

APPLICATION NO.	P16/S1400/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	25.5.2016
PARISH	BINFIELD HEATH
WARD MEMBERS	Will Hall & Paul Harrison
APPLICANT	Justin Knott
SITE	Corbiere, Dunsden Way, Binfield Heath
PROPOSAL	Demolition of existing garage and erection of two-storey 4-bedroom dwelling and formation of new access to the south of approved replacement dwelling (footprint of dwelling reduced and moved further from southern boundary as shown on amended plan received 28 July 2016).
AMENDMENTS	See above
OFFICER	Paul Lucas

1.0 **INTRODUCTION**

1.1 This application is referred to the Planning Committee as a result of a difference in views between Binfield Heath Parish Council and the officers' recommendation. Officers recommend that planning permission should be granted. This report explains how we have reached this conclusion.

1.2 The site is identified at **Appendix 1** and lies within the built-up confines of the village of Binfield Heath on the eastern side of Dunsden Way. The application site previously contained a detached bungalow with a single detached garage. These structures have been demolished and the site now contains a recently constructed detached two-storey replacement dwelling constructed from brick and flint and clay tiles located towards the northern end of the site with a new vehicular access and planning permission for a carport in front of it. The southern part of the site has been separated from the dwelling by a close-boarded fence and the vehicular access that previously belonged to the original dwelling remains. The site is bordered by the side and rear garden of No.1 Chapel Cottages to the south, open countryside to the east, a farm track to the north (with three dwellings opposite) and Dunsden Way to the west (with four dwellings opposite). The site has high hedging around most of the site boundaries and there are some semi-mature trees on No.1's side of the boundary. It does not fall within any areas of special designation.

2.0 **PROPOSAL**

2.1 The application seeks full planning permission for the erection of a two storey 4-bedroom dwelling on the southern part of the site, using the existing access to provide off-site parking in front of the dwelling. The original plans were amended, as set out in the description above, in order to address officers' concerns.

2.2 Copies of the current plans are provided at **Appendix 2** whilst 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 **Binfield Heath Parish Council** – The original and revised plans should be refused for the following reasons:

The first plan for House 2 was for a five bedroom house, which attracted fourteen objections, mostly very vociferous, which presumably resulted in the current amendment. The new version has lost a bedroom and the garage, though the footprint is only slightly reduced, so the site is still over-developed.

The parking area looks far too tight and conflicts with the parking requirements of House 1.

Planning permission was granted for House 1 (P15/S4100/FUL) subject to several conditions. Condition 4 stipulated that it should not be occupied until the parking and turning areas had been provided in accordance with the specified plan: those areas were included in what is now the House 2 site and there has been no subsequent amendment to House 1 plans for a new opening on to the road.

Planning officers may consider this is basic to the House 1 consent, which would not have been granted otherwise, particularly as in his application the applicant stated that it was not proposed to form any new type of gate piers or gates. If that turns out to be the case then it would affect the House 2 application as the applicant will not want an un-occupiable house.

The Parish Council maintains its previously submitted objections to this second house on the grounds of over development of the site.

Highways Liaison Officer (Oxfordshire County Council) - No objection subject to conditions

Countryside Officer (South Oxfordshire & Vale of White Horse) - No objections

Forestry Officer (South Oxfordshire District Council) - No objections subject to conditions

Neighbours – 14 households have submitted representations of objection, summarised as follows:

- This is development by stealth and should have been included in the application for the existing house
- The creation of nine bedrooms on this site would lead to insufficient on-street parking resulting in on-street parking on Dunsden Way, obstructing the nearby bus stop and dangerous for highway and pedestrian safety.
- New driveway adding to highway and pedestrian safety concerns.
- Two dwellings are too large for the site representing an urban form of development out of keeping with the nearby cottages in this rural area.
- Loss of light, outlook and privacy to No's 1 & 2 Chapel Cottages and their gardens and the dwellings opposite the site.
- Harmful to wildlife in adjoining countryside.
- Contrary to Binfield Heath Community Led Plan in relation to the rejection of high density development by the community.
- Further disruption to neighbours from an extended construction process.
- Loss of views of the countryside

4.0 **RELEVANT PLANNING HISTORY**

4.1 [P16/S2204/HH](#) – Approved (20/08/2016)

Erection of two-bay carport and formation of vehicular access (roof of carport changed to full hip, moved further from western boundary and boundary hedge retained, as shown on amended plan received 21st July 2016).

[P15/S4100/FUL](#) - Approved (18/02/2016)

Demolish existing dwelling and erection of new dwelling.

5.0 **POLICY & GUIDANCE**

5.1 South Oxfordshire Core Strategy policies

CS1 - Presumption in favour of sustainable development

CSEN1 - Landscape protection

CSH2 - Housing density

CSM1 - Transport

CSQ2 - Sustainable design and construction

CSQ3 - Design

CSR1 - Housing in villages

CSS1 - The Overall Strategy

5.2 South Oxfordshire Local Plan 2011 policies;

C4 - Landscape setting of settlements

C9 - Loss of landscape features

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

D10 - Waste Management

EP6 - Sustainable drainage

G2 - Protect district from adverse development

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

South Oxfordshire Design Guide 2016

Binfield Heath Community Led Plan

5.3 National Planning Policy Framework

National Planning Policy Framework Planning Practice Guidance

The policies within the SOCS and the SOLP 2011 of relevance to this application are considered to be in general conformity with the provisions of the NPPF and therefore this application can be determined against the relevant policies above.

6.0 **PLANNING CONSIDERATIONS**

6.1 The planning issues that are relevant to this application are whether the development would:

- be acceptable in principle in this location;
- result in the loss of an open space or view of public, environmental or ecological value;
- be in keeping with the character and appearance of the surrounding area;
- safeguard the living conditions of neighbouring residential occupiers and would provide suitable living conditions for future occupiers;
- demonstrate an acceptable provision of off-street parking spaces for the resultant dwellings or cause conditions prejudicial to highway safety; and
- give rise to any other material planning considerations

6.2 Principle of Development

The Development Plan policy relevant to this proposal is the SOCS Policy CSR1, which determines whether proposals for infill residential development in the District are

acceptable in principle. The SOCS classifies Binfield Heath as a “smaller village”. Under Policy CSR1, residential development on infill sites of up to 0.2 hectares in size is acceptable in principle in “smaller villages”. The supporting text for Policy CSR1 states, “Infill development is defined 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.” In officers’ opinion, the site lies in between frontage development on the eastern side of Dunsden Way, within the main built-up confines of the settlement. The overall site size is 0.2 hectares, with the area to be developed closer to 0.05 hectares. Under these circumstances, officers consider that the principle of housing on the site is currently acceptable. Consequently the proposal falls to be assessed primarily against the criteria of Policy H4 of the South Oxfordshire Local Plan 2011 for new dwellings, 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. The site is not accessible to the public and the Council’s Countryside Officer is satisfied that there are no protected species or habitats on the site. The site is visible in public views from Dunsden Way to the south of the site, however from these vantage points the development of the site with two dwellings would be seen in the context of the dwellings on either side. Given that there has been an established hedgerow along much of the frontage, it could not be said to result in the loss of an important public view. On this basis, the proposal would be in compliance with the above criterion.

6.4 Visual Impact

Criterion (ii) of Policy H4 of the SOLP 2011 requires that the design, height, scale and materials of the proposed development are in keeping with its surroundings and criterion (iii) requires that the character of the area is not affected. Policy CSEN1 of the SOCS aims to protect the District’s distinct landscape character from inappropriate development. Policies CSQ3 of the SOCS and D1 of the SOLP 2011 expand on this requirement in respect of ensuring good design. Local residents and Binfield Heath Parish Council have raised objection to the introduction of a second dwelling on the site making the density out of character with the rural surroundings. Whilst plot sizes vary in this part of the village, the proposed building to plot ratio would be about 25% and there are several dwellings with similar plot coverage in the vicinity of the site. There would be an 8.4 metre gap between the side walls of the existing and proposed dwellings on the site. The gap to the boundary with No.1 would be 4 metres at the front, reducing to 2.5 metres at the rear. Under the circumstances that spaces between dwellings vary considerably in the locality, sufficient space would be retained around the dwelling and the development would not result in an overdevelopment.

6.5 The proposed dwelling has been revised to remove the projecting front gable and to leave it with a catslide roof containing dormer windows, which is a traditional design approach and would appear more recessive in comparison with the recently constructed replacement dwelling. The proportions of the building would give rise to a similar ridge height of 8.4 metres to the adjacent new dwelling. The width would be about 5.5 metres smaller, to take account of the smaller size of the newly formed plot in relation to the remaining plot to the north. The proposed materials of facing bricks and clay tiles would be acceptable in this area. Interested parties are also concerned that the proposed dwelling would not reflect the appearance of several cottages close to the site. Nonetheless, there are a number of house types within the locality and the development would be in keeping with the general character of the area. The Council’s Forestry Officer has confirmed that hedges within the site shown to be retained could be secured though a planning condition and tree protection measures could also be applied to safeguard the trees in the garden of No.1 during the development process. In

the light of the above assessment, the proposal would accord with the above policies.

6.6 Residential Amenity Impact

Criterion (iv) of Policy H4 of the SOLP 2011 requires that there are no overriding amenity objections. Policy D4 of the SOLP 2011 requires that all new dwellings should be designed and laid out so as to secure a reasonable degree of privacy for the occupiers. The main impact of the proposed dwelling would be on the rear aspect of No.1 Chapel Cottages. The side elevation of the proposed dwelling would face towards the rear of No.1 and would be visible from rear facing windows serving habitable rooms at both ground and first floor level. The distance from the closest part of No.1 is about 18 metres. Section 7 of the SODG 2016 explains that the minimum distance in such situations to preserve residential amenity should be 12 metres. The proposal would achieve this distance. It is also notable that the proposed dwelling lies to the north and would only adjoin part of the rear garden boundary where there are trees within the neighbour's garden that would offer some screening during part of the year. This would mean that there would be no loss of direct sunlight and the impact on daylight and outlook would be partially alleviated. The rear of No.1 is angled north-eastwards rather than directly north so that the occupiers would continue to retain some open aspect alongside the rear garden of the proposed dwelling and their boundary with the field to the north-east.

6.7 The proposed dwelling would be over 30 metres from the dwellings opposite. Although the proposed dwelling would be apparent from these dwellings, given the distances involved would be significantly greater than the minimum 10 metre standard set out in Section 7 in the SODG 2016, officers consider that there would not be any significant loss of light or outlook that would be sufficient to warrant refusal of planning permission. There would be no discernible impact on Hampstead Cottages due to the distance involved and the location of the adjacent dwelling on the site.

6.8 There are first floor windows serving bedrooms in the south elevation of the new dwelling to the north, but these would face directly onto the north-facing side wall of the proposed dwelling and so would not result in any undue loss of privacy. The first floor window in this north-facing side elevation of the proposed dwelling would serve an en-suite and could therefore be subject to an obscure glazing condition. There is a rear balcony on the new dwelling, but as this is about 18 metres from the boundary with the proposed dwelling's rear garden, any overlooking would not be significant. The proposed dwelling would have a rear garden area of about 125 square metres, which would accord with the recommended minimum standard of 100 square metres for a dwelling of this size. On the basis of the above assessment, the proposal would be in accordance with the above policies.

6.9 Access and Parking

Criterion (iv) of Policy H4 of the SOLP 2011 also requires that there are no overriding highway objections. Although there have been a number of concerns raised about highway and pedestrian safety, the Highway Liaison Officer (HLO) has raised no objections to the proposed access and parking arrangements, subject to the imposition of several highway-related conditions. The parking allocation provided within the development meets current maximum parking standards. The proposed access for the existing dwelling has already been granted planning permission under planning permission P16/S2204/HH and has been constructed. This was found to meet requirements in terms of visibility splays, with the existing access is to be used for the new dwelling. It is the HLO's opinion that the vehicle movements associated with the proposed dwelling do not present "severe harm" as required by Paragraph 32 the NPPF.

6.10 Other Material Planning Considerations

The Community Led Plan is a non-statutory document and is not designed to deal with land use planning, which is a role performed instead by Neighbourhood Plans. As such, any conflict with the Community Led Plan carries only limited weight when balanced against the policies in the Development Plan and Supplementary Planning Guidance. As the proposal involves the net gain of only one dwelling, it is not possible to apply the SOCS Policy CSH4 to require a mix of dwellings to be provided. A condition removing permitted development rights for various householder development is considered necessary to allow the Council to exercise control over any future additions to the new dwelling that might otherwise result in visual harm or loss of amenity to adjoining residential properties. Issues concerning the impact of the recently constructed dwelling or the manner in which it was built are not matters that are directly relevant to this application and nuisance or obstruction from construction activities could be dealt with by other legislation. The proposed dwelling is liable for the Community Infrastructure Levy (CIL). The CIL charge applied to new residential development in this case is £150 per square metre of additional floorspace (Zone 1). 15% of the CIL payment would go Binfield Heath Parish Council in the absence of an adopted Neighbourhood Plan.

7.0 **CONCLUSION**

7.1 The application proposal would comply with the other relevant Development Plan Policies, Supplementary Planning Guidance and Government Guidance and it is considered that, subject to the attached conditions, the proposed development would be acceptable in principle and would not materially harm the character and appearance of the area or the living conditions of nearby residents or result in conditions prejudicial to highway safety.

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 in accordance with approved plans.**
3. **Details of levels required prior to commencement.**
4. **Schedule of materials required prior to commencement.**
5. **Obscure glazing to the north facing en-suite window.**
6. **Withdrawal of permitted development rights for extensions, roof extensions and outbuildings.**
7. **Parking and manoeuvring areas retained as on the approved plan.**
8. **No surface water drainage to the public highway.**
9. **Details of landscaping (including hardsurfacing and boundary treatment) required prior to commencement.**
10. **Details of tree and hedge protection required prior to commencement.**

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