

<b>APPLICATION NO.</b>	<a href="#">P17/S4288/FUL</a>
<b>APPLICATION TYPE</b>	FULL APPLICATION
<b>REGISTERED</b>	5.12.2017
<b>PARISH</b>	ASTON ROWANT
<b>WARD MEMBERS</b>	Lynn Lloyd Ian White
<b>APPLICANT</b>	Mr Pope
<b>SITE</b>	Hill Cottage, High Street, Kingston Blount, OX39 4SJ
<b>PROPOSAL</b>	Demolition of Hill Cottage and stable. Erection of new detached dwelling. Provision of new approach drive. Landscaping, fencing and other related works (as amended by revised plans received 28th March 2018, amending the building and driveway design)
<b>OFFICER</b>	Simon Kitson

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**1.0 INTRODUCTION**

1.1 This application is referred to the area planning committee as the officers' recommendation of approval conflicts with the views of Aston Rowant Parish council.

1.2 The application site (which is shown on the OS extract **attached** at Appendix A) contains a 1970's extended dwelling set within generous 0.65ha grounds, of which a substantial portion comprises a relatively open paddock. The property is bordered by residential development to the north-east and south-west and the main access is via a shared driveway leading to the High Street/ B4009. There is an additional field access gate between the north-west boundary and the adjacent single lane track access lane which is also a public right of way (Aston Rowant Footpath 28). Although the footpath is approximately 86m from the existing dwelling, there is a relatively high level of public visibility of the site due to the low-key rail fencing and topography of the land.

1.3 The site falls wholly within the Kingston Blount Conservation Area.

**2.0 PROPOSAL**

2.1 As detailed in the application submission, consent is sought for the demolition of the existing dwelling and its replacement with a larger agricultural-style dwelling with a defined domestic garden area and a new domestic access arrangement via the paddock.

2.2 The proposed site plans, elevations and floor plans are **attached** as Appendix B. All associated documents and consultation responses can be viewed on the council's website: [www.southoxon.gov.uk](http://www.southoxon.gov.uk)

2.3 For the avoidance of doubt, a separate application has been submitted for the conversion of the existing barn at the front of the site, attached to Hill Cottage. This is the subject of a separate application (P17/S4235/FUL).

**3.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

3.1 Aston Rowant Parish Council – Objection

- Kingston Blount is one of a small number of villages where the Saxon square field system is preserved. The village is fortunate to have three of the

enclosures used to accommodate animals intact. This proposal encroaches into one of these enclosures with the proposed driveway crossing it.

- The enclosure, and the views across it, are both greatly valued by the parishioners who use the footpath at the northern boundary of the property, and by those whose properties adjoin the enclosure.
- The proposed dwelling is significantly larger than the building it is replacing
- The development will considerably impact the visual, and historical character of the village. The enclosure is an important aspect of the village. As such, the development is in breach of policies C4 and C9.
- The development is within the Kingston Blount Conservation Area. The development breaches policy CON7, in that it is of a scale that is not in keeping with the surrounding area and impacts an important view within the village.
- The property is in breach of a number of points covered in policy H4 as an important public view will be spoilt, the scale of the development is not in keeping with the surrounding area, the character of the area will be adversely affected and the proposal impacts the privacy of the immediate neighbours to Hill Cottage.
- The proposed access is via a route that is primarily a public footpath which is well used by parents and children heading to school. Any increase in traffic on this route represents a safety risk.

County Archaeological Services (SODC) - No strong views

SGN Plant Protection Team - No strong views

Countryside Access - No strong views

- Aston Rowant Footpath 27 runs to the North and concurrent with the proposed access to the site.
- As the recorded public rights are limited to be on Foot only i.e. not for motorised vehicular traffic then any vehicular access along the route would need to be by private rights of access.
- No materials, plant, vehicles, 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 route whilst development takes place.
- The provision of a wide entranceway / passing place is noted

Highways Liaison Officer (Oxfordshire County Council) - No strong views

- Given the characteristics of the carriageway, vehicular traffic and speeds are likely to be low.
- The proposal is unlikely to have a significant adverse impact on the highway network.
- After investigation and reviewing the supplied documents, the Highway Authority has no objection subject to conditions being applied to any permission

Forestry Officer (South Oxfordshire District Council) - No strong views

- The submitted draft tree protection information shows tree protection can be implemented to prevent tree damage. No objections subject to the detailed tree protection condition being attached

Countryside Officer(South Oxfordshire & Vale of White Horse) - No strong views

- No objection, provided that works are carried out in accordance with the submitted ecological report and European Protected Species license.

Conservation Officer ( South ) - No strong views

- I am satisfied that the revised design for the building is an improvement on the previous scheme and that as a replacement dwelling it would not compromise the character of the conservation area and surrounding built form.
- The presence of the sweeping access road would change the unaltered paddock character of the site although I acknowledge that the design is likely to weather over time.

Neighbour Objections (16) Key points raised:

- The existing agricultural field provides important public benefits and it is a community focal point.
- Any development within the field would be harmful to its intrinsic natural beauty and the rural character of the wider area. The field has considerable historical value dating back to Saxon times and it is an integral part of the conservation area.
- The proposed access drive would have an unwelcome urbanising influence, to the detriment of local character and wildlife.
- The proposal would result in significant excavation works
- The scale and design of the existing cottage relates much better to the surrounding area. The new design is contrived and the scale excessive. The increase in height, taken with the substantial mass and bulk of the roof, would result in a building that would dominate and detract from the value and character of the open space, and the wider built context more generally, thereby harming the special interest and character of the Conservation Area
- The submitted plans have inaccuracies and give a misleading impression as to the likely visual impact
- Granting planning permission would set a horrible precedent of future development within the field
- The proposed access onto the single-track lane would not benefit from adequate visibility standards for oncoming pedestrian or vehicular traffic. The passing space would not address this
- The excessive scale, bulk and privacy issues would impact adversely upon the amenity of the nearest residential properties

Neighbour Approve (1)

Neighbour No strong views (1)

- If permission is granted, consideration should be given to the reinstatement of the existing garden areas to agricultural/ pasture

4.0 **RELEVANT PLANNING HISTORY**

4.1 [P96/N0121](#) - Approved (30/05/1996)

Single storey extension. (As amended by Drawing No.DON/001B accompanying Agents letter dated 17 April 1996).

[P71/M0376](#) - Approved (15/06/1971)

Detached bungalow.

[P71/M0059](#) - Approved (17/02/1971)

Two-bedroomed detached bungalow.

5.0 **POLICY & GUIDANCE**

5.1 South Oxfordshire Core Strategy (SOCS) Policies;

CS1 - Presumption in favour of sustainable development  
CSEN3 - Historic environment  
CSQ3 - Design  
CSR1 - Housing in villages

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

CON6 – Demolition in a conservation area  
CON7 - Proposals in a conservation area  
C4 – Landscape setting of settlements  
D1 - Principles of good design  
D2 - Safe and secure parking for vehicles and cycles  
D3 - Outdoor amenity area  
D4 - Reasonable level of privacy for occupiers  
D10 – Waste management  
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

5.3 Supplementary Planning Guidance/Documents

South Oxfordshire Design Guide 2016 (SODG 2016)

5.4 National Planning Policy Framework (NPPF)

National Planning Policy Framework Planning Practice Guidance (NPPG)

6.0 **PLANNING CONSIDERATIONS**

6.1 The main considerations in relation to this application are:

- Whether the principle of the development is acceptable
- Whether the design, height, scale and materials would impact adversely upon the character of the site, the street scene and the wider conservation area;
- Whether there would be a harmful impact upon neighbouring amenity, in terms of light, outlook and privacy
- Whether the proposal would be prejudicial to highway safety
- Whether the ecological and landscape impact is unacceptable;

**Principle of development**

6.2 Whilst the existing dwelling has some distinctive architectural features and detailing, officers accept that it is not of sufficient architectural or historic interest in the context of the surrounding Conservation Area or to be worthy of listing. Subject to an acceptable ecological impact, officers do not object to its demolition and replacement. The principle of a replacement dwelling in this location complies with Policy CSR1 of the SOCS, subject to detailed consideration against other Development Plan policies.

6.3 The visual impact upon the site and its surroundings would need to be assessed against the housing and design objectives of the Development Plan, as expressed by SOCS Policy CSQ3 and SOLP Policies H4 and D1. SOCS Policy CSEN3 and SOLP Policy CON7 are also particularly relevant as they reinforce the council's statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area, as per Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

- 6.4 For the avoidance of doubt, officers also accept that permitted development (PD) rights set out under Part 2, Classes A and B of the Town and Country Planning (General Permitted Development) Order 2015 [the GPDO] allow for the erection of new fencing and the provision of a means of access to a dwelling from a non-classified road without the need for planning permission from the council. In officers' opinion, the PD rights do not preclude a domestic access crossing agricultural land and they apply irrespective of the conservation area designation. This is a material consideration which weighs in the planning balance.

**Scale, design and heritage impact**

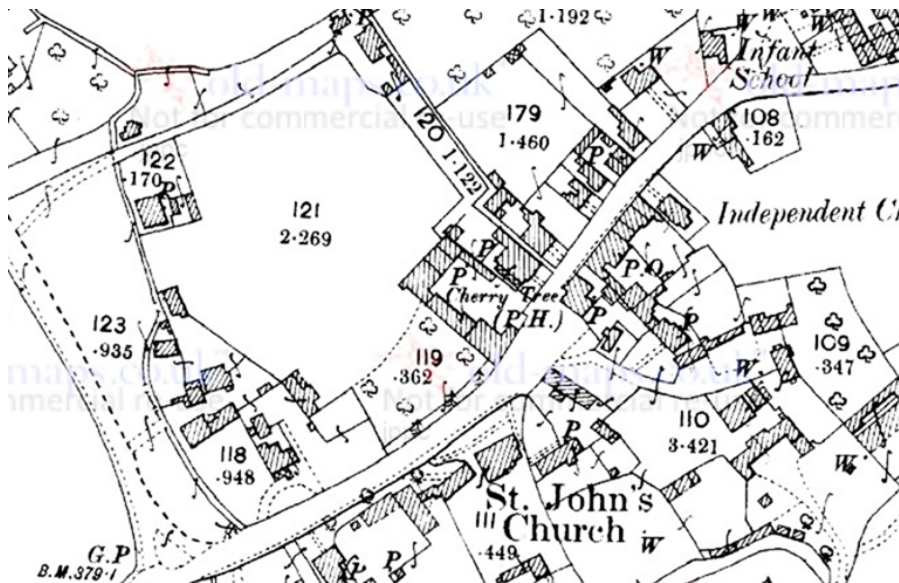
- 6.5 The council's conservation team have been involved in discussions over the proposed design and in securing significant amendments to the scheme. The conservation officer in her consultation response acknowledges that there is no up-to-date conservation area appraisal for Kingston Blount. However, the council has had regard to the significance of the conservation area in line with Historic England's Conservation Area Designation, Appraisal and Management: Historic England Advice Note 1 (2016). In accordance with paragraph 129 of the NPPF, the significance of the designated conservation area and other assets have been assessed and the potential impact of the application scheme on the heritage assets has been duly considered.
- 6.6 The conservation officer notes that the settlement pattern of Kingston Blount is directly informed by the historic enclosure of working fields, crofts, pasture or orchards with roads on four sides of a wide square and built form fronting on to the roads. Within this square, the former fields remain legible, although the 1960s development of Old Croft Close and the encroachment of domestic gardens has partly eroded the pattern. It is therefore acknowledged that the application field contributes positively to the historic character of the conservation area. It is not clear from the previous planning application for the dwelling (P71/M0376; P96/N0121) how much of the land was intended to function as domestic garden or how the relationship between the dwelling and the wider parcel of land has evolved since its inclusion within the historic red-edged site plans referenced by the agent. However, based upon the current site conditions and historic aerial photographs, officers accept that the majority of the field has an open, undeveloped character that does not have the appearance of garden land. The enclosed, approximately 600 sq.m area of land at the southern corner of the site would appear to more accurately reflect the current domestic curtilage.
- 6.7 It is acknowledged that the current proposal would extend further into the undeveloped field to the rear than the existing dwelling. However, an existing agricultural building would be demolished and the new garden area would be contained within the south-east corner of the site, defined by a new post and rail fence. With appropriate planning conditions removing PD rights for any additional structures or means of land enclosure, officers are satisfied that the essential rural character of the field would not be irrevocably altered. The impact upon the character of the wider conservation area is considered acceptable, provided that the design of the dwelling is sympathetic to the local vernacular and the means of access does not introduce an overly urbanising feature.

**Proposed dwelling**

- 6.8 The existing dwelling whilst not of historic interest, is low-key and vernacular in character, with a neutral impact on the conservation area. It is discreetly proportioned and given the topography of the land, it does not dominate the horizon line when viewed from various public vantage points. Whilst accepting the principle of a larger replacement, the council was not supportive of the design initially submitted.

particularly the extent of the bulk and massing, materials and fenestration detail. Significant concerns were also raised over the appearance of the proposed sweeping access track

- 6.9 The proposed design has undergone significant changes in response to issues raised. The dwelling has been reduced significantly in height and the detailing, fenestration and materials substantially altered so that the dwelling would now resemble a more traditional barn-style structure, albeit with some domestic features. The agent contends that the form of the building and its relationship with both the range of existing buildings and the wider space responds to the historic courtyard form and the range of agricultural buildings shown on the 1898 (OS) map.



- 6.10 The revised design of the proposed building has more appropriate, traditional proportions and detailing. In consultation with the conservation team, officers are satisfied that the building responds appropriately to the historic character of the area and the surrounding development. Although the massing of the building is larger than the cottage to be demolished, this is not inherently harmful. Officers consider the quality of the design to be high and the submitted plans do show the proposal in the context of the nearby structures, including the barn to the front of Hill Cottage and other properties with a higher ridge height Above Ordnance Datum.
- 6.11 It is fully accepted that the scheme has attracted many local objections, partly due to the fact that the new dwelling would be more visible from public vantage points to the north of the site. However, officers consider that it would still be appraised within the context of the surrounding built form, rather than seen as a visually-isolated building. Importantly, the vast majority of the surrounding land would continue to be kept free from development and officers are satisfied that the revised design for the building, would not compromise the character of the conservation area or the surrounding built form.

#### **Driveway and access**

- 6.12 Officers acknowledge that the alterations to the access and the presence of the sweeping access road would have an impact upon the character of the paddock. However, the alteration of an existing access or the provision of a new means of access to the existing dwelling could be undertaken without planning permission. Furthermore, the most recent revision to the scheme shows a farm-style access track leading to the

dwelling, with gates at each end in order to allow the majority of the field to be retained for grazing.

- 6.13 Whilst further details on the method of construction and surfacing would be required as a condition of consent, officers accept that a new driveway constructed with dual tracks in the manner proposed on the plans is likely to weather in time and it would not in itself materially harm the agricultural character of the field, provided that the remainder of the undeveloped land were to remain free of other built structures and engineering operations. The Walnut Tree, which comprises a significant local landscape feature, and other foliage towards the front of the site would be retained, helping to maintain the verdant character of the site. Officers disagree that the granting of planning permission would automatically enable further development within the land. Any subsequent application would be appropriately assessed on its own merits.

#### **Highway impact**

- 6.14 Whilst it is noted that a number of traffic objections from the neighbouring properties have been received, officers are mindful that there is an existing access serving the field and the road serves a number of other residential properties. Furthermore, the improvements to the access would result in the provision of an additional passing space within the lane. The Local Highways Authority (LHA) note in their consultation response that vehicular speeds and traffic levels are likely to remain low, having regard to the characteristics of the highway. Accordingly, they conclude that the proposal is unlikely to have a significant adverse impact upon the highway network and raise no objection to the application, subject to conditions.

#### **Neighbouring amenity**

- 6.15 Whilst it is acknowledged that the replacement dwelling would have a greater degree of visibility from the gardens of some of the surrounding properties, it is well established that the impact of a proposal upon private views is not a material planning consideration. The council can only take into consideration material losses of light, outlook or privacy.
- 6.16 There would be a distance of more than 37m from the proposed dwelling to the boundary with the line of residential properties to the west. Furthermore, the distance between the nearest new dwelling at Apsley cottage and the front projection of the proposed dwelling would exceed 18m. There would be an acceptable relationship having regard to the separating distances, the orientation of the dwellings and the privacy standards set out under Section 7 of the SODG.
- 6.17 Whilst detailed objections have been raised from the owners of Hill Cottage to the north-east, officers consider that there would also be an acceptable relationship with that property. It is noted that there would be a distance of around 28m between the two dwellings and no directly facing habitable rooms within the 25m minimum distance recommended within the SODG. Notwithstanding the privacy objections, the 15m distance between the first floor rooflights and the property boundary is considered acceptable, having regard to the 10m recommended within the SODG. Officers would point out that the neighbour's garden area exceeds 1500 sq.m and any loss of sunlight would be largely confined to the late afternoon, affecting a very small proportion of their private amenity area. The additional bulk and massing referenced in their objection letter is not out-of-keeping with the relationship between other properties within the village and it would not be sufficiently overbearing or oppressive to warrant a refusal of planning permission.

### **Ecological and arboricultural impact**

- 6.18 The buildings subject of this proposal together with other buildings on this site were subject to a series of bat surveys during summer 2017. The surveys have confirmed that the building contains roosting sites for very low numbers of bats. Works to demolish the existing building would therefore have to be conducted under a European Protected Species (EPS) licence. The Bat Survey Report contains proposals for mitigation designed to ensure that bats are not harmed and that longer term roosting sites are provided within the completed development. The council's countryside team consider that there should be no harm to the conservation status of the local bat population, provided the mitigation recommendations are carefully implemented under an EPS licence.
- 6.19 The trees within this site are protected by the conservation area. The Walnut (T7) growing centrally within the plot is of particular landscape value. Many of the other trees also have considerable landscape and arboricultural value. The forestry team are satisfied that the construction of the proposed access road and new dwelling could be built without damaging the trees, subject to suitable tree protection measures being undertaken. There is no objection to the draft measures submitted and these can be agreed as a condition of consent.

### **Community Infrastructure Levy (CIL)**

- 6.20 The council's CIL charging schedule was adopted on 1 April 2016. The proposal is CIL liable, with discounts for the existing floorspace.

### **7.0 CONCLUSION**

- 7.1 The proposal is in accordance with the relevant Development Plan policies and national planning policy. Officers are satisfied that the proposed replacement dwelling and associated access alterations would not materially harm the rural character of the site as a whole, or the special historic interest of the wider Kingston Blount Conservation Area. The proposal is also considered acceptable in terms of the impact upon the amenity of the neighbouring properties and it would not be prejudicial to highway safety.

### **8.0 RECOMMENDATION**

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

- 1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.**
- 2. That the development hereby approved shall be carried out in accordance with the details shown on the approved plans, except as controlled or modified by conditions of this permission.**
- 3. Prior to the commencement of the development hereby approved, a schedule of all materials to be used in the external construction and finishes of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority.**
- 4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order), no extensions, roof extensions or outbuildings as described in Schedule 2, Part 1, Class A, B and E of the Order shall be**



erected without obtaining planning permission for the Local Planning Authority.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 (or any Order revoking or re-enacting that Order) no gates, fences, walls or other means of enclosure as described in Schedule 2, Part 2, Class A of the Order shall be erected within the site without obtaining planning permission for the Local Planning Authority.
6. Prior to the commencement of the development hereby permitted a scheme for the landscaping of the site, including the means of construction and treatment of the access road and hard standings, boundary treatment and planting details shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to the first occupation or use of development and thereafter be maintained in accordance with the approved scheme.
7. Prior to occupation of the development hereby permitted the proposed means of access onto the highway is to be formed and laid out and constructed strictly in accordance with the local highway authority's specifications and all ancillary works specified shall be undertaken.
8. Prior to the first occupation of the development hereby approved a turning area and car parking spaces shall be provided within the curtilage of the site so that motor vehicles may enter, turn round and leave in a forward direction and vehicles may park off the highway. The turning area and parking spaces shall be constructed, laid out, surfaced, drained and completed to be compliant with sustainable drainage (SuDS) principles in strict accordance with specification details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The turning area and car parking spaces shall be retained unobstructed except for the parking and manoeuvring of motor vehicles at all times.
9. The off-site highway works shown on drawing no. 1.20, Rev J, or as otherwise agreed in writing with the Local Planning Authority shall be implemented in full before the first occupation/use of the development or in accordance with a programme of implementation agreed in writing with the Local Planning Authority and retained in use.
10. A Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The approved CTMP shall be implemented prior to any works being carried out on site, and shall be maintained throughout the course of the development.
11. No development including site clearance stripping or demolition shall commence until either:
  - a) a bat licence issued by Natural England pursuant to the Regulation 53 of The Conservation of Habitats and Species Regulations 2017 authorising the specified activity to go ahead; or

**b) proof of registration of the site for a bat low impact class licence, has been submitted to and agreed in writing by the Local Planning Authority. Thereafter, the approved measures shall be carried out and retained in accordance with the approved details.**

**Author:** Simon Kitson

**Email:** [Planning@southoxon.gov.uk](mailto:Planning@southoxon.gov.uk)

**Tel:** 01235 422600