

<b>APPLICATION NO.</b>	<a href="#">P16/S3163/FUL</a>
<b>APPLICATION TYPE</b>	FULL APPLICATION
<b>REGISTERED</b>	22.9.2016
<b>PARISH</b>	DIDCOT
<b>WARD MEMBER(S)</b>	Tony Harbour Bill Service Steve Connel
<b>APPLICANT</b>	Mr & Mrs Barnes
<b>SITE</b>	7 Trent Road, Didcot, OX11 7QQ
<b>PROPOSAL</b>	Replacement of existing double garage with a new detached 2 bedroom dwelling.
<b>AMENDMENTS</b>	As amended by Drawing 1000.01/A003 Rev PL/C showing car parking spaces accompanying letter dated 11 October 2016.
<b>GRID REFERENCE</b>	453610/190670
<b>OFFICER</b>	Paul Bowers

1.0 **INTRODUCTION**

1.1 The application is referred to planning committee because the views of the Didcot Town Council differ from the officer's recommendation.

1.2 The site comprises part of the existing residential curtilage of 7 Trent Road which is a detached two storey dwelling set back from the boundary with Trent Road and accessed via a shared driveway. It includes a detached double, pitched roof garage to the front with garage doors facing west and the access to the highway which also serves numbers 9 and 11 Trent Road.

1.3 A plan identifying the site can be found at **Appendix 1** to this report.

2.0 **PROPOSAL**

2.1 The application seeks full planning permission from the council to replace the existing garage building with a two storey detached two bedroom dwelling with associated parking and garden space.

2.2 The application has been amended to show how two car parking spaces can be achieved on the site.

2.3 Reduced copies of the plans accompanying the application can be found at **Appendix 2** to this report. All the plans and representations can be viewed on the council's website [www.southoxon.gov.uk](http://www.southoxon.gov.uk) under the planning application reference number.

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

3.1 **Didcot Town Council** – Recommend refusal of planning permission to the scheme as amended and including the following concerns as their reasons ;

- Parking.
- Impact on the street scene.
- Loss of light.
- Overdevelopment.
- Lack of amenity space.

## Neighbour Responses –

2 x properties made objections some across several separate responses to the scheme as originally submitted covering the following issues;

- The dwelling is out of keeping with adjoining properties because of its position forward on the plot.
- Loss of light to number 5 Trent Road.
- Loss of privacy to 5 Trent Road.
- Insufficient parking and leading to parking on the road.
- Builders vehicles parking on the highway.
- Not in keeping with the original vision of the developer.

6 x properties made objections some across several separate responses to the amended scheme submitted covering the following issues;

- Not an infill site as it is currently occupied by a garage.
- Insufficient parking.
- Low levels of light at number 5 Trent Road.
- Concern about comments from the applicant about light levels in 5 Trent Road.

**Highways Liaison Officer** - No objection following the submission of amended plans but request conditions relating to the the provision of parking.

### 4.0 RELEVANT PLANNING HISTORY

4.1 None.

### 5.0 POLICY & GUIDANCE

5.1 **National Planning Policy Framework  
National Planning Policy Framework Planning Practice Guidance**

**South Oxfordshire Core Strategy 2027** policies

CS1 - Presumption in favour of sustainable development

CSDID3 - New housing at Didcot

CSQ3 - Design

**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

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**

### 6.0 PLANNING CONSIDERATIONS

6.1 The issues to consider in relation to this proposal are;

- **The principle of development.**
- **Whether the proposal accords with the criteria of Policy H4.**
- **Garden size.**
- **Impact on the amenities of the occupants of nearby properties.**

- **Impact on highway safety.**
- **Other issues.**

**The principle of development.**

- 6.2 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
- 6.3 In the case of this application, the most relevant parts of the Development Plan are the South Oxfordshire Core Strategy 2027 (SOCS) which was adopted in December 2012 and the saved policies of the South Oxfordshire Local Plan 2011 (SOLP).
- 6.4 Development which is not in accordance with an up-to-date development plan should be refused unless material considerations indicate otherwise.
- 6.5 Paragraph 14 of the NPPF advises that there is a presumption in favour of sustainable development.

For decision-taking this means “approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: – any adverse impacts of doing so would **significantly and demonstrably outweigh the benefits**, when assessed against the policies in this Framework taken as a whole; or – specific policies in this Framework indicate development should be restricted.”

- 6.6 Policy CS1 of the SOCS echoes the provisions of Paragraph 14 of the NPPF. Policy CSS1 of the SOCS sets out the overall development strategy for the District and advises that proposals should be consistent with the overall strategy of focusing major new development in Didcot; supporting the roles of Henley, Thame and Wallingford by regenerating town centres and providing new housing, services and infrastructure; supporting the 12 larger villages of the District as local service centres; supporting the smaller and other villages by allowing for limited amounts of housing; and outside of the above areas, any changes will need to relate to very specific needs.
- 6.7 Currently the council cannot demonstrate a 5 year housing land supply and the presumption in favour of sustainable development, set out in Paragraph 14 of the NPPF, applies. This means that our core strategy housing policies, including the element of SOCS Policy CSDID3 relating to housing in Didcot, are out of date and are given less weight in our decision making.
- 6.8 In this particular case the site is located within an established residential estate in the built confines of Didcot. Although the element of Policy CSDID3 which permits infill development in the town no longer carries significant weight, this site is very clearly in a sustainable location. The requirement that the development must be ‘infill’ no longer applies. However in any event this site, although not an existing gap in an otherwise built up frontage, is closely surrounded by buildings on all sides and in my view would meet the definition of infill development.
- 6.9 I conclude that this is a sustainable location and would be considered infill development. The lack of a 5 year land supply engages the presumption in favour of

sustainable development which in my view this scheme is proposing. This fact has significant weight in terms of the planning balance. Whilst the provision of a single unit is unlikely to contribute in a meaningful way to the current shortfall of housing, the presumption in favour of sustainable development applies unless there is significant and demonstrable harm that outweighs the benefit of permitting what would otherwise be a sustainable form of development.

- 6.10 This is important in the consideration of this application as it is set out in the following sections of this report that there is harm that would be caused by this development but the fact that paragraph 14 of the NPPF is engaged this harm has to be of such a scale that it is both significant and demonstrable.

**Whether the proposal accords with the criteria of Policy H4 of SOLP.**

- 6.11 If a proposed housing development is acceptable in principle then the detail of the proposal must be assessed against the criteria of Policy H4 which deals with new housing.
- 6.12 The two policies in the main cover the same issues with the criteria of Policy H4 also including reference to criteria relating to the physical works of development. Provision (i) of Policy H4 *states ‘an important open space of public, environmental or ecological value is not lost, nor an important view spoilt.’* 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.’*
- 6.13 This new building replaces an existing single storey detached pitched roof garage forward of the existing 7 Trent Road. Although there is screening along the boundary with the road the garage is visible and forms part of the character of the street scene.

There is understandably concern about having a two storey dwelling sited forward of the properties on either side. The height of the building will mean that it is far more visible than the existing garage. In terms of overall design the building is simple in form and appearance. The dwellings on this part of the Ladygrove Estate are not uniform in their appearance, design or materials. In my view this dwelling would add to the variety and pallet of design in the immediate area rather than be so different it would be at odds with the wider character of the estate.

- 6.14 The position forward of the adjoining properties will be at odds with the immediate properties. However, as one travels through the estate it is clear that the siting of properties is not uniform and do differ throughout. A number of buildings are sited on the boundary of the road both front on and side on to the highway. I accept however that in this immediate area it will be at odds with its surroundings. However, going back to weighing this harm in the balance and considering the weight given to the fact that this is a sustainable form of development, the harm that it would cause to the visual amenity of the area will not in my opinion be so great that it would be significant. It would not outweigh the presumption in favour of sustainable development.
- 6.15 *Provision iv) of Policy H4 states that there should be no overriding amenity or environmental or highway objections.*

In terms of amenity this refers to both the amenity space being provided for the occupants of the existing and new property and also the amenity of occupants of nearby properties. These issues are also covered by other policies within SOLP such as Policy D3 and T1 and they are considered separately as they are fundamental

issues to this proposal.

- 6.16 In respect of the element of provision iv) that relates to the environment there are no environmental issues that would justify resisting the proposal.

**Plot coverage and garden size.**

- 6.17 Policy D3 of SOCS seeks to ensure that new dwellings should provide adequate private outdoor space. The amount of land to be used for garden or amenity space will be determined by the size of the dwelling and the character of surrounding development.
- 6.18 The South Oxfordshire Design Guide sets out the minimum amount of private amenity for 2 bedroom units at 50 square metres and 100 square metres for three bedroom properties and above.

The layout of the development ensures that both units exceed this minimum amount. The retained dwelling had a rear garden of 116 square metres whilst the new dwelling benefits from 59 square metres.

The inability to provide these minimum standards would be an indicator that a proposal amounts to an overdevelopment. However this is not the case here. Both properties demonstrate that they are able to provide the required garden and parking provision and in my view this does not amount to an over development of the site.

- 6.19 To ensure that the council can control future development and avoid the private amenity space being eroded or lost, conditions are proposed which seek remove the normal permitted development rights to extend the dwelling and erect outbuildings in the garden
- 6.20 Although the shape of the plots will not be regular it is important to note that the existing plot is not a regular shape but this will not be appreciable from outside of the site and will not cause any visual harm.

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

- 6.21 Impact on residential amenity is normally considered in terms of whether a development results in material harm by way of overlooking, loss of sunlight or being so large and close that it is considered oppressive and overbearing.
- 6.22 The two most affected properties are the existing 7 Trent Road and the neighbouring 5 Trent Road.

In terms of the existing 5 Trent Road the new dwelling is set forward and to the north east. This position and juxtaposition means that it will not cause a loss of sunlight or impact the outlook from the main windows on the front of the building. In respect of overlooking, the position forward of the house but not directly in front of it, means that the proposed first floor windows will have no greater overlooking of the rear garden than is possible from the existing neighbouring properties first floor windows.

- 6.23 The greatest impact of the development will be to number 5 Trent Road to the east. This impact will be to the existing windows on the front of that building. An important

factor is that there is an existing building in relatively the same location which has an established effect on the living room window at number 5. The issue therefore is to consider the difference in terms of the existing situation and what is proposed.

- 6.24 The existing building is 4.3 metres high at the apex of the roof and 2.6 metres to the eaves. The new building is 8 metres high to the ridge and 5.4 metres to the eaves. It is located to the north west. In this position it will not result in a direct loss of sunlight to the living room windows. Its height however will have an impact on the overall amount of light coming in to the bay window which serves the living room. However, the building will be at a 45 degree angle to the centre of the living room window. Which means the main outlook is not of the new or the existing building but onto the front boundary of number 5 with the road.
- 6.25 In addition the first floor windows on the new building are set so far forward that they will not enable views of the most private area of the rear garden of number 5 as the dwelling of number 5 will physically block such views. Also the rear of the new building sits behind the front wall of number 5 such that it will not create direct overlooking in to the front windows.
- 6.26 It is accepted that the increase in height of a building in this position will have an impact on the amenities of the occupants of number 5. When taking account of its position relative to the windows on the front of number 5, I conclude that on balance the harm that it would cause is not significant to the point that it would outweigh the presumption in favour of sustainable development.

**Impact on highway safety.**

- 6.27 The new dwelling will be accessed via the existing private driveway serving numbers 7, 9 and 11 Trent Road. No alterations are proposed to the access. The addition of one further dwelling using the access is not considered to result in harmful impact to the highway network

Whilst it is noted that there is local concern that there is no visitor parking provision and about the parking of construction vehicles these do not in themselves amount to a reason for refusal of planning permission. The council does not have a requirement for the provision of visitor parking for domestic residential dwellings and the council cannot control where construction vehicles park. However the latter would be a matter for the police if this were to prove a highway safety issues.

- 6.28 The council's maximum parking standards seek 2 spaces both for the retained number 7 Trent Road and the new property. The application was amended so that the siting of the spaces for the new dwelling were clearly defined. Conditions are proposed at the suggestion of the Highway Authority that the parking areas shall be provided in accordance with the plans prior to the building being occupied and that they are then retained.

**Community Infrastructure Levy (CIL)**

- 6.29 The council's CIL charging schedule has been adopted. 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 as the proposal involves the creation of a new dwelling.

**Other issues.**

- 6.30 A neighbour representation has raised a concern about a hedgehog habitat on the boundary between the site and number 5 Trent Road. Whilst the council does have a duty to conserve biodiversity there is no specific legislation that affords for the protection of hedgehogs; they are however a priority species under Section 41 of the National Environment and Rural Communities Act 2006. An informative is therefore proposed drawing the applicant's attention to the possibility of finding hedgehogs and making every effort to not cause harm.

**7.0 CONCLUSION**

- 7.1 Your officers recommend that planning permission is granted because the proposal will create a new dwelling in a sustainable location and accords with paragraph 14 of the NPPF which sets out the presumption favour of sustainable development.

Whilst there will be an impact to both the overall character of the area and to neighbour amenity the resulting harm is not significant and does not outweigh the benefit of the development.

The site affords for adequate levels of parking and garden space both of which can be controlled by the imposition of the attached conditions. Overall the proposal accords with development plan policies.

**8.0 RECOMMENDATION**

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

1. **Commencement three years - full planning permission.**
2. **Approved plans.**
3. **Sample materials required (all).**
4. **Withdrawal of permitted development rights (Part 1 Class A) - no extensions etc.**
5. **Withdrawal of permitted development rights (Part 1 Class E) - no buildings etc.**
6. **Parking and manoeuvring areas retained.**
7. **Plan of car parking provision (specified number of spaces).**

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