

<b>APPLICATION NO.</b>	<a href="#">P16/S3555/FUL</a>
<b>APPLICATION TYPE</b>	Full application
<b>REGISTERED</b>	25.10.2016
<b>PARISH</b>	BIX
<b>WARD MEMBERS</b>	David Nimmo-Smith Charles Bailey
<b>APPLICANT</b>	Miss Claire Randall
<b>SITE</b>	Leys Stable Cottage, Old Bix Road, Bix, RG9 6BY
<b>PROPOSAL</b>	Variation of condition 2 and 5 of planning permission P14/S4069/FUL to replace approved plans and for the insertion of a clear glazed first floor window in north or south elevation (as amended by plans received on 21 January 2017 to omit windows on the south elevation and re-position roof light on north elevation).
<b>AMENDMENTS</b>	As above
<b>GRID REFERENCE</b>	473192/185170
<b>OFFICER</b>	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 is shown on the OS extract **attached** as Appendix A. Leys Stables has an extensive history of residential and equestrian development. The site has permission for a replacement dwelling in lieu of stabling and a smaller dwelling previously on the site. The site is located on the edge of the village and falls within the Chilterns Area of Outstanding Natural Beauty (AONB).

2.0 **PROPOSAL**

2.1 The application seeks retrospective permission for a variation to the already approved dwelling to allow for additional window openings at first floor level on the north and south elevation of the dwelling. The original plans for this current application, which are **attached** as Appendix C, indicated a new dormer window to a bedroom and a new casement window to a further bedroom on the south elevation of the dwelling, and a new rooflight to serve a bedroom on the north elevation of the dwelling. The provision of these additional windows is in direct conflict of condition 5 of planning permission P14/S4069/FUL, which states:

*The proposed windows/rooflights positioned above ground floor level on the north and south elevations of the development hereby permitted shall either be obscure glazed and fixed shut non-opening windows or positioned so that the cill level is more than 1.7 metres above the internal floor level. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) no further windows shall be inserted above ground floor level in the north and south elevations of the dwelling hereby permitted.*

2.2 The provision of the additional windows as outlined above was not considered acceptable due to the loss of privacy caused to the neighbouring occupiers to the north and south. As a result the scheme has been amended so that new window openings on the south elevation have been removed although the dormer is retained without an

opening, and the rooflight on the north elevation is indicated as having a cill height of at least 1.7 metres above the internal floor level of the associated room.

- 2.3 A copy of the amended 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](http://www.southoxon.gov.uk).

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

- 3.1 Bix & Assendon Parish Council – Objects in order not to support and encourage applicants to flout planning process by building not in conformity with approved plan. The dormer is disproportionate in size as built – in particular with the blank panel.

Neighbours – Five letters of objection received:

- Loss of privacy
- The blank dormer window is likely to be glazed in the future
- Overbearing to neighbouring properties
- Original plans and conditions should be enforced.

4.0 **RELEVANT PLANNING HISTORY**

- 4.1 [P14/S4069/FUL](#) - Approved (18/05/2015)

Variation of condition 2 of planning permission P14/S1529/FUL

Demolition of existing dwelling and erection of a replacement 4 bed dwelling with integral double garage and associated amenity space provision. (As amended by drawings 13 357 03C and 13 357 13 to reduce the width of the garage and revise the roof design of the proposed dwelling).

A copy of the approved plans in relation to this application are **attached** as Appendix D.

[P14/S1529/FUL](#) - Approved (04/09/2014)

Demolition of existing dwelling and erection of a replacement 4 bed dwelling with integral double garage and associated amenity space provision. (As amended by drawings 13/357/03 A; 13/357/04 A; and 13/357/04 B to reduce the size of the proposed replacement dwelling)

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

CSEN1 - Landscape protection

CSS1 - The Overall Strategy

- 5.3 South Oxfordshire Local Plan 2011 policies:

C4 - Landscape setting of settlements

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

EP2 - Adverse affect by noise or vibration

G2 - Protect district from adverse development

G4 - Protection of Countryside

H12 - Replacement dwelling

- 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

## 6.0 **PLANNING CONSIDERATIONS**

6.1 The main planning considerations in relation to this application are:

1. The impact on the character and appearance of the site and surrounding area
2. The impact on the amenity of neighbouring occupiers

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

6.2 The only material differences between the dwelling as approved most recently under application P14/S4069/FUL and the current scheme are the provision of the rooflight over the garage in the north elevation and a dormer on the south elevation. Having regard to the scale and siting of the dwelling both of these alterations are minor and do not result in any significant impact on the character and appearance of the site and its surroundings or the landscape qualities of the Chilterns AONB when compared to the impact from the dwelling as approved.

6.3 The dormer structure complicates the roof form of the dwelling but would not extend above the ridge of the dwelling, and would only be visible in short range private views from neighbouring properties. In light of this I consider that the overall design and scale of the dwelling remains acceptable having regard to relevant development plan policies, including Policies CSQ3 and CSEN1 of the SOCS and Policies G2, D1 and H4 of the SOLP.

### The Impact on the Amenity of Neighbouring Occupiers

6.4 The original plans were not acceptable as the bedroom openings proposed on the south elevation of the dwelling would have resulted in direct overlooking into the private garden area of Cross Leys to the south. Furthermore the new rooflight in the north elevation would have resulted in overlooking towards Grey Lodge to the north. As such the original scheme failed to comply with Policy D4 of the SOLP, which states that development will not be permitted if it would unacceptably harm the amenities of neighbouring properties through loss of privacy, daylight or sunlight.

6.5 The amended plans have removed window openings from the south elevation apart from the bathroom window already approved. The new rooflight on the north elevation is retained but will be a high level window (at least 1.7 metres above internal floor level) to protect the privacy of Grey Lodge. In light of these amendments and the recommended conditions the proposal would not result in any additional harm to the amenity of adjoining occupiers in comparison to the already approved scheme.

## 7.0 **CONCLUSION**

7.1 The application proposal is in accordance with the relevant development plan policies and national planning policy as, 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.

8.0 **RECOMMENDATION**

8.1 To grant planning permission subject to the following conditions:

1. Development to be carried out in accordance with the approved plans
2. The Community Infrastructure Levy (CIL) level of the rooflight at first floor level in the north elevation to be at least 1.7 metres above the internal floor level of the associated room.
3. No further windows shall be inserted above ground floor level in the north and south elevations of the dwelling hereby permitted.
4. This permission varies Condition 2 and 5 of planning permission P14/S4069/FUL only and all other conditions attached to this permission remain in force.

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