

APPLICATION NO.	P18/S1630/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	18.5.2018
PARISH	WHEATLEY
WARD MEMBER(S)	Toby Newman
APPLICANT	Mr J Prest
SITE	8 Church Road, Wheatley, OX33 1NB
PROPOSAL	Erection of one new dwelling, amenity space, parking and associated access. (As amended by revised drawings received 13th July proposing single storey dwelling with basement & amplified by plan ref 17-04-11 showing indicative curtilage of new dwelling).
OFFICER	Kim Gould

1.0 **INTRODUCTION**

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

1.2 8 Church Road, The Walled Cottage, is a grade II listed building which is located within the built-up limits of Wheatley within the conservation area. The walls surrounding the property are curtilage listed.

1.3 It is located close to the Sun Inn. The Walled Cottage has a pedestrian and vehicular access directly off Church Road. The property comprises a number of different building phases with the oldest being the stone built rectilinear street facing building.

1.4 A pre- application advice request was made prior to the submission of this formal planning application under ref P17/S4479/PEM.

1.5 A plan identifying the site is **attached** as Appendix 1 to this report.

2.0 **PROPOSAL**

2.1 This application seeks full planning permission to erect a new, single dwelling. When originally submitted the proposal was for a two storey, flat roof structure with car parking and car port. Negotiations have secured an amended scheme for a single storey, contemporary property with a basement.

2.2 The property would have 3 bedrooms along the rear of the property. A basement is now proposed to incorporate a gym, wine cellar and storage. There is no longer a car port proposed.

2.3 Some of the plans accompanying the application are **attached** as Appendix 2 to this report. All other documentation associated with the application can be viewed on the council's website www.southoxon.gov.uk under the application reference number.

3.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

3.1 Wheatley Parish Council – Original plans – objection

- Unknown impact on the root structure of the tree with a TPO
- The positioning of the building within the site in relation to the neighbouring properties.
- The lack of consideration that the development is within the conservation area, the bulk of which is to the south of Church Road
- Overbearing on neighbouring properties
- Concern regarding the integrity and structure of the retaining wall

Amended Plans – Objection

- In general, accept that the applicant has made improvements to the original application in that it is now a single storey building but
- The single storey building is on the same footprint as the previous plan, albeit slightly larger and therefore is still overbearing on neighbouring properties.
- Concern about the integrity and structure of the retaining wall to the south of the property.
- We believe that the building should be moved more to the north of the site in line with the property no 5 Church Road. It would be no nearer to the Grade II listed building and with proper screening would not be visible from that property.
- We also note the concerns of the Forestry Officer and these would also be helped by relocating the building as suggested.

Thames Water Development Control - No strong views

County Archaeological Services - No objection

Contaminated Land - No objection

Conservation Officer – Original plans – Holding objection

- The site access involves the removal of 1 metre section of wall to create an improved entrance which I consider to be a minimal and justifiable amount.
- No objection to the separation of the site from the Walled Cottage because the Heritage Statement has demonstrated that it was historically separate.
- The perceived openness of the site makes a positive contribution to the character and appearance of the Wheatley conservation area. The proposed building by its massing and public visibility would diminish the contribution that this site makes to the character and appearance of the conservation area and I would preclude the option of a two-storey building within this site.
- Any new building should in my view seek to meld within the levels of the site and sit below the levels of the boundary walls of the garden. I agree that a contemporary approach in stone remains a good approach for this site but would insist on a single storey structure.
- The proposed building would be two storeys high and would be visible within the public views from both Church Road and from High Street. The juxtaposition of the block-like monopitch structure with low eaves levels of the traditional dual pitched buildings that characterise this area is also an area of concern. The appearance of this does not represent a positive addition to the character and appearance of the area.
- It is acknowledged that there is no up to date conservation area appraisal for

Wheatley. However, this application has been considered with regard to the significance of the conservation area and 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 has been assessed and the potential impact of the application scheme on the heritage assets has been duly considered.

Amended plans – No objection

- The amended scheme has responded positively to my previous comments and I am satisfied that the proposal would not harm the character and appearance of the conservation area. This is because the proposed building would preserve views from Church Street and from High Street. The site would remain largely open and the building is proportionate to the plot preserving its wilder openness. The building would adequately reference local character in the use of stone albeit the design is articulated in a contemporary manner.

Forestry Officer – Original plans – Objection

- The trees within the site are protected by the conservation area and the mature off site Beech growing due south of the site is protected by a TPO. The Beech and Lime form a dominant feature in the conservation area landscape and are of sufficient arboricultural quality to be considered as a constraint to development.
- The arboricultural report suggests the root protection area of the TPO Beech does not extend into the site due to the influence of the old boundary wall. However insufficient information has been provided to demonstrate this is the case. This issue has been raised with the project arborist and additional information has been requested to investigate the influence of the wall on the root extension of the tree.
- I understand that an amended development design is currently being considered due to other constraints. As it stands now I would not be able to support the proposed car port element of the existing proposal, or any other form of development in the southern corner of the site (especially not a basement), as it cannot be demonstrated the proposal can be constructed without damage to the TPO tree.
- Considering the above, I am not able to support the application at this stage, as it is potentially contrary to policies CSEN1 of the Core Strategy, C9 and CON7 of the adopted South Oxfordshire Local Plan 2011, BS 5837, 2012 and advice set out in the South Oxfordshire Design Guide and the supporting Trees and Landscape guidance.

Amended plans – No objection subject to a tree protection condition.

OCC Highways Liaison Officer - No objection subject to conditions in relation to access, vision splay, parking, manoeuvring and no garage/car port conversion.

Neighbour Object (6) Original plans

- Overbearing/oppressive
- Adverse impact on conservation area
- Design – commercial in appearance
- Out of character and proportion with other buildings in the vicinity
- Proposal ignores impact on High Street concentrating only on Church Road.
- Impact on character of high stone wall in High Street which is an important

structure in the conservation area.

- Impact on privacy due to overlooking from first floor windows
- Loss of light from a two storey dwelling
- Impact of proposed car port on Beech tree in adjacent garden which is subject to a TPO
- Access to the site is across a pavement which is dangerous to pedestrians
- Noise and disturbance from dwelling being close to neighbouring properties
- Important space within the village and conservation area should not be lost
- We tried to buy this plot last year. Were advised at pre app stage that there would be an insurmountable objection from highways. They appear to have done a U turn on this issue.

Amended plans: Object (3)

- Unnecessarily close to properties in High Street
- Noise from house and vehicles
- Parking should be close to the Church Road entrance
- Lack of privacy and light pollution
- Better location would be further to the west close to the study/art room
- Proposal only builds on dwelling but impact on several existing dwellings
- Too close to properties in High Street
- Still flat roof and commercial in appearance
- Building a basement could impact on historic stone wall

Neighbour No objection (1)

Neighbour No Strong Views (1)

4.0 RELEVANT PLANNING HISTORY

4.1 [P17/S4479/PEM](#) – Response (25/01/2018)

Erection of one dwelling within curtilage of property.

[P17/S2812/PEO](#) – Response (06/09/2017)

Widening the access and on new boundary between existing garden and plot.

[P17/S0424/PEM](#) – Response (01/03/2017)

Erection of a dwellinghouse within the curtilage of The Walled Cottage, Church Road, Wheatley

[P08/W0148/LB](#) - Approved (25/03/2008)

To strengthen the central floor beam by the addition of 2 steel suspension rods, hanging from cranked steel beams in the roof space.

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

CSS1 - The Overall Strategy

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

- C9 - Loss of landscape features
- CON5 - Setting of listed building
- CON7 - Proposals in a conservation area
- CON 11-14 Archaeology
- D1 - Principles of good design
- D10 - Waste Management
- D2 - Safe and secure parking for vehicles and cycles
- D3 - Outdoor amenity area
- D4 - Reasonable level of privacy for occupiers
- 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 Neighbourhood Plan policies.

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.

Wheatley Parish Council are working towards the adoption of a neighbourhood plan and pre-submission consultation stage of development and as such it has limited weight at this stage

5.4 Supplementary Planning Guidance/Documents

South Oxfordshire Design Guide 2016 (SODG 2016)

5.5 National Planning Policy Framework (NPPF)

National Planning Policy Framework Planning Practice Guidance (NPPG)

5.6 **Planning (Listed Buildings and Conservation Areas) Act 1990: Section 66 and 72**

6.0 **PLANNING CONSIDERATIONS**

6.1 The key issues to be considered in the determination of this planning application are:

- Principle of a new dwelling in this location
- H4 criteria
- Provision of garden
- Impact on the setting of the grade II listed building
- Impact on the Wheatley conservation area
- Impact on neighbours
- Impact on trees
- Highway issues
- CIL
- Other issues

6.2 **Principle and housing land supply**

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to 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. Development which is not in accordance with and up-to-date development plan should be refused unless material considerations indicate otherwise.

6.3 Footnote 6 (referred in para 11) of the NPPF (2018) introduces the specific policies in the NPPF that indicate where development should be restricted. Amongst these are policies relating to AONB's, listed buildings and conservation areas.

6.4 Paragraph 11 of the NPPF (2018) advises that there is a presumption in favour of sustainable development. For decision-taking this means "approving development proposals that accord with an up to date plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework as a whole.

6.5 Policy CSR1 of the SOCS allows for infill development within the towns and villages of the District. Infill development is described as "the filling of a small gap in an otherwise built up frontage or on sites within settlements where the site is closely surrounded by buildings."

This site lies within the built-up limits of Wheatley close to the village centre. It does represent, in my opinion a small gap in an otherwise built up frontage and is closely surrounded by buildings. As such, it is my opinion that the principle of a single dwelling on this site is acceptable.

6.6 In the context of paragraph 11 and 213 of the NPPF the council's Development Plan is not out of date because the council can demonstrate a 5 year housing land supply based on the revised SMHA figures and the hierarchy of growth in the settlements has been found to be sound and in my view consistent with the NPPF.

However, it is clear SOCS policy CSH1 (housing allocation distribution) is clearly out of date as the proposed "Site Allocations DPD" was never progressed as proposed. This means that policy CSR1 is also out of date in this particular regard as in larger villages, it was envisaged growth would be progressed via allocations. As such, as this affects the current provision of housing in Wheatley, the conflict in principle policy CSR1 carries less weight and as such paragraph 11 (d) of the NPPF is engaged.

In summary, the council's housing policies for "larger Villages" in the Development Plan are out of date. As such, paragraph 11(d) is engaged and the level of conflict with policy CSR1 carries less weight. This "tilts" the planning balance towards granting planning permission for new housing on this site in line with the presumption in favour of sustainable development.

6.7 If a proposed housing development is acceptable in principle, then the detail of the proposal must be assessed against the relevant criteria of saved policy H4 of the SOLP.

6.8 **H4 criteria issues**

i) That an important open space of public, environmental or ecological value is not lost.

Open space – the site is enclosed by a stone wall and is not readily visible from any public view point. The perceived openness of the site however, makes a positive contribution to the character and appearance of the Wheatley conservation area and this is discussed in more detail in para 6:10 below.

Ecology – The site is not known to accommodate any protected species.

ii) Design, height and bulk in keeping with the surroundings – The proposed dwelling would appear as a single storey property with a flat roof. It would sit within an enclosed walled garden and as such it would not appear visually intrusive. There is a variety of house styles within the vicinity of the site. A two-storey property was submitted originally but this was considered to adversely affect the character of the conservation area. The building would be built of stone which would adequately reference local character albeit in a contemporary manner.

iii) That the character of the area is not adversely affected – One of the concerns of local people is that it would appear out of keeping in the area. The site is located within the Wheatley conservation area and the impact of the proposal is considered in para 6.10.

The proposed dwelling would have a single storey appearance and would be relatively modest in scale. The front of the site would be maintained as garden so even when the gates were open, the dwelling would sit within a walled garden and would not appear visually prominent.

iv) Amenity, environmental or highway/parking objections

Highway issues – The vehicular access to the site is off Church Road via a gated entrance through the wall. The proposal involves widening the existing access by 1m and fitting an electronic sliding gate. When original submitted, a car port for the new dwelling was proposed. This has now been deleted from the scheme and two parking spaces are provided in front of the proposed dwelling with 2 spaces retained by the entrance for the existing dwelling. The County Highway Authority has not raised any objection to the development subject to conditions relating to access, vision splays and parking/manoeuvring.

Neighbour impact – Those neighbours most affected by this proposal are nos 19, 21 and 25 High Street which lie to the south and south west of the proposed dwelling. The southern boundary of the site comprises a high stone wall some of which has been increased in height over the years. In its original two storey form, the proposed dwelling would have been higher than the wall and would have been visible from High Street. In its amended form, the single storey nature of the proposed dwelling now means that it would not be visible from High Street and would not be oppressive or overbearing on the nos 19, 21 and 25 High Street.

No 19 High Street – The owner of this property has submitted detailed objections to the amended plans which are summarised in para 3.1 above. In relation to amenity, there is concern that the close proximity of the new dwelling to the boundary wall would result in noise, disturbance and loss of privacy. The dwelling has been designed with bedrooms in the rear of the property closest to the boundary wall and the main living

rooms at the front facing the walled garden and Church Road. There would be 3-bedroom windows serving a dressing room and an ensuite bathroom in the rear (south elevation facing the side of no 19. There would be no overlooking from these windows as they would face the stone boundary wall. Any noise and disturbance from these windows would not be any greater, in your officers' opinion, than any other neighbour particularly given that no 19 is an end of terrace property so has an attached neighbour to the south.

No 25 High Street were concerned about the impact of the car port which was proposed close to their boundary but this has now been deleted from the scheme. They remain concerned about the impact the proposed parking area would have on their amenity by way of noise, disturbance and fumes. Given that the parking and any noise would relate to a single dwelling and the site lies within the built-up limits of Wheatley, it is not considered that the proposal would result in an unacceptable impact on the residential amenity of the occupiers of this property.

No 21 High Street – The rear elevation of no 21 would be some 6.5m from the joint boundary with the application site. The owner of this property has objected to this proposal on the grounds that the proposed new dwelling will generate noise from both the house itself and from vehicles being driven down a gravel driveway. None of the proposed dwelling would sit along the rear boundary of this property; only the garden and parking area. Any noise or disturbance arising from this development would not result in unacceptable harm to the amenity of the occupiers of this property in your officer's opinion.

6.9 **Provision of garden.** Minimum standards for new residential development are recommended in the South Oxfordshire Design Guide and in saved Policy D3 of the South Oxfordshire Local Plan. The proposed dwelling would have 3 bedrooms. A minimum of 100 sqm for a 3-bed dwelling is required. In this case the proposed new dwelling would have a garden area in excess of 400sqm. The "host" property would also be left with a garden which well exceeds the council's standard. As such, the scheme is acceptable in this respect.

6.10 **Impact on the setting of the grade II listed building**
No 8 Church Road is a grade II listed building. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority have special regard to the desirability of preserving the building or its setting or any feature of special architectural or historic interest which it possesses.

Paragraph 193 of the NPPF (2018) reflects this requirement stating that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. CON5 of the SOLP is the relevant local plan policy used to secure appropriate development within the setting of listed buildings.

In this case, the erection of a single storey (with basement) flat roof building which is sited to minimize its impact within a landscaped setting would not have an adverse impact on the setting of the listed building. The council's conservation officer has not raised an objection to this amended scheme on heritage grounds and is satisfied that the proposed development would not have unacceptable harm on the setting of the listed building.

Conditions taking permitted development rights in relation to outbuildings and extensions have been recommended. This would ensure that the setting of the grade II listed building was not adversely affected.

6.11 Impact on the Wheatley conservation area

The NPPF advises that great weight should be given to the conservation of a heritage asset – in this case, the conservation area.

CSEN3 of the SOCS seeks to ensure that conservation areas will be conserved and enhanced.

CON7 of the SOLP seeks to ensure that development in a conservation area does not harm the character and appearance of the area; that the design and scale of the new work is in sympathy with the established character of the area and that traditional materials are used whenever appropriate.

At present the perceived openness of the site makes a positive contribution to the character and appearance of the Wheatley conservation area. The original two storey proposal was considered to undermine the openness of the conservation area by its mass being visually prominent from within the walled garden and in public views from both Church Road and High Street. The revised scheme would not be visually harmful and the perceived openness of the area would be retained in your officers' opinion. It would not be visually prominent from any public view points and the conservation officer is satisfied that the proposal would not harm the character, appearance or openness of the conservation area. Conditions taking permitted development rights in relation to outbuildings and extensions have been recommended. This would ensure that the perceived openness of the area is retained.

6.12 Impact on trees

Within the site is a mature lime tree which is protected by way of the conservation area status of the land. There is also a mature Copper Beech tree within the curtilage of the neighbour's property at no 25 High Street which is protected also by a Tree preservation Order (TPO). Policy C9 of the SOLP seeks to ensure that development which would cause the loss of landscape features which make an important contribution to the local scene are not permitted.

When originally submitted the proposal included a car port to the side of the proposed dwelling close to the boundary with no 25 High Street and the protected Copper Beech tree. The council's forestry officer objected to this proposal on the grounds that any excavation close to this boundary would potentially result in damage to this tree which has great visual amenity value.

The car port has now been deleted from the scheme. The Forestry Officer has confirmed that he has no objection to the revised scheme subject to a general tree protection condition.

6.13 Highway issues

Policies T1 and T2 of the SOLP seek to ensure that all development provides a safe and convenient access to the highway network and makes provision for the parking of vehicles in accordance with the council's maximum parking standards. The scheme has provided both the new dwelling and the existing dwelling with 2 off street parking spaces. The access has been widened by 1metre and the County Highway Authority has not raised any objection to this proposal on highway grounds subject to conditions relating to the retention of parking and manoeuvring areas.

- 6.14 **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.
- 6.15 In this case CIL is payable for the whole development because it involves the creation of a new dwelling. The CIL charge applied to new residential development in this case is £150 per square metre of additional floorspace (adjusted to £170.73 as per indexing figure January 2018).
- 6.16 **Other issues**
Damage to the stone boundary wall at the south of the site adjacent to number 19 High Street during excavation and construction has been raised as a concern. In the unlikely event that damage did occur during the construction of the dwelling, this would be a civil matter between the developer and the owner of the wall. The conservation officer has no particular concerns relating to the potential damage to this wall as there is a risk with any type of development.
- 6.17 Paragraph 48 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.

The site is located within the Wheatley Neighbourhood Plan Area and the plan is currently at the plan preparation stage of the process, such that it currently holds limited weight in decision making.

7.0 **CONCLUSION**

- 7.1 The council's housing policies for "larger Villages" in the Development Plan are out of date. As such, paragraph 11(d) is engaged and the level of conflict with policy CSR1 carries less weight. This "tilts" the planning balance towards granting planning permission for new housing on this site in line with the presumption in favour of sustainable development. Wheatley is classified as a village where limited infilling development and redevelopment of existing sites is permitted in principle. The proposed dwelling, in its amended form, is designed and sited in a way that conserves the setting of the listed dwelling and has minimal impact on the character of the conservation area. The design and materials reflect local vernacular and does not detract from the setting of the listed building or the conservation area. The site affords for sufficient amenity space and parking and does not result in materially harmful unneighbourly impact to adjacent properties. Conditions are proposed relating to highway matters and materials. The proposal is therefore in accordance with Development Plan policies and national planning policy and planning permission should be granted subject to the following conditions.

8.0 **RECOMMENDATION**

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

- 1 : Commencement three years - full planning permission.**
- 2 : Approved plans.**
- 3: Existing vehicular access.**
- 4: Vision splay protection.**
- 5: Parking and manoeuvring areas retained.**
- 6: Permitted development rights removed in relation to extensions.**
- 7: Permitted development rights removed in relation to outbuildings.**
- 8 : General tree protection.**
- 9: Sample materials.**

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