

APPLICATION NO.	<u>P12/S1973/FUL</u>
APPLICATION TYPE	FULL APPLICATION
REGISTERED	30.8.2012
PARISH	EWELME
WARD MEMBER(S)	Mr Felix Bloomfield Miss Rachel Wallis
APPLICANT	Mrs Sarah Emmett
SITE	Waterside High Street Ewelme, OX10 6HQ
PROPOSAL	1. Demolition of existing outbuildings ancillary to existing private house. 2. Erection of replacement outbuilding ancillary to existing private house. 3. Change of use of Approx. 235m ² to Residential use.
AMENDMENTS	None
GRID REFERENCE	464056/191838
OFFICER	Miss S. Green

1.0 INTRODUCTION

- 1.1 This application is referred to the Planning Committee because the Parish Council's view conflicts with the recommendation. At the meeting on 7 November 2012 the Committee resolved to defer consideration to allow Members to visit the site.
- 1.2 Waterside is a detached property situated along the High Street. It is a two storey property which is set slightly back from the road and at a higher level. Land levels rise sharply from the road up to and past the property to the fields beyond.
- 1.3 There is an existing access to the property from the High Street and the drive sweeps up past the house and round to the left where there is a second access onto Nolay Close. There is an existing store next to the drive and a brick outbuilding within the rear garden. Behind the main garden and existing curtilage, are paddocks with small existing stables and storage sheds. An OS plan showing the site is **attached** at appendix 1.
- 1.4 The Ewelme Conservation Area runs along the High Street, however Waterside is excluded from it, as shown on the OS Plan. The site is also within the Chilterns Area of Outstanding Natural Beauty (AONB).
- 1.5 To the north west of the site is the recent residential development of Nolay Close on the former dairy site. To the south west are the properties of Dormer Cottage and La Welme Cottage along High Street and to the south east are the properties at The Terrace.

2.0 PROPOSAL

- 2.1 The proposal is to remove the existing brick outbuilding in the garden, and the stables and storage building in the paddocks and construct a new ancillary residential outbuilding which will contain replacement stables, tack room, hay and feed store, as well as a garage and car port, WC and a gym/store room.
- 2.2 The proposal is to locate this building just beyond the existing residential curtilage so the proposal includes a change of use of this land too. The building would be accessed from the existing driveway of Waterside. Two trees are shown to be removed to allow

the access. Plans showing the proposals are **attached** at appendix 2. The full planning application can be viewed on the council's website at www.southoxon.gov.uk.

Concern has been raised with regard to the site levels shown on the plans and relative heights of the neighbouring properties in Nolay Close. This report has been updated to clarify the site levels. The land levels on the application site and the ridge and eaves heights of the properties in Nolay Close have been taken from the applicant's own survey information prepared by a land surveyor. The agent has confirmed that the other information for the properties on Nolay Close has been taken from the original planning permission for that development. The relative heights of the buildings is therefore correct between the sites.

Confusion has arisen over the south west elevation and the height of the boundary fence shown on the plans. To clarify and to avoid confusion, this elevation shows a section through Diary Cottage on Nolay Close and not Little Wren Cottage. (When looking at the south east elevation, Diary Cottage is the left side of the semi detached properties and Little Wren is the right side.) The boundary fence shown on the plan is the one to the rear of Diary Cottage, which is much lower than the one to the rear of Little Wren Cottage next door. This can be seen on site.

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

3.1 Ewelme Parish Council – Object.

- Appreciate has made efforts to reduce the impact but believe the retention of second storey is still unneighbourly and will have detrimental effect on setting of conservation area;
- Concerned about implications of proposed change of use;
- Gable end window on SE elevation will overlook No 1 The Terrace;
- Although moved back, it will still impinge too much on neighbouring properties in Nolay Close;

Would like the following taken into account as conditions –

- Suitable drainage to be installed to the expanded area of driveway as there is localised flooding along this section of The Street;
- Strongly opposed to removal of more than the 2 trees proposed, would like a requirement to have them replaced;
- New steps shown would not allow for horses to move between the stables and the paddock, provision needs to be made for this;
- Parking areas of the property should be used to alleviate on street parking.

County Archaeological Services - No strong views.

- Site is located in an area of archaeological potential within the historic core of the settlement. A number of finds have been found in the vicinity. Conditions requiring a watching brief should be attached to any permission.

Countryside Officer - No strong views.

- Suggest an informative added to any permission to draw attention to what to do if protected species are found;

Forestry Officer- No strong views.

- The affected trees are not of any great arboricultural merit but they do provide some screening. The majority of the trees to be removed are Leylandii but it also includes a Cherry and a Silver birch. The retained trees are to be protected during construction and support some appropriate replacement tree planting.

Conservation officer – No strong views.

- In view of the new houses on the adjacent plot to the north west, any affect in the character of the conservation area would be minimal;

Monson – no comments received. Previous application comments:

- An intercepting drain must be proposed to prevent run-off of stormwater down the proposed driveway to the street. Drainage details should be submitted prior to commencement.

Summary of Neighbour Objections (13)

- Understand wish for improved stables, hay store and tack room and store;
- No objection to replacement of current stables to height of those existing;
- Equestrian needs could be aquately met by single storey, low pitched roof building;
- No need for additional garaging and car port on plot;
- Why is the change of use needed if it is for replacement equestrian facilities;
- Change of use to residential would set a dangerous precedent;
- The intended use is for residential accommodation;
- Fail to see the need for the change of use to residential when only for storage
- Change of use and two storeys will permit a residential property; intention is for new property in future
- Hope there is no intention for it to used as an equestrian centre
- Two storey building at top of steep slope will dominate surrounding buildings;
- Overdevelopment of small site;
- Two storey unacceptable;
- Will fill in the gap between Nolay Close and Waterside; will disfigure the skyline.
- Would have significant visual impact on conservation area and AONB;
- Object to removal of trees; they should be given TPOs;
- Height and size of structure will overshadow properties in Nolay Close;
- Too close to boundary, unneighbourly
- Nolay Close is a private road and this will increase traffic. There is only access rights for one dwelling at Waterside from Nolay Close not two
- Drainage requirements will be needed to prevent runoff into the road, which suffers from flooding;

4.0 **RELEVANT PLANNING HISTORY**

4.1 [P12/S0372](#) - Withdrawn (31/05/2012)

1. Demolition of existing outbuildings ancillary to existing private house.
2. Erection of replacement outbuildings ancillary to existing private house.
3. Change of use of approx. 380 square metres land to residential use.

[P97/W0161](#) - Approved (21/04/1997)

Alterations to form first floor accommodation and replacement rear conservatory.

[P95/W0403](#) - Approved (18/08/1995)

Alterations and extensions to existing dwelling. (As amplified by plans accompanying letter from agent dated 20.6.95 and by letter from agent dated 16.8.95).

5.0 **POLICY & GUIDANCE**

5.1 South Oxfordshire Local Plan 2011 policies;

- C2 - Harm to the AONB
- C8 - Species Protection
- C9 - Landscape Features

CON7 - Proposals in a conservation area
D1 - Principles of good design
D4 - Reasonable level of privacy for occupiers
G2 - Protect district from adverse development
G6 - Appropriateness of development to its site & surroundings
H13 - Extension to dwelling
H18 –Extension of gardens
T1 - Safe, convenient and adequate highway network for all users
EP6 – Surface water protection

South Oxfordshire Design Guide 2008
NPPF

6.0 **PLANNING CONSIDERATIONS**

6.1 The main considerations for this application are the following:

- Design and scale
- Impact on the Conservation Area
- Impact on the landscape and AONB
- Impact of the change of use
- Impact on neighbours
- Future use of the building
- Impact on trees
- Impact on archaeology
- Impact on protected species
- Impact on flooding
- Any other considerations

Design and scale

6.2 Policy H13 allows for the erection and extension of ancillary outbuildings. The proposal is to remove the existing stables and storage buildings on the land to the rear of the existing garden and construct a new building in the same location.

6.3 A previous scheme was submitted earlier in the year for a similar building. That scheme was deemed inappropriate by officers as the building was overly domestic in design for its purpose, it was too high and close to neighbouring properties and it resulted in a large extension to the garden.

6.4 This proposal has been reduced in size. The stables element has been reduced in height by over 0.5m and the roof pitch has been made significantly shallower. The garage and car port element has also been reduced in height by about 0.5m. The building has also been sunk into the ground such that the floor levels will be slightly lower than the existing buildings. Looking from the south east across the paddock, the stables element will appear approximately 0.5m lower than the existing ground level and the garage/carport element will appear approximately 1m lower. The levels in front of the building will also be lowered to allow for access.

6.5 In terms of design the building has been simplified. It no longer has dormers or a balcony. Instead it has simple rooflights and single openings in the side elevation. It now looks more akin to a traditional rural outbuilding in my view. Above the garage, carport and stores is a first floor room within the roof of the structure to be used as an ancillary residential accommodation. Such accommodation provision is not unusual above garages of dwellings.

Conservation Area

- 6.6 The High Street is within the conservation area, although the site itself is outside it, however it is within the Chiltern AONB. There is also a public right of way to the north east of the paddocks. Concern has been raised by neighbours of the impact on the conservation area. From street level, the current view up the access drive is of the existing brick outbuilding and the trees beyond. This building will be removed and the new building will be sited much further back. From the street, given the set back into the site, the building would not appear dominating or imposing on the conservation area. Landscaping is also proposed along the extended access to it which will also help soften the view. The conservation officer has been consulted and has no objection to the scheme. The scheme would therefore accord with policy CON7.

Landscape and AONB

- 6.7 The NPPF says great weight should be placed on conserving the landscape and scenic beauty in AONBs. The paddocks and land to the rear of the High Street are agricultural in nature. The existing stables and storage structures are low key and utilitarian. Due to the steep rise in the land towards the rear of the paddocks, it would only be the roof of the building that would be the most visible. From the paddocks, on the public footpath which runs along the back, views of the building would be limited to the top of the roof in my view because of the way the land slopes. Any views of the building would be seen in the context of the dwellings in Nolay Close, which are fairly prominent in the landscape. This building would not be set as far back as these and would be lower in height. It is proposed to use a clay tile on the roof which will blend in with the properties of Nolay Close. The overall design of the building is that of a timber rural outbuilding which is considered appropriate in this setting. Therefore, in wider landscape terms the building would not cause harm to the visual amenity of the AONB.

Change of use

- 6.8 The existing curtilage of the dwelling is marked by an existing low level wall along the rear of the garden. The paddocks to the rear and the stables and storage structures are currently accessed via a gate and are outside of the existing residential curtilage, on agricultural land, in planning terms. The proposal involves the change of use of approximately 235sqm of agricultural land to residential. This is the land on which the building sits and the hardstanding in front which will allow access to the building by vehicles. It is required because of the garage, car port and incidental accommodation above fall under within 'residential use' in planning terms rather than agricultural. Policy H18 permits the change of use of agricultural land to extend residential gardens provided it does not have a detrimental effect on the landscape. As has already been discussed above, the building would not harm the landscape. The second criteria of policy H18, the impact on the amenity of adjoining residents is discussed in the following section.

Impact on neighbours

- 6.9 The existing stable building is sited on the boundary with the rear garden of Little Wren Cottage of Nolay Close. The floor level of this building is 51.3 as measured against the datum point. The current building is not visible from the garden of Little Wren Cottage due to the height of the boundary fence. This proposal has sited the building 1.5m away from the boundary and has sunk the building down into the ground. The floor level of the new stables building will be 51.0 as shown on the plans, a difference of 0.3m. The stables element will have a shallow pitched roof, which slopes away from the boundary, such that the ridge of the stables would be over 4m away from the boundary. Given the shallow nature of the roof and its distance from the boundary I do not consider that the stables element would feel overbearing or oppressive on this property.
- 6.10 The proposal involves the removal of two very large Leylandii on the boundary which will open up the boundary. Views of the top of the roof of the building will be available

from Nolay Close as result, however although it may change the outlook, the highest part of the building with the garage and carport element would be over 6m away from the boundary. I therefore do not consider it would feel overbearing or oppressive on the occupiers of Nolay Close. New screen planting is proposed along this boundary which will help soften the visual impact of the building.

- 6.11 Concern has been raised that the side window in the south east elevation would overlook No 1 The Terrace. The window would be approximately 25m from the boundary of their rear garden. Additionally whilst two trees will be removed, other large trees along the rear garden of Waterside are to remain, and would provide an element of screening of the building from No1 in any event. I do not consider there would be any overlooking into No 1 from the building. The proposal would therefore accord with iii) of policy H13, ii) of policy H18 and policy D4 of the SOLP.

Future use

- 6.12 The provision of a home gym, storage or office within the building for use in connection with the house is not unreasonable or uncommon. Neither is the presence of a WC. Concern was raised about the distance of the building from the dwelling, however due to the land levels and the need to access the paddocks, siting it further forward in the existing garden of Waterside was not practical.
- 6.13 Concern has been raised by a number of neighbours that this building will become a separate dwelling or used to establish a precedent. The change of use permits the land to be used as an extension to the garden of Waterside. It does not permit a separate residential use, which would be contrary to the council's housing policy. To ensure that the building is used for its intended purpose, a condition is suggested to restrict the use of the building to purposes incidental to the main dwelling. This condition will prevent the building being used separately from the main dwelling and also being used for any commercial purposes. The commercial use of the building in connection with its equestrian uses would likely be harmful in highway and neighbour amenity terms.

Trees

- 6.14 The existing trees on the site have been assessed by the forestry officer. He considers they are not of any great arboricultural merit although they do provide some screening. He has no objection to the trees being removed as long as there is some appropriate replacement tree planting and the trees to be retained are adequately protected during the works. Conditions to ensure tree protection and landscaping are suggested.

Archaeology

- 6.15 The site is located in area of archaeological potential within the historic core of the settlement. A number of archaeological artefacts have been found close to the site. Given the density and number of them, it suggests there is a fairly high status Roman settlement in the vicinity. The County Archaeologist therefore recommends conditions requiring a watching brief to be maintained during the works are imposed.

Protected species

- 6.16 The council's countryside officer has no objection to the scheme. He suggests an informative to bring to the applicant's attention what to do should any protected species be found.

Flooding

- 6.17 Many of the neighbours have raised concerns regarding surface run off from the development into the High Street which already suffers from localised flooding. The council's drainage consultants have not commented on this application but did on the previous application. They say that an intercepting drain should be proposed to prevent

this and that surface water drainage details for the development should be submitted for approval.

Other considerations

- 6.18 Concern has been raised by neighbours on the use of the access point to the dwelling from Nolay Close, saying that this proposal will increase its use and the traffic along Nolay Close, which is a private road. The access in question is an existing access for the property. This proposal does not change that. As to the use of the access and its impact on the private road, this would be a private matter between the relevant parties. It is not a planning matter in this case.
- 6.19 Concern has also been raised about the development generating an increase in traffic to the site. The proposed uses are no different to that which can currently take place on the site. It is just re-arranging the buildings in which they take place. Therefore I do not believe there would be an increase in traffic movements to or from the site.

7.0 **CONCLUSION**

- 7.1 This application is recommend for approval as it complies with the relevant development plan policies. It would not have an adverse impact on the rural character of the area or the conservation area or Chilterns Area of Outstanding Natural Beauty. It would also, subject to the suggested conditions, not be detrimental in terms of the environment, highway or the amenities of neighbouring occupiers.

8.0 **RECOMMENDATION**

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

1. **Commencement 3 yrs - Full Planning Permission**
2. **planning condition listing the approved drawings**
3. **Sample materials required (walls and roof)**
4. **Landscaping Scheme (trees and shrubs only)**
5. **Tree Protection (General)**
6. **Restricted to purposes incidental to the main dwelling**
7. **Surface water drainage works to be submitted**
8. **Submission of Archaeological watching brief**
9. **Implementation of Archaeological watching brief**

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