

APPLICATION NO.	P16/S4287/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	5.1.2017
PARISH	WATLINGTON
WARD MEMBER	Anna Badcock
APPLICANT	Search and Management Services
SITE	Land to north of The Old Church Christmas Common
PROPOSAL	Erection of two-storey 4-bedroom dwelling and detached double garage (design and footprint of dwelling altered and replacement tree planting added as shown on amended plans and arboricultural impact assessment received 30th March 2017 and electricity poles and stays added to amended plans received 30th May 2017).
OFFICER	Paul Lucas

1.0 **INTRODUCTION**

- 1.1 Officers recommend that planning permission should be granted. This report explains how officers have reached this conclusion. The application is referred to Planning Committee due to Watlington Parish Council's objection to the revised plans.
- 1.2 The application site is as shown at **Appendix A**. The site lies to the east of the main road through the small settlement of Christmas Common and lies between 1 Forestry Cottages to the north and The Old Church to the south. The red line application site extends to 0.067 hectares including an access track which serves the site and the rear of Forestry Cottages to the north, with the developable area (excluding the access track) extending to 0.061 hectares. It comprises land that was formerly owned by the Forestry Commission and historically contained a number of timber buildings. The former buildings no longer exist although the concrete hardstanding on which they were erected remains. The north-west corner of the site fronts on to the main road. The remainder of the front and southern boundary of the site, demarked by a Beech hedge, borders Public Footpath W33, forming part of the Oxfordshire Way. This Public Right of Way continues into the woodland beyond to the east. There are a number of mature trees located along the frontage of the site and the southern boundary of the public footpath. An Ash tree at the front of the site has been felled.
- 1.3 The site itself is fairly level, but lies slightly below the level of 1 Forestry Cottages. To the rear of the site, there is a 0.049 hectares parcel of land that is also within the applicant's control. This is shown to be retained as a buffer to the Ancient Woodland forming the eastern boundary of this strip of land. On the southern side of the public footpath there is a graveyard, to the south of which lies The Old Church and its garden. This was a single storey place of worship that was converted into a dwelling in the mid-1980s. To the north is a two-storey terrace of mid-20th century dwellings. No.1 Forestry Cottages has a boundary fence with trellis adjacent to the access track. There is a hedge on the application site side of the access track. The access track is subject to an application to add a Public Right of Way to the Definitive Map. The distance between the southern elevation of 1 Forestry Cottages and the northern corner of The Old Church is about 46 metres. There were power lines crossing the centre of the site, which now terminate on a pole located between the public footpath and the road. The site lies within the Chilterns AONB.

2.0 **PROPOSAL**

2.1 The application seeks full planning permission for the erection of a two storey 4-bedroom dwelling and detached double garage. This is an alternative proposal to the dwelling granted planning permission under reference [P14/S4113/FUL](#) at appeal. The difference from the approved dwelling is that an additional two-storey element would be added extending the footprint southwards. The other difference is the introduction of the garage instead of uncovered parking spaces. The amended plans include a red dashed line, which indicates the outline of the dwelling originally applied for under this application.

2.2 Copies of the current plans are attached at **Appendix B** whilst other documentation associated with the application can be viewed on the Council's website:

<http://www.southoxon.gov.uk/ccm/support/Main.jsp?MODULE=ApplicationDetails&REF=P16/S4287/FUL>

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

3.1 **Watlington Parish Council** – The application should be refused due to the following:

1. The size of the building being applied for would have a harmful effect on the landscape setting of Christmas Common and the Chilterns AONB and is in conflict with policy CSEN1 of the SODC Core Strategy 2012.
2. Overdevelopment of existing plot with obstruction of views from the Oxfordshire Way.
3. A larger building would impact on the root protection zone of the protected trees
4. An open trench has been excavated on the site since November 2016 which is in contravention of the extant Planning Approval and Condition 4 of the Approved Appeal Decision and it was left open for many months. It still remains partially open.

Pishill with Stonor Parish Council - No strong views

South Oxfordshire District of CPRE – Comments on original plans objection: The present application seems to go against the inspector's report. It is for a 4- bedroom house which has a footprint considerably larger than the permitted 3- bedroom house and it will encroach on the important boundary with the Oxfordshire Way. The double garage, absent from the previous application, will back right on to the 15 metre ancient woodland buffer zone and during the construction of this building there will inevitably be intrusion into the zone. The proposed large house and garage are inappropriate overdevelopment of this site and will be damaging to the landscape both of Christmas Common and this attractive part of the Chilterns AONB. No comments received regarding the amended plans

Countryside Access - No objection subject to informative

Highways Liaison Officer (Oxfordshire County Council) - No objection subject to conditions

Forestry Officer (South Oxfordshire District Council) – No objection subject to tree protection and landscaping conditions.

Countryside Officer (South Oxfordshire & Vale of White Horse) - No objection subject to lighting condition

Health & Housing - Contaminated Land - No objection

Neighbours - 12 representations of objection and concern to the original plans, two of which were reiterated for the amended plans, summarised as follows:

- Site too large to be acceptable infill under Policy CSR1
- Covenant is still in existence [not a planning matter]

- Site has no frontage due to intervening right of way/graveyard/vehicular access
- Overdevelopment of site
- Impact on AONB landscape in prominent location
- Too close to boundary hedges
- Garden too small
- Impact on tranquillity of graveyard
- Impact on users of Oxfordshire Way
- Design out of keeping with nearby dwellings
- No scope for frontage planting
- Loss of daylight and sunlight to No.1
- Garage too large
- Lack of ecological assessment
- Conflict with important trees causing shading of the site – tree removal and damage has already been done
- Unsustainable location
- High voltage cables cross the site
- Sewerage pipes cross the site
- Historical artefacts have been found
- Precedent
- Stays belonging to electricity poles would obstruct development

The above representations can be read in full on the Council's website.

4.0 **RELEVANT PLANNING HISTORY**

4.1 [P16/S2949/DIS](#) - Approved (12/01/2017)

Discharge of conditions 3 - materials, 5 - landscaping scheme and 6 - programme of archaeological works on P14/S4113/FUL (Erection of a detached two-storey 3-bedroom dwelling)

[P14/S4113/FUL](#) - Refused (20/01/2016) - Appeal allowed (01/06/2016)

Erection of a detached two-storey 3-bedroom dwelling (additional drainage plan received 25th March 2015 and site area reduced, number of proposed dwellings reduced from two to one, alterations to access and parking areas, provision of tree protection and contaminated land information, as shown on amended plan and supporting documents received 11th August 2015). A copy of the approved plans is attached at **Appendix C.**

5.0 **POLICY & GUIDANCE**

5.1 South Oxfordshire Core Strategy (SOCS) Policies

CS1 - Presumption in favour of sustainable development

CSB1 - Conservation and improvement of biodiversity

CSEN1 - Landscape protection

CSM1 - Transport

CSQ2 - Sustainable design and construction

CSQ3 - Design

CSR1 - Housing in villages

CSS1 - The Overall Strategy

5.2 South Oxfordshire Local Plan 2011 (SOLP 2011) policies;

C4 - Landscape setting of settlements

C6 - Maintain & enhance biodiversity

C8 - Adverse affect on protected species

C9 - Loss of landscape features

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
- EP3 - Adverse affect by external lighting
- EP4 - Impact on water resources
- EP6 - Sustainable drainage
- EP8 - Contaminated land
- G2 - Protect district from adverse development
- G4 - Protection of Countryside
- H4 - Housing sites in towns and larger villages outside Green Belt
- R8 - Protection of existing public right of way
- T1 - Safe, convenient and adequate highway network for all users
- T2 - Unloading, turning and parking for all highway users

- 5.3 Neighbourhood Plan policies;
Watlington Neighbourhood Plan – draft document dated 22 April 2017 issued for a third round of consultation, which closed on 2 June 2017. This emerging document therefore carries little weight as it has yet to be examined.

POLICY 4 NEW HOUSING DEVELOPMENT:

4d Development has high standards of design in accordance with local and national policies and the Watlington Design Guide 2017.

4e There is effective connectivity between new housing, the town centre, schools and local facilities by safe pedestrian paths and cycle ways.

“The WNDP supports the addition of sustainable small-scale development within the distinct settlements of Howe Hill, Greenfield and Christmas Common”

- 5.4 Supplementary Planning Guidance/Documents:
South Oxfordshire Design Guide 2016 (SODG 2016) – Section 7 – Plots and Buildings
South Oxfordshire Landscape Assessment (SOLA) – Character Area 9 – Chiltern Ridges and Valleys
Chilterns Buildings Design Guide (CBDG) – Chapter 3

- 5.5 National Planning Policy Framework (NPPF)
National Planning Policy Framework Planning Practice Guidance (NPPG)
The policies within the SOCS and the SOLP 2011 of relevance to this application are considered to be in general conformity with the provisions of the NPPF and NPPG and therefore this application can be determined against these relevant policies.

6.0 PLANNING CONSIDERATIONS

- 6.1 The principle of residential development on this site has been established through planning permission [P14/S4113/FUL](#). As the red line site area is the same as that permission, with an area of 0.067 hectares. It appears that there is a typographical error on the application form with the reference to 0.14 hectares. The planning issues that are relevant to this application are whether the development would:

- result in the loss of open space or view of public, environmental or ecological value;
- be in keeping with the character and appearance of the surrounding area, bearing in mind its location within the Chilterns AONB and including the protection of important trees;
- safeguard the residential amenity of neighbouring occupiers and would provide suitable living conditions for future occupiers;
- demonstrate safe and convenient access and adequate off-street parking provision for the development; and
- give rise to any other material planning considerations.

6.2 Loss of Open Space

Criterion (i) of Policy H4 of the SOLP 2011 requires that an important open space of public, environmental or ecological value is not lost, nor an important public view spoilt. The site is private land, is not accessible to the public and does not presently perform a community function. Although visible from the road and the public footpath, in the majority of these views the proposed dwelling and garage would be seen in the context of the nearby dwellings and their gardens.

- 6.3 Objections to the proposed development have been received on ecological grounds, particularly the issue of the impacts on bats using the woodland edge habitats within the site. The Council's Countryside Officer has considered these objections. These issues were considered in the previous application P14/S4113/FUL and it was concluded that the only potential impacts on bats relate to the lighting of the proposed new dwelling disturbing bats' flight paths and feeding habitats. Given the small scale of the impacts (relative to the quantum of suitable habitats within the immediate surrounding area) it was concluded that a proportionate and appropriate response to this issue was to impose a planning condition which controls any external lighting of the new dwelling to reduce the likelihood of any impacts on bats. The Inspector in her report agreed with this conclusion and imposed Condition 8 which is the condition previously recommended by the Council. The current scheme would not come any closer to the ancient woodland habitats than the previously agreed 15 metres woodland buffer and once again the lighting of the proposed new dwelling and garage can be controlled by condition. The two additional windows to the rear elevation of the dwelling would be over 23 metres from the edge of the ancient woodland habitats and would not result in any significant additional light spillage onto the woodland edge habitats. The impacts of the current scheme on bats would not be significant given the amount of suitable habitats within the local area. The impacts of the lighting of the dwelling can be controlled by condition to reduce the potential for any impacts on bats. The use of a condition in this case is a proportionate response to the significance of the impacts. On this basis, the proposal would be in accordance with the above criterion.

6.4 Visual Impact

Criterion (ii) of Policy H4 of the SOLP 2011 requires that the design, height, scale and materials of the proposed development are in keeping with its surroundings and criterion (iii) requires that the character of the area is not affected. Policies CSQ3 of the SOCS and D1 of the SOLP 2011 expand on this requirement in respect of ensuring good design and maintaining local distinctiveness. Policy CSEN1 of the SOCS explains that high priority will be given to conservation and enhancement of AONBs and planning decisions will have regard to their setting. It is clear that being located within an AONB does not preclude housing development, provided it is found to be visually acceptable. The proposed garage would be located to the rear of the proposed dwelling and would also be set back over 20 metres from the Oxfordshire Way, but outside of the woodland buffer zone. It would be of modest proportions and would appear as a simple structure, subservient to the proposed dwelling. As such, this element of the proposal would conserve the character and appearance of the Chilterns AONB.

- 6.5 The proposed dwelling would be set in from the plot boundary with the access track by about 1.8 metres, which would be the same as the approved dwelling. It would be positioned 3.9 metres from the southern boundary by at its closest point, tapering away towards the rear. This level of separation along with the intervening mature foliage would ensure that the setting of the graveyard would not be unduly affected. The siting of the dwelling in relation to the road at a distance of about 12.5 metres would be consistent with the distances between Forestry Cottages and The Old Church. On the opposite side of the road, Old Church Hall, Deanswood and the outbuilding serving Setterfields are between 2 and 3.5 metres back from the road.

6.6 In comparison with the approved dwelling, the proposed dwelling would continue to present a similar vernacular frontage to the main road incorporating a low eaves and three dormer windows. The width of the additional two storey built form would be visible, however, as it would be set back by about 3.25 metres behind the front building line of the dwelling, would be set down from the main ridge line by 0.3 metre and would replicate the eaves and dormer design, it would appear as a subservient element of the dwelling. When viewed from the Oxfordshire Way, although it would bring the rear part of the dwelling closer to the footpath, this would be no closer than the previously approved front building line that is reflected in the current application. The additional built form would appear within the outline of the approved dwelling and would not extend its height or depth in these views. Officers conclude that the proposed development would accord with Sections 7.1, 7.2, 7.4 & 7.5 of the SODG 2016 in that it would respect the character of the area, works with and responds positively to existing topography and the scale of the development would remain sensitive to its context.

6.7 It is plain from the previous appeal decision that the Inspector gave considerable weight to the boundary hedge and trees continuing to filter views into the site to retain a sylvan and attractive appearance when viewed from both the road and the adjacent public rights of way. Although the recent removal of T6 has opened up views of the site frontage, the amended plans show that this category C tree (not regarded as sufficient arboricultural quality to be a constraint to development) can be replaced with a new Malus tree within the site. The Council's Forestry Officer is satisfied that in spite of the additional built form, the proposed development could be implemented with the submitted tree protection measures in place to prevent harm to important trees and hedges surrounding the site and that a landscaping scheme can be secured through a planning condition to help soften the appearance of the development. In overall terms, officers conclude that the visual impact of this enlarged dwelling and garage would not be significantly greater than the approved dwelling, which the Inspector found not to have a harmful effect on the landscape setting of Christmas Common or the landscape qualities of the Chilterns AONB.

6.8 Neighbour Impact

Criterion (iv) of Policy H4 of the SOLP 2011 requires that there are no overriding amenity objections. Policy D4 of the SOLP 2011 requires that all new dwellings should be designed and laid out so as to secure a reasonable degree of privacy for the occupiers. No.1 Forestry Cottages has three windows facing towards the site. The ground floor window is the only opening serving the kitchen. The Inspector concluded that the impact of the approved dwelling on No.1 would not be harmful to the residential amenity of the occupants. The relationship between the proposed north-facing gable and No.1 would be very similar to the approved dwelling. A direct view from this window would face towards the north-facing gable of the proposed dwelling at a distance of about 8.8 metres. As a rule of thumb, a 25-degree line taken from the centre of this window would just clear the rear roof slope. This is an indicator that the proposed dwelling would not result in a loss of light or outlook to that room that would be so significant to justify refusal of planning permission. Due to the level of separation between the two dwellings, the amount of overshadowing would also not significantly extend beyond that already created by the existing tree cover. The first floor windows to No.1 serve bedrooms, but are secondary in size to the main windows that are on the front and rear elevations respectively. As a result, the development would not cause any discernible loss of amenity to these rooms. There are no first floor openings in the north-facing elevation of the proposed dwelling and any views towards the garden of No.1 from the rear windows would be oblique, typical of many residential situations.

6.9 The proposed garage would be located 5 metres from the boundary with the garden of

No.1 and about 13.5 metres from the closest part of the rear elevation of that property. Officers consider that this would represent a sufficient level of separation to prevent any significant loss of light, outlook and privacy from occurring. The distance between the proposed dwelling and The Old Church would be greater than No.1 and there is retained intervening tree cover, preventing any loss of light or outlook to that property. There would be no first floor openings in the south-facing elevation of the proposed dwelling facing The Old Church. Although concerns have been raised about fumes from the chimney affecting No.1, any statutory nuisance arising could be dealt with through Environmental Health legislation.

- 6.10 In spite of the increase in built footprint, the garden area for the proposed dwelling would accord with the minimum standard of 100 square metres for a dwelling of this size, as set out in Section 7.8 of the SODG 2016. On the basis of the above assessment, the proposed development would accord with the above policies.
- 6.11 Access and Parking
Criterion (iv) of Policy H4 of the SOLP 2011 also requires that there are no overriding highway objections. The Highway Liaison Officer considers that the garaging, parking and turning arrangements to serve the proposed development would be acceptable for a dwelling of this size, subject to highway-related planning conditions. On this basis, the proposal would comply with the above criterion.
- 6.12 Other Material Planning Considerations
The power lines that previously crossed the site have now been placed underground and officers are satisfied that the stays placed on the site as shown on the current plans would not interfere with the proposed development. In doing so, the applicant dug a trench, which was left open for several months along much of the boundary with the Oxfordshire Way. This severed the roots of some of the vegetation to the south. The trench was inspected by the applicant's tree consultant and the recommended remedial works were carried out to the satisfaction of the Council's Forestry Officer. It is unclear at this stage what damage this may have done, but there is at least a possibility that off-site trees that the Inspector considered would provide an important screening function could fail. To cover this situation, the landscaping condition recommended would require replacement of any existing trees that are dying, seriously damaged or destroyed as well as any newly planted trees and the replacement period to be extended from 5 to 10 years.
- 6.13 Conditions imposed by the Inspector on planning permission [P14/S4113/FUL](#) do not prevent a future householder from applying to enlarge the dwelling, or as in this case applying for a larger dwelling. It does mean that the Council has control over whether or not to grant any such application. Officers are seeking to impose a condition removing permitted development rights for extensions, outbuildings and hardstandings, to enable the Council to retain control over future householder development that might otherwise have an unacceptable visual, neighbour or tree impact.
- 6.14 Local residents are concerned that the granting of planning permission on this site would set a precedent for other parcels of open land around the village. However, the plots specifically referred to do not appear to share the same characteristics as the application site. Moreover, it is an established planning principle that each application must be assessed on the basis of its individual merits.
- 6.15 The proposal would not result in any physical changes to the Oxfordshire Way or to the claimed route across the proposed access. Informatives could be added to advise the

applicant of their responsibility not to damage or obstruct these routes. Matters relating to archaeology and surface and foul drainage can also be dealt with through pre-commencement planning conditions.

6.16 Community Infrastructure Levy

The proposed dwelling is liable for the Community Infrastructure Levy (CIL). The CIL charge applied to new residential development in this case is £150 per square metre (index linked). 15% of the CIL payment would go Watlington Parish Council in the absence of an adopted Neighbourhood Plan.

7.0 **CONCLUSION**

7.1 The application proposal would comply with the relevant Development Plan Policies, Supplementary Planning Guidance and Government Guidance and it is considered that, subject to the attached conditions, the proposed development would be acceptable in principle and would not materially harm the landscape setting of Christmas Common within this part of the Chilterns AONB or the living conditions of nearby residents or result in conditions prejudicial to highway safety.

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. **Levels to be implemented as on the approved plan.**
4. **Schedule of materials required to be agreed prior to commencement of development.**
5. **Withdrawal of permitted development rights for extensions, outbuildings and hardstandings.**
6. **Parking and manoeuvring areas to be retained as on plan.**
7. **No garage conversion into accommodation.**
8. **Details of landscaping (planting/parking/boundary treatment) to be agreed prior to commencement of development.**
9. **Details of landscape management plan to be agreed prior to commencement.**
10. **Tree protection to be implemented as approved.**
11. **Lighting details to be agreed prior to commencement of development.**
12. **Implementation of programme of archaeological work as agreed.**
13. **Surface water drainage works to be agreed prior to occupation.**
14. **Foul drainage works to be agreed prior to occupation.**

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