have also raised concerns about the leylandii trees along the common boundary as the conditions of these are not very good. Given the orientation of both Holm Oak and the proposed house, Officers do not consider that the proposed development would cast an unacceptable shadow over the neighbour's property or lead to an unacceptable loss of light. In order to control the existing landscaping across the site and proposed planting and boundary treatments a landscaping condition is recommended.
- 6.6 The proposed new house will sit behind the Red House. The Red House has a main aspect with large ground floor and first floor windows overlooking the application site. The Red House sits approximately 1m higher than the application site. The Red House will overlook the front elevation of the proposed house. However, there would be a distance of 13.8m between the two houses. Given the overlooking will be to the front of the house and taking account of the distances between the two properties, this development is not considered to be harmful to the amenity of the occupiers of the Red House.
- 6.7 The Inspector did not consider that the dismissed appeal was harmful to the amenity of nearby neighbours. The site area, design, size and position of the appeal scheme is different to this current proposal. The appeal scheme proposed a 5 bedroom house that was 8m high and 11.5m wide. It was positioned slightly forward of Holm Oak. There was an adjoining garage to the front of the house resulting in the total length of the house being some 18m. The proposed house is 9.1m high and is 14.4m wide. At its longest point, it is 14m. The site still has a 20m wide road frontage as the original scheme had, however further back into the site, adjacent to the Red House the site is now approximately 24m as opposed to 20m originally. Although this current application is for a larger house than the scheme dismissed at appeal it is not considered to be harmful to the amenity of the occupiers of Holm Oak or the Red House.

- 6.8 For these reasons, Officers do not consider that this development is harmful to the amenity of the nearby neighbouring properties and accords with Policy H4 of the adopted Local Plan.

Impact on the AONB and the character of the area

- 6.9 The Parish Council and nearby neighbours have raised concerns about the impact of this development on the character of the area and the AONB.
- 6.10 The character of Elvendon Road is very varied. The western end of the road is higher density with a combination of detached, semi-detached and terrace houses. The character of the road begins to change past the junction with Icknield Road. At this point the topography of Elvendon Road begins to rise and mature trees and vegetation become a dominant feature of the street scene. A number of houses are set back from the road and are not readily visible. To the south of the road, the houses remain more closely positioned, to the north there are greater distances between the properties.
- 6.11 The Inspector concluded that the previous proposal would be harmful to the character of the area and the natural beauty of the AONB. This is because the siting of a dwelling reasonably close to Holm Oak would intensify development of that section of road and weaken the general rhythm and wide spacing of development along the north side of Elvendon Road that contributes to the character of this area. The distance between the proposed house and Holm Oak is 8.6m at the closest point and 9.4m at its furthest point. This is an increased distance of 1.65m compared to the application dismissed at appeal.
- 6.12 The Inspector also concluded that the low profile design of the proposed house would give rise to an awkward juxtaposition to the Red House that was at odds with the grander form and style of the host dwelling. Although the currently proposed house is larger and has a grander style, this is more in keeping with the character of the houses along this side of the road. The combination of the increased distances between the proposed house and Holm Oak and the different positioning and design are now in keeping with the character of this part of the road and are not therefore harmful to the street scene or the natural beauty of the AONB.

Design / energy efficiency

- 6.13 One of the reasons the Inspector dismissed the appeal was because the development did not display high standards in the conservation and efficient use of energy, water and materials. This was contrary to Policy D8 of the adopted Local Plan.
- 6.14 The applicants have confirmed that sustainable design features are integral to the design. They aim to achieve Code Level 3 Star on the Code for Sustainable Homes. This accords with Policy D8 of the adopted Local Plan and advice set out in the South Oxfordshire Design Guide.
- 6.15 Some of the neighbours concerns relate to the position of the garage forward of the house. The South Oxfordshire Design Guide does advise that the garages should be set back from the street frontage; this is to avoid them dominating the street scene. Although the garage is forward of the main house, it is set well back from the road and screened by vegetation and therefore it will not appear as a prominent feature in the street scene.

Highway safety and convenience

- 6.16 The Highway Officer has not raised any objection to the proposal on highway safety and convenience grounds. The house has a satisfactory provision of parking.

7.0 CONCLUSION

- 7.1 This current application proposes a house on a wider plot. The distance between the proposed house and Holm Oak is greater; the revised position of the house results in an improved relationship with the Red House and the design of the house is more in keeping with the character of this part of Elvendon Road and it incorporates sustainable design features. Officers therefore recommend this application for approval subject to the conditions set out in section 8.

8.0 RECOMMENDATION

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

1. **Commencement three years**
2. **Sample materials required (walls and roof)**
3. **Landscaping scheme**
4. **Contamination investigation**
5. **Parking & Manoeuvring Areas Retained**
6. **A visibility splay requirement – new access**
7. **No garage conversion into accommodation**
8. **Obscure glazing of bathroom windows**
9. **No additional windows, doors or other openings**
10. **Withdrawal of permitted development rights - no buildings/enclosures**
11. **Withdrawal of permitted development rights – no alterations or additions to the roof**
12. **Sustainable design requirement in accordance with the supporting information**
13. **Tree protection measures in accordance with submitted details (Tree Report, Method Statement, Tree Reference Plan and Tree Protection Plan)**
14. **Parking and manoeuvring areas retained**
15. **Access and visions splays to be provided and maintained**

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