

APPLICATION NO.	P17/S3401/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	20.9.2017
PARISH	GARSINGTON
WARD MEMBER(S)	Elizabeth Gillespie
APPLICANT	Mr & Mrs Wyer
SITE	Land adjacent to 20 Wheatley Road Garsington, OX44 9EP
PROPOSAL	Single Storey House with Mezzanine.
OFFICER	Tom Rice

1.0 INTRODUCTION

- 1.1 The application site is in Garsington at the southern edge of the ribbon development that extends north out of the village centre along the Wheatley Road. It sits within a dip in the landscape as the Wheatley Road rises to both the north and the south of the site.
- 1.2 The site is currently a vacant plot of land that is covered in scrub and undergrowth with trees and hedgerows framing it, with the exception of a gate on its southwestern corner that connects onto the access road for the Thames Water Pumping Station.
- 1.3 The landscape drops off sharply to the east of the site and gives long distance open views out into the wider countryside.
- 1.4 The site is covered by the Oxford Green Belt.
- 1.5 A site location plan is given at [Appendix 1](#), and a site context plan is given at [Appendix 2](#).

2.0 PROPOSAL

- 2.1 The applicant is proposing to erect a new single storey house with a mezzanine floor.

3.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

3.1		Consultee	Summary of comments
	Garsington Parish Council		The proposed building is too high and will overlook a neighbouring property, the proposed building is too large for the area and the proposed building is out of keeping with other buildings in the vicinity. Garsington Parish Council would wish the Planning Officers to take account of the concerns of the neighbours and recommend further negotiations between parties over the design.
	Neighbouring property (20 Wheatley Rd)		The proposed development is too large for the plot. It would negatively impact on their privacy and access to light in their garden space. The development would be unsightly from their access. The proposed materials are out of keeping with the predominant character of the area where houses and their extensions are constructed from stone. The access is unacceptable and substandard onto the Wheatley Road, and

	<p>they are concerned that permitting the development would set a precedent for other applications. They raise concerns about the levels of traffic in the village and argue that development should be located in other more suitable locations. They raise concerns about the loss of the tree line which is full of natural foliage that provides wildlife benefits and a screen from traffic to their property from the Wheatley Road. Their final point relates to the landowner refusing to sell the land to them to extend their garden in the past citing an agricultural covenant on the land.</p>
<p>Neighbour comment (32 Wheatley Road)</p>	<p>Objects to the application and revised plans on the following grounds:</p> <ul style="list-style-type: none"> • The access is unsafe due to the poor visibility and difficulty of accessing the main road. • The proposed design does not match the general character and design of Garsington. • The design will obstruct views from neighbouring properties and gardens. • The footprint is inappropriately large. • The building will be experienced as two storeys from down the hill and will block views and light.
<p>Public Rights of Way Officer (Oxfordshire County Council)</p>	<p>Identifies conditions that would be appropriate to attach to any consent as follows:</p> <ul style="list-style-type: none"> • No materials, plant, temporary structures or excavations of any kind should be deposited / undertaken on or adjacent to the Public Right of Way that may obstruct or dissuade the public from using the public right of way whilst development takes place. • No changes to the public right of way direction, width, surface, signing or structures shall be made without prior permission approved by the Countryside Access Team or necessary legal process • No construction / demolition vehicle access may be taken along or across a public right of way without prior permission and appropriate safety/mitigation measures approved by the Countryside Access Team. Any damage to the surface of the public right of way caused by such use will be the responsibility of the applicants or their contractors to put right / make good to a standard required by the Countryside Access Team • No vehicle access may be taken along or across a public right of way to residential or commercial sites without prior permission and appropriate safety and surfacing measures approved by the Countryside Access Team. Any damage to the surface of the public right of way caused by such use will be the responsibility of the applicants, their contractors, or the occupier to put right / make good to a standard required by the Countryside Access Team

	<ul style="list-style-type: none"> Any gates provided shall be set back from the public right of way or shall not open outwards from the site across the public right of way
Local Highway Authority (Oxfordshire County Council)	<p>The Highways Liasion Officer originally objected to the application for the following reasons:</p> <ul style="list-style-type: none"> The proposal would likely increase the use of the existing substandard junction onto the Wheatley Road; this can only increase the risk to Highway Safety and to users of the Highway The car parking spaces do not meet current dimensional standards; for a standard car parking space, one which is not obstructed on either side this minimum internal dimension is required to be 2.5m wide by 5.0m in length. For a parking space which is obstructed on both sides this minimum internal dimension is required to be 2.7m wide by 5.0m in length. Two practical car parking spaces are required to be demonstrated for consideration No visibility splay has been demonstrated in accordance with standards, from the access onto the private lane. <p>The applicant has submitted additional plans demonstrating sufficient parking arrangements (Dwg 05) and visibility splays (Dwg 06). The local highway authority has now removed their objection to the proposals.</p>

4.0 **RELEVANT PLANNING HISTORY**

4.1 No relevant planning history.

5.0 **POLICY & GUIDANCE**

5.1 **South Oxfordshire Core Strategy Policies**

CS1	Presumption in favour of sustainable development
CSS1	The overall strategy
CSH2	The amount and distribution of housing
CSR1	Housing in rural areas
CSEN1	Landscape
CSEN2	Green Belt
CSQ2	Sustainable design and construction
CSQ3	Design
CSG1	Green Infrastructure

5.2 **South Oxfordshire Local Plan 2011 Policies**

G2	Protection and enhancement of the countryside
G4	Development in the countryside and on the edge of settlements
C4	Landscape setting of settlements
C9	Landscape features
GB4	Visual amenity of the Green Belt

EP3	Light pollution
EP6	Surface water protection
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
D7	Access for all
D10	Waste management
H4	Development in the towns and villages
R8	Public rights of way
T1	Safe convenient and adequate highway network
T2	Unloading, turning and parking
Appendix 5	Parking standards

5.3

Neighbourhood planning

Garsington parish is a designated neighbourhood plan area, although the steering group appears to have made little progress towards a neighbourhood plan. In February 2015, the parish council published a village plan. The village plan is not part of the development plan, but is still a material consideration. I have noted the following relevant comments / conclusions from the village plan for this application:

- a) There is high support from residents (70% of responders) for some form of new housing development.
- b) There is a perceived over reliance on the private car.
- c) The bus service is widely criticised by parishioners, although around one third of responders used the bus route.
- d) There are problems with on-street parking in the village centre causing safety issues with visibility.
- e) Over 80% of parishioners saw a need to improve pavements, footpaths and cycle paths. They noted narrow pavements, poor lighting and difficulty with road crossing as key issues.

5.4

South Oxfordshire Design Guide

The South Oxfordshire Design Guide contains detailed design guidance for applicants to follow. The SPD is not part of the development plan, but is a material consideration for the determination of this application. It contains a long checklist of items to consider for designing a new dwelling. I will, where relevant, consider the design guide in the planning considerations section below.

5.5

National Planning Policy Framework

Paragraph 14	Presumption in favour of sustainable development
Paragraph 17	Core planning principles
Paragraphs 47 and 49	Delivering a wide choice of high quality homes
Paragraph 50	Self build housing
Paragraphs 56, 57 and 61 to 66	Requiring good design
Paragraphs 80, 87, 88 and 89	Protecting the Green Belt
Paragraph 95	Meeting the challenge of climate change
Paragraph 118	Conserve and enhance biodiversity
Paragraph 125	Light pollution
Paragraphs 186 to 187	Decision taking

Paragraphs 203 to 206	Planning conditions
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5.6

National Planning Practice Guidance
Design
Determining a planning application
Light pollution
Natural environment
Rural housing
Self build and custom housebuilding
Use of planning conditions

6.0

PLANNING CONSIDERATIONS

6.1

I have reviewed the relevant planning policies, guidance and consultee response to this application and consider that the following matters are central to this proposed development:

- The principle of development
- The impact on the Oxford Green Belt and landscape impact
- Highways, access and parking
- Arboriculture (trees)
- Drainage
- Amenity (for both new and existing properties)
- Design, character, scale and mass of the proposed development
- Impact on a public right of way

THE PRINCIPLE OF DEVELOPMENT

6.2

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires the council to make decisions in accordance with the development plan, unless material considerations indicate otherwise. In this instance, the development plan is the South Oxfordshire Core Strategy and saved policies from the South Oxfordshire Local Plan 2011. The site is not affected by any known minerals designations and so the Oxfordshire Minerals and Waste Plan is not relevant to this application.

6.3

The Core Strategy sets out the current development strategy for South Oxfordshire. It states at Policy CSS1 (the overall strategy) that limited amounts of housing development within our smaller villages (such as Garsington) will be permitted. The application site is within the built limits of Garsington and so is supported by the Council's overall strategy.

6.4

This position is reinforced in Policy CSR1 (housing in villages) which states that the Council will permit development in 'smaller villages' on infill sites of around 5 to 6 houses (around 0.2ha in size). I consider the proposed development to be infill development and would therefore be consistent with Policy CSR1 of the Core Strategy.

6.5

Garsington is a sustainable settlement with a range of services and facilities, including a primary school, village hall, convenience store, pubs and bus routes. Although future occupiers will be dependent on the private car for higher tier services (such as super markets, secondary schools and comparison goods stores), there is a reasonable prospect that they will be able to meet basic needs on foot or by bicycle. In a rural district such as South Oxfordshire I consider this to be acceptable and in accordance with Paragraph 29 of the NPPF.

- 6.6 This is an application for a self-build home. Between South Oxfordshire and the Vale of White Horse we have over 200 households registered on our Custom and Self Build Housing Register. We are required to keep this register in accordance with the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016). According to National Planning Practice Guidance, the amount of people on our register may be a material consideration in decision taking. I therefore attach some weight in favour of the development to the fact that it would provide a serviced, self-build plot and help to address the needs of self-builders in our district.
- 6.7 The council cannot currently demonstrate a five year housing land supply. In accordance with Paragraph 49 of the NPPF (an important material consideration in determining this application) I am unable to consider the council's policies relevant to the supply of housing up to date. In such circumstances, Paragraph 14 of the NPPF engages a tilted balance in favour of sustainable development, meaning that 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
 - specific policies in the NPPF indicate development should be restricted.
- 6.8 The NPPF goes on to state that Green Belt policies within the NPPF are such policies that indicate development should be restricted. The site is entirely within the Green Belt, and so for the presumption to be engaged the development will need to satisfy those relevant parts of the NPPF that relate to the Green Belt. I deal with those in the next section.
- 6.9 Subject to the proposed development satisfying the relevant Green Belt policies, I consider that the development would be acceptable in principle

GREEN BELT AND LANDSCAPE IMPACT

- 6.10 There are two relevant local policies for development in the Green Belt; saved Policy GB4 of the Local Plan 2011 and Policy CSEN2 of the Core Strategy.
- 6.11 Saved Policy GB4 states that conspicuous development in the Green Belt should be designed in such a way that its impact on the open nature, rural character and visual amenity of the Green Belt is minimised. Policy CSEN2 notes that Policy CSR1 of the Core Strategy supports infill development in the villages, but states where this conflicts with national policies on the Green Belt, it will not be supported.
- 6.12 National policies attach great importance to protecting the Green Belt. The NPPF states that inappropriate development in the Green Belt should only be approved in very special circumstances, and that such circumstances will only exist where the potential harm to the Green Belt is clearly outweighed by other considerations.
- 6.13 The NPPF states that new buildings constitute inappropriate development, but identifies some exceptions to this at Paragraph 89. One such criterion is '*limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan*'. The proposed development would clearly represent a limited infill development within the village of Garsington.

- 6.14 In principle, subject to appropriate design and minimising the impact on the openness of the Green Belt, local and national policies would support the development of this site in the Green Belt.
- 6.15 Turning then to the proposals, in accordance with saved Policy GB4 I must consider their impact on the open nature, rural character and visual amenity of the Green Belt. I have taken each of these in turn below:
- A. **Open nature:** This development would be visible in views from the public right of way between Denton and Garsington (ref: GARFP24) and so would have an impact on the sense of separation between these two villages. There would also be glimpsed views of the dwelling on the southern approach of the Wheatley Road through the gate and road down to the pumping station. However, the views from the public right of way would be seen against a backdrop of existing development rising up the Wheatley Road hill and against a significant amount of existing mature planting (to be supplemented by additional planting, see drawing 5- [Appendix 3](#)). In any instance, these westward facing views would terminate at the ridgeline in the hill to the west of the site. I consider that there would be limited harm to the open nature of the Green Belt from the public right of way. In terms of the views from Wheatley Road, there would be an element of built form introduced that obscures wider views out to the east. However, the site is currently well shielded by existing trees and the views are already obscured by further tree planting and houses (although they are on the slope down and are very limited in terms of their visual impact). Overall I consider there to be very limited harm introduced to the perception of openness.
 - B. **Rural character:** The application site sits in an area bounded by the Wheatley Road to its west (with associated development such as signage, telephone poles and lighting), and residential development to its north, east, and northwest. Against this context, and because of its limited visibility in the wider landscape (see A above), I consider that the development would not impact on the rural character of the Green Belt in this location.
 - C. **Visual amenity:** As I have stated above, the site has limited visibility from public viewpoints. Views from Wheatley Road would be largely shielded by existing planting, with glimpsed views of the property being obtained from those travelling in a northerly direction, seen against a backdrop of existing residential properties. The other public viewpoint is from public footpath GARFP24 running to Denton. Again, I do not consider that the visual amenity of this view would be materially harmed as it would be seen in the context of residential properties, and long distance views terminate just behind the site in any instance due to the ridgeline of the hill.
- 6.16 In summary, the proposed development is not inappropriate development in the Green Belt. I consider that the new building would introduce very limited harm to the open nature and visual amenity of the Green Belt. I balance this harm against other considerations and benefits in the conclusions section below.

HIGHWAYS, ACCESS AND PARKING

- 6.17 The Local Plan 2011 contains two saved policies (T1 and T2) as well as a parking standards appendix that is relevant to this application. The Local Highway Authority originally raised objections to the proposed development, but the applicant submitted revised plans addressing their concerns. The highways matters can be split into two

elements; the principle of access from the Wheatley Road, and on site parking and turning arrangements. I deal with each of these points in turn.

- 6.18 **Principle of access from Wheatley Road:** Saved Policy T1 states that proposals must provide for safe access to the highway network. The County Council originally stated that the existing access to the site (the access to the pumping station) is substandard and that its use for an additional residential dwelling would increase the risk to highway safety.
- 6.19 However, the applicant submitted revised plans (Dwg No.6 – [Appendix 3](#)) which showed that sufficient visibility splays which meet the County Council’s standards can be achieved on the site. Both the County Council and myself are now satisfied that there are no access issues onto the site, subject to the following conditions / informatives:
- Prior to commencement, the existing means of access onto Wheatley Road shall be improved and laid out and constructed strictly in accordance with the local highway authority’s specifications and all ancillary works specified shall be undertaken.
 - The vision splays shall not be obstructed by any object, structure, planting or other material exceeding a height of 0.9m
 - (informative) Prior to implementation access rights will need to be granted from any potential 3rd party land owners.
- 6.20 **Parking arrangements:** The applicant submitted revised plans showing the parking and turning arrangements (Dwg No.5 - [Appendix 3](#)). The County Council subsequently removed their original objection that the scheme didn’t demonstrate sufficient parking and turning arrangements. Subject to the a condition in respect of parking, I see no reason to refuse the proposals on turning and car parking grounds.

ARBORICULTURE

- 6.21 The site is well covered in vegetation and existing trees. I have consulted with the council’s Forestry Officer who has reviewed the site photos and aerial photography, confirming there are no high value trees on site, and there are no grounds for a forestry objection.

DRAINAGE

- 6.22 I have not received comments from the Drainage Engineer on this proposal. I am however concerned that the loss of this currently undeveloped site at the top of a hill with properties below, could result in an increased risk of surface water flooding to neighbouring properties. I have therefore suggested a condition requiring the applicant to submit and agree a drainage strategy with the planning authority before development commences.

AMENITY OF FUTURE RESIDENTS OF THE PROPOSED HOME

- 6.23 The proposed dwelling would result in the erection of a new three bedroom home (if the studio / mezzanine space is included as a bedroom). The South Oxfordshire Design Guide states that such a property should have a private outdoor amenity space of 100m². The application plans show a private garden space of circa 270m² (excluding the decking area). The proposed development would therefore provide a sufficient quantity of outdoor space for its users. This space would not be overlooked and would enjoy sufficient visual screening from the road and public rights of way.

AMENITY OF NEIGHBOURING PROPERTIES

- 6.24 One of my main concerns about this proposal is its impact on the neighbouring property (20 Wheatley Road). The neighbouring property sits down the slope and could be adversely impacted by an insensitively designed and poorly considered development on this site. Both the neighbouring property and the parish council has objected on the grounds of the impact on this proposal on number 20. The parish council has asked that officers seek to encourage negotiation between the applicant and neighbouring properties to resolve these issues.
- 6.25 Several amended plans have been submitted but none have addressed the concerns of the neighbours. An assessment has been made of the final set of amended plans.
- 6.26 I consider the impact on neighbouring properties to be twofold. The first is the sense of overbearing and overlooking that could be caused by development on this site. The second is the loss of light. I assess each of these in turn below. Other neighbouring comments have raised concerns about a loss of a view from their property. This is not a material planning consideration.
- 6.27 The occupiers of Number 20 are concerned that, from their garden, the new building will appear domineering and have an overbearing presence, resulting in a detrimental impact on their amenity. I visited Number 20 and observed views from their garden area. I have attached my annotated photographs from this visit in [Appendix 4](#).
- 6.28 Number 20 benefits from a long garden that runs down the hill with a length of some 40m. The occupiers therefore have a substantial garden that they can enjoy, with open views out over the countryside on the eastern end of their garden (down the hill). Furthermore, the western boundary of the garden is more enclosed with vegetation and is dominated by a large 1.5 storey outbuilding with a pitched roof within the curtilage / ownership of the main dwelling of number 20.
- 6.29 Any views towards the proposed dwelling would be shielded by existing vegetation within their property, and be seen in the context of an existing outbuilding.
- 6.30 Given this relatively limited inter-visibility, landscaping plan, presence of a substantial and permanent outbuilding, and ability of the occupiers of number 20 to enjoy the eastern end of their garden, I do not consider that the amenity of the occupiers would be materially harmed.
- 6.31 Moving on then to a loss of light, the applicant has submitted plans showing the shadows cast by the proposed building at various times throughout the day at both the summer and winter equinox (Drawing 8). These clearly show that the development would not cause overshadowing on Number 20.
- 6.32 Overall, I can see no material reasons why this application would materially harm the amenity of the occupiers of neighbouring properties. I therefore consider the application to be in conformity with saved policies H4 and D4 of the Local Plan 2011.

CHARACTER, DESIGN AND SCALE

- 6.33 Many neighbouring comments have also raised concerns about the development not fitting in with the character of the area. On this point, I defer to the South Oxfordshire Design Guide. This does not prohibit designs that are different from the prevailing character of an area, and supports those which have a distinctive yet complementary character. This is reinforced in the NPPF (Paragraph 60), which states that planning

decisions should not impose architectural styles or particular tastes, but that is proper to seek local distinctiveness.

- 6.34 I agree that this application does not obviously replicate the character of the surrounding area. However, it follows a simple rectilinear form (as encouraged by the design guide) and incorporates a pitched roof that is characteristic of this area.
- 6.35 Furthermore, the design guide encourages buildings with visual interest created by attractive detailing, high quality materials, depth and shadow lines, and fenestration. I believe the application demonstrates such qualities. However, given that the materials are a significant departure from the prevailing character of the immediate site, I recommend that a condition is attached requiring walls and roof material to be submitted to, and agreed with, the local planning authority prior to commencement.
- 6.36 In terms of the mass of the building, the proposal is for a single storey that sits on the top of a hill. Neighbouring comments have raised concerns that the building would appear to be overbearing when viewed from down the hill, and appear monolithic when viewed from this lower angle. Looking at the revised plans (Eastern elevation - Drawing 4 – [Appendix 3](#)), I do not consider this to be an issue. The building will clearly be single storey in elevation and will be broken by the glass strip running through the building and numerous windows.
- 6.37 Overall I do not consider the design, scale and mass of the proposed development to be inappropriate, and therefore the proposed development would be in conformity with saved policies D1 and G2 of the Local Plan 2011, and policy CSQ3 of the Core Strategy.

IMPACT ON A PUBLIC RIGHT OF WAY

- 6.38 The proposed development will take place adjacent to a public right of way (Garsington Footpath 24) that leads eastwards to Denton. The Rights of Way Officer at the County Council has identified that the construction period could lead to blockages of this right of way and has identified the restrictions / processes for safeguard this route. I have suggested that an informative is attached that affirms that any planning permission would not authorise the diversion or obstruction of the public right of way.

COMMUNITY INFRASTRUCTURE LEVY

- 6.39 The council's CIL charging schedule has been adopted. 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.

This development is exempt from paying CIL as it is a self-build development.

7.0 CONCLUSION

- 7.1 I consider that the proposed development is acceptable. The principle of development is acceptable as the site is within the built limits of Garsington (smaller village) and would not materially harm the openness of the Green Belt. There are no overriding highway objections and the scheme satisfactorily addressed concerns raised by the local highway authority.
- 7.2 I have suggested that a condition is attached that requires the applicant to submit and agree a drainage scheme with the local planning authority to address any surface water runoff.

- 7.3 The proposed development would provide sufficient amenity space for a new dwelling of its size, and as discussed in detail above, would not in my view materially harm the amenity of the occupiers of neighbouring properties.
- 7.4 As the proposed development would introduce a different pallet of materials to the prevailing character of Garsington, but more importantly the immediate site area, I consider it necessary for the applicant to submit and agree the proposed materials with the planning authority before commencement.

8.0 **RECOMMENDATION**

8.1 **That Planning Permission be granted, subject to the following conditions:**

1. Commencement three years – full planning permission.
2. Approved plans.
3. Sample materials required (walls and roof).
4. Materials as on plan.
5. Surface water drainage works (details required).
6. Existing vehicular access.
7. Vision splay protection.
8. Turning area and car parking.

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