

SUBJECT DEVELOPMENT APPLICATION REPORTS ITEM 7

REPORT OF Head of Planning & Building Control

APPLICATION NO.	P10/E1647
APPLICATION TYPE	FULL
REGISTERED	1 DECEMBER 2010
PARISH	LEWKNOR
WARD MEMBER(S)	RODNEY MANN & ANGIE PATERSON
APPLICANT	ALL SOULS COLLEGE OXFORD
SITE	LAND BETWEEN 18 & 20 WESTON ROAD, LEWKNOR
PROPOSAL	ERECTION OF TWO STOREY THREE BEDROOM HOUSE WITH NEW ACCESS.
AMENDMENTS	TWO – OIL TANK ADDED AND SITE BOUNDARIES CORRECTED
OFFICER	PAUL LUCAS

1.0 INTRODUCTION

1.1 This application is reported to the Planning Committee as a result of a conflict between the officers' recommendation and the views of Lewknor Parish Council.

1.1 The application site is shown on the OS extract as **Appendix 1**. The site comprises a rectangular undeveloped plot of 270 square metres, located within the built up area of the small village of Lewknor. The site contains some private garden and private allotments, which are leased from the applicant by the occupiers of No.20, a two storey early-1900's end of terrace dwelling bordering the site to the north-west. The south-eastern boundary is formed with a similar end of terrace dwelling, No.18. Both of these dwellings have first floor side bedroom windows facing towards the site. The site backs onto another rectangular parcel of land, also within the applicant's ownership, which is entirely in use as allotments. Access to these allotments is from a residential cul-de-sac to the rear. The site fronts onto Weston Road, which is one of the main roads into the village, where there is no footpath and a raised verge above road level. The verge is also within the applicant's control, however, there is a telegraph pole located on this verge in front of the boundary fence. There is a junction opposite the site leading to a row of mid-1900's two storey semi-detached houses, set back from the road. The site is relatively flat. There are no special designations on or adjacent to the site.

2.0 THE PROPOSAL

2.1 The application seeks full planning permission for the erection of a two storey three bedroom dwelling and formation of vehicular access onto Weston Road. The dwelling would measure 5.1 metres wide and 11.2 metres deep. It would have a ridge height of 6.9 metres. It would be built within 0.3 metre of the boundary with No.18 and there would be a gap tapering from 3.6 to 3.2 metres along the boundary with No.20. The front elevation would mimic the design of the terraces on either side, with a half-hip two-storey projection at the front. The rear elevation would look rather different, with a

catslide roof and a row of rooflights. The new access would be formed at the south-west corner of the site with two parking spaces arranged in tandem between the house and the boundary. The front of the house would be positioned broadly in line with the adjoining dwellings, with the sloping verge being included within a new front boundary fence to provide a turning area. The telegraph pole would be replaced by two on the side boundaries within the frontage. The plans of the proposed development are shown at **Appendix 2** and other documents associated with the proposal can be viewed on the council's website, www.southoxon.gov.uk.

3.0 **CONSULTATIONS AND REPRESENTATIONS**

3.1 **Lewknor Parish Council** – The application should be refused:

- D2 Parking too cramped (unable to open car doors) and on-street parking already a problem;
- D4 loss of long-standing amenity/overlooking to neighbours;
- D11 no apparent provision for oil storage and access to same;
- H5(iv) additional on-street parking will exacerbate existing constriction of narrow highway.

3.2 **OCC Highways** – No objection: I am content that the operation of the proposed off-street parking due to the width and turning area should be possible within reasonable highways safety tolerances. The top rail of the adjacent fence would overtop the eye line of any vehicles making egress from the proposed access. An objection on these grounds would be unlikely to be sustainable at appeal given the nature of current highways design guidance in Manual for Streets 1 & 2.

3.3 **Health and Housing (Contamination)** – Previous comments apply: standard condition and informatives recommended.

3.4 **Thames Water** – No objection to waste or water issues and standard informative recommended for surface water drainage.

3.5 **Health and Housing (Waste Management)** – Refuse and recycling collection point suggested at the front of the site.

3.6 **Neighbours** – 49 representations of objection, summarised as follows:

- Parking and turning spaces too small, increased on-street parking and increased traffic, substandard sightlines
- Out of proportion with existing terraces, only detached plot in street, design not in keeping due to contemporary rear, glazing, catslide roof, rooflights, roof design at the front, no front door and exterior finishing materials
- Loss of light to adjacent cottages - No's 18 & 20's hallway, third bedroom and No.18's patio; impact on No.20 worsened due to being lower than the site
- Lack of space for oil/gas and waste storage
- Plenty of other new developments taking place elsewhere
- Distance of No.18 to its boundary inaccurate (4.1 not 4.9 metres)
- Increase in waste water and sewerage disposal leading to more flooding
- Not an affordable family home
- Adjacent to Lewknor Conservation Area (it actually adjoins rear of No.18)
- Loss of view over Chilterns, loss of property value and encroachment for scaffolding (not planning matters)

4.0 **RELEVANT PLANNING HISTORY**

4.1 P10/E0744 – Planning permission for a wider dwelling was refused in August 2011, for the following reason:

“The proposed development would fail to provide two off-street parking spaces

of an adequate size in a location where the maximum standard should be met. This would encourage future occupiers to park on-street. In addition, there would be no turning area within the site, resulting in the likelihood of vehicles carrying out reversing manoeuvres onto Weston Road, which has constrained visibility splays. As such the proposal would be prejudicial to highway and pedestrian safety, contrary to Policies G2, D2, H5, T1 and T2 and Appendix 5 (Car Parking Standards) of the South Oxfordshire Local Plan 2011 and advice contained within PPG13.”

5.0 **POLICY AND GUIDANCE**

5.1 Adopted South Oxfordshire Local Plan 2011:

- G2 – Protection and Enhancement of the Environment
- G6 – Promoting Good Design
- C4 – The Landscape Setting of Settlements
- D1 – Good Design and Local Distinctiveness
- D2 – Vehicle and Bicycle Parking
- D3 – Plot Coverage and Garden Areas
- D4 – Privacy and Daylight
- D8 – Energy, Water and Materials Efficient Design
- D10 – Waste Management
- H4 – Towns and Larger Villages Outside the Green Belt
- H5 – Smaller Villages throughout the District
- CF1 – Safeguarding Community Facilities and Services
- T1 – Transport Requirements for New Developments
- T2 – Transport Requirements for New Developments

5.2 Supplementary Planning Guidance:

- South Oxfordshire Design Guide December 2008 – Sections 3, 4 & 5
- South Oxfordshire Landscape Assessment – Character Area 5

5.3 Government Guidance:

- PPS1 – Delivering Sustainable Development
- PPS3 – Housing
- PPS7 – Sustainable Development in Rural Areas
- PPG13 – Transport

6.0 **PLANNING ISSUES**

6.1 The proposed dwelling would be located within the built-up area of the village of Lewknor, which is a settlement where infill residential development of up to 4 dwellings is acceptable in principle. Consequently, through Policy H5, the proposal falls to be assessed against the criteria of Policy H4. Although part of the site is used as allotments, these are in private use by a neighbour and Lewknor Parish Council has confirmed that neither this site, nor the site to the rear, are included within the two formally recognised allotments in the village. As such, there is no issue with the loss of a potential community facility. The planning issues that are relevant to this application are whether the development would:

1. result in the loss of an open space or view of public, environmental or ecological value;
2. have a size and appearance in keeping with the character and appearance of the surrounding area;
3. compromise the living conditions of neighbouring residential occupiers and provide suitable living conditions for future occupiers;
4. result in an unacceptable deficiency of off-street parking spaces or other conditions prejudicial to highway safety;

5. incorporate sufficient sustainability and waste management measures; and
6. satisfy any other material planning considerations.

Loss of Open Space

- 6.2 Criterion (i) of Policy H4 of the SOLP 2011 requires that an important open space of public, environmental or ecological value is not lost, nor an important public view spoilt. There would be no ecological implications arising from this proposal. Although it presently forms a gap between dwellings, the land is private and separated from the conservation area by adjoining land. As such, there are no important public views through the site that would be impinged upon. This criterion would be satisfied.

Character and Appearance

- 6.3 Criteria (ii) and (iii) of Policy H4 of the SOLP 2011 explain that the design, height, scale and materials of the proposed development should be in keeping with its surroundings and the character of the area should not be adversely affected. The plot is relatively narrow, however, the size of the dwelling is of an appropriate scale in relation to the plot size. It would be positioned very close to the boundary with No.18, which is contrary to one of the recommendations of the SODG 2008, however, a significant gap of about 4 metres would remain between the two dwellings, with a gap of around 7 metres to the side wall of No.20. This would prevent a terracing effect from being created, although as there are already terraces on either side, these are a characteristic of the street scene already. The design of the front elevation of the dwelling, whilst not identical, would be relatively sympathetic to the design of the adjoining terrace and the front garden area would also be similar in appearance. The rear elevation would have a contrasting appearance, but as this would not be prominent in public views, this would not be a reason to object to the proposal. Other dwellings opposite and a development to the rear of the site already contain dwellings that appear different to the adjacent terraces. In the light of the above assessment, the proposal would comply with the above criteria.

Living Conditions

- 6.4 Criterion (iv) of Policy H4 of the SOLP 2011 requires that there are no overriding amenity objections. The adjoining neighbours who would be affected by the proposed dwelling are the occupiers of No's 18 and 22, located on either side of the dwelling. These dwellings both have a first floor bedroom window facing the site, which is the only source of light to those habitable rooms. At the moment, the windows face each other and therefore mutual overlooking occurs at a distance of about 17 metres. The proposed dwelling would mean that these windows would instead face onto its side walls and roof. Whilst this would undoubtedly result in some loss of light and outlook to these bedroom windows, BRE guidance can be applied to this situation as a rule of thumb. A 25-degree line drawn from the centre of the window at No.18 would run into the top 0.8 metre of the roof and from No.20 it would clear the roof. This indicates that the amount of daylight lost would, on balance, not be significant. In terms of direct sunlight, as this would come from the front side of the property, where the roof is pitched away from the boundaries, the amount of overshadowing would not be significant to withhold planning permission.
- 6.5 Any loss of outlook would have to be balanced against the benefit of the increase in privacy through the fact that the two windows would no longer enable overlooking to take place at a distance below the 25 metre recommended minimum. Despite the more significant loss of light and outlook to the ground floor hallway windows and open areas at the side of No's 18 and 20 used for parking, these are not habitable rooms or private sitting out areas. The impact on these areas would therefore not be justifiable as reasons for refusal and the dwelling would not project beyond the rear of the neighbouring dwellings, so the rear aspect of No's 18 and 20 would be retained. No

other adjoining dwellings would be affected. The outdoor amenity space for the proposed dwelling would be in excess of the recommended standard. As such the proposal would comply with the above criterion.

Highway and Pedestrian Safety

- 6.6 Criterion (iv) of Policy H4 of the SOLP 2011 also requires that there would be no overriding highway objections. When compared with the previous application, the current proposal has a wider driveway at the side and a turning area in front of the dwelling. The Highway Liaison Officer has commented that with the turning space provided within the site, it is felt that the proposed off-street parking would overcome the deficiencies of the previous scheme and the visibility upon egress from the site would mean that a highway safety objection could no longer be sustained at appeal. On this basis, the proposal would therefore be in compliance with the above criterion.

Sustainable Measures and Waste Management

- 6.7 Policy D8 of the SOLP 2011 requires proposals to incorporate sustainability measures in terms of energy, water and materials efficient design. Section 4 of the SODG 2008 recommends that developments of up to 4 dwellings demonstrate how Level 3 of the Code for Sustainable Homes would be met. A Sustainability Statement has been submitted with the application, which outlines a number of measures. A planning condition is required to ensure that these measures are implemented. The neighbours have pointed out that the position of the proposed oil tank would not comply with building regulations. In recognition of the fact that oil tanks of up to 3500 litres could be installed at existing dwellings under permitted development rights, a planning condition could be imposed to require the siting of the oil tank to be revised to satisfy the regulations. Refuse, recycling and composting storage and collection facilities could also be incorporated within the scheme, which could also be subject to a condition to satisfy Policy D10 of the SOLP 2011.

Other Material Planning Considerations

- 6.8 Existing problems with the waste and sewerage network are unlikely to be significantly worsened by the addition of one dwelling. Surface water drainage could be controlled through a planning condition. The Council's affordable housing Policy H9 only applies to the development of sites capable of 5 or more dwellings. Each development proposal must be assessed on its own merits. Utility companies are entitled to move telegraph poles as statutory undertakers without the need for planning permission.

7.0 **CONCLUSION**

- 7.1 The application proposal would comply with the relevant Development Plan Policies, Supplementary Planning Guidance and Government Guidance, as it would be in keeping with the character and appearance of the locality, would have an acceptable impact on the living conditions of adjoining residential occupiers, would not result in conditions prejudicial to highway safety and would provide adequate sustainability and waste management measures.

8.0 **RECOMMENDATION**

- 8.1 **Grant Planning Permission subject to the following conditions:**

1. **Standard 3 year time limit**
2. **Approved plans condition**
3. **Details of levels prior to commencement**
4. **Schedule of materials prior to commencement**
5. **Removal of Permitted Development Rights for extensions, roof extensions, porch, outbuildings, vehicular entrance gates**
6. **Sustainable measures implemented prior to occupation**

- 7. Details of location and size of oil tank prior to commencement**
- 8. Details of refuse, recycling and composting facilities prior to occupation**
- 9. Parking and turning to be provided prior to occupation and retained as such**
- 10. Details of cycle parking facilities**
- 11. Details of scheme to prevent surface water drainage to highway**
- 12. Details of hard and soft landscaping prior to commencement**
- 13. Submission of contaminated land statement questionnaire prior to commencement**

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