

APPLICATION NO.	P16/S2714/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	16.8.2016
PARISH	WOODCOTE
WARD MEMBER(S)	David Nimmo-Smith Charles Bailey
APPLICANT	Mr Phillip Sparks
SITE	Goats Gambol, Beech Lane, Woodcote, Oxfordshire, RG8 0PY
PROPOSAL	Demolish and replace existing dwelling with a two-storey 5-bedroom dwelling. Demolish and replace existing stables with a 3-bedroom bungalow (revised plans received 26th September 2016, relocating first floor window opening and detached garage; revised site layout plan received 31st October 2016)
AMENDMENTS	As above
GRID REFERENCE	463718/181698
OFFICER	Simon Kitson

1.0 **INTRODUCTION**

- 1.1 This application is referred to Planning Committee as the Officers' recommendation conflicts with the views of the Parish Council.
- 1.2 The existing dwelling (which is shown on the OS extract **attached** as Appendix A) is a semi-detached property set within a narrow plot at the edge of the built up area of Woodcote. The site is bordered by open agricultural land to the east and woodland to the south. Access to the property is via a narrow private track lane leading onto Beech Lane. The site also accommodates a number of equestrian buildings and ancillary residential structures, including a large garage building erected in 1983.
- 1.3 The site falls within the Chilterns Area of Outstanding Natural Beauty (AONB) and the settlement is within the Chilterns Escarpment, comprising Character Area 8 of the South Oxfordshire Landscape Assessment (SOLA).
- 1.4 Outline planning permission was most recently refused for the erection of 10 dwellings (P13/S3798/O) following a public inquiry. The Inspector considered that the appeal site is behind the built-up frontage, is not surrounded by buildings and it would result in the outward expansion of the village's built up area. On this basis, it was considered that the development would not constitute an infill scheme and, as the site is not allocated for housing under the neighbourhood plan and the proposal would not relate to agricultural or other special needs, it would not comply with the Local Development Plan, particularly its policies which seek to control unnecessary development in the countryside. The Inspector concluded that the proposal would cause significant harm to the character and appearance of the AONB and the setting of the village, and that there were no overriding material considerations indicating that the development should be approved.
- 1.5 A copy of the site plan for the previously-refused scheme is **attached** as Appendix B

2.0 **PROPOSAL**

- 2.1 As detailed in the application submission, this proposal seeks full planning permission for the redevelopment of the site. The existing house, stables and ancillary building would be demolished and two detached dwellings and a garage building would be

erected. The key dimensions are as follows:-

	Storeys	Footprint	Height to eaves	Height to ridge
Dwelling 1	2	118 sq.m	3.6m	8m
Dwelling 2	1	99 sq.m	2.7m	6m
Garage	1	42 sq.m	2.4m	5m

2.2 A copy of the proposed plans is **attached** as Appendix C and other documentation associated with the application can be accessed via the council's website, www.southoxon.gov.uk.

3.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

3.1 Woodcote Parish Council – Objection. Following a number of amendments, the extant concerns are as follows:

- The site plans do not accurately describe the relationship with the nearest property and there are no dimensions shown on the scale elevations
- The garage has not been moved far enough away from Hawthorne Cottage
- The replacement of a semi-detached dwelling with a detached property is unprecedented in Woodcote. It is not clear that the existing neighbouring property would be satisfactorily protected.
- The revised position of the southern dwelling would result in significant losses of light and privacy

SGN Plant Protection Team - No strong views

Countryside Officer(South Oxfordshire & Vale of White Horse) - No strong views, subject to condition

- It is appropriate for the council to take a pragmatic approach following the previous ecological surveys.
- If permission is recommended, approval should be subject to the completion of further survey work and a mitigation strategy

Highways Liaison Officer (Oxfordshire County Council) - No strong views, subject to condition

- The proposal is unlikely to result in any significant intensification of transport activity at the property.
- No change is proposed to the existing access arrangements. The proposal is unlikely to have a significant adverse impact on the highway network.

Waste Management Officer (District Council) - No strong views

Health and Housing – No strong views, subject to contaminated land questionnaire

Forestry Officer (South Oxfordshire District Council) - No strong views

Neighbour Support

- This proposal would provide housing and replace inefficient buildings within the site

Neighbour Objections

- The south-facing bedroom window (1) would result in a serious loss of privacy to primary living accommodation and some of the outdoor seating areas at the neighbouring property
- The proposed garage building would have an overbearing impact upon the neighbours
- The proposed southern dwelling would impact upon the neighbouring living

accommodation and outdoor seating areas through losses of light and outlook.

- There would be construction and party wall issues associated with the conversion of the existing semi-detached properties.
- Other issues regarding local infrastructure capacity
- Land ownership issues associated with entrance drive and rights of access.

4.0 **RELEVANT PLANNING HISTORY**

4.1 [P13/S3798/O](#) - Refused (24/03/2014) - Refused on appeal (17/06/2015)

Outline application for widening of existing access, and erection of 10 dwellings (including 4 affordable units), with new estate roads. Retention of existing dwelling.

[P05/E0308](#) - Approved (10/05/2005)

Erection of two storey and single storey side extensions and minor internal alterations.

[P05/E0087](#) - Refused (04/03/2005) - Refused on appeal (08/09/2005)

Erection of three dwellings and formation of two accesses.

[P99/S0989/O](#) - Refused (09/02/2000) - Refused on appeal (04/08/2000)

Erection of two new detached dwellings and garages.

5.0 **POLICY & GUIDANCE**

5.1 The Woodcote Neighbourhood Plan (WNP) policies;

T1 –Traffic

T7 – Pedestrian footways

T8 – Residential car parking

H10 – Infill housing in the AONB

E2 – Historic environment

D1 – Good design

5.2 South Oxfordshire Core Strategy (SOCS) policies;

CSEN1 - Landscape protection

CSEN3 - Historic environment

CSQ3 - Design

CSH4 - Meeting housing needs

CSS1 - The Overall Strategy

CS1 - Presumption in favour of sustainable development

5.3 South Oxfordshire Local Plan 2011 (SOLP) policies;

C8 - Adverse affect on protected species

C9 - Loss of landscape features

D1 - Principles of good design

G2 - Protect district from adverse development

C4 - Landscape setting of settlements

C6 - Maintain & enhance biodiversity

D2 - Safe and secure parking for vehicles and cycles

D10 - Waste Management

D3 - Outdoor amenity area

T1 - Safe, convenient and adequate highway network for all users

T2 - Unloading, turning and parking for all highway users

D4 - Reasonable level of privacy for occupiers

G4 - Protection of Countryside

H4 - Housing sites in towns and larger villages outside Green Belt

South Oxfordshire Design Guide 2016 (SODG)

5.4 National Planning Policy Framework (NPPF)

National Planning Policy Framework Planning Practice Guidance (NPPG)

6.0 **PLANNING CONSIDERATIONS**

6.1 The main areas of consideration for this application are as follows:

- The principle of development
- the impact of the design, height, scale and materials upon the character of the site, the street scene and the wider AONB;
- the environmental and ecological impact of the loss of some open space;
- the impact upon neighbouring amenity, in terms of light, outlook and privacy
- the impact upon the highway network, in terms of highway safety, access and parking provision.

Principle of Development

6.2 There are no objections to the demolition of the existing dwelling on the basis of its historic or architectural significance, subject to an acceptable ecological impact. This is covered in more detail below. However, the principle of erecting two dwellings within the site is more contentious, due to the sensitivity of the location and the conclusions reached by the appeal inspector, that the previous proposal would not comprise an infill development and it would harm the defining characteristics of the AONB.

6.3 The principle of new housing development within Woodcote is supported by both SOCS Policy CSR1 and Policy H10 of the WNP. For the avoidance of doubt, 'infill' is defined as development which would fill-in a small gap in an otherwise built-up frontage or be closely surrounded by other buildings. Officers accept that this scheme would not strictly comprise infill, as it would involve a net gain in residential units within a site located behind a built-up frontage, which is not closely surrounded by other buildings. Nevertheless, appropriate redevelopment schemes are also supported by the same Development Plan policies, provided that they would not result in an outward expansion of the village or conflict with the council's policies on neighbouring amenity, highway safety and the visual amenity of the area.

6.4 In this regard, the proposal is materially different to the appeal scheme as it would arguably involve the provision of housing only within previously-developed land and it would involve the removal of a number of other ancillary structures. The indicative layout suggests that there would be no encroachment upon the surrounding countryside or any greenfield land. Strictly on the basis that the existing structures within the site would be removed and the housing would be confined to the previously-developed western corner of the plot, retaining the green buffer towards the east, officers consider that the provision of two dwellings in this location would not conflict with the Development Plan. The principle is acceptable, subject to compliance with other relevant design policies.

Scale and Design

6.5 The scale and design of the proposal would be considered primarily against Policy H4 of the SOLP and Policy D1 of the WNP. WNP Policy H10 also places particular emphasis upon the importance of preserving the open, rural character of the AONB. This is also reinforced by Policy CSEN1 of the SOCS and Paragraph 115 of the National Planning Policy Framework which both promotes sustainable forms of development and attaches 'great weight' to the importance of conserving the scenic beauty and special landscape character of the area.

6.6 Given the particular sensitivity of this site and the desirability of preserving the open

character of the AONB, officers have sought to resist the provision of full-height two-storey dwellings, particularly given the limited space available within the west of the site. Although the strict 10% volume limit set out under replacement dwelling Policy H12 of the SOLP would not apply to this proposal, as the existing dwelling is within the confines of Woodcote, it is essential that any new housing in this location does not have a cramped appearance within the site or an adverse visual impact upon the rural character of the wider area.

- 6.7 It is noted that the level of plot coverage by built structures would be exceptionally low and both dwellings would benefit from private amenity spaces well in excess of the 100 sq. metres recommended within Section 7 of the SODG. The proposal would also preserve the open agricultural land to the east of the site which the council previously defended at appeal. There would also be enough off-street parking provision to meet the greater requirements of Policy T8 of the WNP.
- 6.8 In terms of the design of the dwellings, it is noted that the northern bungalow would not have a significantly greater footprint than the existing stable buildings and it would have a relatively low-key, simple form consistent with the surrounding rural vernacular. There are also no objections to the proposed garage, on the basis that it is not of a scale which would compete with the main dwelling and it would have a simple, functional form consistent with the council's adopted design guidance.
- 6.9 Although the southern property would have greater bulk and massing, it would replace a much extended chalet bungalow which does not contribute positively to the rural character of this part of Woodcote. Officers consider that the proposed dwelling is of an appropriately modest scale and it would have a traditional form and detailing with both a low eaves and low overall ridge height. The design is broadly in accordance with advice within the Chilterns Buildings Design Guide and as it would also project no further to the east than the existing 1980s garage building. Officers are therefore satisfied that this development can be assimilated into its surroundings without materially harming the special landscape character of the AONB.

Highways Impact

- 6.10 The local highways authority raise no objection to this proposed intensification of the use of the existing access or the level of visibility at the junction with Beech Lane. As the proposal would provide adequate parking and turning areas within the site, officers are satisfied that there would not be harmful impact upon the local highway network.

Neighbouring amenity

- 6.11 The northern bungalow would be separated from the nearest dwellings at Capricorn and Lavant by a distance of approximately 30m and it would be well-screened from both properties. There are no neighbour objections to this particular aspect of the proposal.
- 6.12 It is acknowledged that the owners of the existing adjoining bungalow at Hawthorne Cottage raise objection to the relationship with the new detached property and its ancillary garage building. The neighbours were visited over the course of the application and the garage position and first floor internal layout of the main dwelling were amended in response to concerns raised on site.
- 6.13 It is fully accepted that there would be a higher level of visibility of the proposed 8m-high dwelling than the existing bungalow as a result of its revised position within the site. However, officers also have to weigh the position of the dwelling against the landscape impact which formed part of the previous refusal reasons for the appeal scheme. In this regard, it was considered important to contain the built form within the previously-developed parts of the site in order to mitigate the level of impact upon the AONB.

- 6.14 In assessing the corresponding neighbour impact, officers are mindful that the impact of a development proposal upon private views is not a material planning consideration. It is well established that the council can only take into account material losses of daylight, sunlight or privacy, with supporting advice from the council's adopted design guidance.
- 6.15 The property at Hawthorn Cottage benefits from a generous private area to the west, in excess of 1500 sq.m and the main outlook from the neighbouring dwelling is onto this garden area. The areas of concern raised by consultees relate to the impact of the proposal upon the east of the property which is served by two smaller patio areas and there are a number of window openings facing the development site.
- 6.16 It is noted that the two existing semi-detached properties are separated by an existing fence and planting approximately 2m in height. Although the ridgeline would project well above this, the part of the gable nearest to Hawthorn cottage has a reduced height and there is a reasonable 7.5m setback from the property boundary. Furthermore, the distance from all habitable openings at the neighbour's south-east elevation to the north-west gable of the new dwelling would exceed the SODG recommendation of 12m. Officers are satisfied that there would still be a reasonable amount of visible daylight to the windows facing the development site and it is also worthy of note that the most directly affected rooms are also served by openings at the opposite elevation. Although there is likely to be some loss of sunlight to the patio area at the boundary, the proposed dwelling would be located to the east of the neighbouring property. Any overshadowing would be most acute at the earlier parts of the day and confined to a relatively small portion of the neighbour's property.
- 6.17 The position of the garage was moved 2m further to the north-east, at the neighbour's request. Although the garage building would still be comparatively close to the property boundary, there would be a 3m buffer and there is considerable screening provided by the existing boundary treatment. Officers are satisfied that there would not be a material impact upon any windows serving primary living accommodation.
- 6.18 With regard to the privacy impact, the first floor bedroom 4 window was relocated from the north-west to the south-east elevation, in order to avoid privacy impact upon the patio area to the south of the neighbouring dwelling. Although concerns have now been raised over the first-floor rear facing dormer window serving bedroom 1, this faces towards the south of the application site and there is a distance of approximately 12.5m to the western boundary. Any views of the neighbouring property from this window would be very oblique and officers are satisfied that there would not be a material loss of privacy through direct overlooking.

Arboricultural Impact

- 6.19 Following discussions with the council's Forestry Team, the position of the dwelling was relocated by approximately 5.5m to the north-east, in order to address potential conflict with the root protection areas (RPA) of the mature trees to the south of the site. This aspect of the proposal is now considered acceptable, subject to appropriate tree protection and landscaping conditions.

Ecology

- 6.20 As no physical evidence of bat roosting was observed during the 2014 ecological surveys, the council's ecologist is satisfied that a pragmatic approach can be taken and it is appropriate to require further surveys and a mitigation strategy as a condition of consent.

6.21 **Community Infrastructure Levy (CIL)**

The council's CIL charging schedule was adopted on 1 April 2016. CIL is a planning

charge that local authorities can implement to help deliver infrastructure and to support the development of their area, and is primarily calculated on the increase in footprint created as a result of the development. In this case CIL is liable for the development because the proposal involves the creation of new dwellings. The CIL charge applied to new residential development in this case is £150 per square metre of additional floorspace.

7.0 CONCLUSION

7.1 The proposal is in accordance with the relevant Development Plan policies and national planning policy. The proposed development would make more efficient use of land within a sustainable location and officers consider that the proposal to redevelop the site to accommodate two detached properties would not cause material harm to the character and appearance of the site, or the special rural character of this part of the Chilterns Area of Outstanding Natural Beauty. The council is also satisfied that there would not be a significantly overbearing or oppressive impact upon neighbouring amenity and the proposal is considered acceptable in terms of its impact upon the local highway network.

8.0 RECOMMENDATION

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

- 1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.**
- 2. That the development hereby approved shall be carried out in accordance with the details shown on the approved plans, except as controlled or modified by conditions of this permission.**
- 3. Prior to the commencement of the development hereby approved, a schedule of all materials to be used in the external construction and finishes of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority**
- 4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order), no extensions or outbuildings as defined by Schedule 2, Part 1, Class A, B and E of the Order shall be erected without the prior written permission of the Local Planning Authority.**
- 5. Prior to the first occupation of the development hereby approved, the parking and turning areas shall be provided in accordance with the approved site plan and shall be constructed, laid out, surfaced, drained and completed to be compliant with sustainable drainage (SuDS) principles, and shall be retained unobstructed except for the parking of vehicles associated with the development at all times.**
- 6. The garage accommodation hereby approved shall be retained as such and shall not be adapted for living purposes without the prior written permission of the Local Planning Authority.**
- 7. Except in the case of any building work hereby permitted, no change in the levels of the land shall take place unless in accordance with a detailed scheme which shall have been submitted to and approved in writing by the Local Planning Authority before any development commences on site. The scheme shall include details of existing and proposed ground levels.**

8. Prior to the commencement of the development hereby approved, including any site clearance or demolition, a report containing the findings of an updated preliminary bat roost assessment, recommended mitigation and Natural England licence requirements shall be submitted to and approved in writing by the Local Planning Authority. If required, further bat activity survey findings shall be submitted along with this report. Thereafter, the development shall be implemented in accordance with the approved details as contained within the approved report. Any variation from the approved details will need to be agreed before any such change is made.
9. Prior to the commencement of the development hereby permitted a scheme for the landscaping of the site, including the planting of live trees and shrubs and the provision of boundary treatment shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted.
10. Prior to the commencement of any site works or operations relating to the development hereby permitted, an arboricultural method statement to ensure the satisfactory protection of retained trees during the construction period shall be submitted to and approved in writing by the Local Planning Authority.
11. Unless otherwise agreed by the Local Planning Authority, development must not commence until a contaminated land statement has been submitted to and approved in writing by the local planning authority, along with details of any remediation works identified.
12. Prior to the first occupation of either of the dwellings hereby approved, the existing dwelling must be demolished.
13. Prior to the works of demolition, a method statement detailing the remedial works to the existing party wall must be submitted to, and approved in writing by the local planning authority. Thereafter, the approved works shall be implemented strictly in accordance with the approved details.

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