

APPLICATION NO.	P16/S2140/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	23.6.2016
PARISH	SHIPLAKE
WARD MEMBERS	Paul Harrison Will Hall
APPLICANT	Mr & Mrs Gilder
SITE	Chestnut House, Station Road, Lower Shiplake, RG9 3JS
PROPOSAL	Three bedroom, 2 storey detached house within the rear garden of Chestnut House, Station Road, Shiplake. (Amended plans received 12 August 2016 showing dwelling relocated 2.0 metres southwards and reduced in size, reduction in one bedroom from four to three).
AMENDMENTS	One
OFFICER	Davina Sarac

1.0 **INTRODUCTION**

1.1 This application is referred to the Planning Committee as the Officers' recommendation conflicts with the views of the Parish Council.

1.2 The application site (which is shown on the OS extract **attached** as Appendix A) is in residential use, and is currently part of the residential garden occupied by Chestnut House, a two-storey detached dwelling house, lying within the built up confines of Lower Shiplake. The rear garden is 60.0 metres in length and has a swimming pool and pool house located towards the rear of the site. The existing triple garage would be demolished to make way for a new side access to the new development. The garage for Chestnut House will be rebuilt to just a double garage. There is a slight downwards slope from west to east across the site, which continues across adjoining land. The site contains some mature trees, mainly located close to the boundaries of the plot. The mature trees located the other side of the northern boundary of the site within the garden of 5 Quarry Lane are protected by Tree Preservation Orders (TPOs). The area has no special designations. The site lies within Station Road where the majority of properties are large dwellings which are mostly detached. There is an established pattern of back land development along the northern side of Station Road.

2.0 **PROPOSAL**

2.1 The application seeks full planning permission for the erection of a three bedroom two-storey detached dwelling. Amended plans were received on 12 August showing the removal of a first floor section resulting in a four bedroom dwelling being reduced in size to a three bedroom dwelling. The building was also relocated 2 metres southwards in order that the development would not be located within the root protection area of the protected trees located in 5 Quarry Lanes' rear garden. The proposed dwelling would be 10.4 metres in distance from the northern boundary, 4.7 metres from the western boundary, 5.6 metres from the eastern boundary and 9.0 meters from the new southern boundary separating Chestnut House and the new development.

2.2 The new dwelling would be roughly 'T' shaped in layout. The two storey element would be 14.8 metres in width and 6.0 metres in length and 7.7 metres in height. The single storey element would project a further 7.8 metres southwards in length. It would be 5.0

metres wide with a height of 5.3 metres to the ridge. The building will be sunken down by 0.5 metre below the existing ground level. The application shows the creation of a new drive along the eastern boundary leading to the existing access which joins onto Station Road. The design and access statement states that the dwelling would be constructed in red/orange brick with a red clay tiled roof.

- 2.3 A copy of the plans accompanying the application is **attached** as Appendix B. Other documentation associated with the application can be viewed on the council's website, www.southoxon.gov.uk

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

- 3.1 Shiplake Parish Council – Initially raised no strong views followed by a recommendation for refusal following receipt of the amended plans due to privacy concerns for 6 Quarry Lane and impact upon Welsford House.

Contaminated Land Officer (SODC) – No strong views subject to informatives.

Waste Management Officer (District Council) - No strong views.

Highways Liaison Officer (Oxfordshire County Council) – Application should be granted subject to conditions.

Forestry Officer (South Oxfordshire District Council) - No objection following the amended plans subject to conditions protecting the TPO tree roots during construction.

SGN Plant Protection Team – Comments received with an advisory informative.

Neighbour representations – Letters received from 6 neighbouring properties with the following comments: Objections to the development on the grounds of :-

- Overlooking;
- Overdevelopment; massing
- Too tall;
- Out of keeping with pattern of area;
- Highway safety;
- House is excessively large for an elderly relative;
- Following the revised plans, a number of letters still stressed that their previous comments were of concern and still a relevant objection.

4.0 **RELEVANT PLANNING HISTORY**

- 4.1 None relevant to this application.

5.0 **POLICY & GUIDANCE**

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

National Planning Policy Framework Planning Practice Guidance

5.2 **South Oxfordshire Core Strategy 2027 (SOCS) policies**

CS1 - Presumption in favour of sustainable development

CSS1 - The Overall Strategy

CSR1 - Housing in villages

CSQ2 - Sustainable design and construction

CSQ3 - Design

CSB1 - Conservation and improvement of biodiversity

5.3 **South Oxfordshire Local Plan 2011 (SOLP) saved 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
- D6 - Community safety
- D10 - Waste Management
- G2 - Protect district from adverse development
- G3 - Development well served by facilities and transport
- H4 - Housing sites in towns and larger villages outside Green Belt
- T1 - Safe, convenient and adequate highway network for all users
- T2 - Unloading, turning and parking for all highway users
- C8 - Adverse affect on protected species
- C9 - Loss of landscape features
- EP6 - Sustainable drainage
- EP8 - Contaminated land

South Oxfordshire Design Guide 2008 (SODG)
Sections 3, 5 and 6

6.0 **PLANNING CONSIDERATIONS**

6.1 The main issues to be considered are whether:

1. the principle of the development is acceptable;
2. the development would result in the loss of an open space or view of public, environmental or ecological value;
3. the development would be in keeping with the character and appearance of the surrounding area;
4. the development would compromise the living conditions of neighbouring residential occupiers and the development would provide suitable living conditions for future occupiers;
5. the development would result in an unacceptable deficiency of off-street parking spaces for the resultant dwellings or other conditions prejudicial to highway safety;
6. the development would incorporate sufficient sustainability and waste management measures; and
7. the development would have regard to any other material planning considerations.

6.2 Principle:

Policy CSR1 of the Core Strategy (SOCS) identifies the areas throughout the district where new housing will be allowed. The site is located within the built up limits of Lower Shiplake, which is classed as a 'smaller village' under policy CSR1 of the SOCS. Policy CSR1 allows for infill development within smaller villages on sites up to 0.2ha in size. Infill development is defined in the SOCS as the filling of a small gap in an otherwise built-up frontage or on other sites within settlements where the site is closely surrounded by buildings. The site forms part of the residential garden of Chestnut House and is closely surrounded by other buildings, with Chestnut House to the south, Welsford House to the northeast, Waynflote to the southeast, Lyndhurst to the southwest and 5 and 6 Quarry Lane to the north west. In my opinion this site falls within the definition of an infill plot. As such, I consider that the principle of the development is acceptable. The proposal therefore falls to be assessed against the criteria of Policy H4 of the SOLP. Policy H4 supports new housing in villages, subject to a number of environmental and amenity considerations, which are addressed below.

6.3 Loss of Open Space

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 is no evidence that the site has any particular ecological value and there are limited public views of the rear of the site from the main road. This criterion would therefore be satisfied.

6.4 Visual Impact

Criteria (ii) and (iii) of Policy H4 of the SOLP 2011 seek to ensure that the design, height, scale and materials of the proposed development are in keeping with its surroundings and the character of the area is not adversely affected. The dwelling would be positioned in the location of the existing swimming pool. It would not be in a prominent location in public views from the main road. The dwelling would be more noticeable in private views across the surrounding back gardens than the existing building. It would be positioned forward in comparison to the other back land developments along Station Road as the plot length of Chestnut House is shorter than the other dwellings. The size of the garden whilst shorter than others along Station Road would be sufficient to enable the dwelling to fit onto the site without appearing cramped and it would have a relatively simple layout. The amended plans have addressed my concerns regarding the scale and mass. Part of the first floor section was removed entirely and the ground floor was reduced by 1.0 metre in length. The overall height is comparative to other dwellings permitted in the back land plots within Station Road. I am of the opinion that the scale, mass and design would be sympathetic to its surroundings. The detailed appearance of the proposed dwelling would be acceptable, as it would incorporate a traditional form and materials. The development satisfies the above criteria.

6.5 Neighbour Impact

Criterion (iv) of Policy H4 of the SOLP 2011 requires that there are no overriding amenity objections. Criterion (v) explains that if the proposal constitutes backland development, it should not create problems of privacy or access. Officers consider that the level of separation between the proposed dwelling and nearby properties would be acceptable and is comparable with the pattern of development in the area. Concerns have been raised from neighbouring properties with regards to the dwelling causing overlooking to the gardens and rear windows of 6 Quarry Lane, the rear garden of 5 Quarry Lane, Bolney Trevor House and Ashmead; and loss of light to 6 Quarry Lane and Welsford House. The two-storey element of the new dwelling would be located 19.0 metres from the rear elevation of 6 Quarry Lane and 26.0 metres from the single storey element to 6 Quarry Lane. There would be no first floor windows facing 6 Quarry Lane. The first floor south facing windows would be 40.0 metres from the rear elevation of Chestnut House. The north elevation of the dwelling would be over 40.0 metres from the rear elevation of Bolney Trevor House. The east elevation would be 13.0 metres from Welsford House and there would no windows on the eastern elevation facing towards Welsford House. The South Oxfordshire Design Guide (SODG) suggests 25 metres is an acceptable distance between facing windows. In this case, the dwelling would clearly comply with the SODG with the windows being more than 25 metres from direct facing windows. The new dwelling will be visible to neighbouring properties, however, I am satisfied that the dwelling would be located a sufficient distance to not cause a significant loss of outlook or light to the neighbouring properties.

6.6 It has been suggested that the first floor windows in the southern elevation would directly overlook the rear windows and garden of 6 Quarry Lane. It has also been suggested that the first floor windows in the northern elevation would overlook the rear gardens of 5 Quarry Lane, Bolney Trevor House and Welsford House. Due to the position of the dwelling the views from the first floor windows would look directly

southwards back towards Chestnut House but given the distance of 40 metres as explained above I am satisfied that no significant loss of privacy would occur. There would be some overlooking to the very south east corner of the garden of 6 Quarry Lane. However, due to the oblique angle of views from the first floor south facing windows towards 6 Quarry Lane, I am of the opinion that the proposal would not give rise to significant overlooking to this neighbours' garden or rear windows to warrant refusal. The building would be 10 metres from the boundary of 5 Quarry Lane and this is the same distance as Welsford House to the boundary of Milverton and in my opinion would not give rise to significant overlooking of this neighbours' rear garden to warrant refusal. A landscaping condition and tree protection conditions would also ensure that established screening foliage is retained and strengthened with new planting. Although this proposal involves the division of the Chestnut House garden, the remaining outdoor amenity space provision for both properties would provide sufficient living conditions for the future occupiers of both Chestnut House and the new dwelling. In overall terms, the proposed layout would be sufficient to prevent any loss of outlook, daylight or privacy to the existing dwellings and in particular would ensure that the established SODG 2008 recommended standard window to window distance of 25 metres would be complied with. On the basis of this assessment, the proposed development would meet the above criteria.

6.7 Access and Parking

Criterion (iv) of Policy H4 of the SOLP 2011 also requires that there are no overriding highway objections. Criterion (v) explains that if the proposal constitutes backland development, it should not create problems of privacy or access. No change is proposed to the existing access arrangements. The Local Highways Officer has assessed the proposal and determined that the vehicle movements associated with the proposal do not present severe harm as required in the recent Government guidelines within the National Planning Policy Framework to warrant a recommendation for refusal. The site layout plans shows that there is adequate parking available for a property of this size on the site. On the basis of this assessment, the proposed development would meet the above criteria.

6.8 Impact upon Trees

There are two horse chestnuts located within the site to the north which are subject to a tree preservation order. The amended plans show that the footprint of the dwelling and the position of the retaining wall has been moved by 2m to the south. The Forestry Officer is satisfied that, subject to conditions being imposed, the proposal would not harm the important trees at the rear of the site.

6.8 Sustainability Measures and Waste Management

Policy D10 requires the provision of waste collection facilities and space for refuse and recycling collection for both dwellings is shown on the plans. The implementation of both of these aspects could be secured through planning conditions.

6.9 Other Material Planning Considerations

Matters relating to the prevention of further extensions to the dwelling without planning permission could be controlled through the imposition of a planning condition. In a similar vein, the insertion of additional first floor windows on the rear elevation could also be prevented through a condition – only obscure glazed windows would be permitted on the side elevations. The concerns about levels being implemented correctly could be dealt with through a planning condition requiring slab and ridge levels to be constructed as shown in conjunction with a fixed datum point outside the site, to prevent any increase in ground level from distorting the height of the proposed dwelling.

6.10 Community Infrastructure Levy (CIL)

This application is liable for CIL at the rate of £150 per square metre.

6.11 Addendum

In accordance with paragraphs 186 and 187 of the NPPF the Council takes a positive and proactive approach to development proposals. The Planning Service worked with the applicant/agent in a positive and proactive manner by updating the applicant/agent of issues that arose during the application process, suggesting a solution to objections and providing an opportunity to submit amended plans.

7.0 **CONCLUSION**

7.1 The proposal represents an appropriate infill development within a settlement where the principle of additional residential development is acceptable. The proposed dwelling would be of an appropriate design and would be of a scale suitable to the size of the plot. The development would not detract from the character and appearance of the site, would not be unneighbourly and would not result in conditions prejudicial to highway safety. As such, and subject to the recommended conditions, the application complies with the relevant Development Plan policies.

8.0 **RECOMMENDATION**

8.1 **To grant planning permission subject to the following conditions:**

- 1 : Commencement of development within three years.**
- 2 : Development to be carried out in accordance with the approved plans.**
- 3 : Schedule of materials to be agreed prior to the commencement of Development.**
- 4 : Details of existing and proposed levels to be agreed prior to the commencement of development.**
- 5 : Existing vehicular access to be improved and laid out prior to occupation of the dwelling.**
- 6 : Turning area and car parking to be carried out in accordance with the approved plans.**
- 7: Tree protection details to be agreed prior to occupation of the dwelling.**
- 8 : Withdrawal of permitted development rights for extensions and outbuildings.**
- 9 : Refuse and recycling storage to be implemented as approved.**

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