

APPLICATION NO.	P16/S3471/FUL
APPLICATION TYPE	Full Application
REGISTERED	18.10.2016
PARISH	Chinnor
WARD MEMBERS	Ian White Lynn Lloyd
APPLICANT	M.A.Daly Building Contractors
SITE	Land at 67 Lower Icknield Way, Chinnor, OX39 4EA
PROPOSAL	Erection of two detached dwellings with access, parking and amenity space (as amended by drawings to omit the attached garages to each plot)
AMENDMENTS	As above
GRID REFERENCE	475809/201631
OFFICER	Tom Wyatt

1.0 **INTRODUCTION**

1.1 This application is referred to planning committee as the officers' recommendations conflict with the views of the Parish Council.

1.2 The application site (which is shown on the OS extract **attached** as Appendix A) previously formed part of the former rear garden of 67 Lower Icknield Way, a road which comprises largely of linear residential development extending out eastwards from the village centre. Planning permission has already been granted for two dwellings within the original curtilage of the property and one of these dwellings has now been constructed. The site does not lie within any designated area of land.

2.0 **PROPOSAL**

2.1 The application seeks planning permission for the construction of two detached three bed dwellings to be sited on the part of the site where a single detached four bed dwelling and detached garage has already been permitted. 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 Chinnor Parish Council – Objects due to the overdevelopment of the site, unneighbourly development and access.

3.2 Highways Liaison Officer (Oxfordshire County Council) - No objections subject to conditions relating to the construction of the access, provision of turning and parking areas and a construction traffic management plan.

3.3 Neighbours – Two letters of objection received raising the following concerns:

- Plans have not changed since the previous refusal on the site.
- Overdevelopment of the site
- Impact on neighbouring amenity in relation to loss of outlook and privacy
- Cumulative impact of development within the area

4.0 **RELEVANT PLANNING HISTORY**

4.1 [P15/S2983/FUL](#) - Refused (21/04/2016)

Erection of two detached dwellings with access, parking and amenity space.

This application was refused for the following reasons:

1. The proposed development, due to its layout and scale, would represent a cramped form of development resulting in an overdevelopment of the site that would detract from the spacious character and appearance of the site and its surroundings. As such the proposal would be contrary to Policy CSQ3 of the South Oxfordshire Core Strategy and Policies G2, D1 and H4 of the South Oxfordshire Local Plan 2011 and guidance contained within the South Oxfordshire Design Guide and the National Planning Policy Framework.

2. The proposed development would result in a total net gain of three dwellings on land originally forming the curtilage of 67 Lower Icknield Way. The application fails to secure affordable housing contrary to Policy CSH3 of the South Oxfordshire Core Strategy, and insufficient information has been submitted to justify a departure from the requirements of this Policy.

A copy of the site plan associated with this application is **attached** as Appendix C.

[P15/S0490/FUL](#) - Approved (23/04/2015)

Erection of two detached dwellings with access, parking and amenity space.

N.B. This scheme is for two dwellings to the rear of the neighbouring property, 69 Lower Icknield Way

[P14/S3303/RM](#) - Approved (15/12/2014)

Reserved Matters application (appearance, scale and landscaping), following Outline permission P14/S0098/O for the erection of two detached two-storey dwellings with garaging, parking, access and amenity space.

[P14/S0098/O](#) - Approved (29/07/2014)

Erection of two detached two-storey dwellings with garaging, parking, access and amenity space.(as amended by revised layout drawing 1507 01b accompanying agent's letter dated 19 March 2014)

5.0 **POLICY & GUIDANCE**

5.1 National Planning Policy Framework

National Planning Policy Framework Planning Practice Guidance

5.2 South Oxfordshire Core Strategy (SOCS) policies:

CS1 - Presumption in favour of sustainable development

CSQ3 - Design

CSR1 - Housing in villages

5.3 South Oxfordshire Local Plan 2011 (SOLP) 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

- 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

5.4 South Oxfordshire Design Guide 2016 (SODG)
Emerging Chinnor Neighbourhood Plan

6.0 PLANNING CONSIDERATIONS

- 6.1 The main considerations in relation to this application proposal are:
1. Impact on the character and appearance of the site and surrounding area
 2. Impact on the amenity of neighbouring occupiers
 3. Affordable housing provision
 4. Other material considerations

The Impact on the Character and Appearance of the Site and Surrounding Area

- 6.2 The site lies within the built up area of Chinnor and planning permission has already been granted for a single dwelling on this part of the former garden area to 67 Lower Icknield Way. As such the principle of development is acceptable in relation to Policy CSR1 of the SOCS.
- 6.3 Amongst other matters Policy H4 of the SOLP requires that the design, scale, height and materials of development are in keeping with its surroundings and that the character of the area is not adversely affected. The design of the dwellings is relatively consistent with the dwelling previously approved and are not excessive in scale or height. The materials would also be consistent with the previous approval.
- 6.4 The application site originally formed part of the deep garden relating to 67 Lower Icknield Way. The depth of this garden was consistent with the depth of the plots to the west and east. However, planning permission has subsequently been granted and implemented for development within the rear gardens of neighbouring properties to the east comprising 69-77 Lower Icknield Way. Copies of the site plans relating to these developments (applications P15/S0591/FUL and P15/S0490/FUL are **attached** as Appendix D. As such backland development has become an established part of the grain of the surrounding built form. However, the backland development that has been approved to date has enabled the retention of more generous gardens to the retained dwellings fronting Lower Icknield Way and more generous gaps between the backland development and the host property than would be the case in respect of the application scheme.
- 6.5 The approved development to the rear of 69 Lower Icknield Way retains a garden depth to no. 69 of 14 metres and a gap of 19 metres between the rear of the new dwelling and the rear elevation of no. 69. The retained rear gardens to 71, 73 and 75 Lower Icknield Way would have a depth of at least 25 metres with the gap between the new dwellings and the rear of the existing dwellings being at least 30 metres. In contrast 67 Lower Icknield Way would have a retained rear garden depth of approximately 6 metres and there would be a separation of approximately 10 metres between the rear elevation of no. 67 and the closest proposed dwelling. This represents a very similar gap compared to the approved scheme on the site. In this regard the relationship between the rear of no. 67 and the dwelling on Plot 1a has already been found to be acceptable.
- 6.6 The previous application for two dwellings on the site was refused due to being a cramped form of development out of keeping with the more spacious character and appearance of the surroundings. In my view there are sufficient material physical differences between the two schemes and in relation to the wider policy context that

weigh in favour of the scheme in relation to the overall planning balance.

- 6.7 The removal of the garages to the side of each of the dwellings has increased the gap between the rear of no. 67 and the side of Plot 1a to a distance consistent with the already approved scheme. Compared to the previously refused scheme the gap between the north west elevation of Plot 1b and the dwelling already constructed under the previously approved scheme on this site would be increased by over 2 metres. In my view the current scheme would result in a less cramped relationship between the proposed dwellings and the surrounding built form.
- 6.8 The council cannot demonstrate a five year housing land supply. Whilst development plan policies requiring good design are still afforded full weight, the presumption in favour of sustainable development now applies in that the council should only refuse a housing scheme where the adverse impact of the development significantly and demonstrably outweighs its benefits. In this regard I consider that this amended scheme has addressed the main criticisms in relation to the layout of the previous scheme and the residual harm caused to the character and appearance of the surrounding area would not be sufficient to outweigh the benefit of providing an additional dwelling on the site.

Impact on the Amenity of Neighbouring Occupiers

- 6.9 The previous scheme was not refused in relation to its impact on the amenity of neighbouring occupiers. There have been no material changes to the relationship between the site and the neighbouring properties in the intervening period.
- 6.10 Despite its relatively close relationship with the rear of no. 67 the dwelling on Plot 1a would not cause any significant harm to the amenities of the occupiers of no. 67. The dwelling would lie some 6 metres to the north of the boundary with no. 67. Having regard to the orientation and design of the dwelling I do not consider that the development would result in any significant loss of light or outlook to the rear of no. 67 and there would be no material loss of privacy as the first floor facing window from Plot 1a relates to an ensuite and can be obscure glazed.
- 6.11 The proposal would intensify the impact on the rear garden of no. 63 through additional noise and disturbance as a result of an additional dwelling and rear garden backing on to the shared boundary. Such an impact is difficult to quantify and on balance I do not consider that the additional disturbance would materially harm the amenities of no. 63 compared to the approved scheme on the site. The two storey elements of Plots 1a and 1b would be over 10 metres from the shared boundary with no. 63 and the development would not result in any material loss of light or outlook from the rear garden of no. 63. However, the development would double the number of bedroom windows looking directly towards the rear garden of no. 63 compared to the approved scheme. Despite this I consider that the distance between the windows and the boundary and the screening along the boundary would prevent there being a severe loss of privacy to the neighbouring garden area.
- 6.12 A separation distance of over 10 metres would exist between the north east elevations of Plots 1a and 1b and the boundary with 69 Lower Icknield Way and this is sufficient to guard against significant overlooking of the adjoining garden area particularly as the first floor windows facing this direction do not relate to habitable rooms. The additional dwelling on the site would intensify the use of the access road, however, not to the extent that there would be a material loss of amenity to the occupiers of no. 69 or the future occupiers of the new dwellings to the rear of this property.

- 6.13 The rear garden depths proposed and the relationship with the surrounding dwellings accords with the requirements of the SODG. Furthermore, the garden sizes of the proposed dwellings comfortably exceed the requirements of the SODG and would provide sufficient outdoor garden areas for the future occupiers of the dwellings.

Affordable Housing Provision

- 6.14 The application site represents a smaller part of the application site for the two dwellings approved under application P14/S0098/O. In this regard the proposal would result in a net gain of three dwellings on the wider application site and as such provision for affordable housing should be made having regard to Policy CSH3 of the SOCS. The lack of affordable housing provision was a refusal reason of the previous application.
- 6.15 However, changes to the NPPG have been made since the previous refusal, which now means that affordable housing contributions and provision should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1,000 square metres (gross internal area). In these circumstances there is no longer a requirement for the development to contribute towards affordable housing provision.

Other Material Considerations

- 6.16 The proposal is acceptable in relation to access, parking and turning provision and the Highway Authority has raised no objections to the scheme. There are no issues in relation to the loss of vegetation or ecological impacts.
- 6.17 Chinnor is progressing a Neighbourhood Plan, which has been submitted to South Oxfordshire District Council and is currently out to consultation. The Neighbourhood Plan has some limited weight in relation to the assessment of this application, however, there is no apparent inconsistency between the proposal and the Neighbourhood Plan policies.
- 6.18 The development would be liable to pay the Community Infrastructure Levy (CIL) at a rate of £156 per square metre and 15% of the CIL monies would go to Chinnor Parish Council for spending on local infrastructure.

7.0 CONCLUSION

- 7.1 The application proposal is in accordance with the relevant development plan policies and national planning policy as, on the planning balance and subject to conditions, the development would respect the character and appearance of the site and the surrounding area and would not cause any significant harm to the amenities of neighbouring occupiers. In addition the proposal would not cause a severe impact in respect to highway safety and convenience.

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 the approved plans.**
- 3. Samples of materials to be agreed prior to the commencement of the development.**
- 4. Proposed ground and finished floor levels to be agreed prior to the commencement of the development.**
- 5. Landscaping scheme, including hardsurfacing and boundary treatments,**

- to be agreed prior to the commencement of the development.
6. Construction traffic management plan to be agreed prior to the commencement of the development.
 7. Existing access to be improved and laid out to the local highway authority's specifications prior to the first occupation of the development.
 8. Parking and turning areas to be provided in accordance with the approved plans prior to the occupation of the development.
 9. Obscure glazing to the south east facing first floor window of plot 1a.
 10. Withdrawal of permitted development rights for extensions, roof extensions and outbuildings.

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