APPLICATION NO.	P17/S3065/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	22.8.2017
PARISH	CLIFTON HAMPDEN
WARD MEMBER(S)	Sue Lawson
APPLICANT	Mr N Mullard and Mrs F Brann
SITE	Land to west of Withywindle, Abingdon Road, Burcot, OX14 3DN
PROPOSAL	Proposed erection of a single detached 4-bed dwelling and detached double garage.
OFFICER	Kim Gould

1.0 **INTRODUCTION**

1.1 The application was deferred from the Planning Committee meeting on 8th November to allow Members to carry out a site visit. The application has been referred to the Planning Committee because the recommendation to grant planning permission conflicts with the views of Clifton Hampden Parish Council.

1.2 The site lies within the built up limits of Burcot within a line of development on the southern side of the A415. Access to the site is directly off the A415 onto a private driveway which currently serves 5 dwellings.

1.3 The site which measures approximately 0.1 hectares comprises a parcel of private amenity land which is currently undeveloped and lies immediately west of a property known as Withywindle.

1.3 The site lies within the Oxford green belt and is identified on the Ordnance Survey extract **attached** at Appendix 1.

1.4 Planning permission for 2 dwellings on this site was refused last year under planning reference P16/S2223/FUL and a subsequent appeal dismissed. A copy of the appeal decision is **attached** at Appendix 2.

2.0 **PROPOSAL**

2.1 This application seeks full planning permission to erect a single detached, 4 bed dwelling and detached double garage.

2.2 The proposed dwelling would have 2 off street parking spaces at the front of the property together with a detached double garage at the rear. A passing place would also be provided on the western side of the plot.

2.3 The dwelling would have a gross internal floor area of some 248sqm. It would be constructed using red bricks to the walls with plain roof tiles and painted timber joinery.

2.4 Reduced copies of some of the submitted plans area **attached** at Appendix 3. Full copies of the plans and consultation responses are available for inspection on the council's website at www.southoxon.gov.uk

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

3.1 Clifton Hampden Parish Council – Objection – Insufficient parking provision and the access provisions are unsuitable.

SGN Plant Protection Team - No strong views.

OCC (Archaeology) - No strong views subject to conditions relating to the need for an archaeological watching brief and the need for an archaeologist to be present when development commences on site.

OCC (Highways) - No objection subject to conditions relating to vision splays, no garage conversion, turning and manoeuvring spaces to be provided and retained.

Forestry Officer - No objection subject to conditions relating to tree protection and landscaping.

Neighbour Object (3) Summarised points include:

- Vehicles will be exiting the garages by reversing onto a bend in a very narrow lane.
- Existing garage opposite will be compromised as will the driveway of Granchester situated opposite the parking area at the front of the dwelling
- Difficult site being bordered on 3 sides by a shared driveway and is unsuitable for the size of development proposed.
- Concerns regarding layout of access to proposed property
- Point of entry to the front of the property and the positioning of the passing space and the congestion it will cause on a single track shared driveway.
- Going to incur many vehicle movements reversing out from the properties to the east of Grantchester House into a shared drive which has severely restricted views due to established hedges.
- Overbearing impact on on Withywindle
- Does not address the concerns outlined by the inspector.

The neighbour comments can be seen in full on the council website at www.southoxon.gov.uk

Neighbour No Strong Views (1) would prefer to see the garage timber clad rather than brick to be more in keeping with semi-rural location.

4.0 **RELEVANT PLANNING HISTORY**

4.1 P16/S2223/FUL - Refused (19/10/2016) - Appeal dismissed (01/06/2017)
Proposed erection of a pair of semi-detached three bedroom dwellings and a detached garage building.(as amended by plan ref 15117 P01A which shows the creation of a passing place on the western side of unit 1)
(As amended by plans P01B, P02A and P03A received on 5 August 16 which reduces the width of the development, resites the development within the plot and removes the ensuite bathroom in bedroom 2 in both dwellings).

P05/W0148 - Refused (30/03/2005) - Appeal dismissed (20/12/2005)
Erection of three storey dwellinghouse.

P04/W0541 - Refused (05/07/2004)
Erection of two storey house.

5.0 **POLICY & GUIDANCE**

5.1 South Oxfordshire Core Strategy (SOCS) Policies
CS1 - Presumption in favour of sustainable development
CSEN2 - Green Belt protection
CSH4 - Meeting housing needs
CSQ3 - Design
CSR1 - Housing in villages
CSS1 - The Overall Strategy

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

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
GB4 - Openness of Green Belt maintained
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 Neighbourhood Plan policies; Paragraph 216 of the NPPF allows weight to be given to relevant policies in emerging plans, unless other material considerations indicate otherwise, and only subject to the stage of preparation of the plan, the extent of unresolved objections and the degree of consistency of the relevant emerging policies with the NPPF.

Clifton Hampden are working towards the adoption of a neighbourhood plan and are at stage 1 of the process. The Neighbourhood Plan therefore has limited weight at this stage.

5.4 Supplementary Planning Guidance/Documents

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 main issues in this case are:

- Whether the principle of development is acceptable
- Impact on the openness and visual amenity of the green belt
- Impact on the established character of the area
- Impact on neighbours
- Access/ Parking
- Garden sizes
- CIL
- 5 year housing land supply
- Other issues.

6.2 **Principle**

The site lies within the Oxford green belt where there is a presumption against inappropriate development. Inappropriate development is, by definition, harmful to the openness of the green belt. The NPPF sets out those developments which are not inappropriate. Included is limited infilling within settlements. Infilling is defined within policy CSR1 of the SOCS as "the filling of a small gap in an otherwise built up frontage, or on other sites within settlements where the site is closely surrounded by buildings." This site lies between linear development along the A415 and is surrounded by dwellings. The NPPF advises that there is a presumption in favour of sustainable development. This is echoed within policy CS1 of the SOCS. In assessing the recent appeal on this site for 2 dwellings the appeal inspector stated that " I am satisfied that the proposal would constitute limited infilling in the village and would not be inappropriate development in the green belt…" As such the principle of residential development is acceptable on this site.

6.3 Notwithstanding the above, the council cannot currently demonstrate a five year supply of deliverable housing land. Paragraph 49 of the NPPF makes it clear the relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing land and the "presumption in favour of sustainable development" should be applied. The mechanism for applying that presumption is set out in paragraph 14 of the NPPF. This advises that where relevant policies are out-of-date (unless material considerations indicate otherwise) then permission should be granted , unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole or where specific policies in the NPPF indicate development should be restricted.

6.4 If the proposed housing development is acceptable in principle then the detail of the proposal must be assessed against the criteria within policy H4 of the SOLP. Those most relevant to this current proposal are listed below.

6.5 **Impact on the established character of the area**

The appeal inspector, in considering the proposal for 2 dwellings on this site concluded that the principle of development was acceptable and the main issue to be considered was the effect of the proposed development on the character of the site and the surrounding area.

There is a linear form of development along the A415 through Burcot. The application site does not front directly onto the A415 but is set back from it. The appeal inspector concluded that any development on the application site "would be more readily viewed in the context of the more spacious and dispersed form of development to the west and south. " It is within this context that this current scheme should be assessed. In addressing the inspector's comments, this single dwelling has been pushed further back into the plot so that it relates better to those properties to the south and west of the site which sit within rather than to the front of their plots. The proposed dwelling would have a minimum gap to the eastern boundary of 2.6m widening to 6.7m. To the west the gap to the boundary would be 2.73m widening to 3.97 metres. The dwelling would benefit from a sizeable plot which would relate well to the sizeable plots in the locality having a rear garden area in excess of 300sqm.

The site lies within a predominantly residential area. The design, height and siting of the proposed dwelling is in keeping with the surrounding development which has a wide variety of house types and styles. It would be easily assimilated in the locality. The appeal inspector raised concerns in relation to the bulk and massing of the two dwellings on what he considered to be a relatively narrow site which " would be at odds

with the surrounding pattern of development. " He referred to the development sitting close to both side boundaries with the north western corner of the site being of particular concern where the north western corner of the development would be close to the access road. The submitted plans S1/P/02A. 03a and 04A show a comparison of the refused scheme and the current proposal. The bulk of the proposal has been reduced and there are now more generous gaps to the boundary. The remaining amenity space is for a single dwelling only and the proposal accords with policy H4 in this respect in your officers' opinion.

6.6 **Impact on neighbours**

The most affected neighbour by the built form of this proposal is immediately east of the site at Withywindle. The prospective purchaser of this property has objected to the proposal on the grounds that it would be overbearing and oppressive and adversely affect his residential amenity. The proposed single dwelling has been pushed back further into the site compared to the refused scheme. However, generous distances between the eastern elevation of the new dwelling and the boundary of Withywindle will remain 2.6m (min) 6.7m 9 (max). The closest part of the western elevation of the main dwelling at Withywindle would be some 7.6m from the eastern elevation of the new dwelling. Also the proposed dwelling has been designed so that there are no first floor windows facing Withywindle. In addition, the part of the dwelling which projects furthest into the site has a ridge height which is some 1.5m lower than the main part of the proposed dwelling thereby minimising the any adverse impact on amenity through being oppressive and overbearing. It is your officers' opinion that the dwelling would be sited and orientated in a manner which would not harm the outlook or privacy of the adjoining dwelling. In assessing the appeal for two dwellings, the Inspector made no reference to any harm to neighbour amenity caused by the proposal.

6.7 **Access and Parking**

Vehicular access to the site is off the Abingdon Road, A415 onto a private access road. Parking is proposed at the front of the new dwelling and to the rear with a double garage and off street parking. A passing space is proposed within the access road and the Highway Authority have raised no objection to this proposal on highway grounds. Many of the objections and concerns from local residents relate to parking and access issues. The proposal is for a single, 4 bedroom dwelling. The council's standards require 2 off street parking spaces for this size of dwelling. This proposal would provide 6 off street parking spaces - 2 to the front, 2 to the rear and 2 within the double garage. A planning condition is recommended which would prevent the garage accommodation from being converted without the need for planning permission. As such, the proposal adequately meets the council's standards in relation to parking.

Neighbours are concerned about occupiers of the new dwelling reversing out of their spaces either at the front of the property close to the entrance to the site or to the rear close to a bend in the access road. Given that the number of vehicular movements associated with a single dwelling would be modest and the number of vehicles using the driveway would also be relatively low the proposed development is not considered to be unacceptable on highway grounds. The appeal inspector made no reference to concerns in relation to the highway proposals when 2 dwellings were proposed on this site. Any refusal of planning permission on highway grounds is unlikely to be supported by an appeal inspector in your officers' opinion particularly when there is no objection from the Highway Authority.

6.8 **Garden sizes**

Minimum standards for garden areas for new residential development are recommended in the South Oxfordshire Design Guide and in policy D3 of the Local Plan. For a 4 bed dwelling the SODG recommends an amenity space of 100sqm. It is

recognised by your officers that the appeal inspector was of the opinion that " whilst the resulting gardens would exceed the minimum space requirements recommended by local design guidance….they would nonetheless be considerably smaller than those typically seen in the immediately surrounding area, including the adjacent property Withywindle". This current scheme provides a rear garden area in excess of 334.0 sq metres. This compares to garden sizes of 220 sq metres and 180 sq metres for the previously refused scheme. It is my view that the comments from the inspector have been adequately addressed; the proposed single dwelling has a rear garden area in excess of 100 sq metres larger than the previous scheme and over 3 times larger than the council's standards for a 4 bedroom dwelling. As such, it is your officers' opinion that although the rear garden of the proposed new dwelling is smaller than some of the surrounding houses, it is similar or significantly larger than some of the nearby properties**.**

6.9 **Community Infrastructure Levy (CIL).** The council's CIL charging schedule has been adopted and applies to relevant 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.

In this case, CIL is liable because the proposal involves the creation of a new dwelling. A CIL payment of £43,992.00 would be generated by this proposal.

6.10 **5 year housing land supply**

In the appeal decision the inspector recognised that the lack of a five-year housing land supply carried significant weight. However, he concluded that 2 dwellings would make only a small contribution to the shortfall in housing supply and that the development of 2 dwellings on this site would cause unacceptable harm to the character and appearance of the site and surrounding area. This harm outweighed the limited benefits of providing 2 dwellings in his opinion. This current proposal has addressed the concerns of the planning inspector in terms of providing a single dwelling which has been designed to reduce its visual impact and ensuring that it would appear in keeping with the variety of house type and styles in the locality but in particular with the detached nature of the properties immediately to the east, south and west of the site. As such, it is your officers' opinion that there would not be unacceptable harm to the character and appearance of the site and surrounding area.

7.0 **CONCLUSION**

7.1 The principle of residential development is acceptable in this location. The proposal differs significantly from the scheme which was dismissed at appeal and accords with Development Plan policies in relation to new dwellings and green belt. Whilst it is acknowledged that neighbours remain concerned with access and parking, the inspector raised no such objections in relation to 2 dwellings. The Highway Authority have raised no objection to this current proposal and therefore there are no technical reasons to refuse this application in your officers' opinion.

8.0 **RECOMMENDATION**

8.1 **That planning permission is granted subject to the following conditions:**

1. **Commencement three years - full planning permission.**
2. **Approved plans.**
3. **Schedule of materials.**
4. **Vision splay protection.**
5. **No garage conversion into accommodation.**

6. **Complete all highway works.**
7. **Landscaping scheme (trees and shrubs only).**
8. **Tree protection (general).**
9. **Archaeological watching brief.**
10. **Parking and manoeuvring areas retained.**
11. **Implementation of programme or archaeological work.**

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