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<b>APPLICATION NO.</b>	<a href="#">P11/W1276</a>
<b>APPLICATION TYPE</b>	FULL
<b>REGISTERED</b>	20.09.2011
<b>PARISH</b>	BENSON
<b>WARD MEMBER(S)</b>	Felix Bloomfield Rachel Wallis
<b>APPLICANT</b>	GAP Associates Ltd
<b>SITE</b>	31A High Street Benson
<b>PROPOSAL</b>	Erection of two flats.
<b>AMENDMENTS</b>	As clarified by additional information received 26 October, 2011.
<b>GRID REFERENCE</b>	461954/191773
<b>OFFICER</b>	Mrs K Gould (W)

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**1.0 INTRODUCTION**

- 1.1 This application is referred to Planning Committee as the recommendation differs from the view of the Benson Parish Council.
- 1.2 The site is located to the rear of no 31A High Street which is a property which has a mix of residential, office and retail use. The site lies within the Benson conservation area. Land at the rear of no 31A High Street is currently open and used for parking and garden area.
- 1.3 A similar planning application was submitted in 2010 which was refused and dismissed on appeal. (planning ref P10/W0040) An OS extract identifying the site is **attached** at appendix 1.

**2.0 PROPOSAL**

- 2.1 This planning application seeks full planning permission to erect a building to be used as 2 flats. Both the ground floor and first floor flat would have 2 bedrooms, a kitchen, living/dining area and a bathroom. 10 parking spaces are proposed within the site for the occupiers of the proposed flats and the existing flats within 31A High Street. Access is directly off High Street via an existing access.
- 2.2 The proposed materials would be brick and tile with painted timber windows and doors. The building would be orientated so that the front entrances to the flats would face east and west. The south facing elevation which would be seen from the High Street would be flank faced. A copy of the submitted plans is **attached** at appendix 2. The design and access statement and all the consultation responses can be viewed on the council's website at [www.southoxon.gov.uk](http://www.southoxon.gov.uk)

### 3.0 **CONSULTATIONS & REPRESENTATIONS**

- 3.1 Benson Parish Council – Object – overdevelopment of the site and overbearing. Lack of green space for the residents of all the flats on the site. Concern was expressed about the beech tree on the site and what would happen when it grew bigger. No provision has been made for waste and recycling bins. Councillors are still very concerned about the poor access arrangements. The visibility when coming out across the footway onto the road is extremely bad.
- 3.2 County Archaeological Services – Recommend that 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 Conservation Officer – Original plans – need to retain shrubs and trees to provide a break between the modern buildings to either side (or replaced if lost) and the building has been turned away from the car park so that the south facing elevation contains no window at all – this could be alleviated by the use of recessed panels of brickwork or some articulation to provide a break in what is currently a completely flat brick surface.
- 3.4 Neighbour Object (3) – Insufficient parking and no room for manoeuvring, dangerous access, unneighbourly, disruption to day time sleep due to shift work during construction, overdevelopment of the site, little garden space , will detract from the open and spacious feel of the area, adversely affecting the character of the area, adversely affect privacy, overbearing and overshadowing, inadequate access due to restricted view to the right when exiting the site, car parking spaces close to the boundary will result in unacceptable noise and air pollution , will set a precedent for further buildings to be built in rear gardens in this area.
- 3.5 OCC (Highways) – No objection. Parking area should be SUDs compliant with soakaways. Cycle parking to be provided.

### 4.0 **RELEVANT PLANNING HISTORY**

- 4.1 P10/W0040 – Erection of 2 x 2 bed flats in the rear garden with parking – refused and dismissed on appeal.
- 4.2 P08/W0168 – Erection of a two storey side extension, conversion of existing shop unit to two units. Conversion of existing flat to form 5 units in total – Approved

- 4.3 P07/W1243 – Demolition of single storey extensions. Erection of two storey side extension, conversion of ground floor shop unit to two units – Refused and appeal withdrawn.
- 4.4 Planning permission was granted in 2008 for a scheme which included an extension to the existing building to create 2 flats and the conversion of the existing first floor flat into 3 units making a total of 5 flats in total. The extension was built but the conversion proved to be unviable so the first floor currently remains as one single large flat.

## 5.0 **POLICY & GUIDANCE**

### 5.1 Adopted South Oxfordshire Local Plan,

- G2 Protection and enhancement of the environment
  - G6 Promoting good design
  - C9 Landscape features
  - CON 7 Proposals affecting a conservation area
  - EP5 Flood risk
  - D1 Good design and local distinctiveness
  - D2 Vehicle and bicycle parking
  - D4 Privacy and daylight
  - D8 Energy, water and materials efficient design
  - H4 Housing in towns and larger villages outside the green belt.
  - H7 Housing mix
  - T1/T2 Transport requirements for new developments
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- PPS1 Delivering sustainable development
  - PPS3 Housing
  - PPS5 Planning for the Historic Environment
  - PPG13 Transport

## 6.0 **PLANNING CONSIDERATIONS**

### 6.1 The main issues to be considered in the determination of this planning application are:

- i. Is the principle of residential development on this site acceptable?
- ii Does the proposal accord with policy H4 criteria?
- iii Does this proposal overcome the reasons for dismissing the appeal following the refusal of planning ref P10/W0040?
- iv Flooding
- v. Parking

### 6.2 **Principle of development**

Benson is one of the larger villages within the District with a variety of shops and services. As such, Policy H4 of the South Oxfordshire Local Plan allows proposals for new housing providing the proposed development accords with the criteria as set out in this policy. The principle of residential development is therefore acceptable subject to the criteria which are set out below. Also, in the consideration of the appeal for a similar scheme, the principle of the development was not raised as an issue by the Inspector.

### 6.3 **Policy H4 criteria**

- i. **An important open space of public, environmental or ecological value is not lost, nor an important public view spoilt** The site is currently in the rear garden of 31A High Street. The area is used for parking and amenity space for existing flats. Although the site lies in the Benson conservation area, it is not a public open space and is not of ecological

value or an important public view.

- ii. **The design, height scale and materials of the proposed development are in keeping with its surroundings.** The design, height and scale of the proposed development is in keeping with that of adjacent development at College Farm and other surrounding development of modest terraced housing. As such, the proposed development will be in keeping with the character of surrounding development
- iii. **The impact on the character of the area.** The site lies within the Benson conservation area. As such, the Council has a responsibility to ensure that any development within the conservation area preserves or enhances the special character of the area. In the appeal decision dismissing the appeal, the inspector concluded that “noting the absence of regularity in the style, design and layout of buildings in the Benson Conservation Area and the close relationship there would be between the proposed building and the existing terrace at College Farm, the character and appearance of the Conservation area would be preserved.” It is your officer’s view that the scale and materials of the proposed development are in keeping with the surrounding development and the proposed parking area would be in keeping with the parking area immediately in front of properties in College Farm. As such, the character of the area would be preserved.
- iv. **There are no overriding amenity, environmental or highway objections**
  - a) **neighbour amenity** In considering the previous scheme, overlooking from the new flats into first floor windows of the existing flats was a reason for refusal and was supported by the appeal Inspector. In addressing this issue, the current proposal has deleted windows in the elevation facing the existing building at 31A High Street. The side windows in the west elevation would face the side elevation of College Farm and there would not be any direct overlooking. Similarly, the windows proposed in the western elevation would look into the far rear garden of 35 High Street and would not be unneighbourly. As flats do not have the benefit of permitted development rights, there is no need to recommend a condition withdrawing permitted development rights for additional windows.
  - b) **provision of gardens** The proposed amenity area for the development would meet the Council’s minimum standards for this type of development. Benson recreational ground is also within walking distance of this development.
  - c) **parking provision** 10 off street parking spaces are provided with this application to serve 5 flats. No objection has been raised to this arrangement from OCC Highways and no objection is raised from them relating to the access to the site. An extant permission exists to convert the first floor of the existing building from one large flat into 3 smaller flats. If this part of the previous permission was implemented and planning permission was granted for this application, 7 flats in total would be created. This would result in a shortage of parking spaces and a potentially dangerous intensification of the access. As such, the applicant is offering to revoke part of the previous planning permission and to leave the first floor flat as one unit only so that the number of flats on the site remain as 5. A revocation of the previous permission would need to be the subject of a legal agreement which is recommended in paragraph 8.0. A letter of objection has been received from a resident in one of the existing flats who is concerned that the 10 parking

spaces proposed could not be provided due to the proximity of the spiral staircase at the rear of the premises. The agent has provided additional information on this issue to show that the 10 spaces can be provided. The spiral staircase is not used as a fire exit.

- 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.** Access and privacy issues have been referred to in paragraph iv above. The proposal would not extend the build up limits of the settlement.

6.4 **Does this current proposal address the reasons for dismissing the appeal following the refusal of planning ref P10/W040?**

In determining the appeal following the refusal of planning ref P10/W0040, the Inspector identified the main issues to be considered as:

- i. The effect on the character and appearance of the area, including whether the character or appearance of the Benson Conservation Area would be preserved or enhanced;
- ii The effect on the living conditions of the occupiers of the existing flats and whether satisfactory living conditions would be created for occupiers of the proposed flats.
- iii Impact on trees
- vi Access and parking

A copy of the appeal decision is **attached** as Appendix 3. The Inspector concluded that the character and appearance of Benson conservation area would be preserved. He concluded that access and parking was acceptable but dismissed the appeal on the grounds that there would be an unacceptable level of overlooking between the proposed flats and the existing flats above 31 High Street. It is your officer's view that this current planning application has overcome the reasons for dismissing the appeal by having a flank wall facing the rear elevation of no 31 High Street. Although this has addressed the overlooking issue, it does result in a rather uninteresting elevation of completely flat brickwork without any windows. However, it is considered the matter can be addressed by introducing some detail into the brickwork and this has been recommended as a condition.

6.5 **Flooding**

The site lies within flood zones 2 and 3. A Flood risk assessment has been submitted by the agent dated January, 2011 which was prepared by Glanville Consultants. The FRA shows how the development can be constructed in a way which would protect the future occupants of the flats from the risk of flooding and a condition is recommended to ensure that the development would be constructed in accordance with this Flood Risk Assessment.

6.6 **Parking**

A car park is proposed at the front of the new building which will provide 10 off street parking spaces for the 5 flats. The appeal inspector did not raise any objection to this parking layout. The Highway Liaison Officer has recommended a condition which requires that the parking area is SuDS compliant to be in accordance with current legislation.

7.0 **CONCLUSION**

7.1 The principle of residential development is acceptable in this location. Planning permission has been granted for the creation of 5 flats on this site under planning reference P08/W0168 so the total number of units on this site would not increase. The proposal would preserve the character of the Benson conservation area and would not be unneighbourly to existing occupiers of surrounding dwellings. The amount of car parking provided is sufficient providing that the number of units on the site does not exceed 5. Subject to a legal agreement revoking the conversion of the first floor flat from one flat to three flats, the proposal is considered acceptable and appropriate.

8.0 **RECOMMENDATION**

8.1 **That the decision to grant planning permission is delegated to the Head of Planning and Building control subject to the prior completion of an appropriate legal agreement with South Oxfordshire District Council to revoke part of planning ref P10/W0040 to prevent the conversion of the first floor flat into 3 separate units and the following conditions:**

1. **Commencement 3 yrs - Full Planning Permission**
2. **Compliance with approved plans**
3. **Watching brief condition**
4. **Investigate for contamination and scheme for remediation**
5. **Landscaping (incl access road and hard standings)**
6. **Built in accordance with the Flood Risk Assessment**
7. **Details of the south elevation to be submitted.**
8. **Parking area to be SuDS compliant**
9. **Details of refuse collection points to be submitted**

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