

APPLICATION NO.	P18/S0197/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	23.1.2018
PARISH	BENSON
WARD MEMBER(S)	Felix Bloomfield
APPLICANT	Vacancy for Benson and Crowmarsh ward
SITE	Mr A Warmington
PROPOSAL	17 Blacklands Road, Benson, OX10 6NW Erection of dwelling and demolition of existing garage (as amended by drwgn0 P12B and Parking and Amenity Space statement to increase parking provision received 13/03/18).
OFFICER	Will Darlison

1.0 **INTRODUCTION**

- 1.1 The application is referred to planning committee because the Officer's recommendation for approval conflicts with that of Benson Parish Council.
- 1.2 17 Blacklands Road is a two-storey end of terrace dwelling with a single storey flat roof rear extension and benefits from a generous rear garden area for a terraced property. The existing dwelling is set back from the South-Western side of Blacklands Road and is within the built-up limits of the village of Benson. Located to the front of the dwelling separating the property from the road is a line of unallocated parking space sited perpendicular to the carriageway with an area of grass in between.
- 1.3 The application site benefits from two extant planning permissions; P16/S0812/HH and P17/S2919/HH the latter of which was partly constructed as of my site visit undertaken on 7 February 2018.
- 1.4 The existing dwelling is not a listed building and the site has no special designation. A plan identifying the site can be found at **Appendix 1** to this report.

2.0 **PROPOSAL**

- 2.1 The application seeks planning permission for the erection of a dwelling subdividing the site, which shall hereby be referred to as 17a. It would be located on the South East facing side elevation of the existing dwelling and is part retrospective in nature.
- 2.2 The application has been amended and amplified by the agent in response to concerns raised during the course of the application about matters of parking for the properties and levels of amenity garden space. These amendments have demonstrated an improvement to the off-site parking provision of 17 with the demolition of the existing rear garage and clarification of the rationale behind the proposed parking arrangement for 17a.
- 2.3 This included a clarifying statement with regards to the division and amount of amenity garden space proposed for both properties.
- 2.4 Reduced copies of the plans accompanying the application can be found at **Appendix 2** to this report. All the plans and representations can be viewed on the Council's website www.southoxon.gov.uk under the planning application reference number.

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

3.1 **Benson Parish Council** – Original proposal: Recommended that the application is refused on the grounds that it is an overdevelopment of the site. There were also concerns about the negative impact on parking and traffic in the immediate area.

Amended proposal: Objection upheld on the grounds of overdevelopment of the site. There were still concerns about the negative impact on parking and traffic in the immediate area.

Highways Liaison Officer (Oxfordshire County Council) – Original proposal: Holding objection to the development because the existing garage to the rear of the application site was below dimensional size standards. If parking is not provided in accordance with standards this can only increase the risk of indiscriminate/obstructive parking within the vicinity.

Amended proposal: Holding objection withdrawn. It was noted that whilst some parking would be located outside of the red edged site area it is unlikely that in use that these spaces would be obstructed by other (sic) in the area, as otherwise it would be an obstruction to and from the property. It is not considered that the proposal would give rise to a highway safety issue.

Neighbour Representations - Original and amended proposal: Neighbour Objections x (3)

- The loss of unallocated parking spaces in the parking area to the front of these houses, which are used by neighbouring houses. There are insufficient spaces and car owners are already parking across pavements.
- The supporting written statement was based on a short period of time monitoring the traffic flow and is unrealistic in terms of time to give an objective view on the situation.
- The demolition of the garage to the rear is part of a row of garages. The owner of the next garage along, 21 Blacklands Road, does not believe the demolition can take place without significant damage to their building.
- The application is retrospective in nature and differs from what was approved under the previous planning permission.
- Concerns expressed that the first floor front facing bedroom window would allow direct views into a first floor rear facing bedroom window, ground floor kitchen and front door at 25 Blacklands Road.
- Concerns expressed regarding that the construction of the footings of the building were not dug to the required depth and that the required inspections have been carried out.

4.0 **RELEVANT PLANNING HISTORY**

4.1 [P17/S2919/HH](#) - Approved (13/10/2017)

Erection of two storey side extension (as amended by proposed site plan drwgno P04 A to create a vehicular access and parking to the front of the site received on 13 September 2017)

[P16/S0812/HH](#) - Approved (21/04/2016)

Two-storey side extension.

5.0 **POLICY & GUIDANCE**

5.1 **National Planning Policy Framework (NPPF)**

National Planning Policy Framework Planning Practice Guidance (NPPG)

5.2 **South Oxfordshire Core Strategy 2027 (SOCS) policies:**

CSQ3 - Design

CSS1 – The Overall Strategy

CSR1 – Housing in villages

CS1 – Presumption in favour of sustainable development

5.3 **South Oxfordshire Local Plan 2011 (SOLP 2011) policies:**

D3 - Outdoor amenity areas

D4 - Reasonable level of privacy for occupiers

G2 - Protect district from adverse development

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

5.4 **South Oxfordshire Design Guide 2016 (SODG)**

5.5 **Benson Neighbourhood Plan**

5.6 Paragraph 216 of the NPPF allows for 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.

5.7 The Benson neighbourhood plan is currently at the independent examination stage of the process and the [examiner's report](#) has been published. The examiner recommended that the plan, as modified by his recommendations, should proceed to a referendum. Officers are preparing an ICMD to determine whether the plan should proceed to a referendum. This decision is expected to come into force (it is a key decision) by the end of April. The plan should be afforded significant weight once this decision is made.

5.8 NP1 – Housing allocation

NP7 – Design

NP9 – Parking

6.0 **PLANNING CONSIDERATIONS**

6.1 The issues to be considered in relation to this proposal are;

- **The principle of the development.**
- **Impact on parking.**
- **Impact on amenity garden space.**
- **Impact on neighbours.**
- **Design, appearance and the impact upon the character and appearance of the existing dwelling.**
- **Intentional Unauthorised Development.**
- **Community Infrastructure Levy.**
- **Other issues.**

6.2 **The principle of the development.** Policy H4 of the South Oxfordshire Local Plan permits the erection of replacement dwellings within the built-up areas of the 4 main towns of the district and within the built-up limits of the villages provided that;

- (i) An important open space of public, environmental or ecological value is not lost, nor an important public view spoilt;
- (ii) the design, height, scale and materials of the proposed development are in keeping with its surroundings;
- (iii) the character of the area is not adversely affected;
- (iv) there are no overriding amenity, environmental or highway objections; and
- (v) if the proposal constitutes backland development, it would not create problems of privacy and access and would not extend the built limits of the settlement.

6.3 The location of 17a Blacklands was, prior to construction commencing, an area of garden land sited to the side of the existing dwelling, which is located within the built-up limits of the village of Benson. It was not an important open space of public, environmental or ecological value but simply amenity garden land. Previously planning permission had been granted for the erection of a two-storey side extension of a materially similar size and scale to the dwelling being applied for here. Therefore, it is my view that the proposed dwelling would not be materially different in this regard and as such compliant with criterion (i) of policy H4.

6.4 The proposed dwelling in my opinion would comply with criteria (ii), (iii) and (iv) of policy H4 and these considerations shall be discussed in detail during the course of this report. Criteria (ii) and (iii) are covered beginning with paragraph 6.18 and criterion (iv) beginning with paragraphs 6.6 (highways) and 6.10 (amenity).

6.5 Criterion (v) is not viewed as being relevant to the proposed development on the basis that the application is not proposing development of a landlocked site situated behind an existing building.

6.6 Therefore, in principle the proposed development is acceptable.

6.7 **Impact on parking.** The proposal would result in a 3-bedroom dwelling in the form of the existing dwelling; 17 Blacklands Road with 17a forming a 2-bedroom dwelling. The parking provision for a property is defined within the Oxfordshire County Council Parking Standards document for residential developments. Included below is an extract of a table from this document.

Number of bedrooms per dwelling	Maximum number of allocated spaces	Maximum number of spaces when two allocated space per dwelling is provided		Maximum number of spaces when one allocated space per dwelling is provided		Maximum number of unallocated spaces when no allocated spaces
		allocated spaces	unallocated spaces	allocated spaces	unallocated spaces	
1	1	N/A	N/A	1	0.4	1.2
2	2	2	0.3	1	0.6	1.4
2/3	2	2	0.3	1	0.8	1.6
3	2	2	0.4	1	0.9	1.8
3/4	2	2	0.5	1	1.1	2.1
4+	2	2	0.6	1	1.5	2.4

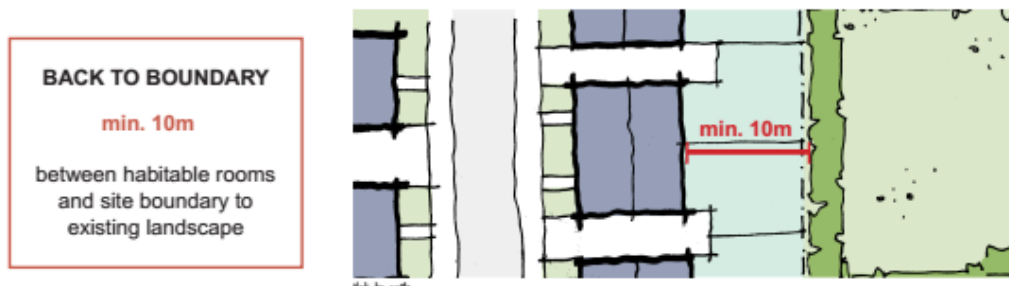
6.8 The table above shows that for both a 2-bedroom and 3-bedroom dwelling the maximum number of allocated space for new developments is 2 spaces. These spaces would need to conform to dimensional size standards, which are again set out in the same document. Below is a further extract

Perpendicular: eg.on driveways and parking courts	Length (m)	Width (m)
Space for people with mobility difficulties	5.5	2.9+1.0
Standard space (unobstructed)	5.0	2.5
Standard space (obstructed on one side)	5.0	2.7
Standard space (obstructed on both sides, includes car ports and undercrofts))	5.0	2.9
Inside garage	6.0	3.0

- 6.9 For unobstructed spaces then the minimum size requirements would be 2.5 metres wide by 5 metres long and where obstructed on one side 2.7 metres wide by 5 metres long.
- 6.10 The proposed parking area to the front of the application site would serve 17a and facilitate a driveway and crossover of the grassed area that was approved under the previous householder planning permission; P17/S2919/HH. It has been highlighted on drwgn0 P12b the potential to enlarge the parking area at the front of the site under Schedule 2, Part 2, Class B of the General Permitted Development Order. However, this has been expressed as not being a preferred option by the planning agent on the basis of the impact it would have on the visual amenity of the property and the wider area.
- 6.11 Therefore, the 2-parking spaces for 17a would be in the form of the 1 located at the front of the site within the red edged site and a 1 on crossover of the grassed area. A situation with precedent at 25 and 27 Blacklands Road where crossovers of the same kind as the one previously approved are already existing features of these properties. In addition, the are in front of dropped kerb leading from unallocated parking area is intended to be available for visitors to 17a.
- 6.12 The parking arrangement at 17 prior to the granting of the most recent planning permission took the form of a garage of substandard internal dimensions and a space located immediately in front of it, located at the end of the rear garden. The amended proposal, in response to a holding objection from the Highways department over the size of the garage seeks to demolition the garage. This in my view would result in a demonstrable increase in standards compliant parking for 17. There would be 2 spaces located to the rear garden of the property and in a location, that would be accessed via Green Close, which shall go towards easing the pressure upon parking on Blacklands Road and in the unallocated parking area. I consider it to be both reasonable and necessary under the circumstances that a condition is attached to ensure that the garage is demolished prior to the first occupation of the proposed dwelling
- 6.13 The fact that for both 17 and 17a the second parking space is being provided outside of the red edged site area has been raised in the comments by the Highways Department as being contrary to policy. However, this situation would not give rise to a Highway safety issue. The issue of the obstruction of these spaces by other cars was also raised but was stated to be unlikely as otherwise it would be obstruction of an access to and from the properties. I am of the view that on this basis the parking provision for both properties would be acceptable, particularly as the parking standard of 2 spaces is a maximum standard.
- 6.14 Whilst neighbour comments have been made with regards to the pressures of parking in the unallocated parking area on Blacklands Road and along this road in general, photographic evidence submitted in support of these claims is not in my view supported. The unallocated parking area is shown to be full and cars are shown parking on sections of the road but not to an excessive amount. Therefore, the parking arrangement where 17 is provided for at the rear off Green Close and 17a would be

served by the crossover and driveway that benefits from planning permission represents in my view an acceptable arrangement that would not exert undue pressure upon parking in the area.

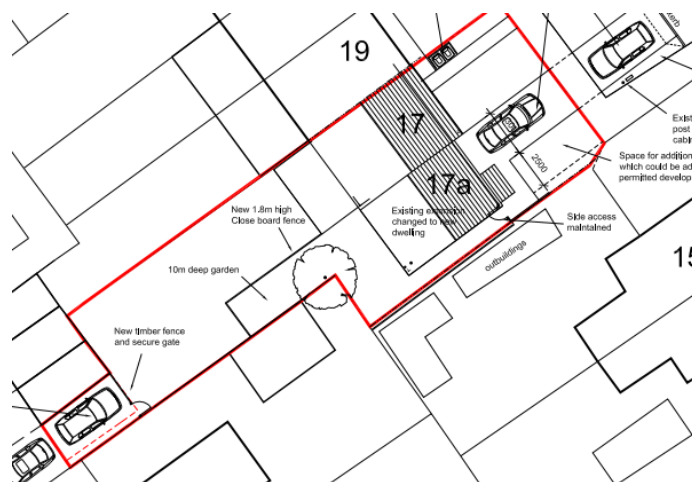
- 6.15 Finally, I propose that the application site is one where occupants should not have to rely exclusively upon private car for their transportation. Located approximately 200 metres from the site is Brook Street, where Thames Travel operate the number 136 bus route connecting RAF Benson, Benson, Wallingford, Crowmarsh Gifford and Cholsey. It is my opinion that there exists sufficient reason to believe that given the sustainable public transport links that the proposal would not result in a materially harmful increase in the level of traffic in and around the site.
- 6.16 **Impact on amenity garden space.** Prior to the commencement of the development 17 Blacklands Road had an area of amenity garden space of 177 square metres to the side and rear. The two-storey side extension approved under application reference P17/S2919/HH has a foot print of 36 square metres, which would have left 17 Blacklands Road with 141 square metres of space to the rear.
- 6.17 The proposed development would now see that space divided between two properties of which, 17 would be a 3-bedroom dwelling and 17a would be a 2-bedroom dwelling.
- 6.18 The South Oxfordshire Design Guide 2016 sets what is adequate amounts of amenity space for proposed residential units based upon on the number of bedrooms. For a 3+ bedroom dwelling the level of amenity space should 100 square metres and for a 2-bedroom dwelling it should be 50 square metres.
- 6.19 The division of the rear gardens for the two properties on the proposed site plan (P04) demonstrates that the existing 3-bedroom dwelling would be 100 square metres and 41 square metres for the proposed 2-bedroom dwelling. As such the existing dwelling conforms to the expected standards of amenity space and whilst the new dwelling would be 9 square metres short, this is not in my view an under delivery that amounts to material harm.
- 6.20 The design guide also sets out a minimum of 10 metres in terms of garden length for new residential dwellings. This is to be measured between habitable rooms and the rear site boundary as can be seen depicted in the extract below.



- 6.21 The submitted amended proposed site plan; 12b demonstrates that both 17 and 17a Blacklands Road would have a back to boundary distance of at least 10 metres. 15.5 metres for 17 and 10 metres for 17a. Therefore, it is my view that on the basis of the above factors the development would not constitute an overdevelopment of the site.
- 6.22 However, in the interest of ensuring that this level of amenity space is maintained on an ongoing basis and not jeopardised in the future with a proliferation of domestic extensions and outbuildings conditions are proposed to withdraw permitted

development rights for Schedule 2, Part 1, Class A (extensions) and Class E (outbuildings) forms of development.

- 6.23 **Impact on neighbours.** Policy D4 of the SOLP states that all new dwellings should be designed and laid out so as to secure a reasonable degree of privacy for the occupiers. Development will not be permitted if it would unacceptably harm the amenities of neighbouring properties through loss of privacy, daylight or sunlight or as a result of being overbearing.
- 6.24 The proposed dwelling would project from the South-Eastern elevation of the 17 Blacklands Road towards the shared boundary with the neighbouring dwelling; 15 Blacklands Road. This neighbouring dwelling is set further forward towards the road than 17 Blacklands Road as well as being set away from the shared boundary. This arrangement combined with the proposed dwelling having no side facing first floor windows, having a separation from the shared boundary of approximately 1.5 metres and being situated to the North of this neighbouring dwelling would in my opinion result in an acceptable level of impact upon light, outlook and privacy.
- 6.25 17a would include first-floor rear facing windows serving a bedroom and a bathroom. These two windows would provide a direct view down the proposed rear garden of the dwelling as well as oblique views into the rear garden of the dwelling that backs onto the site; 7 Green Close as well as the rear corner of 15 Blacklands Road. This a relationship that is common in residential estates across the country and would therefore in my view would not constitute the creation of an unneighbourly overlooking situation. The bathroom window, which is the closest of the two to the Eastern shared boundary would also be obscure glazed reducing views from this opening substantially.
- 6.26 Objections from 15 Blacklands Road have been received expressing concerns that the first-floor front facing bedroom window would be unneighbourly upon their property, specifically on a first-floor rear facing bedroom window, and their kitchen and front door at ground floor level. The relationship between this window was assessed as part of P17/S2919/HH and in my view the window does not afford direct views into the windows or doors at 15 Blacklands Road. The direct angle from this window is out onto the front of the site towards the road. Oblique views to the right afforded from this window are what would be possible, which is a configuration that is one common place in a residential context. Furthermore, the window at 17a would serve a bedroom, and as such it is not a room providing primary living accommodation and by extension not one where occupants would spend extended periods in during the course of a day. The impact on this neighbours' privacy is therefore an acceptable one not constituting material harm
- 6.27 The configuration of the garden boundaries proposed between 17 and 17a, as shown in the plan extract below, shows the impact that both properties would have on each other's privacy.



- 6.28 The close boarded fence around the garden of 17a would be adequate to prevent any of the ground floor rear facing openings being unneighbourly. The two first floor rear facing windows as previously discussed would serve a bedroom and a bathroom. Neither of which are categorised as primary living accommodation and as such I do not view the proposed arrangement between the gardens of 17 and 17a to result in an unneighbourly overlooking situation.
- 6.29 **Design, appearance and the impact upon the character and appearance of the existing dwelling.** The proposed dwelling would employ an uncomplicated dual pitched roof with side facing gable. The impact of the proposal on the visual appearance of the front elevation of the dwellings would, in the view of the officer be entirely in keeping with its established character of the existing properties and not incongruous to the appearance of the wider area. This would be aided through the materials used for the walls and roof matching those used in the construction of the existing dwelling; red brick and concrete roof tiles.
- 6.30 The roof ridge line of the proposed dwelling would be set down and the two-storey front elevation set back from that of the existing terrace. This would ensure that it would not overwhelm or dominate the terrace and an additional dwelling with a degree of subservience demonstrated to the rest of the terrace would assimilate well into the street scene, particularly with the separation from the road.
- 6.31 17a would include an enclosed single storey front porch element, which I view as being the key visual difference between what has previously been approved. It would be modest in size and scale, constructed in materials to match 17 Blacklands Road and the rest of the terrace. In addition, the lean-to roof proposed would closely match the appearance of porch structures at 17 and 19 Blacklands Road.
- 6.32 **Intentional Unauthorised Development.** The planning system allows for retrospective planning applications to be made under S.73A of the Town and Country Planning Act 1990 (as amended), thus undertaking development without the relevant planning permission of itself is not a breach of planning control. The NPPF also advises that formal enforcement action should not be taken simply to regularise unauthorised development.
- 6.33 However, DCLG published a planning policy statement (31/08/2015) on green belt protection and intentional unauthorised development. This policy statement noted that “intentional unauthorised development”, could be a material planning consideration, highlighting concerns with regards to development undertaken without planning permission. In particular, the fact undertaking unauthorised development does not give

opportunity to appropriately mitigate harm that has already taken place and can result in expensive, time consuming action. However, appeal cases have shown it is unlikely that this reason alone could be enough to refuse planning permission, or take enforcement action, but that it can be considered with other material considerations. In this case however, I conclude that that the development undertaken that has deviated from that approved are minor in nature and do not present a reason in isolation to refuse planning permission.

6.34 **Community Infrastructure Levy.** The Council's CIL charging schedule has been adopted and will apply 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 as the proposed development would result in the creation of an additional residential unit.

6.35 **Other issues.** Concerns have been expressed by neighbours that the construction of the footings of the building were not dug to the required depth and that the required inspections have been carried out. This is not a material planning consideration and is covered by separate legislation.

6.36 The owners of the adjoining garage to the one proposed to be demolished at the rear of 17 Blacklands Road have made comment that they do not believe the integrity of the existing building is sufficient for the development to take place without damaging their property. This is noted but is not a material planning consideration and any damage to property during the course of construction would be a civil matter to be addressed between the relevant parties.

7.0 CONCLUSION

7.1 Officers recommend that planning permission is granted because the proposed development would be of an acceptable design and appearance, demonstrating an acceptable level of both parking provision and amenity garden space for both properties. It would not materially harm the amenities of neighbouring dwellings or pose a risk to the safety of highway users and in conjunction with the attached conditions the proposal accords with development plan policies.

8.0 RECOMMENDATION

To grant planning permission subject to the following conditions:

1. **Approved plans.**
2. **Materials as on plan.**
3. **Withdrawal of permitted development (Part 1 Class A) – no extensions etc.**
4. **Withdrawal of permitted development (Part 1 Class E) – no buildings etc.**
5. **Demolish specified buildings before occupation.**

(N.B. Commencement condition not required as works have already commenced)

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