
APPLICATION NO.	P17/S1948/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	25.5.2017
PARISH	SHIPLAKE
WARD MEMBERS	Will Hall & Paul Harrison
APPLICANT	The Air Group Ltd
SITE	Land to rear of The Gables, Station Road, Lower Shiplake
PROPOSAL	Erection of a detached two storey 2-bedroom dwelling (position of access from Oaks Road moved westwards as shown on amended plan received 26th July 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. This application is reported to the Planning Committee as a result of a conflict between officers' recommendation and the views of Shiplake Parish Council.
- 1.2 The application site, as identified on the plan **attached** at Appendix A, forms a 0.09 hectare parcel of land in a residential area within the built-up confines of the village of Lower Shiplake. It forms the south-western part of the former garden of The Gables. The site is surrounded on all sides by residential development with The Gables located to the north, Oaks Road properties lying to the south and west and Mill Road properties to the east. The site area includes a strip of land, between the rear boundary of The Gables, denoted by a close-boarded fence and the northern edge of a turning head on Oaks Road. This land presently forms part of the front garden of No.7 Oaks Road, a detached two-storey dwelling located to the eastern side of the turning head. As such, the front garden of No.7 borders the application site to the south and No.5, a similar dwelling to No.7 on the western side of the turning head, lies to the south and west of the site.
- 1.3 The Oaks Road development was built in the 1970s on land that partially belonged to The Gables. A deed of covenant was created at that time, which the applicant considers establishes a legal right for the owner of The Gables to build a road over the land between the front of No's 5 & 7 Oaks Road and then to use that road to pass over the land. However, this legal right can only be exercised in compliance with all requisite planning and highway consents. The Gables site as a whole contains numerous mature trees that are protected by a Tree Preservation Order (TPO). This includes an Oak towards the north-west corner of the application site, a Pine on the northern boundary and an off-site Cedar which has a canopy spreading over the north-eastern corner of the application site. There is also a Sycamore in No.5's rear garden that overhangs the southern site boundary and two small trees located on either side of the proposed access that are not subject to a TPO. There are no other special designations within or adjacent to the site. The reduced garden area belonging to The Gables has been segregated by a new wall, which separates the original house from the western side of the plot for which planning permission exists for a new dwelling with a separate access from Station Road. The application site is not subdivided from the remainder of the original garden of The Gables.

2.0 **PROPOSAL**

2.1 The application seeks full planning permission for the erection of a detached two-storey two-bedroom dwelling. The dwelling would be accessed from Oaks Road, with a driveway being formed over the land between the northern edge of the turning head and the existing southern boundary with The Gables. This application follows on from the recent planning permission for a three-bedroom dwelling in the south-eastern corner of The Gables site, to the north of No.7. This dwelling would be accessed from Oaks Road, and the current application would seek to widen and relocate this access closer to No.5.

2.2 The current plans are **attached** at Appendix B. Other supporting documents can be viewed on the Council's website:

<http://www.southoxon.gov.uk/ccm/support/Main.jsp?MODULE=ApplicationDetails&REF=P17/S1948/FUL>

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

3.1 **Shiplake Parish Council** – The application should be refused for the following reasons:

- It will have a severe detrimental impact on the residents of No.5 Oaks Road being so close to the property.
- It significantly transgresses the building line causing further impact on No.5 with overlooking. It also adversely affects the character of the street scene.
- The extra traffic generated passing so close to No's 5 & 7 Oaks Road would also cause detrimental impact on the residents of those properties.
- The shortage of space for car parking and manoeuvrability could put childrens' safety at risk.
- The site is too small for a house with the restrictions due to the Oak tree with a TPO. This tree will also expand over the years and could well cause problems to the proposed building.
- If this application is passed it is vital that a condition is attached that no construction traffic is allowed to use the proposed entrance from Oaks Road.

Waste Management Officer (District Council) - No objection

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

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

Neighbours – Twelve households with representations of objection and concern, summarised as follows:

- Plot is too small resulting in inappropriate backland development that would result in loss of privacy, safety and detract from living conditions of a significant number of neighbouring properties.
- Loss of amenity in relation to outlook and privacy to No.5 Oaks Road due to proximity of dwelling.
- Position of house four metres forward of No.5 would be obtrusive, detracting from the appearance of the end of the close
- Using the right of way as a permanent access instead of one of three accesses from Station Road will destroy a beautiful garden and create pedestrian safety issues, particularly for children and possibly years of disruption to all the residents of Oaks Road and Brocks Way.

- Boundary fence alongside No.5 would be out of keeping with approved boundary wall adjacent to No.7 and proposed walls on either side of access.
- Timing of construction of boundaries and future ownership
- Additional traffic would exacerbate existing on-street parking problems on the narrow cul-de-sac and builder's vehicles would block access to Oaks Road properties.
- Oaks Road and Brocks Way are unsuitable for construction traffic, as sightlines at the junction between Brocks Way and Station Road are impaired and road condition could not cope with heavy traffic – it would be more appropriate to access the site from Station Road.
- Inadequate off-street parking provision for future occupiers and their visitors within the site.
- Obstruction of Oaks Road turning head and loss of privacy to No's 5 & 7 Oaks Road from service and delivery vehicles once dwelling is occupied.
- Concern that construction access from Station Road through The Gables site would damage protected trees.
- Loss of privacy to rear aspect of No.16 Brocks Way and No.1 Oaks Road from first floor west-facing windows.
- Removal of trees on either side of the proposed access.
- Appearance of dwelling shown on original plans out of keeping with surroundings in relation to cheap-looking materials and overcomplicated detailing.
- Poor standard of amenity for future occupiers of the proposed dwelling
- Covenants exist that would prevent development [not a material planning consideration]

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

4.0 **RELEVANT PLANNING HISTORY**

4.1 The application site:

[P16/S3890/PEM](#) – Pre-application advice (29/03/2017)

Proposed erection of one detached 2 bedroom dwelling with external parking and amenity space, provision (incorporating amendments to scheme refused by council under application P16/S2531/FUL)

[P16/S2531/FUL](#) - Refused (26/09/2016)

Erection of one detached 2 bedroom dwelling with detached car port and amendments to position of the vehicular access from Oaks Road approved by application P15/S3709/FUL.

Three bedroom dwelling located to the east of the application site:

[P15/S3709/FUL](#) - Approved (27/04/2016) –

Demolition of existing building and proposed erection of one detached 3 bedroom dwelling with detached carport and amenity space provision and creation of a new vehicular access via Oaks Road (height of dwelling reduced and external appearance altered and additional information provided concerning vehicular access, boundary treatment and services, as shown on amended plans and tree report received 17th February 2016).

On the adjoining land at The Gables:

[P16/S1246/FUL](#) - Variation of condition 2 of Planning Permission P14/S3761/FUL to remove drawings 12 1201A, 12 1202A and 12 1203A and replace with drawings 1601 01, 1601 02 and 1601 03. Erection of a two and a half storey detached 5-bed dwelling with a linked garage and annex and the creation of a new vehicular access as amended by drawings received 7 February 2015 reducing the garage and hard surfacing'.

[P14/S3763/HH](#) - Approved (16/03/2015)
Erection of a two storey side and single storey rear extension as amended by drawings received 6 February 2015 reducing the overall width and Tree Report received 12 March 2015.

[P14/S3761/FUL](#) - Approved (12/03/2015)
Erection of a two and a half storey detached 5-bed dwelling with a linked triple garage and annex and the creation of a new vehicular access as amended by drawings received 7 February 2015 reducing the garage and hard surfacing

Original planning permission for Oaks Road development:

[P74/S0491/RM](#) - Approved (21/03/1975)
Erection of fifteen detached houses with double garages. Estate road and ancillary works.

5.0 POLICY & GUIDANCE

5.1 South Oxfordshire Core Strategy (SOCS) Policies

CS1 - Presumption in favour of sustainable development
CSH4 – Housing Mix
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
EP2 - Adverse affect by noise or vibration
EP6 - Sustainable drainage
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
T1 - Safe, convenient and adequate highway network for all users
T2 - Unloading, turning and parking for all highway users

5.3 Shiplake Neighbourhood Plan – this is currently being drafted and therefore does not carry any significant weight

5.4 Supplementary Planning Guidance/Documents
South Oxfordshire Design Guide 2016 (SODG 2016) – Section 7 Plots & Buildings

5.5 National Planning Policy Framework (NPPF)
National Planning Policy Framework Planning Practice Guidance (NPPG)
Paragraphs 7 & 14 – Presumption in favour of sustainable development
Paragraph 32 – “....Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”
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 planning issues that are relevant to this application are whether the development would:

- be acceptable in principle;
- 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 through its size and appearance, including the protection of important trees;
- safeguard the living conditions of neighbouring residential occupiers and provide suitable living conditions for future occupiers;
- provide sufficient off-street parking spaces for the resultant development and prevent conditions prejudicial to highway safety from arising; and
- give rise to any other material planning considerations.

6.2 Principle of Development

The site is located within the built-up confines of the settlement of Lower Shiplake. The SOCS Policy relevant to this proposal is CSR1. The SOCS classifies Lower Shiplake as a “smaller village”. Under Policy CSR1, residential development on infill sites of up to 0.2 hectares is acceptable in principle in “smaller 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.” Officers consider that the proposal would represent infill development where the site would be closely surrounded by buildings, being surrounded by residential plots on all sides. Officers are therefore satisfied the principle of this development is acceptable under the SOCS. 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.

6.3 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 has formed part of a residential plot containing a dwelling for many decades. It is bordered by residential plots on all sides and is only visible in public views from Oaks Road, where it would be seen in the context of established residential development and in the future the dwellings previously granted and yet to be constructed to the north and east of the site. There is no evidence of the site having any particular ecological value. This criterion would therefore be satisfied.

6.4 Visual Impact

Criteria (ii) and (iii) of Policy H4 of the SOLP 2011 explain that the design, height, scale and materials of the proposed development should be in keeping with its surroundings and the character of the area should not be adversely affected. The erection of the

proposed dwelling would inevitably lead to a further intensification of built form on the plot originally occupied only by The Gables.

- 6.5 However, this is one of the largest plots in the locality and there is already a precedent for subdivision on this plot in the form of planning permissions P15/S3709/FUL for the three-bedroom dwelling to be accessed off Oaks Road and P14/S3761/FUL and P16/S1246/FUL for a detached two and a half storey dwelling alongside The Gables. The plot on which the proposed dwelling would sit would be similar in size to many of the established residential plots on Oaks Road and the dwelling would take up a comparable amount of the proposed plot at about 16%. When areas of hard surfacing are included, 60% of the plot would remain clear of built form. The gap between the proposed dwelling and the north elevation of No.5 Oaks Road would be about 6 metres and this would represent a level of separation that would compare favourably with the 3 metre gaps between many of the established dwellings on Oaks Road. The visual appearance of the proposed dwelling would be different to the dwellings on Oaks Road, which broadly consist of two house types with red bricks and clay tiles, but it would be constructed from similar materials to the established dwellings and appropriate external materials could be secured through a planning condition. In addition, the design of the publicly visible front and side elevations would be similar to the approved dwelling opposite. The lower level of the site means that the proposed ridge height would be 0.77 metre lower than No.5. In spite of the projection of almost 4 metres in front of the front elevation of No.5, the above factors lead officers to the conclusion that the proposed dwelling would not appear as an overly dominant form of development.
- 6.6 In comparison with the previous application [P16/S2531/FUL](#), which was refused, the footprint of the dwelling would be reduced and relocated, so that the distance between the closest part of the dwelling and the trunk of the protected Oak would be increased from 8.6 metres to 10.5 metres and the distance from the closest part of the dwelling to the edge of the canopy would be increased from 1.25 metres to 3 metres. The Council's Forestry Officer would ideally like to see greater separation. However, on balance, he considers that although the proposal will lead to the need for ongoing future tree works to the Oak, the extent of works required are not likely to be significantly greater than is already anticipated having regard to the relationship between the Oak and the existing dwellings to the west (a lateral tip reduction of around 2 metres will be required on a long term cyclical basis, which would be controlled through tree-works applications). The implementation of the proposed tree protection measures and details of service runs (if any different from foul drainage runs shown on the proposed site plan) could be secured through a planning condition.
- 6.7 The proposed relocation and increase in the width of the approved driveway at the end of the turning head would not represent a significant change to the visual appearance of the access element of the proposal previously granted planning permission. The relocation westwards would enable the Beech tree in the front garden of No.7 to the west of the access to be retained. Details of the appearance of the walls on either side of the access and the timing of the construction of the access and the walls could be secured through a pre-commencement planning condition. Although the proposed site plan shows a boundary fence alongside No.5, details of an appropriate boundary wall (with a minimal dig foundation within the root protection area of the Sycamore) and its construction prior to other development could also be secured through this planning condition. In the light of the above assessment, the proposed development would be in accordance with the above criteria.
- 6.8 Neighbour Impact
Criterion (iv) of Policy H4 of the SOLP 2011 requires that there are no overriding amenity objections. Policy D3 requires adequate amenity space to be provided for

future occupiers. 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.

- 6.9 The proposed dwelling would have a front building line of about four metres further forward than No.5. Although the proposed dwelling would be located one metre from the boundary with No.5, this projection would not have a significant impact on the front windows and garden of No.5 given its location to the north of the neighbouring dwelling and the distance of over 5 metres between the two dwellings. The rear gable of the proposed dwelling would not project beyond the main rear building line of No.5. As such, the proposed dwelling would not result in loss of daylight to the rear-facing rooms or garden of No.5. In relation to privacy, there would be a triangular section of glazing in the south-facing gable providing high-level lighting to Bedroom 2, however, as this would be positioned well above first floor level and would directly face the side wall of No.5, which is blank apart from a first floor en-suite window, officers consider that this would not result in any significant loss of privacy to the adjoining occupiers.
- 6.10 The proposed first floor rear windows would achieve the recommended 25 metre window to window distance to the rear windows of 1 Oaks Road, set out in Section 7 of the SODG 2016. These windows would also be more than 10 metres from the site boundary with No.1, which would be sufficient to ensure privacy for the garden of the adjoining occupiers. The relationship with the front of No.7 Oaks Road, The Gables and the recently approved dwellings to the north and east of the site would also be acceptable in terms of light, outlook and privacy. The level of vehicular activity associated with two dwellings would not be so significant to cause undue noise nuisance to adjoining occupiers.
- 6.11 Regarding the amount of usable garden space, it is clear the trees will be a very dominant feature of the site. The amount of level lawn will be significantly smaller than the overall plot size as the existing undulating ground levels within the trees RPA cannot be altered without damaging the Oak. The applicant has sought to address this issue by proposing the root protection areas will be seeded with woodland edge wildflower seed mix and a range of other bulbs, leaving an area of 135m² as lawn or patio, which is in excess of the amount of garden space recommended in Section 7 of the SODG 2016, which would normally require at least 50 square metres for a two bed dwelling. If successful the planting could be attractive but space for recreation or drying washing would be reduced. However, as this is only a two bedroom house the garden is unlikely to be used by a large family and this would not be of sufficient detriment to warrant refusal of planning permission. On the basis of the above assessment, the proposed development would be in compliance 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. Many third party objections centre on pedestrian safety as a result of the proposed access arrangements, particularly the risk to children. The OCC Highway Liaison Officer (HLO) is satisfied that the proposed parking and turning arrangements within the site would be acceptable to serve the proposed dwelling and also the approved dwelling subject to standard highway-related planning conditions, including prevention of vehicles from parking in the turning areas. The HLO also considers that the proposed means of access, which has been revised in position and width to accommodate two households, with the boundary wall lowered to allow for visibility splays at the junction with the turning head would continue to be acceptable in terms of highway and pedestrian safety for use by two households. The use of Oaks Road and Brocks Way by traffic associated with the residential occupation of two dwellings would not result in severe harm as required by Paragraph 32 of the NPPF.

- 6.13 The alternative of providing a permanent access to the application site from Station Road would be precluded by the location of protected trees and the lawful implementation of approved extensions to The Gables and the detached dwelling to the west of The Gables.
- 6.14 Many local residents are rightly concerned about the impact of construction traffic, if this was permitted to use the proposed access to enter and exit the site. The HLO has previously found that this would have an unacceptable impact on the local highway network when assessing the application for the approved dwelling under application [P15/S3709/FUL](#). The applicant has previously demonstrated that a temporary haul route could be achieved avoiding harm to the protected trees on site. On this basis, a construction traffic management plan condition is recommended to mirror that imposed on the above planning permission, which will require the applicant to provide full details on a number of aspects including arrangements for construction or related vehicles and pedestrian workforce accessing the site from Station Road and parking on land within the applicant's ownership. On this basis, the proposal would satisfy the above criterion.
- 6.15 Other Material Planning Considerations
There would be a total net gain of three dwellings on the former plot occupied by The Gables. These would provide a 2-bedroom, a 3-bedroom and a 5-bedroom dwelling. This would be an acceptable mix when assessed against the requirements of the SOCS Policy CSH4 having regard to the latest evidence in the SHMA. Officers consider it necessary to impose a condition to remove householder permitted development rights in order to enable the Council to exercise control over any future development that might otherwise be unneighbourly or result in visual harm or damage to important trees.
- 6.16 Although the implementation of the right of way is dependent on acquiring the relevant planning and highway consents that granting this application would provide, the validity of the right of way is a separate legal matter between the applicant and the landowner. Should it be determined that no right of way exists then any planning permission could not be implemented. Similarly, should the proposed development be in breach of any building line restriction imposed by a historic covenant then that too would be a private legal matter that would potentially prevent any planning permission from being implemented.
- 6.17 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 (index linked) per square metre of additional floorspace (Zone 1). 15% of the CIL payment would go Shiplake 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 in keeping with the character and appearance of the area, would safeguard protected trees and the living conditions of nearby residents and would not result in conditions prejudicial to highway and pedestrian safety.

8.0 RECOMMENDATION

- 8.1 **To grant planning permission subject to the following conditions:**

- 1. Commencement three years - full planning permission.**
- 2. Development to proceed in accordance with approved plans.**

3. Schedule of materials required to be submitted and agreed prior to commencement.
4. Obscure glazing of first floor south-facing window prior to occupation.
5. Withdrawal of permitted development rights for extensions, outbuildings and hardstandings.
6. New vehicular access to be constructed concurrently with walls on either side not before substantial completion of dwelling and to be completed prior to occupation.
7. Vision splay dimensions to be retained as shown on plan.
8. Parking and manoeuvring areas to be retained as shown on plan.
9. Construction traffic management plan showing site access from station road to be submitted and agreed prior to commencement.
10. No surface water drainage to highway.
11. Details of access gate to be submitted and agreed prior to commencement.
12. Landscaping (access/hardstandings/boundary treatment) details to be submitted and agreed prior to commencement – boundary wall to number five to be constructed first.
13. Tree protection to be carried out in accordance with submitted details.

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