
APPLICATION NO.	P17/S1567/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	16.5.2017
PARISH	SOUTH MORETON
WARD MEMBER(S)	Jane Murphy Pat Dawe
APPLICANT	Mr K Luke
SITE	Chislehurst, Hithercroft, South Moreton, OX11 9AL
PROPOSAL	Demolish existing dwelling and ancillary buildings. Replace with new four bedroomed house with double garage and gym/office over.
OFFICER	Sharon Crawford

1.0 INTRODUCTION

- 1.1 The application has been referred to the Planning Committee because the recommendation to grant planning permission conflicts with the views of the South Moreton Parish Council who object to the application.
- 1.2 The site lies to the south east of the main body of South Moreton village outside the built up limits. It is one of a small group of four dwellings; three of these dwellings take access off a private drive on the Hithercroft Road.
The site lies in the North Wessex Downs Area of Outstanding Natural Beauty.
The site for the new dwelling lies in flood zones 2 and 3. There is a drainage ditch to the north west of the site and part of the site is susceptible to surface water flooding.
The whole site is an area of archaeological interest of the Medieval Village at South Moreton.

Views across an open paddock are available of this small group of dwellings from the Anchor Lane / High Street / Hithercroft junction located to the south-west of the site,

- 1.3 The site is identified on the Ordnance Survey Extract **attached** at Appendix 1.

2.0 PROPOSAL

- 2.1 The application seeks full planning permission for the demolition of the existing bungalow and garage, and erection of detached dwelling with integral garaging. The proposed dwelling would have four bedrooms (two ensuite) and a large gym office at first floor. At ground floor there would be a large kitchen, lounge, office and integral garage. The plans show two internal staircases, one access the first floor gym/office only. There are no changes proposed to the access. The exterior of the walls would be consist of a red brick plinth with flint panels, with the first floor covered in oak cladding. The roof would be finished in a natural slate.
- 2.2 Amended plans were submitted reducing the ridge height of the dwelling and moving the garage wing away from the Cherry Orchard boundary but closer to Copes Close boundary.
- 2.3 Reduced copies of the plans accompanying the application are **attached** at Appendix 2. Full copies of the plans and consultation responses are available for inspection on the Council's website at www.southoxon.gov.uk

- 2.4 Planning permission has already been granted for a replacement dwelling on this site (P16/S0467/FUL). The approved plans are **attached** at Appendix 3. This application seeks planning permission for an alternative design and size for a replacement dwelling.

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

Full responses can be found on the Council's website

3.1 **South Moreton Parish Council No strong views on original plans**

Objection to amended plans. We see no justification for bringing the front of the house so far forward beyond the natural "line" of the other houses. Additionally a more sympathetic roof line would be appropriate, much as the existing planning permission where the ridge height steps down to single story where the sight line impacts on the neighbours

OCC (Archaeology) The proposals outlined would not appear to have an invasive impact upon any known archaeological sites or features. As such there are no archaeological constraints to this scheme.

OCC (Highways) No objection subject to conditions.

Countryside Officer- Having carried out an assessment I am of the view that there is only a low risk of impacts on protected species. However, as certain species, particularly bats are highly mobile and opportunistic mammals which tuck themselves into narrow cracks and crevices. Recommend an informative should planning permission be granted.

Monson Infrastruct's FRA and accompanying Flood Zone Analysis concludes that the house is not within the Flood Zones 2 or 3, as is indicated on the EA flood map. The inaccuracies of the flood map are exposed by the submitted level survey, with a variation of up to 0.65 metres between the surveyed levels at the flood zone boundaries indicated on the flood map.

Neighbour Object (3) We oppose the application for site S1567 and taking it in conjunction with S1569 as the two developments are mutually inter-dependent and the siting of both are crammed in to fit both on to the site . One replacement development seems entirely appropriate; two new houses crammed against boundaries in open countryside and with limited access seems completely inappropriate.

The siting of the property has been brought very much forward of the original plans passed (P16/S0467/FUL) and is not on the original footprint of the old bungalow. This encroaches hugely on the outlook both from Cherry Orchard and Copse Close. The proposed building is two stories high with a pitched roof and has windows overlooking our property from the first floor which is unacceptable. It is also sited some 3 feet from our boundary and approximately 6 feet from the boundary of Copse Close as it has been squeezed into the narrowest part

of the available plot. This would certainly cause a loss of privacy to our property.

The building is sited some 26 feet forward of the back wall of Cherry Orchard, meaning that a large proportion of the house would be visible from the seating area at the back of my house, thereby impacting enormously on my rights of enjoyment. The ridge height, despite alteration, is still overpowering especially in this proximity and a bathroom window will directly overlook my garden. One wonders why the use of dormer windows and/or velux windows is not considered to reduce the ridge height, as in Cherry Orchard, which was a replacement for a very similar bungalow to Chislehurst back in 1997.

In keeping the siting of the proposed house to the west of the existing footprint, not only is the house pushed in to the tightest part of the overall site, but it leaves open the original intention to develop a second house.

We also do not believe it is appropriate to develop a large house in open countryside in an AONB, outside the village boundary, which is not to be sited on or around the current footprint of the existing house. Effectively it is a new development given it is so far off the current siting, and as such it creates a significant negative visual impact outside the current line of houses.

**Neighbour Approve
(2)**

One support letter is from the agent and addresses some of the concerns expressed by the neighbours.

The other letter of support is from the applicant. We are in support of the planning no P17/S1567/FUL as in our opinion it enhances the area visually but also the 2 properties adjacent to the proposed replacement dwelling.

4.0 RELEVANT PLANNING HISTORY

4.1 The following application was for a new house within the grounds of Chislehurst which was to be in addition to the replacement of the existing bungalow.

[P17/S1569/FUL](#) - Refused (10/07/2017)

New four bedroom dwelling with garage.

[P16/S3745/PEM](#) – Pre application advice (22/12/2016)

Demolition of existing bungalow. Erection of 2no detached dwellings with garages and amenity space with shared access.

[P16/S0467/FUL](#) - Approved (19/05/2016)

Demolition of existing bungalow and garage and erection of detached dwelling and garaging.

5.0 POLICY & GUIDANCE

5.1 South Oxfordshire Core Strategy (SOCS) Policies

CSEN1 - Landscape protection

CSC1 - Delivery and contingency

CSM1 - Transport

CS1 - Presumption in favour of sustainable development
CSH1 - Amount and distribution of housing
CSH4 - Meeting housing needs
CSI1 - Infrastructure provision
CSQ2 - Sustainable design and construction
CSQ3 - Design
CSS1 - The Overall Strategy

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

C4 - Landscape setting of settlements
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
D7 - Access for all
EP3 - Adverse affect by external lighting
EP6 - Sustainable drainage
EP7 - Impact on ground water resources
G2 - Protect district from adverse development
G3 - Development well served by facilities and transport
H4 - Housing sites in towns and larger villages outside Green Belt
H12 - Replacement dwellings
T1 - Safe, convenient and adequate highway network for all users
T2 - Unloading, turning and parking for all highway users

5.3 Neighbourhood Plan policies;

South Moreton parish have no current plans for a neighbourhood plan.

5.4 Supplementary Planning Guidance/Documents

North Wessex Downs AONB Management Plan 2014-2019

CIL Regulations 2010 (as amended)

South Oxfordshire Design Guide 2016 (SODG 2016)

5.5 National Planning Policy Framework (NPPF)

National Planning Policy Framework Planning Practice Guidance (NPPG)

6.0 **PLANNING CONSIDERATIONS**

6.1 The key considerations in assessing the proposal are:

- The principle of residential development
- Impact on Area of Outstanding Natural Beauty
- Residential amenity
- Drainage and flood risk
- Ecology
- Highways and parking
- Community Infrastructure Levy (CIL) liability
- Additional matters

6.2 The principle of residential development

The site is located south-east of the main body of the village of South Moreton outside the built up limits of the settlement. Policy H12 of the South Oxfordshire Local Plan allows for proposals for the replacement of a dwelling outside the built-up limits of those settlements subject to the following:

- i. the use has not been abandoned;
- ii. the existing dwelling is not listed, or of historic, visual or architectural interest.
- iii. the proposed dwelling is not materially greater in volume than the existing dwelling (taking account of permitted development rights);
- iv. the overall impact would not be any greater than the existing dwelling on the character and appearance of the site and the surrounding area; and
- v. the siting, design and materials are in keeping with the locality.

6.2i In terms of criteria i) the existing bungalow is currently occupied.
ii) The bungalow dates from the 1950's and is of no particular architectural merit

6.2ii With regard to point iii), the enlarged volume of the replacement dwelling is significantly larger than the current dwelling. However, the existing planning permission for a replacement dwelling on the site was also larger than the strict limit allowed in Policy H12. Although no volume calculations have been submitted as part of the application, calculations carried out by the Planning Officer indicate a volume over 1, 600 cubic metres (not including the forward projecting wings). As such, the proposal would be materially greater in volume and would conflict with policy H12. It is necessary to assess whether there are other material considerations that would justify or mitigate the impact. The approved replacement dwelling received planning permission because of the following material considerations;

- Prior to redevelopment, the dwelling at Cherry Orchard (adjacent) was very similar in structure, scale and massing to Chislehurst, and planning permission was granted for a sizeable replacement dwelling in 1996. At the point of determination the application was considered to be in line with policy H8 of the Rural Areas Local Plan; the wording of this policy has been carried through to the current Local Plan policy H12. While the 2-storey replacement dwelling is significantly larger than the former dwelling, and has a larger footprint, it relates well to its surroundings and does not detract from or overly dominate the sensitive landscape setting. The similarity in site constraints, original building design and location are considered to be comparable to the current proposal.
- The adjacent site at Copes Close was granted permission in 1995 for a large single storey structure as an indoor swimming pool and games room. The permission allowed a sizeable outbuilding in connection with the dwelling.
- Within the context of the adjacent sites, it would be unreasonable to restrict the increased volume to an amount 'not significantly greater than' the existing building, as the surrounding sites have both been permitted to expand to a greater degree and in proportion to the overall plot area.

- 6.2iii In terms of floor area comparative sizes for the existing, proposed dwelling and approved dwellings are as follows

Existing dwelling	Current proposal	Approved replacement dwelling
Dwelling 157.7 m ²	GF footprint 213m ²	Total floorspace of 435m ²
Garage 34.4m ²	FF footprint 207m ²	with a footprint area of
Sheds 8.8m ²	Total area (gf & ff) 419m ²	384m ²
Total demolished 201m ²		

- 6.2iv It can be seen that the total floor area for the approved replacement dwelling is larger than that now proposed. Whilst the approved replacement dwelling has a larger footprint much of this single storey. However there are two storey elements on the approved replacement dwelling of some 8.4 m in height which is not dissimilar to the 8.6 m as now currently proposed. The surrounding dwellings are in the region of the following heights;

- Copes Close = 7.9m
- Woodpeckers = 6.5m
- Cherry Orchard = 6.8

- 6.2v It is clear that the principle of a two storey dwelling over the size limit allowed in Policy H12 has already been established. Therefore, if the current proposal is acceptable in terms of design, landscape and neighbour impact etc then I do not think a refusal of planning permission is justified on this ground alone given the circumstances set out above.

- 6.3 **Impact on landscape setting of the village and the AONB.** The site lies within the North Wessex Downs Area of Outstanding Natural Beauty. Paragraph 115 of the NPPF confirms that "great weight" should be given to conserving and enhancing the character and qualities of the AONB "*which have the highest status of protection*". This reinforces the statutory duty placed on the council under S85 of the Countryside Rights of Way Act 2000. Policy CSEN1 of the SOCS recognises that the district's distinct landscape character and key features will be protected against inappropriate development and where possible enhanced.

- 6.3i The site lies in the Downs Plain and Scarp area (NWDAONB Landscape Character Assessment) and is in an attractive landscape. The Downs Plain is characterised by vast arable fields, lack of surface water and a general absence of settlement.



Screenshot from video taken at the junction of Hithercroft road and High Street

The application proposes a two storey dwelling on the site that is of a more consolidated form than the approved dwelling which was made up of three two storey blocks connected by single storey wings. The immediate character of the site is of residential buildings within large, open gardens, which benefit from vegetation and natural screening. The replacement dwelling would not disturb the landscaping or adversely alter the character seen across the site. Given that both the approved dwelling also had two storey elements. As such the proposal also complies with H12 iv)

6.4 **Residential amenity**

In light of the proposed increased height of the dwelling and the changes to siting, consideration has been given to the change in impact on neighbouring occupants, as required by policy D4 of the SOLP. The three surrounding neighbours have objected to the proposal. Ground floor openings (in the three buildings and the links) are screened by the existing boundary fencing, hedging and planting.

Impact on Cherry Orchard. Cherry Orchard lies to the north of the proposed dwelling. The main wing of the proposed dwelling would be on a similar building line and orientation to Cherry Orchard and there will be a side to side relationship. There is an ensuite bathroom window in the side gable which will be obscure glazed to prevent overlooking. The large garage and office wing to the front has been moved away from the shared boundary and first floor windows would overlook their own garden and the garage of Cherry Orchard. The occupants of Cherry Orchard are concerned that a large proportion of the house would be visible from the seating area at the back of their house creating an oppressive impact. Given the distance of some 12 metres between the buildings and the orientation of the properties this relationship is considered acceptable and will not be significantly harmful to residential amenity. Permitted development rights will be removed by condition to control further additions or additional windows.

Impact on Copes Close. Copes Close is located due south of the proposed dwelling so there will be no overshadowing as a result of the development. Copes Close sides onto the boundary with Chislehurst with the main outlook east and west. The main area where impact will be felt is to the northern part of the garden. There is an ensuite bathroom window in the side gable which will be obscure glazed to prevent overlooking. There is also one bedroom window proposed in the side elevation which

would look onto the blank side wall of Copes Close and across a portion of the northern garden area. The neighbour has objected very strongly to the height and positioning of the dwelling in close proximity to the boundary. They consider that the dwelling will be oppressive and will overlook to the house and garden to an unacceptable degree.

It is acknowledged that there will be a significant change as a result of this development. However, given the distance of some 15 metres between the buildings and the orientation of the properties this relationship is considered acceptable and will not be significantly harmful to residential amenity. Permitted development rights will be removed by condition to control further additions or additional windows.

Impact on Woodpeckers. Woodpeckers lies to the south east of the site and the distance between the buildings would be over some 50m. Given the distance and boundary screening the impact on the amenity of Woodpeckers will be minimal.

Drainage and flood risk

The application includes the same flood risk assessment and flooding information as the approved application for a replacement dwelling. The Environment Agency flood mapping indicates the majority of the site and development area being located within flood zones 2 and 3. Given the identified flood risk associated with the site, advice was sought from the council's Drainage engineer, and further flood survey information was provided to address the flood concerns. The conclusions of this process are as follows:

- The Environment Agency's Flood Maps show the full extent of Flood Zone 3 to be contained within the site. An initial inspection of topographic survey for the site determined that this cannot be the case as ground levels continue to fall towards the south-eastern boundary.
- Upon requesting "Product 4" Flood modelling data from the Environment Agency we were advised that "The property lies in Flood Zone 2 and Flood Zone 3 but we have not carried out any flood level modelling for the Cholsey Brook, the Cholsey Brook Link or the Mill Brook" and were referred to the publicly available flood map.
- In the absence of any flood level modelling a comparison has been made between the extent of the flood zones as shown on the Environment Agency's Flood Map and the levels on an extended topographic survey including the private access road, adopted highway and the adjacent public footpath. This has determined that the maximum extent of Flood Zone must be further to the south-east than shown on the Flood Maps.
- For the extent of the flood zones to be similar in shape and size to those on the Flood Maps a maximum flood level of 48.3m in flood zone 3 and 48.4m in Flood Zone 2 would be required. This have been plotted to provide an indication on the likely extent of any flooding.
- This demonstrates that the vast majority of the site would be in Flood Zone 1, and that a "very low risk" dry means of escape would be achievable.

The proposed dwelling has less of a potential impact on flooding because the dwelling is sited further away from the eastern boundary. Conditions are suggested in relation to surface and foul water drainage.

- 6.5 **Ecology.** In light of the structure proposed to be removed, there is a risk that bats may be found in the roof space, or openings in the structure. Certain species, particularly bats, are highly mobile and opportunistic mammals which tuck themselves into narrow cracks and crevices. The Ecology Officer has advised there is only a low risk of

impacts on protected species on the site but recommends taking a precautionary approach. The following informative is recommended:

- In accordance with European Legislation. A licence may be necessary if bats are affected. If bats are discovered, advice should be sought from Natural England.

6.6 Highways and parking. No changes to the access are proposed and there is adequate space provided on the site for the parking and manoeuvring of 2+ cars. As the proposal does not involve any increase in traffic generation there are no objections in terms of highway impact.

6.7 Community Infrastructure Levy (CIL) liability

The council's CIL charging schedule has recently been adopted and applies to residential 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. The CIL charge applied to new build residential development is £150 per square metre in South Moreton (adjusted to £156 as per indexing figure January 2017). 15% of the CIL payment will go directly to South Moreton Parish Council (in the absence of an adopted Neighbourhood Plan) for spending towards local projects.

In this case the proposal involves a replacement dwelling with an increased floorspace. The development is CIL liable and the relevant procedures have been followed to enable the contribution to be collected prior to commencement, subject to permission being granted.

7.0 CONCLUSION

7.1 The proposed development is considered to be acceptable for the following reasons: Although the principle of a replacement dwelling does not conform to policy H12, as it is larger than existing and outside the built-up limits of the settlement, sufficient justification has been provided in the context of an extant planning permission for a larger replacement dwelling on the site, to outweigh the conflict with policy.

The development does not detract from the landscape sensitivities of the Area of Outstanding Natural Beauty, and the key landscape features across the site are suitably protected.

The design, scale and materials are appropriate to the site and rural setting of the dwelling. The proposal does not compromise the residential amenity of neighbouring occupants in terms of outlook, privacy, overshadowing or loss of light.

Subject to conditions, the proposal accords with the National Planning Policy Framework (2012) and National Planning Practice Guidance (2014), South Oxfordshire Core Strategy (2012), South Oxfordshire Local Plan (Saved policies, 2011) and the South Oxfordshire Design Guide (2008).

8.0 RECOMMENDATION

8.1 To grant planning permission subject to the following conditions:

- 1. Work to commence within three years.**
- 2. In accordance with plans.**
- 3. Schedule of materials to be approved.**
- 4. Hard standing, as indicated on plans, to be SUDs compliant.**
- 5. Parking and turning areas.**
- 6. Removal of permitted development rights - enlargement of the dwelling.**

7. Removal of permitted development rights - enlargement of the roof.
8. Removal of permitted development rights – outbuildings.
9. Details of foul drainage.
10. Details of surface water drainage.
11. Updated flood risk assessment required.
12. Obscure glazing to ensuite bathrooms.

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