

APPLICATION NO.	P17/S1113/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	2.5.2017
PARISH	WARBOROUGH
WARD MEMBER(S)	Felix Bloomfield Richard Pullen
APPLICANT	Mrs Graham Pike
SITE	4 Henley Road, Shillingford, OX10 7EH
PROPOSAL	Construction of a pair of 3 bedroomed semi-detached houses including new access to the highway. (As amended by revised Ownership Certificate B accompanying e-mail form agent received 2 May 2017 and drawings received 7 June accompanying e-mail from agent raising the cill height of the roof lights on the rear elevation)
AMENDMENTS	None
GRID REFERENCE	459723/192758
OFFICER	Paul Bowers

1.0 **INTRODUCTION**

- 1.1 The application is referred to planning committee because the views of the Warborough Parish Council differ from the officer's recommendation in addition to the request from the local ward member Councillor Pullen.
- 1.2 The application site comprises what was the garden of 4 Henley Road, Shillingford. Planning permission was granted and now being implemented for a detached dwelling next to the dwelling of number 4. Opposite the site is an open field and to the south east of the Shillingford Roundabout.
- 1.3 A plan identifying the site can be found at **Appendix 1** to this report.

2.0 **PROPOSAL**

- 2.1 This application seeks full planning permission for a pair of two storey dwellings with accommodation in the roof space next to the new dwelling which is currently under construction. The plans have been amended which increase the height of the internal cill of the roof lights on the rear roof slope such that they are 1.7 metres and consequently will not allow for views out and over adjoining properties.
- 2.2 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 **Warborough Parish Council** – Recommend that the application is refused – no reasons given.

Neighbour Representations – 2 x letters of objection covering the following concerns;

- The dwellings are too big for the small plot.
- Proximity of the access to the roundabout.
- Dwellings will dominate the garden of 9 Plough Close.
- Concern over construction traffic.

- Unclear whether the new dwellings will be the same height as the new dwelling being built adjacent to the application site.

Highways Liaison Officer - No strong views

4.0 **RELEVANT PLANNING HISTORY**

- 4.1 [P16/S3895/FUL](#) – Withdrawn prior to the determination of the application (16/01/2017)
Erection of 5 flats, resite existing access, off street parking and ancillary environmental works.

[P16/S2181/FUL](#) - Approved (27/09/2016)

Detached dwelling, widen access with new off street parking, turning areas, and bio-diversity works (as amended by plan ref 150292 R and accompanying statement from agent which includes a widened access, demonstrates visibility, internal layout of the site, communal turning area and 3 standard parking spaces).

[P11/W2265](#) - Approved (05/04/2012)

Erection of a new bungalow with access (As amended by plans accompanying email from agent dated 29 February 2012).

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

CSQ3 - Design

CSR1 - Housing in villages

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

5.2 **Warborough Neighbourhood Plan**

Paragraph 216 of the NPPF allows for weight to be given to relevant policies in emerging plans, unless other material considerations indicate otherwise, and only subject to the stage of preparation of the plan, the extent of unresolved objections and the degree of consistency of the relevant emerging policies with the NPPF.

The neighbourhood plan is currently at the plan preparation stage and therefore cannot be afforded any weight in the determination of this planning application.

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.**
- **Plot coverage and garden size.**
- **Impact on the amenities of the occupants of nearby properties.**
- **Impact on highway safety.**
- **Community Infrastructure Levy.**

6.2 **The principle of development.**

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 Policy CSR1 of the South Oxfordshire Core Strategy 2027 (SOCS) permits infill development within the settlement of smaller villages such as the part of Shillingford to the North East of the A4074.

Infill development is defined in the Appendix 1 of SOCS 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'*.

6.6 The proposed dwellings will be located within the settlement. They will have a frontage on to the highway and will be positioned between two existing dwellings (albeit one currently under construction). In addition is surrounded by buildings on three sides. The proposal meets the definition of infill development in every respect. Although Policy CSR1 is out of date this development complies with its criteria. It also represents a sustainable form of development due to its position within one of the smaller villages in the district and has good access to existing services.

Therefore there is a clear presumption in favour of granting planning permission in this instance unless as stated above, there are significant and demonstrable impacts that outweigh the benefits of this development.

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

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.

- 6.8 Provision (i) of Policy H4 states ***‘an important open space of public, environmental or ecological value is not lost, nor an important view spoilt.’***

The site is part of a residential garden. It does not comprise an important public open space.

The site has no ecological value and this has been confirmed by the council’s ecologist who has raised no objection.

The development will not spoil or harm any important views beyond the site.

- 6.9 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 in not adversely affected.’***

The design of properties along this extent of Henley Road is mixed with no one design, scale or material that is dominant to the extent that it would define the character of the area.

To the south east extending from the roundabout are a pair of semi -detached properties. Between the application site and the pair of semis is a detached two storey dwelling currently under construction. The proposed pair of semis in terms of height match the height of the new dwelling being built next door at 8.5 metres high.

In your officers view although the proposed pair of semis differ in design to the pair closer to the roundabout this does not amount to harm given the mixture of buildings in the locality.

- 6.10 *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.

- 6.11 **Plot coverage and garden size.**

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.

- 6.12 The South Oxfordshire Design Guide sets out the minimum amount of private amenity space for 3 bedroom units and above at 100 square metres. The inability to provide these minimum standards would be an indicator that a proposal amounts to an overdevelopment.

- 6.13 The garden of the right hand side dwelling as viewed from the road has a garden of 100 square metres as per the councils standing advice. The left hand dwelling however has 75 square metres. In my view the lack of 25 square metres does not amount to an overdevelopment of the site. The property will still have a meaningful and useable garden area and in conjunction with the conditions which seek to remove permitted development rights for extensions and outbuilding set out in section 8.2, I conclude that there is no material harm as a result of this deficit.

6.14 Neighbour impact.

The new dwelling will sit alongside the new dwelling being built to the south east and their alignment will be typical of any property in a street scene.

To the north west immediately on the boundary is a garage building at number 14 Henley Road. The dwelling itself is some distance away and in my view the height and mass of the new building in conjunction with the absence of any first floor windows facing that property means that the overall impact is not harmful to the occupant of that property.

The main impact is to the single storey properties to the north in Plough Close most notably number 9. In my view the distance between the buildings is sufficient to ensure that in terms of height and mass the new dwellings will not be unduly imposing or overbearing or result in a significant amount of loss of sunlight. The windows on the rear elevation at first floor level serve bathrooms or a study and conditions are proposed that seek obscure glazing for the bathrooms and the other openings be a height that will not allow for views out. Conditions are also proposed that remove permitted development rights for new windows or extensions to ensure that future alterations or additions are added that could result in a harmful level of overlooking.

Overall I conclude that the development does not give rise to a harmful unneighbourly impact.

6.15 Impact on highway safety.

With respect to highway safety matters the advice from Central Government set out in the National Planning Policy Framework (NPPF) is as follows:

Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.

The term severe is locally interpreted as situations, which have a high impact, likely to result in loss of life, or a higher possibility of occurrence with a lower impact.

6.16 The site affords for sufficient parking provision for each of the dwellings and the proposed access is not considered to cause a highway safety impact.

Conditions are proposed that seek to ensure the garage accommodation is not converted without first gaining planning permission from the council and that the parking and manoeuvring areas shown on the plans are retained as such.

6.17 Overall the proposed development does not give rise to severe harm and in highway safety terms it is acceptable.

6.18 Community Infrastructure Levy.

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 new dwellings.

7.0 CONCLUSION

7.1 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 a limited impact to the overall character of the area and limited harm 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.

In conjunction with the attached conditions 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.
2. Approved plans.
3. Schedule of materials.
4. Obscure glazing.
5. No additional windows on the rear elevation.
6. Study windows and roof lights (specified cill level).
7. Withdrawal of permitted development rights (Part 1 Class A) - no extensions etc.
8. New vehicular access.
9. Withdrawal of permitted development rights (Part 1 Class E) - no buildings etc.
10. Vision splay protection.
11. Parking and manoeuvring areas retained.
12. Construction traffic management.
13. No surface water drainage to highway.
14. No garage conversion into accommodation.

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