

APPLICATION NO.	P18/S1253/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	25.4.2018
PARISH	CHALGROVE
WARD MEMBER(S)	David Turner
APPLICANT	Curbridge Construction
SITE	Store adjacent to 4 Hardings, Chalgrove, OX44 7TJ
PROPOSAL	Variation of condition 2 (approved plans) of Planning Permission P17/S2367/FUL- for change in design to include extra rooms in the roof. (As amended by drawing 01 Rev C altering the parking arrangements and drawings clarifying measurements and removing roof light received 24 May 2018).
	 Single storey 1-bed dwellinghouse with 1 off-street car parking space and private amenity space. (As amended by drawings accompanying e-mail from agent received 4 August 2017 altering the layout and footprint of the building).
OFFICER	Paul Bowers

1.0 INTRODUCTION

1.1 The application is referred to planning committee because the views of the Chalgrove Parish Council differ from the officer's recommendation.

1.2 The application site comprises an area of open space containing scrub and a single storey storage building on the corner of The Hardings and Langley Road. A 1 metre high fence has recently been erected around the perimeter of the site along with planting on the inside of the boundary. There is an existing access at the end of the site adjacent to the boundary with 4 Hardings.

A plan identifying the site can be found at **Appendix 1** to this report.

1.3 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.

The application was amended prior to being approved. Whilst there was no objection from officers to the plans as originally submitted there was an objection from the nearest neighbouring property at 39 Langley Road. The applicant chose to amend their plans to reduce the impact to the neighbour and those formed the plans that were ultimately approved.

2.0 PROPOSAL

2.1 This is an application under Section 73 of the Town and Country Planning Act for the variation of condition 2 (approved plans) of P17/S2367/FUL.

The application seeks to substitute the approved set of plans with a new set of plans which depict the following changes to the approved scheme;

- Increase in the height of the ridge of the main roof from 5.35 metres to 5.84 metres an increase of 0.48 metres.
- Increase in the overall length of the building from 14.6 metres to 15.5 metre an increase of 0.9 metres.
- Addition of two dormer windows on the roof slope facing The Hardings.
- Creation of two additional bedrooms within the roof space increasing the number of bedrooms from 1 to 3.
- Increase in the number of parking spaces within the site from 1 to 2.
- Addition of roof lights to serve ground floor rooms.
- Change in external materials for the walls to include render and timber boarding from the originally approved brick.

2.2 Planning permission was granted earlier this year under application P17/S2367/FUL for a detached single storey dwelling on this site. The decision was delegated to the Head of Planning. The approved plans can be found at **Appendix 3** to this report.

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

3.1 **Chalgrove Parish Council** – Recommend that the application should be refused for the following reasons;

- Overdevelopment of the site and inadequate garden provision.
- Concern about the loss of visibility to 39 Langley Road.

Neighbour Responses – Objections to the original and amended plans from 4 properties covering the following concerns;

- Overdevelopment of the plot.
- The building is larger in all directions than that which has been approved.
- Increase in the ridge height reducing light in to the kitchen of 39 Langley Road.
- Concern about the originally proposed roof light on the north west facing roof slope.
- Inadequate parking and likely increase parking on the road.
- Concern about highway safety for vehicles and pedestrians.
- Concern about the planting of the proposed hedge.

County Archaeological Services (SODC) - No strong views

Highways Liaison Officer - No objection to the amended scheme showing two spaces and vision splays and subject to conditions.

4.0 **RELEVANT PLANNING HISTORY**

4.1 [P17/S2367/FUL](#) - Approved (30/08/2017)

Single storey 1-bed dwellinghouse with 1 off-street car parking space and private amenity space. (As amended by drawings accompanying e-mail from agent received 4 August 2017 altering the layout and footprint of the building).

5.0 **POLICY & GUIDANCE**

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

National Planning Policy Framework Planning Practice Guidance (NPPG)

South Oxfordshire Core Strategy 2027 (SOCS) Policies

CS1 - Presumption in favour of sustainable development

CSQ3 - Design

CSR1 - Housing in villages

CSS1 - The Overall Strategy

South Oxfordshire Local Plan 2011 (SOLP 2011) policies;

- 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
- 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

South Oxfordshire Design Guide 2016 (SODG 2016)

Emerging Chalgrove Neighbourhood Plan

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 within the NPPF.

The plan is at the pre-submission consultation stage and can only be afforded limited weight in the consideration of planning applications.

6.0 PLANNING CONSIDERATIONS

- 6.1 When assessing section 73 applications the Council can only consider the original condition and the reasons for applying the condition; new conditions can be attached but only in so far as they apply to the original condition. If the Council decides that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they should refuse the application

It is not intended to go through all of the planning issues that were assessed in connection with the principle of development as that has been established through the grant of planning permission. The permission remains extant and can be implemented at any time up to the 30 August 2020. This is a significant material planning consideration in the determination of this application and represents a very real and likely fall back position that the council has to weigh in the balance when considering this application.

- 6.2 The main issues to consider in relation to this proposal are;

- **Whether there has been any material change in site circumstances or planning policy in the intervening time between the grant of planning permission and now.**
- **Impact of the changes to the building on the amenities of the occupants of nearby properties.**
- **Impact of the changes to the building on the character and appearance of the area.**
- **Whether the development is now an overdevelopment of the site.**
- **Impact on highway safety.**
- **Conditions.**
- **Community Infrastructure Levy (CIL).**

- 6.3 **Whether there has been any material change in site circumstances or planning policy in the intervening time between the grant of planning permission and now.**

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.

The development plan has not changed or been updated in the intervening 12 months since grant of planning permission.

The Chalgrove Neighbourhood Plan has progressed but it has not progressed to the stage of referendum.

- 6.4 The council has released its revised 5 year housing land supply position demonstrating that it has 5.4 years. This has an effect on the weight that can be attributed to the housing policies within the plan, however this has no direct bearing on this development because the proposal accorded with the housing policies when they carried less weight.

The principle of erecting a house in this infill location remains as acceptable now as it was 12 months ago.

- 6.5 **Impact of the changes to the building on the amenities of the occupants of nearby properties.**

Policy H4 and specifically criterion (iv) of the policy and also Policy D4 of the South Oxfordshire Local Plan seek to protect the amenities of the occupants of nearby properties.

The base line for the consideration of this application is the approved building. The main issue is therefore whether the difference from what has been approved is acceptable.

- 6.6 In terms of neighbour impact the most affected neighbour is 39 Langley Road to the west. That property includes a kitchen window in the side facing the application site. With the approved building it was accepted that there would be a loss of direct sunlight in to that room. The increase in ridge height of 0.48 metres/48 centimetres will increase the impact. However, given that this is a kitchen window and not a main living room it is my professional opinion that such a minor increase in height, where that increase is some 7.4 metres away from the window (i.e. the ridge of the roof), will not amount to significant harm.

The increase in length of the building is also relatively minor at some 0.9 metres. This additional depth when considered in the context of the gap between the two buildings of 3.7 metres does not in my view create a materially greater impact in terms of being oppressive and overbearing.

- 6.7 The dormer windows on the front elevation are a new addition. They look across the road toward properties on the opposite side of The Hardings. The South Oxfordshire Design Guide advises that a front to front relationship across a road should have a minimum distance of 10 metres. The gap between the new dwelling and those opposite far exceeds that and in my view their addition does not cause a harmful impact in respect of overlooking and creates a typical across road street relationship.

6.8 Overall whilst the changes to the approved scheme will create a greater impact than the approved development, the overall increase and additions to the building will not in my opinion cause material harm. The development therefore accords with policies H4 and D4.

6.9 **Impact of the changes to the building on the character and appearance of the area.**

Provision (ii) of Policy H4 states *'the design, height, scale and materials of the proposed development are in keeping with its surroundings.'* whilst Provision (iii) states *that the 'character of the area is not adversely affected.'*

The main differences in the appearance of the proposed building when compared to the approved in the context of what will be appreciable to the wider area will be the change in materials and the dormer windows.

As approved the building was different to other properties in the vicinity. It was single storey and detached which differed from the properties extending along this side of Langley Road and also to those properties on The Hardings. The area is characterised by different styles, size and age of properties. The proposed dormer windows are small and give the elevation a balanced appearance. The use of render rather than brick is also a change but this is a finish that is not uncommon in the wider area and will not in my opinion amount to a such a change from the approved building that it will create a significantly greater impact to the character and appearance of the area.

The proposal therefore accords with provision (ii) and (iii) of Policy H4.

6.10 **Whether the development is now an overdevelopment of the site.**

Policy D3 of SOCS seeks to ensure that new dwellings should provide adequate private outdoor space. The amount of land to be used for garden or amenity space will be determined by the size of the dwelling and the character of surrounding development.

The South Oxfordshire Design Guide sets out the minimum amount of private amenity space for 3 bedroom units and above at 100 square metres.

6.11 As the main difference between the approved scheme and the proposed is the increase in number of bedrooms from 1 to 3, this is a key issue.

However, the plans demonstrate that the layout of the development ensures that the overall amount of garden space being provided meets this minimum amount at 106 square metres.

The inability to provide these minimum standards would be an indicator that a proposal amounts to an overdevelopment. However, this is not the case here. The development can demonstrate that it can provide the required garden and parking provision and in my view, this does not amount to an over development of the site.

6.12 **Impact on highway safety.**

With respect to highway safety matters the advice from Central Government set out in the National Planning Policy Framework (NPPF) is as follows:

Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.

The term severe is locally interpreted as situations, which have a high impact, likely to result in loss of life, or a higher possibility of occurrence with a lower impact.

- 6.13 The key difference between the approved and proposed schemes is the increase in the number of bedrooms which increase the requirement for parking on the site from one space to two.

The plans have been amended to show two spaces, side by side with vision splays at the access.

The highway authority has considered this layout and the number of spaces which accords with the council's maximum parking standards and concluded that the development will not give rise to severe harm.

6.14 **Conditions.**

When planning permission is granted for Section 73 applications it is normal for all of the conditions that were on the original permission to be pulled through with an amended commencement condition which requires the applicant to commence development within 3 years from the date of the original permission rather than a whole new 3 year period.

The proposed changes to the development have necessitated additional conditions that relate to the new vehicular access, the protection of the vision splays and that the parking areas shall be retained. These are proposed as part of the this recommendation in addition to the other conditions from planning permission P17/S2367/FUL which include the removal of permitted development rights for extensions, roof lights and roof extensions in order to control the future development of the site and to ensure that it would not then become unneighbourly.

6.15 **Community Infrastructure Levy (CIL).**

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 proposal involves the creation of a new dwelling. The CIL charge applied to new residential development in this case amounts to £19,121.45.

7.0 **CONCLUSION**

- 7.1 The propose changes to the approved plans do not increase the impact to neighbouring properties or the character of the area to the extent that the development is materially harmful. The enlarged number of bedrooms increases the minimum requirement for garden space and parking and these have been met. Overall and in conjunction with the attached condition the proposal accords with development plan policies.

8.0 **RECOMMENDATION**

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

1. **Time limit - variation of condition.**
2. **Approved plans.**
3. **Schedule of materials.**

4. **Withdrawal of permitted development (Part 1 Class A, B, C and E) – no extensions, roof lights, roof extensions or outbuildings).**
5. **Parking and manoeuvring areas retained.**
6. **New vehicular access.**
7. **Vision splay protection.**
8. **Demolish specified buildings.**

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