
SUBJECT DEVELOPMENT APPLICATION REPORTS ITEM 7

REPORT OF Head of Planning & Building Control

APPLICATION NO.	P11/W0535
APPLICATION TYPE	FULL
REGISTERED	05.04.2011
PARISH	CHOLSEY
WARD MEMBER(S)	Mrs Pat Dawe Mr. Mark Gray
APPLICANT	N L Contractors Ltd
SITE	Land between 14 and 16 Amwell Place Cholsey
PROPOSAL	Erection of one pair of semi detached houses with access and parking to each (as amended by drawing A3 2 Revision A accompanying letter from agent dated 5 May 2011).
AMENDMENTS	A3 2 Revision A – Change to the number of bedrooms proposed.
GRID REFERENCE	458911186438
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 the recommendation.
- 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. It comprises part of what was once the rear garden of number 12 Paternoster Lane. Although part of a residential property it also has a highway frontage on Amwell Place and up until recently was a heavily vegetated area. On either side of the site are pairs of two storey semi detached houses.

2.0 PROPOSAL

- 2.1 The application seeks full planning permission to erect a pair of semi detached dwellings, 1 x two bed and 1 x three bed. Private amenity areas are located to the rear and parking is provided to the side of the properties.

The scheme has been amended; reducing one of the plots to a two bedroom dwelling.

- 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** – Recommend Refusal - The parish council believe that the proposal is an over development of a back land site, the development is contrary to the Cholsey Parish Plan and will exacerbate an already difficult parking situation.

- 3.2 **Neighbours** – 2 x letters of objection – The main concern from both objectors relates to overlooking and loss of daylight to the rear gardens of numbers 12 and 14 Paternoster Way to the west of the application site.
- 3.3 **County Archaeological Services** - No objection subject to conditions that require the applicant to undertake a watching brief.
- 3.4 **Highways Liaison Officer** – No objection subject to conditions relating to the retention of parking and provision of cycling facilities.
- 4.0 **RELEVANT PLANNING HISTORY**
- 4.1 **P68/R3940** - Proposed addition of kitchen and bathroom - **Planning Permission on 05 September 1968**
- 5.0 **POLICY & GUIDANCE**
- 5.1 **Adopted South Oxfordshire Local Plan 2011**, policies.

G2 – Protection and enhancement.

G6 – Promoting good design.

EP8 – Contaminated land.

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.

H4 – Towns and larger villages outside the green belt.

H7 – Range of dwelling types and size.

T1 – Transport requirements for new developments.

T2 – Transport requirements for new developments.

South Oxfordshire Design Guide 2008

PPS3 Housing

Cholsey Parish Plan

6.0 **PLANNING CONSIDERATIONS**

6.1 The main issues to consider in this case are as follows:

- 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.**
- v) **Impact on the archeologically sensitive area.**
- vi) **Developer contributions.**

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 an important view spoilt.’*

The site forms part of the garden of 12 Paternoster Lane and fronts on to Amwell Place. Until recently it was heavily vegetated. As a gap between two existing sets of semi detached properties it appears at odds with the surrounding area. The loss of this area and replacement with two new dwellings will be an enhancement to the areas overall character and appearance removing what was previously seen in the context of the street scene as an area of scrub land.

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 is not adversely affected.’*

The design of the pair of semis has been kept purposefully simple with uniform openings and detailing and simple lean-to porches on the front elevations. The proposed materials reflect the traditional red brick and tiled roofs seen locally.

They will sit between two sets of existing modern style semi detached properties. The design and scale of the new dwellings will reflect the overall appearance of both adjoining properties and will be very much in keeping with the established character of this part of Amwell Place. Whilst it is recognised that it is in close proximity to the dwellings on Paternoster Lane they will have the closer relationship with Amwell Place and will be seen in the context of that street scene.

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 two bedroom properties. The South Oxfordshire Design Guide sets out the minimum amount of private amenity space for different types of dwelling. For two bedroom properties, sites should accommodate for an area of 50 square metres and for three bedroom properties 100 square metres. Both dwellings have some 85 square metres of private amenity space. Whilst this is 15 square metres under the minimum advised amount for the three bed unit it is 35 square metres greater for the two bed unit. It would be possible to provide for gardens that meet the standards because of the overall size of the site however the boundaries would be contrived. The proposed plans show a better layout than would otherwise be proposed if the gardens were to reflect the normally required size of gardens.

In terms of highway safety there is no objection in respect of the new access. Sufficient parking is shown which meets with the minimum parking standards for two and three bedroom properties. This means that there will be no increased pressure to park on the public highway as a result of the addition of two dwellings in this location.

Provision v) relates to back land development and seeks ensure that it would not *create problems of privacy and access and would not extend the built up limits of the settlement.*

Cholsey parish council contend that the proposal constitutes back land development and is contrary to the parish plan.

Officers do not consider this to be back land development. The dwellings will front directly on to the road and fill an existing gap on an otherwise built frontage. Whilst there will be neighbourly considerations these are considered in paragraph 6.4.

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

Policy D4 of the South Oxfordshire Local Plan seeks to ensure that new dwellings should be designed and laid in such away to secure a reasonable degree of privacy for the occupiers and that the development will not be permitted if it would unacceptably harm the amenities of neighbouring properties through loss of privacy, daylight or sunlight.

The new dwellings will have the same spatial relationship as already seen between 2 – 10 Paternoster Lane and 16 – 22 Amwell Place and will not be significantly overbearing or create levels of overlooking that do not already exist.

The main impact of the development will be to numbers 12 and 14 Paternoster Lane. These are both single storey properties which will have back-to-back relationships with the proposed dwellings.

Back-to-back situations exist throughout the towns and villages and are not in principle unacceptable. The Council has standing advice on the minimum distances between properties to ensure, as far as possible, the impact is kept to an acceptable level in terms of overlooking and being potentially oppressive or overbearing. In Section 3.2 of the South Oxfordshire Design Guide 2008 it gives 25 metres between the rear wall of buildings as the minimum that will need to be achieved and potentially be considered acceptable.

In the case of number 14 Paternoster Way it is offset from the rear of the nearest proposed dwelling and has a distance of 28 metres. Taking this distance in to account and the fact that the proposed dwellings do not present a greater impact in terms of overlooking than the neighbouring properties 14 and 12 Amwell Place the proposed development does not result in significantly harmful impact the amenities of 14 Paternoster Lane.

Number 12 Paternoster Lane is directly behind the new dwellings. The distance between the rear of the new properties and the nearest part of number 14 is 26 metres. It is recognised that the new dwellings and the first floor windows they include on the rear elevations will introduce a level of overlooking that does not currently exist. However having regard to the fact that the distances involved are in excess of the Council's minimum standards and the relationship between the new dwellings and this property is comparable to those of other properties on Amwell Place and Paternoster Lane the impact in terms of overlooking and potential oppressiveness is considered acceptable.

The new dwellings are located directly east of Paternoster Way and these affected properties. The long standing gap between the properties on Amwell Place affords for some early morning sunlight in to the rear garden of 12 and 14. Whilst the filling of this gap at two storey level will have some impact it will be isolated to the early morning and after this the level of direct sunlight will be no different than the existing situation for the remainder of the day. It is not considered to result in a significant loss in direct sunlight.

Whilst it is acknowledged that there will be an impact to both numbers 12 and 14 Paternoster Lane is not so great that it would justify the Council in refusing planning permission.

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 South Oxfordshire Design Guide 2008 requires a single dwelling to attain a three star rating in the code for sustainable homes. A sustainability statement has been submitted with the application setting out what measures are being undertaken under the relevant categories such as energy and CO2 emissions, materials, waste etc. Based on this and the minimum levels expected by the current Building Regulations and 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.

6.6 v) Impact on the archeologically sensitive area.

The application site is located in an area of some archaeological interest and within the historic core of the settlement. Previous archaeological evaluations immediately to the north of the site recorded medieval and early medieval remains in the form of rubbish pits and ditches. These features were thought to extend to the garden to the south which is where the proposed dwellings are to be built. The proposed development will likely have an impact on the archaeological features.

The Oxfordshire County Council's archaeologist has recommended two conditions be imposed on any forthcoming planning permission that ensures that archaeological monitoring and recording action be maintained during the period of construction. These conditions are therefore proposed as part of this recommendation.

6.7 vi) Developer contributions.

The parish council have requested that the new development be the subject of a section 106 agreement to secure monies towards the provision of the village pavilion.

Whilst there is a clearly an identified local need for money towards this community facility the addition of two dwellings does not trigger the need to make such contributions. The District Council do not usually request such payments on schemes of 5 houses or below. Whilst the District Council will be aiming to achieve contributions on every new dwelling, this is not the case at present and is unlikely to be so until there is a policy in place regarding the relatively recent Community Infrastructure Levy legislation (CIL). Until such a policy is in place the request for contributions in respect of an application where there is a net gain of only two dwellings is not justified in your officer's view.

7.0 CONCLUSION

7.1 The development provides for two properties (one x 2 bed and one x 3 bed) with an acceptable level of amenity and parking space. The dwellings are acceptable in terms of their size and design. It is recognised that there will be an impact to properties on Paternoster Way, however the distances between the rear of the buildings complies with the Council's standards and the development is not so harmful that it would justify the refusal of planning permission. Your officers consider that the development is acceptable.

8.0 RECOMMENDATION

8.1 That planning permission

- 1. Commencement 3 yrs - full planning permission**
- 2. Approved drawings**
- 3. Sample materials required**
- 4. Archaeological Watching Brief**
- 5. Implementation of Programme or Archaeological Work**
- 6. Parking & Manoeuvring Areas Retained**
- 7. Cycle Parking Facilities**
- 8. Contamination (investigation)**
- 9. One dwelling to be two bed unit and retained as such.**

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