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<b>APPLICATION NO.</b>	<a href="#">P11/W0453</a>
<b>APPLICATION TYPE</b>	FULL
<b>REGISTERED</b>	08.04.2011
<b>PARISH</b>	CHOLSEY
<b>WARD MEMBER(S)</b>	Mrs Pat Dawe Mr Mark Gray
<b>APPLICANT</b>	Warren House Investments Ltd
<b>SITE</b>	Land to the rear of 27 Station Road Cholsey
<b>PROPOSAL</b>	Erection of a four bed detached house and garage
<b>AMENDMENTS</b>	None
<b>GRID REFERENCE</b>	458739/186392
<b>OFFICER</b>	Mrs G Brown

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1.0 **INTRODUCTION**

- 1.1 The application has been referred to the Planning Committee because the officer recommendation conflicts with the views of the Parish Council.
- 1.2 The application site is shown on the OS extract **attached** as Appendix 1. The site comprises part of the garden area of 27 Station Road which is a two storey detached dwelling fronting on to the highway with a substantial garden to the rear measuring over 60 metres deep. The garden is separated into two parts by a close boarded fence. The rear part, which is the subject of this application, is laid to lawn and is used to keep chickens. There is a domestic shed and a greenhouse on this part of the site and the boundaries of the plot are marked by close boarded fencing.

2.0 **PROPOSAL**

- 2.1 This planning application seeks full planning permission for the erection of a two storey detached, four bedroom dwelling.
- 2.2 The application was accompanied by a Design and Access Statement and a Sustainability Statement. These can be viewed on the Council's website [www.southoxon.gov.uk](http://www.southoxon.gov.uk). The plans of the proposed development are **attached** as Appendix 2.

3.0 **CONSULTATIONS & REPRESENTATIONS**

- 3.1 **Cholsey Parish Council -** Objection. The proposal is contrary to the Parish Plan which does not support backland development. Restricted access, limited parking, overdevelopment for plot size, development was originally included and is essentially part of, 25 Station Road which has approval for 5 dwellings (net gain of 4), therefore no provision was made for affordable housing. This dwelling makes up to 6 (net gain of 5) which would have commanded affordable housing provision. By splitting applications, has avoided this requirement. If the above development goes ahead, Cholsey Parish Council would expect Section 106 monies towards Cholsey New Village Hall & Recreation.

- 3.2 **County Archaeological Services** - No objection. The site lies within an archaeologically sensitive area and as such the applicant should be responsible for ensuring the implementation of an archaeological monitoring and recording action (watching brief) to be maintained during the period of construction.
- 3.3 **Forestry Officer** - No objection. The proposal will not have any damaging impact on any high quality trees
- 3.4 **Waste Management Officer** - This property must have room for 1 x 180ltr and 1 x 240ltr wheeled bin and 1 23ltr food caddy. Bins must be presented at the property boundary for collection.
- 3.5 **OCC Highways Officer** - No objection. The parking provision is compliant with adopted parking standards and the visibility on to the highway is acceptable. Recommended conditions should be attached to any permission.
- 3.6 **Neighbour Representations X 3** – Object: Overdevelopment of the site. Gardens are no longer considered as brownfield land under recent changes to PPS3. The government is pushing the localism agenda which gives greater weight to the wishes of local communities. This current site has been separated off from 25 Station Road but the erection of an additional property would result in a net gain of 5 houses and so they should be required to make provision for affordable housing. Historically this road provided access to just one property and we feel that this new application will increase the usage to an unacceptable level. Another property of this size is not needed in Cholsey.

4.0 **RELEVANT PLANNING HISTORY**

4.1 **P10/W0630.** Demolition of existing house and erection of 1x4 bed, 2x3 bed and 2x2 bed houses with vehicular and pedestrian access. 25 Station Road, Cholsey. Planning Permission on 01 October 2010.

**P08/W0517.** Erection of 5 dwellings: 2 x 2 bedroom and 1 x 3 bedroom terrace. 1 x 4 bedroom & 1 x 5 bedroom detached houses with associated garages and parking. 25 (Part rear garden 27) Station Road, Cholsey. Refusal of Planning Permission on 02 July 2008.

**P07/W0369.** Redevelopment of the site for the erection of 18 dwellings, together with parking and access road. 25-29 Station Road, Cholsey. Refusal of Planning Permission on 06 June 2007.

**P06/W0237.** Erection of five terraced houses, two detached houses and four apartments. 25 27 & 29 Station Road, Cholsey. Refusal of Planning Permission on 31 May 2006. Appeal Dismissed on 04 May 2007 (appeal decision **attached** as

Appendix 3).

**P05/W1223.** Demolition of 25 Station Road and use of rear garden to 27 and 29 Station Road. Erection of 5 three bedroom houses, 2 four bedroom detached houses and 1 block of flats with 5 two bedroom flats and 2 one bedroom flats. 25, 27, 29 Station Road, Cholsey. Withdrawn prior to determination on 08 February 2006.

**P05/W0005.** Demolition of 25, 27 Station Road and use of rear garden to 29 Station Road. Erection of 9 No. 4 bedroom houses. 25, 27 & rear of 29 Station Road, Cholsey. Withdrawn prior to determination on 16 February 2005.

**P03/W0345/O.** Outline permission for two new detached houses. (As clarified by agent's letter dated 14 May 2003). 25 Station Road, Cholsey. Outline Planning Permission on 02 July 2003.

## 5.0 **POLICY & GUIDANCE**

5.1 Adopted South Oxfordshire Local Plan Policies (SOLP 2011):

- D1: Good design and local distinctiveness
- D2: Vehicle and bicycle parking
- D3: Plot coverage and garden areas
- D4: Privacy and daylight
- D8: Promoting efficient use of energy
- D10: Provision for the management of waste
- D11: Infrastructure and service requirements
- H4: Development in the towns and larger villages
- H7: Range of dwelling types and size
- H8 : Density of new development
- G2: Protection and enhancement of the environment
- G5: Making the best use of land
- G6: Promoting good design
- R2: Provision of outdoor playing space
- T1: Promoting a sustainable transport network

Planning Policy Statements (PPS's):

- PPS1: Delivering sustainable development
- PPS3: Housing
- PPS22: Renewable energy

South Oxfordshire Design Guide; All sections.  
Cholsey Parish Plan

## 6.0 **PLANNING CONSIDERATIONS**

6.1 The main considerations in the determination of this application are:

- The principle of housing development
- Amenity provision
- Sustainability
- Affordable housing
- Infrastructure

6.2 **Principle.** The site lies within the built up limits of the settlement of Cholsey which is listed under para. 5.17 of the Local Plan as a larger village outside the green belt. The proposal therefore falls to be considered against the criteria of Policy H4 of the Local Plan which states that proposals for housing on sites of up to 0.5 hectares within the

larger villages outside the green belt will be permitted provided that they comply with the five criteria of the policy which are considered in turn below. The red-edged area measures some 0.08 hectares and as such, the principle of the proposed development is acceptable.

- 6.3 The Cholsey Parish Plan does not support new housing on garden land and the Parish Council has cited this as one of the reasons that the application should be refused. Whilst this objection is a consideration the relevant policies in the Council's adopted Local Plan and recent government advice carry greater weight. On 9 June 2010 the Government amended national planning policy in Planning Policy Statement 3: Housing (PPS3) and private residential gardens are now excluded from the definition of previously developed land, and the national indicative minimum density of 30 dwellings per hectare has been deleted. However, the Government's strategic housing and planning policy objectives in PPS3 have not changed. These include creating sustainable, inclusive, mixed communities, and delivering well designed housing developments in suitable locations, offering a good range of community facilities and with good access to jobs, key services and infrastructure. Although private residential gardens are now excluded from the definition of previously developed land, if they are in relatively sustainable and accessible locations they are potentially still suitable for housing development in policy terms, because they reduce the pressure for development on existing public and private open spaces, Green Belt land and the countryside.
- 6.4 Using land efficiently is still a key consideration in planning for housing. Paragraph 50 of PPS3 makes clear that the density of existing development should not dictate that of new housing by stifling change or requiring the replication of existing style or form. If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment. Thus, the thrust of national policy has not been materially changed by the changes to PPS3. It is reflected in SOLP Policies which seek to permit housing development within the existing built-up area where it respects the character and the amenity of residential areas. Hence there is no objection in principle to a dwelling within this part of Cholsey.

#### **H4 criteria issues**

##### **(i) Loss of an important open space.**

- 6.5 The site lies within the built-up limits of the village and is enclosed by close boarded fencing. Due to its set back from Station Road the plot cannot be readily seen in public views from the road. As a result of this and the fact that the plot is surrounded on all four sides by residential development, the proposal would not involve the loss of an important open space.

##### **ii) Design, height and scale of the proposed development**

- 6.6 **Design.** The surrounding area is a mixture of various styles and characters of development. To the east of the site is No.20 Honey Lane a grade II listed building. To the south is post war housing whilst Station Road, in the vicinity of the application site, is characterised by relatively attractive Victorian/Edwardian housing. Five new dwellings are currently under construction directly to the north of the site which are two storey in scale and have a red brick exterior under a simple pitched and ridged roof clad in clay tiles. Generally, the area is of low density with several detached properties on relatively spacious plots. Even the smaller frontage properties have deep gardens.
- 6.7 The design of the proposed dwelling has been kept simple and a limited palette of construction materials is proposed. Along Station Road a large number of the properties are constructed in facing brick work and roofs are clad in either clay tiles or

slates. It is proposed to construct the dwelling in brick and the roof is to be clad in clay tiles whilst fenestration is to be in timber. The design of the dwelling is very similar to that of the five new dwellings at 25 Station Road. Hence the proposed materials are in keeping with the local vernacular and the simple, uncluttered elevations with uniformly aligned openings would not detract from the character of the area. The flared arches add interest to the simple elevations and this feature can be found on a number of the surrounding properties.

- 6.8 **Height and Scale.** The site is generally flat and it is surrounded on all sides by residential development. The properties on Station Road are generally two storey in height as are the properties directly to the rear on Honey Lane. The dwellings immediately to the south on Brookside are chalet style bungalows with first floor accommodation. The proposed development is two storey in height and given the scale of the surrounding development this would not be inappropriate.
- 6.9 **Housing Density.** The site measures approximately 0.08 hectares (in accordance with advice contained within PPS3, the whole site, including the access should be taken in to account when calculating housing density) and as such, the proposal would equate to a density of approximately 12.5 dwellings per hectare. This is well below the previous requirements of PPS3 which sought to secure a minimum density of 30 dwellings/hectare. However the minimum density requirement was scrapped in June 2010 and it is now for local authorities and communities to decide for themselves the best locations and types of development in their areas.
- 6.10 As noted by the appeal Inspector who dealt with the appeal in relation to application ref: P06/W0237 the area has a 'green and attractive character' and this low density is considered to be in keeping with the established character of the area. For example, the density of dwellings on Brookside which lies directly to the south of the development site is 27.4 dwellings/hectare and on Droverside the density is some 32.4 dwellings/hectare. The density of the older Victorian/Edwardian housing along Station Road is around 18 dwellings per hectare and so the density of the proposed development is well below this and would not detract from the character of the area, particularly as the site lies at the centre of the village in a built up and established residential area.
- 6.11 **(iii) the character of the area is not adversely affected.** The property would be located behind the existing two storey dwelling - 27 Station Road and it would be set back from Station Road by some 66 metres. It would be seen in public views from the road and would be read in conjunction with the development at 25 Station Road currently under construction. The proposed planting would help to soften the development and as already discussed, the design and scale of the proposed development is considered to be acceptable and appropriate given the established character of the area.
- 6.12 **iv) there are no overriding amenity, environmental or highway objections.** Policy H4 of the SOLP seeks to resist development that would be harmful to the amenities of occupants of nearby properties with particular reference to privacy, outlook, sunlight, daylight, noise and disturbance.
- 6.13 The first floor bedroom windows within the new dwelling would face on to the rear of properties on Brookside which is a residential cul-de-sac to the south-east. The distance between the side elevation of the new dwelling and the rear elevation of those neighbouring properties is in excess of 26 metres and it is therefore considered that the relationship is acceptable. The back-to-back distance between the new dwelling and properties to the rear on Droverside is some 24 metres with the long rear garden at 29

Station Road separating them. Whilst this distance is slightly below the recommended back-to-back overlooking distance of 25 metres, only one first floor window is proposed within the rear elevation and this serves a bathroom and will be obscure glazed.

- 6.14 A blind window is proposed within the side elevation of the new dwelling in order to avoid overlooking of plot 5 on the adjacent development site which is currently under construction. Having regard to the distance between the two properties of some 21 metres and to the orientation of the dwellings, officers consider that the proposal would not have a detrimental impact on the amenity of future occupiers of the new dwelling on plot 5 currently being constructed.
- 6.15 Your officers consider that the occupants of the new dwelling and of the surrounding properties would be afforded sufficient privacy and are satisfied that there would not be any greater level of overlooking than could be expected in a residential area such as this one.
- 6.16 **Highway safety and parking standards.** The scheme provides for two off-road parking spaces including one space on the driveway and one in the garage which complies with the Council's parking standards for a property of this size. Your officers recommend that a condition removing the right to convert the garage to living accommodation without the approval of the Local Planning Authority. This would enable the Council to ensure that the parking standards can continue to be met.
- 6.17 The OCC Highways Officer has confirmed that adequate levels of parking and sufficient areas for manoeuvring have been provided and that visibility splays on to Station Road meet the minimum requirements. Your officers therefore consider that the proposal would not be detrimental to the safety and convenience of other users of the highway.
- 6.18 **v) if the proposal constitutes backland development, it would not create problems of privacy and access and would not extend the built limits of the settlement.** The proposed dwelling would constitute backland development and as discussed above, your officers consider that the proposal would not create problems of privacy. The site is surrounded on all sides by development and is within the built limits of the village. The proposal would not therefore extend the built limits of the settlement.
- 6.19 It is therefore concluded that the proposed development does comply with all five criteria and is contrary to Policy H4 of the Local Plan.
- 6.20 **Whether adequate standards of privacy and amenity have been provided.** Policy D4 of the adopted SOLP states that 'new dwellings should be designed to ensure adequate privacy for existing and new residents to enable them to enjoy their homes without undue intrusion from neighbours or from the public. The garden area measures in excess of 165 square metres and the private amenity area required by the Council's standards for a property of this size is 100 square metres.
- 6.21 The back-to-back distances between the new property and surrounding dwellings either comply with or exceed the Council's minimum standards and windows have been located sensitively in order to avoid the unacceptable overlooking of neighbouring properties. Your officers consider that the occupants of the new dwelling would be afforded sufficient privacy and are satisfied that there would not be any greater level of overlooking than could be expected in a residential area.
- 6.22 **Whether sufficient sustainable measures have been incorporated into the design of the dwellings.** The District Council encourages the use of renewable energy technologies, especially where new build is proposed. A sustainability statement has

been submitted as part of the application which demonstrates that applicant has considered an energy efficient design, construction and fittings for the new dwelling. The Council currently requires all new dwellings to meet Code Level 3 of the Code for Sustainable Homes and your officers therefore recommend a condition is imposed requiring the new dwelling to meet level 3 of The Code in accordance with Policy D8 of the adopted South Oxfordshire Local Plan.

- 6.23 **Affordable Housing.** In a settlement of Cholsey's size affordable housing is normally required where there is a net gain of 5 or more units. The proposed development would result in a net gain of one unit. A number of residents and the Parish Council have asserted that affordable housing should be provided on this site as the current proposal should be considered in conjunction with the development at the adjoining site 25 Station Road for which planning permission was granted in 2010 for the demolition of a bungalow and the erection of 5 new dwellings. No affordable housing provision was sought at that time as the net gain in units was four which was below the threshold. The Council's Solicitor has been consulted on this matter and has noted that a connection has been established between the current developers (Warren House Investments Limited) and the developers of No.25 (Hicks Developments Limited) in that they are registered to the same address. However, the applications were not submitted simultaneously and there is no evidence of the same ownership at the time of the earlier application. In the absence of any such evidence the Council would find it difficult to justify why these sites should be considered together and therefore warrant requiring an affordable housing quota. Hence your officers have concluded it would not be reasonable to require the dwelling to be affordable or a commuted sum in this case.
- 6.24 **Infrastructure.** 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 and towards recreation.
- 6.25 Whilst there is a clearly an identified local need the proposal to provide one additional dwelling would not normally trigger the need to make such contributions.
- 6.26 The District Council does 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 in the future, 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). Hence the request for contributions in respect of an application where there is a net gain of only one dwelling is not justified at the present time in your officer's view.

## 7.0 **CONCLUSION**

- 7.1 The development lies within the well defined confines of the built up part of Cholsey and there is no objection to the principle of housing development. The proposals comply with the normal space and highway standards and the density of the development is considered to be appropriate for the area. The scheme is otherwise generally in accordance with Development Plan Policies.

**8.1 RECOMMENDATION**

**8.1 It is recommended that planning permission be granted subject to the recommended conditions.**

- 1. Commencement 3 yrs - Full Planning Permission**
- 2. Compliance with approved plans**
- 3. Sample materials required (all)**
- 4. Sustainable design**
- 5. Refuse & Recycling Storage (Details required)**
- 6. No Garage conversion into accommodation**
- 7. Implementation of Programme or Archaeological Work**
- 8. Archaeology**
- 9. Parking & Manoeuvring Areas Retained**
- 10. Obscure glazing**
- 11. No additional windows or doors**
- 12. Hours of Construction**
- 13. External Lighting - Specific**
- 14. Cycle parking**
- 15. Landscaping**

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