

APPLICATION NO.	P16/S3989/FUL
APPLICATION TYPE	Full application
REGISTERED	6.1.2017
PARISH	Garsington
WARD MEMBER(S)	Elizabeth Gillespie
APPLICANT	Landmaze Ltd
SITE	Land adjacent to The Green, Garsington, OX44 9DF
PROPOSAL	Proposed family dwelling and garage on vacant land. Application represents an amendment to approved application reference; (APP/Q3115/W/16/3148649). (As amended and supported by revised plans and arboricultural report received on 13 March 2017, Site Plan Landscaping Plan Addendum to Arboriculture Impact Assessment and Landscaping Plan March 2017 accompanying e-mail from agent received 3 April 2017 and amended Site Plan received 05 April 2017)
AMENDMENTS	As in above description
GRID REFERENCE	N/A
OFFICER	Luke Veillet

1.0 INTRODUCTION

- 1.1 The application is referred to planning committee because the views of the Garsington Parish Council differ from the officer's recommendation.
- 1.2 The application site forms a triangular plot at the centre of the village with The Hill on its western side and The Green to the east. The eastern boundary is marked by a low stone wall and the western boundary by dense evergreen vegetation. There is vehicular access from the highway to the south east of the site from The Green.
- 1.3 The site is currently undeveloped and has several notable constraints. The village is washed over by the Oxford Green Belt and the site is also within the Garsington Conservation Area. The Old School to the south which has been converted in to three dwellings, is a grade II listed building. There are also remains of medieval village cross immediately to the north which is also Grade II listed, as well as being a Scheduled Monument. There are a number of trees across the plot including two Sycamore trees to the south which are the subject of a Tree Preservation Order.
- 1.4 A plan identifying the site can be found at **Appendix 1** to this report

2.0 PROPOSAL

- 2.1 The proposal is a variation to a scheme that was refused by the council and then subsequently approved on appeal in August 2016 (P15/S1890/FUL). This was for a single, detached, two storey dwelling. The new scheme proposed is almost identical (in terms of the main dwelling), aside from a proposed garden room addition to the south elevation; and detached garage and car port to the south east of the plot.
- 2.2 Amended plans were submitted during the course of the application omitting the car port, and reducing the size of the garden room and garage.

- 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 under the planning application reference number

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

3.1 **Garsington Parish Council** – Object

- The increase in size of the proposed dwelling is overdevelopment of the site
- The proposed dwelling will overshadow the neighbouring listed building
- The proposed dwelling is too near to a listed ancient monument
- The proposed dwelling will cause damage to tree roots off site

After amendments

- Endorses conservation and forestry officer's comments
- Would of liked to have seen landscaping plan

County Archaeological Services - No strong views

- Earthworks of a shrunken medieval village have been recorded 150m south of the application site immediately north of the medieval parish Church.
- A number of late C16th and early 17th listed building are located in the vicinity of the Cross and it is likely that this area was utilised in the medieval period.
- It is therefore possible that this development will encounter archaeological deposits related to the medieval development of the village.
- Watching brief should be implemented during construction following submission of approved Written Scheme of Investigation
- Development shall not commence with appointed archaeologist being present.

Historic England (South East) - No strong views

- The dwelling would be located just outside the scheduled area, which extends 10m from the stone cross
- The proposed development is located an acceptable distance from the scheduled monument but could still have an impact on the significance of the monument through the impact on its setting
- The applicant should be advised that any groundworks within the scheduled area, including landscaping and creation of a vegetable garden, would require scheduled monument consent
- Historic England has no objection to the application on heritage grounds. We consider that the application meets the requirements of the NPPF, in particular paragraph number 134

Highways Liaison Officer (Oxfordshire County Council) - No strong views

- No objections subject to conditions to retain parking areas and garage not to be used for living accommodation.
- New access to be completed prior to occupation and old access blocked.
- No water to be discharged onto the highway.

Conservation Officer - No strong views

- Opinion remains that development on this site compromises the character and appearance of the conservation area.
- However, the additions to the dwelling are single storey and unlikely to increase the harm over and above the approved scheme.
- Concerned that the proposed new garage coupled with the proposed level of tree removal will result in considerable alteration to the existing tree-lined nature of the site

- In particular, the setting of the Scheduled Monument was not considered to be harmed because the trees were to be retained. This application as submitted proposes a fundamental change and cause harm to setting of monument.
- It will take a number of years before replacement planting is able to contribute the level of mature green landscaping that the existing trees provide. As such, both the dwelling and new garage structure will be considerably exposed in the conservation area.
- Unable to support this application. I consider that the impact of the proposed removal of a significant number of trees on the site will harm the contribution this site makes to the character and appearance of this part of the conservation area and the setting of the scheduled monument.
- If you are minded to approve this application, it will be important that high quality materials, detailing and finishes are used which should be agreed by condition and that a suitable replacement landscaping scheme is agreed prior to commencement, in line with the Planning Inspector's conditions on the allowed appeal scheme

After Amended Plan

- The reduced size of garage is a small improvement, refer to initial comments

Forestry Officer - No strong views

- Unable to support due to impact of overhanging tree (TPO) (T6) on garden room addition. Unsatisfactory relationship with building
- Impact of garage on RPA of tree T6 & T8.

After amended plans/landscaping scheme

- Proposed landscaping scheme and plan acceptable, subject to implementation and tree protection conditions.

Neighbour Objections (4)

- Too large in sensitive location impacting listed building and scheduled monument
- Destroy rural character of the cross and village
- Village needs low cost housing
- Results in less adequately sized garden area.

4.0 **RELEVANT PLANNING HISTORY**

- 4.1 [P15/S1890/FUL](#) - Refused (28/10/2015) - Approved on appeal (03/08/2016)
Create a single family dwelling (plot adjacent to The Green). (As amended and supported by the plans and reports accompanying the Agent's e-mail dated 21 September 2015 and by the Heritage Statement received on 12 October 2015).

5.0 **POLICY & GUIDANCE**

- 5.1 National Planning Policy Framework

National Planning Policy Framework Planning Practice Guidance

- 5.2 South Oxfordshire Core Strategy 2031 (SOCS) policies

CSS1 - The Overall Strategy

CS1 - Presumption in favour of sustainable development

CSB1 - Conservation and improvement of biodiversity

CSEN2 - Green Belt protection

CSEN3 - Historic environment

- CSQ2 - Sustainable design and construction
- CSQ3 - Design
- CSR1 - Housing in villages

5.3 South Oxfordshire Local Plan 2011 (SOLP) policies;

- C8 - Adverse affect on protected species
- C9 - Loss of landscape features
- CON5 - Setting of listed building
- CON7 - Proposals in a conservation area
- CON11 - Protection of archaeological remains
- CON12 - Archaeological field evaluation
- CON13 - Archaeological investigation recording & publication
- D1 - Principles of good design
- D10 - Waste Management
- 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
- GB4 - Openness of Green Belt maintained
- 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

5.4 Garsington Neighbourhood Plan
(Area designation received stage only - As such carries littleweight)

6.0 **PLANNING CONSIDERATIONS**

6.1 The main planning considerations in this case are:

- **Fall-back position**
- **The principle of the development**
- **Whether it would be detrimental to an important open space of public, environmental or ecological value**
- **Whether the design, height, scale and materials of the proposed development are acceptable**
- **Whether the character of the area would be adversely affected including (conservation area, listed building and Schedule Monument setting)**
- **Whether there are any overriding amenity, environmental or highway objections**
- **Impact on the openness and visual amenity of the green belt**
- **Parking and amenity provision**
- **Archaeological constraints**
- **Other matters**

Fall-back position

6.2 Before looking at the planning merits of this proposal, it is first important to outline the applicant's "fall-back" position. Fall-back positions are material planning considerations and are deemed to be the extent the land can be developed without express planning permission from the council or via extant lawful planning permissions. Case law notes that they must have a realistic possibility of implementation and must be weighed in the balance with all other material considerations.

- 6.3 In this case, the land benefits from an extant planning permission for a very similar scheme. As mentioned in paragraphs 2.1 and 2.2 of this report, the previous scheme that was approved on appeal is only altered by a relatively small single story extension to the south elevation and addition of a single-story garage. Otherwise the built form, design, scale and footprint remain the same. The only other change is reflected in the landscaping scheme, which are examined in more detail further in the report. Whilst this proposal will be assessed on its own merits, the apparent fall-back position holds some weight.

The Principle of the development

- 6.4 The site lies within the Oxford Green Belt. The National Planning Policy Framework (NPPF) attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. To protect openness there is a general presumption against inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt. New buildings in the Green Belt are not inappropriate if (relevant in this case) it amounts to limited infilling in villages.
- 6.5 SOCS policy CSR1 relates to housing in villages and details Garsington to be a “smaller village” in context of this policy. CSR1 details that infill development up to 0.2hectares (the site measures approximately 0.1hectares) within smaller villages in the district will be permitted. SOCS Appendix 1 defines infill development 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.*’ CSR1 and SOCS Green Belt policy CSEN2 also make reference to respecting Green Belt designations.
- 6.6 The NPPF says that where villages are included within the Green Belt, it has to be because they too contribute to the openness (paragraph 86). A reasonable interpretation is that there are features in the character of the village (open spaces) that contribute as such. The filling of open spaces within these Green Belt villages would undeniably have some impact on openness but where this harm is limited, infilling can be acceptable. These are the balanced judgements CSEN2 is seeking. In officer’s opinion, the site is set within the built-up limits of the settlement. Whilst it may not form a small gap in the built up frontage, by virtue of its location, is closely surrounded by buildings. This view was also confirmed in the fall-back planning permission. As such, the development of a dwelling on the site is acceptable, subject to further detailed consideration below.
- 6.7 It is also noted that the district cannot currently 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 SOCS Policy CSR1 relating to housing in villages, are out of date and are given less weight in our decision making. As such, developments that accord with the development plan should be approved without delay. Also, where relevant policies are out of date, planning permission should be granted, unless specific policies in the Framework (noted under footnote 4 to include heritage assets) indicate development should be restricted.

Whether it would be detrimental to an important open space of public, environmental or ecological value

- 6.8 As the development is acceptable in principle, the next step would be to assess the detail against SOLP policy H4 relating to housing in villages. Even though these housing policies are given less weight as described, they provide a good framework for assessment. The first criterion of this policy details that important open space of public, environmental or ecological value is not lost.

- 6.9 In this case, the land and surrounding area, would have historically once formed part of the village green, with the cross monument (discussed further in the report) being the central focal point. Since then the vast majority of the land has been built on, with the only remaining elements being this parcel of land and the small open area to the north where the monument is sited. The land is largely unkempt, has been in private ownership for some time and not accessible to the public. In the appeal decision on the fall-back scheme, the inspector felt the land had little public value. I share this view and in my opinion, as such, the development accords with the mentioned criterion.

Whether the design, height, scale and materials of the proposed development are acceptable

- 6.10 SOLP policy H4 Criterion (ii) requires new dwellings are in keeping with their surroundings in terms design, height, scale and materials. SOCS policy CSQ3 details all new development will be of high quality and inclusive design and respects the character of its site and surroundings. SOLP policy D1 supports good design principles for all new development, including respecting distinctive settlement types and character. SOLP policy CON7 details development within a conservation area should be designed and scale to be in sympathy with the character of the area and use traditional materials where appropriate
- 6.11 In this instance, the main dwelling is very similar to the fall-back scheme in respect of these elements. The difference being the southern garden room and garage outbuilding. Other dwellings in the vicinity are generally traditional, one and half and two storey cottages which are finished in coursed stone with steeply pitched, tiled roofs and timber casements. The development proposes use of similar traditional materials, characteristic of the area. The dwelling features a small number of pitched roof dormer windows which are generally in keeping with SODG principles in terms of their size and form and they are a familiar feature on existing properties along this part of The Green. The elevations have been broken up with the use of single storey lean to elements, dormer windows amongst other features. This variation in building lines helps to reduce the massing of the development. The additional extension to form a garden room, is a relatively small addition to the fall-back scheme. It is single story, with a pitched roof, in keeping with the rest of the design. The addition of the garage is also single story, with a pitched roof and proposed to be constructed of natural materials. In my opinion, the impact of these additions above the fall-back scheme does not have a materially greater impact in terms of design, scale or materials, as such accords with the mentioned policies.

Whether the character of the area would be adversely affected; including conservation area, setting of listed building and schedule monument, tress

- 6.12 SOLP criterion (iii) requires that new housing must not have an adverse impact on the character of the area. In this case, the site is subject to numerous important constraints that contribute to the character of the area that need to be assessed in conjunction with this criterion.

Conservation area

- 6.13 Policy CSEN3 details that heritage assets in the district (including conservation areas) will be conserved and enhanced for their historic significance and important contribution to local distinctiveness and sense of place. In the appeal, fall-back application, it was contended the plot, being an open space contributed to the character of the conservation area. However, during the appeal decision, the inspector did not share this view, moreover it was the boundary trees landscaping surrounding the plot that were aspects that made an important contribution to the character of site and wider

conservation area. In the fall-back scheme, these elements were noted to be retained.

6.14 In the case of this proposal, initially the plans showed a large portion of the north and west boundary hedge trees to be removed and re-planted. This has subsequently been amended by an updated arboriculture statement and landscaping plan. The scheme now includes retention of all the west boundary trees/hedges(G1) (initially reduced to 2m to encourage growth and managed to a 3m height) and removal of the north boundary (G2) and replanting with a 1.5 Hornbeam hedge and three standard hornbeams planted within the hedge. The eastern boundary hedges (G3&G4) will also be replaced with Hornbeam hedging. These northern and eastern hedges will be phased. The existing northern boundary hedge (G1) will remain during construction and can be removed and planted prior to occupation to help protect the character of the site. Hedge G4, to afford access will be removed before construction to provided access. The justification for removal and replanting of the north and eastern hedges is due to their low quality.

6.15 The council's forestry officer has reviewed this matter in detail and is satisfied with the landscaping scheme, subject to conditions it is implemented in accordance with the scheme and adequate tree protection details are submitted prior to commencement on site. Whilst it is acknowledged the hedges will not be fully grown planting, the phased approach will help to minimise the impact. Subject to the retention of the landscaping scheme, I am of the view the harm to the character of the conservation area is offset by the appropriate landscaping, which seeks to retain the important soft boundary treatments. As such, the development accords with the mentioned policies.

Setting of listed building and scheduled monument

6.16 SOLP policy CON5 details that development proposals that adversely affect the setting of a listed building will not be permitted. Policy CON12 details that before determining applications at sites where development may affect a site of archaeological interest (including scheduled ancient monument sites) or potentially of archaeological importance, where necessary, archaeological field evaluations should be undertaken.

6.17 In this case, the site is close to a medieval stone cross, designated both a listed building and scheduled monument. This is outside the boundary of the site, on the other side of the existing boundary stone wall to the north. There is also the Grade II listed school house, adjacent to the land to the south. Historic England were consulted in respect of any impact on the scheduled monument. They confirmed the development is outside the 10m boundary of the monument, but as the site falls within this boundary, separate consent may be required for any groundworks or landscaping in the area. The council's conservation officer raised concerns as initially the hedge, which forms a backdrop to the monument, was shown to be removed and replanted. However, as highlighted in the above paragraph, landscape amendments have been made to allow a phased approach to hedge replanting to minimise the impact. It is accepted the setting will be altered to a degree, by lower smaller hedges, but will still provide a soft landscaped back drop to the monument. As such, the impact in my view will not be greatly different from the fall-back scheme. In terms of the listed school house. The proposed addition of the garden room and garage is unlikely to impact on its setting. The garage is adjacent and in line with the school house garage outbuilding which is of modern construction, which will provide screening along with the new hedgerow and existing trees. It is proposed to be constructed of natural materials and unlikely to have a detrimental impact on the street scene or building. As such, the development accords with the above mentioned policies, preserving the setting of the listed buildings.

Whether there are any overriding amenity, environmental or highway objections

Amenity Considerations

- 6.18 Policies D4 and H4 of the SOLP seek to resist development that would be harmful to the amenities of occupants of nearby properties or that would not provide a sufficient level of amenity for occupiers of the new dwelling.

6.19 In this instance, the plans show that the proposed dwelling would be located at a distance of approximately 20 metres from the side elevation of Ingram House which is immediately to the south. Having regard to this significant distance and to the boundary screening that is afforded by the protected tree, I do not consider that the proposed development would have a material impact on the amenity of the occupants of Ingram House. The distance between the front elevation of the proposed dwelling and the properties on the opposite side of The Green is some 24 metres and the nearest building to the west is the village hall. The proposal would not therefore, in my opinion, impact on neighbouring residential amenity. Furthermore, no objections have been raised to the proposal on neighbour impact grounds

Environmental

- 6.20 SOLP policy C9 seeks to protect such important landscape features. In this case, several trees are subject to TPO and the council has approved works to these, since the approval of the fall-back scheme. As part of these scheme, important trees such as the sycamore on the south of the site are due to be retained. The council's forestry officer is content with the proposal, subject to tree protection details which can be secured by conditions. As such, important trees of are sufficient arboricultural quality are shown to be retained on the site, which contribute to the character of the area. As such, the development complies with the mentioned policies, subject to suitable condition.

Highways

- 6.21 SOLP policies T1 and T2 require that all new development provides safe and convenient access to the highway network and adequate turning and parking areas.

6.22 In this case, the development of one additional dwelling on the site is unlikely to increase traffic or cause highway implications. There appears to be sufficient turning areas on the site and the new access is positioned to afford safe entering and exiting of the site. The county council's highways officer was consulted and raised no objections, subject to condition to prevent use of the garage for living purposes and implementing the new access prior to occupation of the site. As such, the development accords with the mentioned policies.

Impact on the openness and visual amenity of the green belt

- 6.23 Whilst I have concluded that the principle of erection a single dwelling on the site which lies within the built-up limits of the village is acceptable, the impact on the openness and visual amenity of the Oxford Green Belt is still a material consideration in the determination of the application. SOLP policy GB4 continues the threads of the NPPF and SOCS policy CSEN2, seeking to minimise impact on the open nature, rural character and visual amenity of the Green Belt.

6.24 In terms of the impact to openness regard must be had to the position of the dwelling in respect of the existing built form. It sits at the centre of the village amongst existing buildings including the old village school and other residential dwellings, a public house and the village hall. In respect of height it is similar to the old school which is the closest building and is comparable to other neighbouring properties including 10 The Green and The Three Horseshoes PH. On balance, therefore, I consider that the proposal will not result in a significantly harmful impact on the wider openness of the Green Belt.

Parking and amenity provision

- 6.25 SOLP policy D3 details that all new dwellings shall provide adequate outdoor garden and amenity space for occupants. SODG guidelines notes that dwellings with 3 bedrooms and over should have minimum of 100 square metres of private amenity space and 2+ car parking spaces for this size of dwelling. In this instance there is over 300 square metres of amenity space, as well as enough car parking space for approximately 3 cars. As such, the development accords with these policies.

Archaeological constraints

- 6.26 SOLP Policy CON11 details there is a presumption in favour of preserving archaeological remains. CON12 details that before determining applications at sites where development may affect a site of archaeological interest (including scheduled ancient monument sites) or potentially of archaeological importance, where necessary, archaeological field evaluations should be undertaken. Policy CON13 states that developments affecting sites of archaeological interest should be designed to achieve physical preservation in situ of an archaeological deposits if discovered.

- 6.27 As noted earlier in the report, the site is located in an area of archaeological potential within the historic core of the settlement. The remains of the medieval village cross, a Scheduled Monument, is located immediately north east of the proposed site and part of the proposal lies within the scheduled area. Earthworks of a shrunken medieval village have been recorded 150m south of the application site immediately north of the medieval parish Church. A number of late C16th and early 17th listed building are located in the vicinity of the Cross and it is likely that this area was utilised in the medieval period. It is therefore possible that this development will encounter archaeological deposits related to the medieval development of the village.

- 6.28 The archaeologist has therefore recommended that, should planning permission be granted, conditions should be imposed to ensure that the applicant is responsible for ensuring the implementation of an archaeological monitoring and recording action (watching brief) to be maintained during the period of construction and a written scheme of investigation to approved. It is also recommend an appointed archaeologist is present at the commencement of development. Subject to these conditions, the development is acceptable.

Other Matters

CIL

- 6.29 The council's CIL charging schedule has recently been adopted and will apply to relevant proposals from 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 whole building because the existing building has not been in use and the proposal involves the creation of a new dwelling. The total liable sum equates to £44,616.00

7.0 CONCLUSION

- 7.1 The development is of a suitable scale and design, having limited impact on the openness of Green Belt and setting of the listed buildings located at either end of the site. The additions in built form above a similar extant scheme do not have a martially greater impact. Whilst the proposal will reduce the current soft boundary screening to some extent, suitable landscaping measures have been proposed to reduce the impact,

allowing the character and appearance of the conservation area to be conserved. As such, on balance and subject to the attached conditions, the development 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. Tree protection (no digging).
4. Written Scheme of Investigation (WSI).
5. Staged programme of works in accordance with WSI.
6. Sample materials required (all).
7. New vehicular access.
8. Close existing access.
9. Landscaping implementation.
10. Parking and manoeuvring areas retained.
11. No garage conversion into accommodation.
12. Withdrawal of permitted development rights for extensions, alterations and outbuildings etc.

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