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<b>APPLICATION NO.</b>	<u>P18/S1260/FUL</u>
<b>APPLICATION TYPE</b>	FULL APPLICATION
<b>REGISTERED</b>	19.4.2018
<b>PARISH</b>	Nettlebed
<b>WARD MEMBERS</b>	David Nimmo-Smith & Charles Bailey
<b>APPLICANT</b>	Daytona Developments Ltd
<b>SITE</b>	19 The Ridgeway, Nettlebed
<b>PROPOSAL</b>	Erection of a detached two-storey, three-bedroom dwelling replacing garage and outbuildings (Position, size and design of dwelling and parking layout altered as shown on amended plans received 6th June 2018 and drainage details shown on amended plan received 29th June 2018 and updated block plan received 4 <sup>th</sup> October 2018).
<b>OFFICER</b>	Paul Lucas

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**1.0 INTRODUCTION**

- 1.1 Officers recommend that planning permission should be granted. This report explains how officers have reached this conclusion. The application is referred to Planning Committee due to Nettlebed Parish Council's objection to the revised plans.
- 1.2 The application site is shown at **Appendix A**. It comprises a residential plot comprising 19 The Ridgeway, a semi-detached mid-20<sup>th</sup> century two storey dwelling constructed from brick and concrete tile located within the built-up confines of Nettlebed. The plot has more space to the side than to the rear. The side area contains several outbuildings. The attached semi, No.20, lies to the east and has a two-storey side extension so that the pair of semis no longer appear symmetrical. The western site boundary is with the rear garden boundary of No's 17 and 18 The Ridgeway. These are a similar pair of semis to the application property that have been extended in a similar vein to No.20.
- 1.3 The northern rear site boundary is bordered by the side boundary of the rear garden of 9 Wanbourne Lane, a more recently constructed two storey dwelling. The opposite side of the road contains a row of chalet-bungalows with a variety of roof alterations. The western end of the cul-de-sac leads onto a public footpath and is dominated by the side elevation of the Nettlebed Surgery. The boundary with the road consists of a mixture of low-level fencing and hedgerows. There is a slight slope downwards from north to south across the site. The Chilterns AONB washes over the village, but there are no other designations on the site.

**2.0 PROPOSAL**

- 2.1 The application seeks full planning permission for the erection of a two-storey detached 3-bedroom dwelling and widening of the vehicular access to serve both existing and proposed dwellings, as detailed in the current plans and supporting documents submitted with the application.
- 2.2 The application was amended to revise the layout and appearance of the proposed dwelling, reducing the ridge height and eaves height, to increase the distance between the dwelling and the rear boundary and to alter the parking arrangements. These plans can be viewed in full at **Appendix B** and other documents can be viewed on the Council's [website](#).

3.0

## SUMMARY OF CONSULTATIONS & REPRESENTATIONS

3.1

### Nettlebed Parish Council - This application should be refused

- Amenity Considerations: This amended version for a proposed infill dwelling constitutes a serious over-development in this small cul-de-sac and, inappropriately crammed into this site, would still overshadow neighbouring properties: particularly nos. 18, 17 The Ridgeway and no. 9 Wanbourne Lane. The first-floor windows would overlook these properties, resulting in loss of privacy. Whilst the proposed dwelling claims to be replacing a garage and outbuildings and, even though the ridge height has been reduced, its scale and bulk would still result in loss of light to each of the three properties already identified. The proposed detached dwelling would also be out of character with neighbouring properties, with single storey dwellings on the opposite (south) side of the road built much later than and complimentary to the semi-detached properties of The Ridgeway.

- Traffic generation and safety: All approved dwellings now cater for (at least) two cars and the proposed infill dwelling would exacerbate the congestion in this quiet residential road, with the two extra cars, plus deliveries, visitors, refuse collections and emergency vehicles. The access to the rear of the property is narrow and inadequate on the west side of the proposed dwelling. The boundary in line with the east wall of the proposed dwelling emphasises that the site is too small to accommodate a detached dwelling on this small site. Public Footpath NE3 to the east side of The Ridgeway, connecting to Nettlebed Surgery and the High Street is very well-used by all residents of The Ridgeway, and especially children walking to the Pelican Crossing on the High Street to go to Nettlebed Community School, and older children going to The Green to catch the school buses. Many elderly people also use this route to attend the Surgery, visit the Village Club, the Community Centre, businesses on the High Street and walking to and from the bus stops on The Green. Safety would be seriously compromised with cars, with limited vision, potentially reversing across the pavement from no. 19 and the proposed dwelling.

- The main drainage line runs directly under the area of garden of the proposed dwelling from the top of The Ridgeway; some years ago, raw sewage overflowed into the garden of no. 19 – the site of the proposed dwelling. The site is at the bottom of a fairly steep incline; during heavy rain, the drains and gutters fail to cope with excess water flowing from the top of Priest Hill and the existing roads can experience sheets of water. Plans submitted for the proposed ‘soakaway’ lack clarity and are unlikely to resolve the problem and may cause further problems in the longer term. More dwellings at the bottom of The Ridgeway will result in surface water collecting on the road and possibly flooding into the front gardens of nos. 21, 22 and 23. Residents already contend with surface water flooding the footpaths either side of the road. The site in question will now be half-filled with a building and the area to the front of both 19 The Ridgeway and the proposed dwelling will be reduced to hard-standing to accommodate four cars, interfering further with the run-off of surface water. Please note that to the north of no. 9 Wanbourne Lane (the site at the rear of 13 The Ridgeway - Planning Ref: P17/S0994/FUL) - a further dwelling has been approved by SODC. The underlying geology of the ‘built form’ of Nettlebed is complex. However, the original planning statement does not specify how surface water will be disposed of and the application still lacks knowledge and clarity as to how this major problem will be dealt with.

**Highways Liaison Officer (Oxfordshire County Council)** – No objection to amended plans, subject to the imposition of several planning conditions

**Drainage - (South&Vale)** - No objection subject to surface water and foul drainage pre-commencement planning conditions

**Neighbours** – Seven representations of objection and concern, summarised as follows:

- Infilling not necessary in addition to houses allowed for in plan for the village in emerging SOLP 2033
- overdevelopment of site resulting in loss of open aspect
- loss of light, outlook and privacy to No's 9, 17 and 18
- insufficient off-street parking resulting in obstructions on-street
- strain on sewerage system and other utilities
- render out of keeping
- noise disturbance from additional household
- side window should be obscure glazed
- damage to road during construction process
- devalue properties and stress from developers buying up plots [not planning matters]

#### 4.0 RELEVANT PLANNING HISTORY

4.1 [P18/S1261/HH](#) - Withdrawn (25/05/2018)

Two storey side extension to No.19

#### 5.0 POLICY & GUIDANCE

5.1 South Oxfordshire Core Strategy (SOCS) Policies

CS1 - Presumption in favour of sustainable development

CSEN1 - Landscape protection

CSM1 - Transport

CSQ2 - Sustainable design and construction

CSQ3 - Design

CSR1 - Housing in villages

CSS1 - The Overall Strategy

5.2 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

D10 - Waste Management

EP1 - Adverse affect on people and environment

EP4 - Impact on water resources

EP6 - Sustainable drainage

G2 - Protect district from adverse development

G5 - Best use of land/buildings in built up areas

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) – Section 7 – Plots & Buildings

5.4 National Planning Policy Framework (NPPF)

National Planning Policy Framework Planning Practice Guidance (NPPG)

The policies within the SOCS and the SOLP 2011 of relevance to this application are in general conformity with the provisions of the NPPF and NPPG and therefore this application can be determined against the relevant policies above.

## 6.0 PLANNING CONSIDERATIONS

6.1 The planning issues that are relevant to this application are whether the development would:

- be in accordance with the Council's Housing Strategy;
- result in the loss of open space or view of public, environmental or ecological value;
- be in keeping with the character and appearance of the surrounding area, bearing in mind its location within the Chilterns AONB;
- safeguard the residential amenity of neighbouring occupiers and would provide suitable living conditions for future occupiers;
- demonstrate safe and convenient access and adequate off-street parking provision for the development; and
- give rise to any other material planning considerations.

### 6.2 Principle of Development

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. The development plan currently comprises the South Oxfordshire Core Strategy (SOCS) and the saved policies of the South Oxfordshire Local Plan 2011 (SOLP 2011). Nettlebed does not have a made or emerging Neighbourhood Plan. The determination of this application is to be based on its accordance with the development plan. Although third party objectors consider that new housing should only be granted planning permission on sites allocated for residential development (in the emerging SOLP 2033), this is not what the development plan says. The SOCS Policy CSR1 allows for infill residential development in Nettlebed and does not set any limits in relation to site size or number of dwellings in larger villages. The site is located within the built-up confines of the village and although it does not form a small gap in an otherwise built-up frontage, the proposed development would be closely surrounded by buildings on all sides and would therefore be compliant with Policy CSR1 and acceptable in principle.

Consequently, the proposal can be assessed against the impact-based criteria of the SOLP 2011 Policy H4.

### 6.3 Loss of Open Space

Criterion (i) of Policy H4 of the SOLP 2011 requires that an important open space of public, environmental or ecological value is not lost, nor an important public view spoilt. The site is not accessible to the public. Although there are views of the site from the road, these are in the context of adjoining built form rather than open countryside. There would also be no identified ecological implications arising from this proposal. On this basis, the proposal would be in accordance with the above criterion.

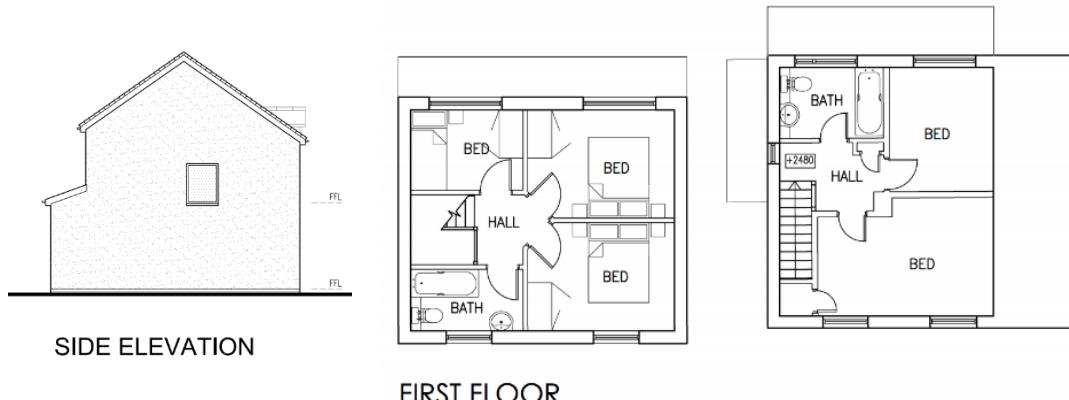
### 6.4 Visual Impact

Criterion (ii) of Policy H4 of the SOLP 2011 requires that the design, height, scale and materials of the proposed development are in keeping with its surroundings and criterion (iii) requires that the character of the area is not affected. Policies CSQ3 of the SOCS and D1 of the SOLP 2011 expand on this requirement in respect of ensuring good design and maintaining local distinctiveness. Policy CSEN1 of the SOCS explains that high priority will be given to conservation and enhancement of AONBs and planning decisions will have regard to their setting. It is clear that being located within an AONB does not preclude housing development, provided it is found to be visually acceptable.

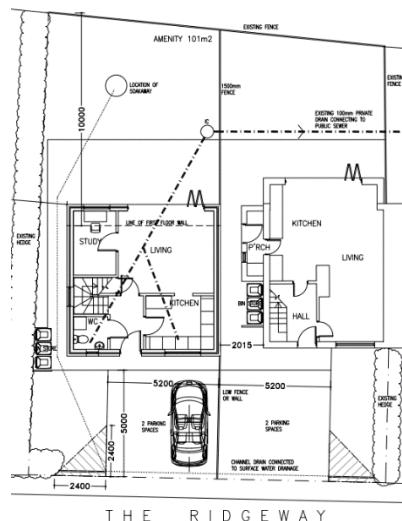


### PROPOSED FRONT ELEVATION

- 6.5 The Ridgeway contains a variety of dwelling types, mostly from the mid-20<sup>th</sup> century. These include some two-storey semis with white-painted render finish. These dwellings are typical of their era and are not of any particular architectural merit. At the southern end of The Ridgeway, where the application site is located, the layout of dwellings also becomes more irregular. The two-storey side extension to No.18, located closer to the street than the proposed dwelling would be and the western elevation of Nettlebed Surgery, which is about 8.5 metres high, are presently the dominant features in this part of the street scene. The applicant has responded to officers' original concerns with the scale and bulk of the proposal, through reducing it so that the ridge would be 6.9 metres high, 0.4 metres lower than the existing dwelling. In this context, officers consider that the form and design of the proposed dwelling would not appear unduly prominent or significantly out of keeping with the prevailing character of built form to warrant refusal of planning permission on those grounds. There is scope for new planting to take place in proposed amenity areas to soften the appearance of the development, to be secured through a landscaping condition. As the site would be well contained within a built-up area, there would be no discernible impact on the wider Chilterns AONB landscape. In the light of the above assessment, the proposal would be in accordance with the above criteria.
- 6.6 Neighbour Impact  
 Criterion (iv) of Policy H4 of the SOLP 2011 requires that there are no overriding amenity objections. Policy D4 of the SOLP 2011 requires that all new dwellings should be designed and laid out to secure a reasonable degree of privacy for the occupiers. The proximity of the proposed dwelling to the boundaries with No's 17 and 18 The Ridgeway and No.9 Wanbourne Lane would inevitably result in some impact on the occupiers of those residential properties. In relation to No's 17 and 18, the proposed dwelling would lie to the south-east and would run alongside part of the rear boundary of both adjoining gardens at a distance of around 1.5 metres. This would result in some enclosure to the rear of those gardens and some overshadowing in the morning. However, the distance between the main rear walls of No's 17 and 18 and the side wall of the proposed dwelling would be around 17.1 metres. This would exceed the recommended 12 metres back to side distance set out in Section 7 of the SODG 2016. Even allowing for the conservatory at the rear of No.17, the distance would still be 12.8 metres. This indicates that the rear aspect of these adjoining dwellings would not be significantly affected by the proposed development, such that adequate levels of light and outlook would remain. In relation to privacy, an obscure glazing condition could be imposed on the north-west-facing stairwell window to prevent overlooking. Views towards Nos. 17 and 18's gardens from the other first floor front and rear-facing windows would be sufficiently oblique to avoid any significant loss of privacy.



- 6.7 In respect of No.9 Wanbourne Lane, the proposed dwelling would lie to the south of this adjoining property's rear garden and so the development would not directly intrude upon this neighbour's rear aspect. Any overshadowing would be more likely to be restricted to the winter months, as the sun would be higher in the sky by the time the proposed dwelling would intrude on its trajectory from No.9's perspective. The first-floor rear windows would directly face towards the garden, however, this would be at a distance of around 10 metres. This is the recommended minimum depth for gardens as set out in Section 7 of the SODG 2016 and therefore it is accepted that first floor windows will sometimes be located around that distance from adjoining gardens and such relationships are often found in built up areas. The proposed windows would lie within 25 metres of the rear windows of No.9. However, the windows would not directly face each other, rather the angle would be so oblique that it would be unlikely that mutual overlooking into the respective habitable rooms would occur.
- 6.8 There would be no discernible impact on the living conditions of the future occupiers of No.19. The proposal would achieve a 100 square metre garden for the proposed dwelling and retain a 50 square metre garden for the existing 2-bedroom dwelling, both meeting the recommended minimum standards in Section 7 of the SODG 2016. In overall terms, the proposal would not be significantly detrimental to residential amenity of existing or future occupiers and as such would comply with the above policies.



6.9 Access and Parking

Criterion (iv) of Policy H4 of the SOLP 2011 also requires that there are no overriding highway objections. Policy T1 of the SOLP 2011 seeks to ensure that all new development would provide a safe and convenient access for all users of the highway. Nettlebed Parish Council and residents are concerned that the proposal would result in conditions prejudicial to highway and pedestrian safety. However, the Highway Liaison Officer does not object to the proposed parking layout and considers that any current on-street parking issues would not be significantly worsened as a result of the application. Consequently, a refusal on highway or pedestrian safety grounds would be difficult to defend at appeal. As such, the proposal would comply with this element of the above criterion.

6.10 Other Material Planning Considerations

In relation to the concerns raised about flooding by several objectors, the Council's Flood Risk Engineer has commented in respect of surface water drainage that the underlying geology is shown as impeded clay loamy soils and therefore implying that infiltration is likely to be unfeasible. However, due to local knowledge and the applicant's agreement to go below the 2m depth at which the clay capping is likely to go down to, we are content that infiltration techniques are likely to be feasible. Further details could be secured through a pre-commencement planning condition. In respect of foul drainage, as the application site is within a sewered area, a foul connection to the mains is seen as feasible, again subject to the provision of the appropriate level of detail prior to commencement.

6.11 Officers consider that it is reasonable to restrict permitted development rights for the proposed dwelling for extensions and outbuildings. This would enable the Council to retain control over future householder development that might otherwise have an unacceptable impact visually or on neighbour amenity. The amount of additional noise from activities associated with one additional dwelling in a residential area would be unlikely to result in significant harm that could not be tackled through the 1990 Environmental Protection Act. An informative would be added to any planning permission, advising the applicant of the Considerate Constructor's Scheme.

6.12 Community Infrastructure Levy

The proposed dwelling is liable for the Community Infrastructure Levy (CIL). The CIL charge applied to new residential development in this case is £150 per square metre (index linked). 15% of the CIL payment would go Nettlebed Parish Council in the absence of a made Neighbourhood Plan.

7.0 **CONCLUSION**

7.1 The application proposal would comply with the relevant Development Plan Policies, Supplementary Planning Guidance and Government Guidance and it is considered that, subject to the attached conditions, the proposed development would be acceptable in principle and would not materially harm the character and appearance of the surroundings or unduly detract from the living conditions of nearby residents or result in conditions prejudicial to highway safety or increase the risk of flooding in the locality.

8.0 **RECOMMENDATION**

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

- 1. Commencement of development within three years.**
- 2. Development to be carried out in accordance with the approved plans.**
- 3. No change in levels without written agreement.**
- 4. Schedule of materials to be agreed prior to first use.**

5. Obscure glazing to the north-west facing stairwell window.
6. Landscaping (including hardsurfacing and boundary treatment) to be agreed.
7. Existing vehicular access to be improved prior to occupation.
8. Surface water drainage works to be agreed.
9. Parking & manoeuvring areas to be provided and retained in accordance with the approved plans.
10. Foul drainage works to be agreed.
11. Withdrawal of permitted development rights for extensions and outbuildings.
12. Vision splay protection implementation as on plan prior to occupation.
13. No surface water drainage to highway.

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