
APPLICATION NO.	P10/E1846
APPLICATION TYPE	FULL
REGISTERED	04.01.2011
PARISH	BIX
WARD MEMBER(S)	Mrs Judith Nimmo-Smith
APPLICANT	Ms R Bradley & Mr C Glen
SITE	Long Cottage Lower Assendon
PROPOSAL	Demolition of existing house and garage with store over. Erection of new dwelling house and garage with games room over, including change of use of part of field to residential garden. (As amended by revised site plan and certificate of ownership accompanying Agent's letter dated 29/12/2010, block plan P2925/26D accompanying Agent's letter dated 06/01/2011, flood risk details and supporting information accompanying Agents email dated 26/01/11 and drawings P2925/27C, P2925/23C and P2925/28B accompanying Agents email dated 27/01/11).
AMENDMENTS	Four
GRID REFERENCE	474307/184924
OFFICER	Miss Emma Bowerman

1.0 INTRODUCTION

1.1 The application is referred to the Planning Committee as the Officer's recommendation differs from the views of Bix and Assendon Parish Council. This application was deferred from the Planning Committee meeting on 9 February 2011 to allow Members to visit the site to assess the impact of the development on the landscape and the character of the surrounding area. Members visited the site on 7 March 2011. This report has been updated to address some of the issues raised at the previous meeting.

1.2 The application site (which is shown on the OS extract **attached** as Appendix A) contains a detached dwelling that was permitted as a replacement dwelling in 1996. The existing dwelling is red brick with a clay tile roof, with the first floor accommodation contained within the roof space and served by dormer windows. There is also a double garage on site, with an attached store and dormer windows serving ancillary accommodation in the roof of the garage. The garage is clad with dark stained timber boarding and has a clay tile roof. Both buildings are positioned within 1-2 metres of the boundary with the B480, which runs through the Stonor valley from Henley to Watlington. The site is wide but shallow and the applicant also owns the paddock to the rear of the garden. The site falls within the Chilterns Area of Outstanding Natural Beauty (AONB).

2.0 PROPOSAL

2.1 The application seeks full planning permission for the demolition of the existing house and garage and the erection of a replacement house and garage. The proposed buildings would be positioned further back from the road on land that currently forms part of the paddock adjoining the site. The application extends the residential garden area and the application therefore also includes a change of use. The proposed

dwelling would have an 'L' shaped plan and would have a width of 12.5 metres and depth of 13.9 metres. It would be pitched to a height of 6.8 metres. The materials proposed for the dwelling are facing brickwork and plain clay tiles. The proposed garage would have a footprint of 9.6 metres x 6 metres and would be pitched to a height of 5.5 metres. The garage would have a brick plinth, the walls would be finished with dark stained weatherboarding and the roof with plain clay tiles.

- 2.2 Revised plans were received during the application process. These plans amended the red edge site area as the original site plan did not include the access to the site. A revised block plan was also submitted and this shows the line of the existing garden boundary for clarity. The flood risk assessment was submitted during the application process and revised plans were received showing the position of bat tubes to comply with the mitigation measures in the bat report.
- 2.3 A copy of the proposed plans is **attached** as Appendix B. The application is accompanied by a Design and Access Statement, Bat Report and Volume Calculations which can be viewed online at www.southoxon.gov.uk. It is noted that plans of the existing dwelling plus the permitted extension were not submitted with the application. These can be viewed online under application reference P09/E0076.

3.0 **CONSULTATIONS & REPRESENTATIONS**

- 3.1 Bix & Assendon Parish Council – Raised concerns regarding the clarity of the plans and the position of the existing garden boundary. This has been clarified on the amended block plan. Considers the application should be refused and raised the following concerns:
- Many residential properties in the parish have agricultural or paddock land attached to them and the proposal would establish a dangerous precedent for future applications of a very similar nature.
 - The building line would be substantially out of line with that of neighbouring properties in Lower Assendon, as the applicants seek to relocate their residential property further from the road.
 - Many neighbours have expressed concern about the adverse impact of the proposed situation of the new property on their traditional views along the AONB valley from the heart of the village.
 - Lower Assendon is located in the Chilterns AONB and the situation of the proposed new residential property would encroach into agricultural land that is contiguous with the applicants plot, change the building line of the village and dramatically alter the traditional views along the valley floor from the heart of the village.
 - The hedgerow would be destroyed and this ancient boundary plays a significant role in the in the natural setting, distinctiveness and character of the AONB of the Assendon Valley.
- 3.2 Health & Housing (Contaminated Land) – Recommend a condition requiring the applicant to conduct adequate contaminated land investigations to ensure that the land is safe and suitable for the intended use.
- 3.3 Environment Agency – No objection to the development as proposed. Recommended that the applicants complete the Flood Risk Assessment template in line with their standing advice.

- 3.4 The Chiltern Society – Raised concerns regarding the clarity of the plans and the position of the existing garden boundary. This has been clarified on the amended block plan. Commented that the Chiltern Society is not entirely happy with the proposed development and provided the following comments:
- It should be noted that the applicants' request would not affect the views of neighbours, or the public generally, to great extent – especially if the slightly protruding new house were to be shielded by suitable (native) trees.
 - The main problem is the precedent that the application might easily establish, or be a factor in establishing.
 - In this case an argument might be made for a slight (if lesser) incursion into agricultural land in order to improve highway safety around the bend in the road, if Oxfordshire County Council considered it to be dangerous.
- 3.5 Monson (Drainage consultants) – Commented that a flood risk assessment is required. This issue has been raised by the Environment Agency and has been addressed.
- 3.6 OCC Highways – The Highway Authority was not originally consulted on the application as there are no proposed changes to the access and a sufficient level of parking. Following discussions at the Planning Committee meeting, the Highways Officer's opinion has been sought and he has confirmed that there are no material changes involved that would require comments from a highways point of view. He has added that whilst it is possible that the proposal would enhance forward visibility, this is an existing situation and there are no planning powers to require that forward visibility is enhanced in this fashion.
- 3.7 Neighbour Representations (Objection) – Four letters received. The issues of concern primarily relate to the position of the new dwelling on land that is currently not part of the residential curtilage and the change of use of part of the field to garden. The following comments were made:
- When the field was divided up between adjoining properties there was a clear understanding that in order to protect AONB aims there should be no building development within the original field boundaries. The site of the new application encroaches in this way.
 - That previous applications for the change of use of the field to domestic curtilage at other properties have removed permitted development for outbuildings and hard standing. If everyone is allowed to move into the field then the field will be lost. The existing dwelling may feel 'crammed' because it has been continually extended and this should not be a reason for re-siting it.
 - The new dwelling would extend wholly into agricultural land. The proposal conflicts with planning policies as it would affect the landscape, is not sympathetic in terms of siting and could be accommodated on developed land without the loss of Greenfield land. The proximity of the existing house to the road is not sufficient justification to contravene planning policy. The destruction of the existing hedge would be contrary to policy. The new dwelling would be larger than the existing as the permitted extensions have not been constructed. The development does not follow the local pattern of development and would create a precedent.
 - Key objection is the potential negative impact that approval of this application could have on future development and the precedent it could set. The plan to set the house a significant distance back from the road would mark a sea change to the traditional layout of the village. The primary objective for AONB's is to conserve natural beauty and the application does not conserve natural beauty.

3.8 Neighbour Representations (Support) – Two letter received. The following comments were made:

- This is a very sensible proposal in light of the dangerous location that the dwelling had found itself; the B480 has become over time an extremely hectic road due to speeding traffic and the blind bend. We have seen an increasing amount of HGV's in the last decade, which has created a dangerous major route and eroded the verges. The lorries have been able to use this blind bend as a two way road, though at a very narrow point of highway. Therefore advancing ever closer to the applicants existing dwelling.

4.0 **RELEVANT PLANNING HISTORY**

4.1 Application P10/E0831 for a replacement dwelling and garage was withdrawn prior to determination in 2010. Officers raised concern regarding the volume increase of the dwelling, the design of the dwelling and the potential impact on a protected species given the lack of a bat report.

4.2 Application P09/E0748 for an extension of the existing garage was approved in 2009. This increased the double garage to a triple garage of the same dimensions as the garage currently proposed. This has not been implemented.

4.3 Application P09/E0076 for the erection of two storey extensions and alterations was approved in 2009. This extended dwelling had a maximum width of 13.1 metres, depth of 12 metres and height of 6.6 metres. This has not been implemented.

4.4 Applications P02/S0023 and P97/S0600 approved a two storey extension and conservatory to the existing dwelling in 2002 and 1997. These consents have been implemented.

4.5 Application P96/S0020 for a replacement dwelling and garage was approved in 1996 and is the dwelling on site at present.

5.0 **POLICY & GUIDANCE**

5.1 South Oxfordshire Local Plan 2011 Policies:

G4 – Development in the countryside and on the edge of settlements

G6 – Promoting good design

C1 – Landscape character

C2 – Areas of Outstanding Natural Beauty

C8 – Species protection

C9 – Landscape features

D1 – Good design and local distinctiveness

D2 – Vehicle and bicycle parking

D3 – Garden areas

D4 – Privacy and daylight

D8 – Energy, water and materials efficient design

H12 – Replacement dwellings

H18 – Extension of gardens

T1 and T2 – Transport requirements for new development

5.2 Supplementary Planning Guidance:
South Oxfordshire Design Guide 2008

5.3 Government Guidance:
PPS1 – Delivering Sustainable Development
PPS5 – Planning for the Historic Environment
PPS7 – Sustainable Development in Rural Areas

PPS23 – Planning and Pollution Control

PPS25 – Development and Flood Risk

6.0 **PLANNING CONSIDERATIONS**

- 6.1 Policy H12 of the South Oxfordshire Local Plan confirms that proposals for the replacement of dwellings outside the main confines of the towns and larger villages of the District will be permitted subject to compliance with certain criteria. In this instance, the principal issues to be considered are –
1. Whether the use of the property as a dwelling has been abandoned.
 2. Whether the demolition of the property would result in the loss of a dwelling of historic, visual or architectural interest.
 3. Whether the proposed dwelling is materially greater in volume than the existing dwelling.
 4. Whether the overall impact would be greater than the existing dwelling on the character and appearance of the site and surrounding area.
 5. Whether the siting, design and materials would be in keeping with the locality
 6. Whether the proposal would materially harm the amenity of occupants of nearby properties
 7. Whether the proposal would be acceptable in terms of highway safety, sustainability, flooding, protected species and contamination.

Use of the existing property

- 6.2 Criterion (i) of policy H12 states that replacement dwellings will only be acceptable if the use has not been abandoned. The existing house is inhabited and as such, the proposal complies with this requirement.

Historic, visual or architectural interest of existing property

- 6.3 Criterion (ii) of policy H12 states that replacement dwellings will only be acceptable if the existing dwelling is not listed, or of historic, visual or architectural interest. The existing building was constructed in the 1990's, is not of any particular architectural merit and Officer's have no objection to its demolition.

Volume of the replacement dwelling

- 6.4 Criterion (iii) of Policy H12 requires the proposed dwelling to not be materially greater in volume than the existing dwelling. The existing dwelling has an extant permission for extensions permitted under reference P09/E0076 and as this permission is a material planning consideration, it is reasonable to include the volume of the permitted extensions in the volume allowance for the replacement dwelling. The information submitted with the application advises that the existing dwelling plus the permitted extensions would have a volume of 777 cubic metres. The Design and Access Statement advises that the proposed replacement dwelling would not exceed this volume. Officers have calculated that the proposed dwelling would be roughly the same volume as the existing dwelling plus the permitted extensions and as such, the proposal would comply with this part of policy H12.

Impact of the replacement dwelling on the character and appearance of the area

- 6.5 Criterion (iv) of policy H12 requires that the overall impact of the new dwelling is not any greater than the existing on the character and appearance of the site and surrounding area. The proposed replacement dwelling would not be materially greater in volume than the existing dwelling plus the permitted extensions and the height and scale of the proposed dwelling would also be similar to the existing plus the permitted extensions. The proposed garage would be the same size as the existing garage plus the extension permitted to the garage under reference P09/E0748. The replacement house and garage would be positioned in a different location to the existing and this aspect of the development has caused concern

amongst some local residents and the Parish Council.

- 6.6 The existing house and garage are positioned very close to the road and the proposal would reposition the house and garage further back into the site. The proposed buildings would be positioned on land that does not form part of the garden and as such, the proposal also involves a change of use of part of the field to the southwest to residential. Policy H18 of the Local Plan allows for the change of use of agricultural land to residential, subject to the effect on the landscape and the impact on adjoining residents. The existing plot is long and narrow and the proposal would increase the depth of the plot by around 12 metres to a depth of up to 29 metres. The neighbouring property Handy Water, which is two doors down from the application site, is positioned in a plot that projects up to 30 metres back from the road. Officers therefore consider that the depth of the extended garden would be in keeping with the surrounding properties. Officers do not consider that the change of use would result in an excessively large garden for the proposed dwelling and do not consider that the change of use of a strip of land of this size would have a significant impact on the wider landscape quality of this part of the AONB. Any future applications to increase garden sizes would be judged on their merits.
- 6.7 The proposed dwelling would also be positioned an additional 12 metres into the site with the majority of the dwelling on land that currently forms part of the field adjoining the site. The existing dwelling and garage are very prominent when viewed from the road and the proposal would have the benefit of reducing the visual impact of the buildings from this public viewpoint. Officers appreciate that there are many situations in the district where buildings positioned up to the road have a very positive impact on the character of the area. However, in this case, the existing house is not a historic cottage that contributes particularly to the character of the area. It is positioned side on to the road and Officers consider that it does not relate well to the street. The proposed house and garage would lie 8-12 metres further back from the road than the two closest neighbours, but would not project as far back from the road as The Golden Ball, three properties to the south of the application site. Development in this area is spacious with a separation of 80 metres between the proposed dwelling and the nearest neighbour and as such, officers do not consider that there is a set building line that should be applied in this case. The area has a traditional rural character with no standard house types, no set size of property and no common position of buildings on plots. Given this character, officers consider that the position of the proposed house and garage on the extended garden would not be out of keeping with the surrounding area. Officers appreciate that the position of the proposed buildings, further back in the site, would be apparent from the gardens of the nearest neighbouring properties. However, the impact on a private view is not a planning matter. The site is located within the valley bottom and the site is reasonably flat. Officers do not consider that siting the house and garage 12 metres further back into the site would have a negative impact on the landscape character of the area and would conserve the natural beauty of this part of the AONB, in line with policy C2 of the Local Plan. Given these factors, Officers are also of the opinion that the overall impact of the proposal would not be any greater impact than the existing dwelling on the site and surrounding area, in accordance with criterion (iv) of policy H12.

The siting, design and materials proposed

- 6.8 Criterion (v) of policy H12 requires the siting, design and materials to be in keeping with the locality. The siting of the proposed dwelling has been discussed above and is considered by Officers to be acceptable. The proposed dwelling would be based on an 'L' shaped plan and would be of a fairly standard design, generally in accordance with the advice in the Design Guide. The proposed garage would be a simple, functional building and would clearly be a subservient structure to the main dwelling.

The proposed garage incorporates dormer windows in the roof space and although dormers are generally discouraged in outbuildings as they have a residential appearance, the existing garage has dormer windows and given that they would be at the rear of the building, Officers consider that they would be difficult to resist. The materials proposed would be appropriate to the character of the area and Officers consider that the proposal would comply with criterion (v) of policy H12.

Neighbouring properties

- 6.9 The proposed replacement dwelling would be positioned 80 metres from the nearest residential property. Given this level of separation, Officers do not consider that the proposed dwelling would have an adverse impact on any neighbouring occupiers in terms of light, outlook and privacy. The impact on a private view is not a matter that can be taken into account under a planning application.

Highway safety

- 6.10 The application does not propose any alterations to the access. The level of parking provided on site would meet the council's parking standards and turning space would also be provided. On this basis, Officers consider that the proposal would have an acceptable impact on highway safety. Officers note that the existing dwelling is close to the road and that the proposal could have the added benefit of improving visibility for pedestrians and drivers passing the site.

Sustainability

- 6.11 Policy D8 of the Local Plan requires that all new dwellings demonstrate high standards in the conservation and efficient use of energy, water and materials used in their construction. In the sustainability statement accompanying the application, the agent has advised that the dwelling would achieve at least level 3 of the Code for Sustainable Homes and the use of a ground source heat pump and a rainwater harvesting system would help to achieve this. On the basis that these measures are secured by a condition, Officers are satisfied that the proposal would comply with the requirements of policy D8.

Flooding

- 6.12 The site falls within flood zones 2 and 3 (medium and high risk of flooding). The Environment Agency (EA) has commented on the application and has no objection to the development as proposed. The EA has recommended that their Flood Risk Standing Advice is applied to the proposal and the applicants are required to submit a basic Flood Risk Assessment to demonstrate that flood risk issues have been addressed. The applicant has returned the flood risk template and has confirmed that the floor levels within the development would be no lower than the existing levels, in line with the EA requirements.

Protected species

- 6.13 Policy C8 states that development that would have an adverse effect on a site supporting a specially protected species will not be permitted, unless damage to the ecological interest can be prevented through the use of planning conditions. A bat survey has been conducted and found evidence of low numbers of roosting bats in the main house and the garage building. The bat report contains mitigation recommendations which, if properly implemented would ensure that no bats are harmed by the redevelopment proposals and that the local population of bats would not be harmed. The council's countryside officer has considered the implications of this application against EC Habitats Directive 1992 and the Conservation of Habitats and Species Regulations 2010 and considers that subject to the mitigation measures being implemented, the proposal would not be detrimental to the maintenance of the species concerned at a Favourable Conservation Status in their natural range.

Contamination

- 6.14 Residential development is regarded in PPS23 as a particularly sensitive use to any land contamination. For this reason, PPS23 requires a precautionary approach to be adopted and for the applicant to conduct adequate contaminated land investigations to ensure that the land is safe and suitable for the intended use. Accordingly, a suitable condition should be imposed on any planning permission.

7.0 CONCLUSION

- 7.1 The proposal complies with the relevant Development Plan Policies and it is considered that, subject to the attached conditions, the demolition of the existing dwelling and garage and the construction of the replacement dwelling and garage would not harm the character and appearance of the site or the landscape quality of this part of the Area of Outstanding Natural Beauty, would not materially harm the living conditions of nearby residents, would not have an adverse impact on a protected species or highway safety and would create an appropriate development in terms of sustainability and flooding.

8.0 RECOMMENDATION

- 8.1 **That planning permission be granted for the development contained in planning application P10/E1846 subject to the following conditions –**

- 1. Commencement 3 years – planning permission**
- 2. List of approved drawings**
- 3. Sample of all external materials to be submitted for approval**
- 4. Removal of permitted development rights for extensions and roof extensions**
- 5. Contamination investigation, and if necessary, remediation works to be undertaken**
- 6. Incorporation of sustainable design features**
- 7. Garage to remain ‘incidental’ to main dwelling**
- 8. All materials that are not reused to be removed from site**
- 9. Parking and manoeuvring areas to be as per approved plan**
- 10. Existing dwelling and garage to be demolished within 3 months of the first use of the proposed house and garage**
- 11. Mitigation measures described in the bat report to be implemented**
- 12. Soft and hard landscaping to be submitted and approved**

Informative reminding the applicants of the need to obtain a European Protected Species Licence before any demolition can proceed.

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