

SUBJECT            **DEVELOPMENT APPLICATION REPORTS**            **ITEM 8**

REPORT OF        Head of Planning & Building Control

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| <b>APPLICATION NO.</b>  | <a href="#">P11/W2198</a>  |
| <b>APPLICATION TYPE</b> | FULL   |
| <b>REGISTERED</b>       | 6.2.2012   |
| <b>PARISH</b>           | CROWMARSH GIFFORD  |
| <b>WARD MEMBER(S)</b>   | Ms Kristina Crabbe   |
| <b>APPLICANT</b>        | Mr & Mrs John Whetter  |
| <b>SITE</b>             | 119 The Street Crowmarsh Gifford, OX10 8EF   |
| <b>PROPOSAL</b>         | New detached lodge house in the grounds of the existing house (As amended by drawings accompanying e-mail from agent received 30 April 2012 and amplified by drawings and tree information accompanying e-mail from agent received 16 April 2012). |
| <b>AMENDMENTS</b>       | Drawings received 30 April 2012  |
| <b>GRID REFERENCE</b>   | 461973/189143  |
| <b>OFFICER</b>          | Mr P Bowers  |

1.0    **INTRODUCTION**

1.1    The application is referred to the Planning Committee as the recommendation of the Crowmarsh Parish Council differs from the recommendation by officers.

1.2    The application site comprises an area of the front garden of 119 The Street Crowmarsh. A plan identifying the site can be found at **Appendix 1**. The existing property, which is located on the north side of The Street within the built limits of the village of Crowmarsh, is set back from the road frontage toward the northern end of the site. It is a detached two storey, extended, brick painted building with a paved driveway running along the western boundary of the site.

2.0    **PROPOSAL**

2.1    The application seeks planning permission to erect a 5 bedroom two and a half storey dwelling with accommodation in the roof space to the front of number 119 The Street. The ridge of the main roof runs from east to west with a lower two storey gable wing at the rear. Vehicular access to the property is made via a new single access serving both the proposed and existing dwellings. Plans of the development can be found at **Appendix 2**. Full plans and documents along with all consultation response can be found on the Councils website [www.southoxon.gov.uk](http://www.southoxon.gov.uk) .

2.2    The application has been amended twice through negotiation with officers and additional information relating to trees was submitted during the course of the application.

The first amendment removed a separate vehicular access to the new property following an objection from OCC Highways and included the reduction in the height of the ridge of the roof.

The second amendment removed the previously proposed balcony on the rear gable wing as there were concerns of potential for overlooking.

### 3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

#### 3.1 **Crowmarsh Parish Council** – Recommend Refusal of Planning Permission.

The parish council maintain through the original submission and two amendments that the dwelling is three storeys high rather than two and that the building is too high and not in keeping with the adjacent properties and that a building of the proposed size on this plot will detract from the character of the area.

**Neighbour Responses** – Responses received in connection with the original and amended plans from the following properties;

*121 The Street* – The proposal is inappropriate and will adversely affect the visual amenity of the existing 119 The Street. It will result in the loss of trees and habitats and the spacious character of the area. Out of proportion and oppressive and result in tandem development. Concern about the originally proposed balcony and second entrance point. Loss of sunlight.

*Walnut Tree Cottage, The Street* – The building is too big for the plot and will have a detrimental effect on the neighbouring properties.

**Forestry Officer** – No objection following tree protection details being submitted. Request a condition that requires the development to be carried out in accordance with these details.

**OCC Highways Liaison Officer** - No objection following the first amendment removing the second access.

**OCC Archaeological Services** – Recommend an informative be added requesting the applicant to contact OCC if finds are made during construction.

### 4.0 **RELEVANT PLANNING HISTORY**

4.1 None.

### 5.0 **POLICY & GUIDANCE**

5.1 **South Oxfordshire Local Plan 2011** policies;

- D1 - Principles of good design
- D2 - Safe and secure parking for vehicles and cycles
- D3 - Outdoor amenity area
- D4 - Reasonable level of privacy for occupiers
- D8 - Conservation and efficient use of energy
- G2 - Protect district from adverse development
- G6 - Appropriateness of development to its site & surroundings
- H5 - Housing sites in larger villages in the Green Belt
- T1 - Safe, convenient and adequate highway network for all users
- T2 - Unloading, turning and parking for all highway users

**South Oxfordshire Design Guide 2008**

### **National Planning Policy Framework (NPPF)**

None of the policies within the South Oxfordshire Local Plan of relevance to this application are inconsistent with, or contradictory to, the provisions of the Framework and this application can be determined against the relevant policies of the Local Plan

## **6.0 PLANNING CONSIDERATIONS**

### **6.1 The main issues to consider as part of this proposal are;**

- **Whether the principle of development is acceptable.**
- **Impact on the character and appearance of the area with regard to the provisions of Policy H5.**
- **Impact on the amenities of the occupants of nearby properties.**
- **Impact on trees**
- **Whether the development includes a high standard of sustainable features.**
- **Contamination**

### **6.2 Whether the principle of development is acceptable.**

The site lies within the built up limits of Crowmarsh Gifford which is one of the larger villages outside of the Oxford Green Belt where proposals for residential development will be permitted by Policy H5 providing they meet the provisions set out in Policy H4 of the South Oxfordshire Local Plan 2011 (SOLP).

### **6.3 Impact on the character and appearance of the area with regard to the provisions of Policy H5.**

Provision (i) states *‘an important open space of public, environmental or ecological value is not lost, nor an important view spoilt.’*

The garden of 119 The Street is not a public open space and the views in to the site are of the existing dwelling which does not comprise an important view. The erection of a dwelling in this location will not result in a materially harmful impact to ecology.

Provision (ii) states *‘the design, height, scale 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 and scale of the building differs from the adjoining property 121 The Street which it will sit along side. It is larger in width and height and the details of its design are more akin to the existing property at 119 The Street.

The reduction in the height of the house assists in reducing the impact and contrasting scale. It is acknowledged that the new dwelling will be larger than its neighbour however it is not so large in scale and height that it overpowers number 121.

The difference in ridge heights is comparable to recent examples of new dwellings on The Street at 95 and 95A. There is no one uniform design of dwelling in the area in fact the character of the street scene is made up of very different buildings of varying ages, designs and material. The resulting impact on the street scene from this development will be the introduction of a new design that takes its cues from existing buildings and local vernacular which, on balance, adds to the variety of design on The Street rather than detracts from it.

*Provision iv) of Policy H4 states that there should be no overriding amenity or environmental or highway objections.*

In terms of minimum standards of amenity space as advised in the South Oxfordshire Design Guide 2008 the proposed development exceeds them.

As originally submitted there was concern from the Highways Officer about the introduction of a second vehicular access so close to the existing access. The scheme was subsequently amended removing the second access and altering the scheme so that the new dwelling utilizes the existing access from 119.

This has overcome the objection and in conjunction with the recommended condition requiring the retention of the parking and manoeuvring areas the proposal will not result in a harmful impact to the safety of the users of the public highway.

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.***

The proposal is not back land development but would result in a tandem effect with one property in front of another. The existing dwelling is sited at the rear of the site and the highway boundary is made up of a brick wall, gates and hedging. The building is not prominent and although siting the proposed dwelling on the frontage will obscure some of the views of the existing dwelling it is not prominent at the moment and does not make a significant contribution to the street scene.

The window to window distances between the new and existing dwellings exceed the Council's minimum standards. In terms of privacy the existing property utilizes the front garden for some of its private activities such as the swimming pool. However the impact to the occupants will not be materially greater than the existing situation between 121 and 119 The Street.

The wider neighbour impact issues are dealt with separately in paragraph 6.4 of this report.

The proposal broadly complies with Policy H5.

#### **6.4 Impact on the amenities of the occupants of nearby properties.**

The most affected adjoining properties are numbers 121 The Street and the bungalows at number 1 and 2 Lane End.

The new dwelling will be sited to the north west of 121 The Street in relative alignment with the existing house. Its location to the north west will mean that in terms of any loss of direct sunlight will be to the rear garden and latter half of the afternoon.

The balcony which was previously proposed has been removed from the proposal and brought the level of overlooking down to first floor windows with oblique views across the rear garden. This is a standard relationship in a street situation and although it will result in a level of overlooking that doesn't exist at the moment it is at an acceptable level that will not materially harm the amenities of the occupants of that property.

The bulk of the building with projecting two storey gable is on the other side of the building away from the boundary.

The position of the two buildings in relation to each other will mean that the bulk of the building is to the side of number 121 and will not result in an overbearing or unneighbourly impact.

The impact to numbers 1 and 2 Lane End will come from the first floor windows but the distance and position of the new dwelling is such that the level of overlooking is not materially different to the level that already exists with windows from 121 The Street.

There will be an impact to these properties as the proposal involves the erection of a building in part of the neighbouring property which has always been open and undeveloped and in the case of 121 The Street it is not overlooked at present. However on balance the impact of this new building is not materially harmful and does not give rise to unacceptable levels of overlooking, loss of sun light or oppressiveness that would justify refusing planning permission for this reason.

#### **6.5 Impact on trees**

There has been concern about the impact of the development on trees within the site given the position of the new building in relation to the trees root protection area. In response to this an arboricultural method statement has been submitted setting out how the development can be carried out reducing the impact on the trees. These details have been considered and approved by the Council's Forestry Officer. A condition is proposed as part of this recommendation that the development be carried out in accordance with these details ensuring that the trees are protected.

#### **6.6 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 that up until April 2010 proposals for 1 dwelling shall be looking to attain one star rating after this date a three star code level is expected. 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. Whilst it has not been specifically confirmed that the building will be built to a 3 star code level, to meet the current Building Regulations various aspects of the build have to meet the equivalent of Code Level 3. In terms of a new build there is no reason why it could not achieve a 3 star rating and as such in line with Policy D8 a condition is proposed requiring that this is the case.

#### **6.7 Contamination**

Advice in the NPPF advises that local policies and decisions should ensure that the site is suitable for its new use taking account of ground conditions, pollution arising from previous uses and any proposals for land remediation. A condition is proposed as part of this recommendation that requires the possibility of contaminated land being investigated and in the event that it is found appropriately remedied to the satisfaction of the local planning authority.

**7.0 CONCLUSION**

7.1 Your officers recommend that planning permission is granted because the development provides for a 5 bed dwelling with an acceptable level of amenity and parking space. The dwelling is acceptable in terms of size and design. It will not give rise to an unacceptable level of overlooking or create a harmful overbearing or oppressive impact. In conjunction with the attached conditions the development accords with development plan policies.

**8.0 RECOMMENDATION**

8.1 **Planning Permission is granted subject to;**

- 8.2
1. **Commencement 3 yrs - Full Planning Permission**
  2. **planning condition listing the approved drawings**
  3. **Sample materials required (walls and roof)**
  4. **Withdrawal of PD (Part 1 Class A) - no extension/alteration**
  5. **Parking & Manoeuvring Areas Retained**
  6. **Sustainable Design**
  7. **Contamination (investigation)**
  8. **Tree Protection as per submitted details**

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