

<b>APPLICATION NO.</b>	<a href="#">P17/S1173/FUL</a>
<b>APPLICATION TYPE</b>	FULL APPLICATION
<b>REGISTERED</b>	3.4.2017
<b>PARISH</b>	GORING HEATH
<b>WARD MEMBER</b>	Robert Simister
<b>APPLICANT</b>	G S Property Developments
<b>SITE</b>	The Studio, 1 Crays Pond, Crays Pond, RG8 7QE
<b>PROPOSAL</b>	Alterations to existing dwelling including demolition of existing extension and conservatory and erection of single storey two-bedroom dwelling on existing garden space (revised landscaping and tree protection details received 18th May 2017).
<b>OFFICER</b>	Paul Lucas

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**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 Goring Heath Parish Council's objection to the plans.
- 1.2 The application site is shown at **Appendix A**. It is a residential plot containing a detached 2-bedroom chalet bungalow, known as The Studio, located towards the southern corner of the plot. The plot lies within the built up confines of the village of Crays Pond. The site is at the northern end of The Close, a cul-de-sac comprising six other dwellings of a variety of heights and sizes. The north-western boundary of the site adjoins Reading Road, the main road heading east to west through the settlement. The north-eastern boundary adjoins the front and side garden of a detached dwelling called Perran, the south-western boundary is with Woodhenge and the south-eastern boundary is with The Close, where there are two dwellings opposite: Crossways and Hawksdale. The roadside site boundaries and the boundary with Perran comprises mostly hedging, but the existing dwelling is visible from Reading Road, because more significant foliage has been recently removed. Some screening in the approach from the west is provided by a mature Cedar in the front garden of Perran. The site falls away from the northern end to the southern end with a drop of about half a metre between the northern boundary and the existing dwelling. The site lies within the Chilterns AONB, but has no other special designations.

**2.0 PROPOSAL**

- 2.1 The application seeks full planning permission for alterations to the existing dwelling including demolition of a single storey extension and conservatory and reorganisation of openings to facilitate the erection of a single storey two-bedroom dwelling. The proposal is detailed on the plans and supporting documentation submitted with the application. An amended landscaping and tree protection plan was submitted during the course of the application.
- 2.2 Copies of the current plans are provided 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=P17/S0035/FUL>

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

3.1 **Goring Heath Parish Council** – The application should be refused:

Whilst this further application is smaller in overall size the position of the proposed dwelling would still represent an unduly prominent development, against the grain of established built form in the locality and would be harmful to the landscape setting of Crays Pond within the Chilterns AONB. It would be environmentally unsustainable and contrary to the relevant Planning Guidelines all as highlighted in the previously rejected planning application P17/S0035/FUL. The Parish Council recommend this application is similarly considered for rejection.

**Forestry Officer (South Oxfordshire District Council)** - No objection subject to conditions

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

**Neighbours** – Ten representations of objection and concern and three of support, summarised as follows:

- Contravenes established building line
- Conflict with policies to restrict development within AONB
- Cramped form of development too small and close to road
- Out of scale with properties and surrounding buildings making it out of keeping with rural character of settlement
- Increase on-street parking at entrance to The Close, danger to pedestrians and road users
- Cumulative impact with other applications
- Loss of privacy and natural light to Perran
- Damaging to Atlas Blue Cedar in garden of Perran
- Insufficient space for landscaping
- Proposed tree planting would damage garage of Perran
- Loss of significant trees to facilitate development
- Crays Pond is not sustainable enough and does not have sufficient infrastructure to support such development
- Impact on water pressure
- In contravention of The Human Rights Act, in particular - Article 1 of the First Protocol
- Not directly comparable with the recently constructed infill dwelling at Crossways, now known as Hawksdale due to that plot being larger, being positioned in line with development along B471 and retention of established screening, therefore precedent has not already been set
- Would set a precedent
- Inclusion of rooflights questioned
- A suitable small home needed in the village
- Would improve the amenity of The Close
- Brick and roof tiles should blend in
- Tree removal was justified due to their poor condition and no statutory protection
- Adequate off-road parking would be provided within the site

4.0 **RELEVANT PLANNING HISTORY**

4.1 On the application site:

[P17/S0035/FUL](#) - Refused (07/03/2017)

Alterations to existing dwelling including demolition of existing extension and conservatory and erection of detached 3-bedroom chalet bungalow on existing garden space.

Refused for the following reason: “The proposed development would represent an unduly prominent form of development, against the grain of established built form in the locality and harmful to the landscape setting of Crays Pond within the Chilterns AONB. The District does not have a 5 year housing supply, nonetheless, for the reasons set out the proposal would be environmentally unsustainable and therefore contrary to Paragraph 115 of the NPPF, the NPPG and Policies CSEN1, and CSQ3 of the South Oxfordshire Core Strategy and Policies G2, C4, D1 and H4 of the South Oxfordshire Local Plan 2011.”

[P16/S2731/FUL](#) - Withdrawn (20/10/2016)

Proposed alterations to existing dwelling including demolition of existing extension and conservatory and proposed new dwelling on existing garden space.

Withdrawn following officers’ indication that it would result in harm to the character and appearance of the locality and result in loss of light, outlook and privacy to the future occupiers of The Studio.

The outline of these dwellings is denoted by dashed lines on the current plans.

4.2 At Crossways:

P15/S0381/FUL – Approved (22/04/2015)

Erection of a detached 3-bedroom chalet bungalow and attached single garage.

5.0 **POLICY & GUIDANCE**

5.1 South Oxfordshire Core Strategy (SOCS) Policies

CS1 - Presumption in favour of sustainable development

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;

C9 - Loss of landscape features

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

D10 - Waste Management

G2 - Protect district from adverse development

G5 - Best use of land/buildings in built up areas

H4 - Housing sites in towns and larger villages outside Green Belt

H13 – Extensions to dwelling

T1 - Safe, convenient and adequate highway network for all users

T2 - Unloading, turning and parking for all highway users

5.3 Supplementary Planning Guidance/Documents  
South Oxfordshire Design Guide 2016 (SODG 2016) – Section 7 Plots and Buildings  
Chilterns Buildings Design Guide – Chapter 3

5.4 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 the relevant policies above.

## 6.0 **PLANNING CONSIDERATIONS**

6.1 The planning issues that are relevant to this application are whether the development would:

- be in accordance with the Council's strategy for housing development in rural areas;
- result in the loss of an 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 the location of important trees;
- safeguard the living conditions of neighbouring residential occupiers and would provide suitable living conditions for future occupiers;
- demonstrate adequate off-street parking spaces for the existing and proposed dwellings and prevent any conditions prejudicial to highway safety; and
- give rise to any other material planning considerations.

### 6.2 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. The development plan currently comprises the South Oxfordshire Core Strategy (SOCS), and the saved policies of the South Oxfordshire Local Plan 2011 (SOLP 2011). The SOCS Policy relevant to this proposal is CSR1, which outlines the approach for assessing proposals for infill residential development in the District. The SOCS classifies Crays Pond as an "Other" village. Policy CSR1, explains that residential development on infill sites of up to 0.1 hectares in size is acceptable in principle in "Other" villages. The supporting text for Policy CSR1 states: "Infill development is defined 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."

6.3 Officers consider that the proposed dwelling would be closely surrounded by buildings, with other dwellings lying nearby to the south (The Studio), to the west (Perran), to the east (Hawksdale and Crossways) and to the north (Crays Pond House). The plot for the proposed dwelling would be about 0.045 hectares, which would comply with the maximum infill plot size in this settlement. There is no minimum size specified in the policy. On the basis of the above assessment, officers are satisfied the principle of this development is acceptable under the SOCS. It is also a material planning consideration that the previous application [P17/S0035/FUL](#) was not refused planning permission on grounds of principle. Consequently, the proposal falls to be assessed primarily against the criteria of Policy H4 of the SOLP 2011 for new dwellings, which are addressed below.

6.4 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 not accessible to the public. It is an established residential garden enclosed by hedging on the site boundaries. Although visible from the road it is seen in the context of the existing dwelling and surrounding dwellings and their associated domestic gardens and it does not afford any significant views into the open countryside. There is no evidence of any significant ecological implications arising from this proposal. On this basis, the proposal would be in accordance with the above criterion.

6.5 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 upon the requirement for good design. 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. Policy C4 aims to safeguard the landscape setting of the District's settlements. Paragraph 115 of the NPPF confirms that "great weight" should be given to conserving and enhancing the landscape and scenic beauty of the Chilterns AONB "which have the highest status of protection". This reinforces the statutory duty placed on the Council under Section 85 of the Countryside Rights of Way Act 2000.

6.6 It is clear that being located within an AONB does not preclude housing development, provided it is found to be sustainable and visually acceptable. Although officers have accepted that the site is located within the built up confines of Crays Pond, the established dwellings are set well back from the road behind mature planting, some of which is evergreen. Hawksdale is a more recent infill dwelling that is built forward of the historic building line along the southern side of Reading Road. However, this dwelling was considered to be acceptable, because it is positioned to take advantage of established screening and therefore only the top of its roof is visible in public views. This means that the existence of the surrounding dwellings is not obvious or conspicuous when approaching the site from either direction, unless stood directly opposite their driveways.

6.7 Officers recognise that the proposed development located amongst other dwellings would not result in an adverse impact on the wider Chilterns AONB landscape. The current plans show dashed lines representing the footprint and outline of the previous applications [P16/S2731/FUL](#) and [P17/S0035/FUL](#) that were found to be unacceptable in visual terms. In contrast with those previous proposals, the scale of the dwelling now proposed has been reduced to single storey only and would be on lower ground than the road level. The compact proportions of the proposed dwelling mean that it would have no greater impact than a low-key detached outbuilding. In officers' opinion, the dwelling would not be any more prominent than Hawksdale. There are no specific objections to the design of the proposed dwelling, where it would be possible to secure an appropriate brick and clay tile through a planning condition.

- 6.8 The Council's Forestry Officer has commented that the removal of the poor quality Oak is acceptable and could be adequately mitigated by the proposed Hornbeam planting. A planning condition is required to update the tree protection plan to include protective fencing for the hedge. The occupier of Perran is concerned that the closest Hornbeam would harm the Atlas Blue Cedar on her property. The Forestry Officer has commented that the Cedar is a large-sized species that has already matured and has grown up as a companion to the previously removed tree. The Cedar will slowly recover well before the new tree planted by the applicant will have any future influence and would suppress the growth of the Hornbeam, rather than the other way round. The neighbour is also concerned that the proposed Hornbeam located closest to Perran's garage could cause subsidence to this structure. The Forestry Officer considers that this issue could be minimised by including a clause requiring the installation of a root barrier on the garage side of the planting pit to dissuade roots growing out towards the garage.
- 6.9 The alterations to the existing dwelling would have no discernible visual impact. On the basis of the above assessment, officers consider that the concerns with the previous applications have been sufficiently addressed. The proposal would not represent an unduly prominent or intrusive form of development and would not be perceived as being against the grain of established built form in the locality. The proposed development would therefore not be harmful to the landscape setting of Crays Pond within the Chilterns AONB and would be in compliance with the above policies.
- 6.10 Residential Amenity 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. Officers acknowledge that there are concerns about the impact on the light and privacy of the occupiers of Perran. However, the single storey scale of the proposal and the level of separation of around 9 to 10.5 metres to the boundary would mean that there would be no discernible loss of light on the front aspect of Perran and the driveway to that dwelling would be the closest part of the frontage affected rather than a private garden area. In relation to privacy, in addition to the aforementioned distances to the boundary, all of the openings facing Perran would be on the ground floor, where the boundary treatment would be sufficient to prevent overlooking. The alterations to The Studio would not result in any discernible loss of residential amenity to the occupiers of Perran. In overall terms, the impact on the residential amenity of the occupiers of Perran would not be so significant as to warrant refusal of planning permission on those grounds.
- 6.11 The relationship to Crossways, Hawksdale, Crays Pond House and Crays Pond Lodge would be acceptable, as the distances involved would be well in excess of the 10 metres specified for a front to front relationship as set out in Section 7 of the SODG 2016. The relationship between The Studio and the new dwelling would be acceptable. The changes to the internal layout would allow more light to enter The Studio from new south-east ground and first floor windows and a north-west facing ground floor window to compensate for the impact of the close-boarded fence close to the existing north-east facing windows. A planning condition is necessary to ensure that the alterations take place before work on the new dwelling commences. The garden sizes of both dwellings would comply with the minimum standards set out in Section 7 of the SODG 2016. On the basis of this assessment, the proposal would accord with the above policies.

6.12 Access and Parking

Criterion (iv) of Policy H4 of the SOLP 2011 also requires that there are no overriding highway objections. Policy T1 seeks to ensure that development would not be prejudicial to highway and pedestrian safety. In spite of the concerns expressed about highway safety, the Highway Liaison Officer has commented that the proposal is unlikely to have a significant adverse impact on the highway network. The access of The Close onto the B4526 is an existing access and the vehicle movements associated with the proposed single residential unit would not present “severe harm” as required in Paragraph 32 of the NPPF to warrant a recommendation for refusal. The parking allocation for the proposal would meet current standards. Any ‘obstructive’ parking which is causing an actual obstruction and speeding can be dealt with by Thames Valley Police and enforced through them. Matters relating to the retention of adequate on-site parking and turning could be secured through planning conditions. On this basis, the proposal would comply with the above policies.

6.13 Other Material Planning Considerations

Concerns have been raised that the proposal would conflict with the Human Rights Act, Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and protection of property). Whilst these rights are a material planning consideration they have to be balanced against all other material considerations and this will be a planning judgment. It has generally been found that these rights would be unlikely to outweigh the importance of having coherent control over town and country planning and that in most cases the courts were unlikely to intervene.

6.14 Officers are seeking to impose a condition removing permitted development rights for extensions and outbuildings, to enable the Council to retain control over future householder development that might otherwise have an unacceptable visual, neighbour or tree impact. Matters relating to existing issues with water pressure are unlikely to be significantly affected by the addition of a single dwelling and could be dealt with through an informative. Although the issue of precedent and cumulative impact of infill developments in the village has been raised, it is an accepted planning principle that each application must be determined on the basis of its individual merits.

6.15 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 Goring Heath 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 Crays Pond 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 **That planning permission is granted subject to the following conditions:**

- 1 : Commencement of development within three years.**
- 2 : Development to be carried out in accordance with the approved plans.**
- 3 : Levels to be as on the approved plans.**
- 4 : Schedule of materials to be agreed prior to the commencement of Development.**

- 5 : Withdrawal of permitted development rights for extensions and outbuildings.
- 6 : Garage, parking and manoeuvring areas retained in accordance with the approved plans.
- 7 : Landscaping to be implemented as shown on the approved plans including tree root barrier.
- 8 : Addition of hedge protection fencing to tree protection plan.
- 9 : Alterations to The Studio to take place prior to commencement of approved Dwelling.

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