

APPLICATION NO.	P18/S1500/O
APPLICATION TYPE	OUTLINE
REGISTERED	8.6.2018
PARISH	PISHILL
WARD MEMBER	Anna Badcock
APPLICANT	Mr Sebastian Brock
SITE	Marigay, Russells Water, RG9 6EU
PROPOSAL	Outline Application for a single storey 3 bedroom infill dwelling on land adjacent to Marigay incorporating matters of access, layout and scale with matters of appearance and landscaping reserved (site area extended to include access to highway as shown on amended site location plan received 8th June 2018 and additional cross-sections received 12th July 2018).
OFFICER	Paul Lucas

1.0 **INTRODUCTION**

1.1 Officers recommend that outline planning permission should be granted. This report explains how officers have reached this conclusion. The application is referred to Planning Committee due to Pishill with Stonor Parish Council's and Swyncombe Parish Council's objections to the current plans.

1.2 The application site is shown **attached** at Appendix A. The site lies amongst a ribbon of development along the main road through the settlement of Russell's Water. Marigay is a single storey dwelling constructed in brick and tile. A detached garage lies in front of the property, also constructed in brick and tile. The dwelling is set back from the road by about 65 metres. Marigay was constructed as a farm worker's dwelling and its original curtilage was about 1150 cubic metres in the centre of the site. The land located between the dwelling and the road containing the driveway and areas of lawn and the open land to the north and west of the original curtilage are included within the application site. The western part of the site, including the land on which the dwelling sits, slopes down to the western boundary with agricultural land before falling away more steeply to a valley to the west. The site is partly adjoined by residential plots in the form of Whistling Cottage to the north and east and Russell's Water Farm to the south. Part of the southern boundary is with a shared access serving Marigay, Russell's Water Farm and The Lookout, on the southern side of the access. There is common land on the opposite side of the road. The site lies within the Chilterns AONB, which washes over the settlement, but there are no other special designations on the site.

2.0 **PROPOSAL**

2.1 The application seeks outline planning permission for the erection of a single storey flat-roofed dwelling, with detailed consent sought for access, layout and scale at this stage, as shown on the current plans. Matters of appearance and landscaping are reserved for later consideration. The site location plan was revised during the application process to include all the access and driveway. Additional cross-sections were also submitted to help to illustrate the appearance of the dwelling.

2.2 Copies of the current plans are **attached** at Appendix B whilst other documentation associated with the application can be viewed on the Council's [website](#).

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

3.1 **Pishill with Stonor Parish Council** – The application should be refused due to being inappropriate development in principle in the AONB and should be a detailed application

Swyncombe Parish Council – The application should be refused on the same grounds as the previous application [P16/S2816/FUL](#) was dismissed at appeal: That the additional house would introduce an urbanising influence at odds with the distinctive, rural landscape character of this part of the village; It would not conserve the landscape and scenic beauty of the AONB, nor would it protect the distinctive character of this part of the village and its landscape setting; and the proposal would only bring limited social and economic benefits and would not outweigh the harm to the AONB.

Forestry Officer (South Oxfordshire District Council) - No objection subject to conditions

Highways Liaison Officer (Oxfordshire County Council) - No objection to amended site location plan subject to conditions

Chiltern Society – Object – This application is not in keeping with the character and appearance of the site and surrounding area and would harm neighbouring amenities.

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

Neighbours – six representations of objection, summarised as follows:

- Plot too small for a dwelling of this size
- Footprint similar to the dwelling recently refused planning permission and dismissed at appeal
- Loss of privacy to Whistling Cottage – distance to boundary unclear
- Flat roofed dwelling out of keeping with the village and AONB – no precedent set by other flat-roofed dwellings in the vicinity

All representations can be viewed in full on the Council's [website](#).

4.0 **RELEVANT PLANNING HISTORY**

4.1 [P18/S2038/FUL](#) – Approved (23/08/2018)

Additional basement space for plant room and storage (amendment to planning permission P17/S1319/FUL).

[P18/S0403/NM](#) - Approved (09/03/2018)

Non material amendment to application ref. P17/S1319/FUL - to include a basement area for storage

[P17/S1319/FUL](#) - Approved (24/07/2017)

Demolition of the existing dwelling and garage and erection of a replacement 5-bedroom two-storey dwelling and detached garage

[P16/S2816/FUL](#) - Refused (23/02/2017) - Appeal dismissed (02/08/2017)

Demolition of existing dwelling and garage and erection of replacement 5-bedroom dwelling with detached double garage, and demolition of detached garage and erection of a detached 4-bedroom dwelling with integral garage incorporating shared vehicular access.

5.0 **POLICY & GUIDANCE**

5.1 South Oxfordshire Core Strategy (SOCS) Policies

- CS1 - Presumption in favour of sustainable development
- CSB1 - Conservation and improvement of biodiversity
- 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;

- C4 - Landscape setting of settlements
- C6 - Maintain & enhance biodiversity
- C9 - Loss of landscape features
- 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
- G4 - Protection of Countryside
- 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 and Buildings
- South Oxfordshire Landscape Assessment – Character Area 9 Chilterns Ridges and Valleys
- Chilterns Buildings Design Guide – Chapter 3

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**

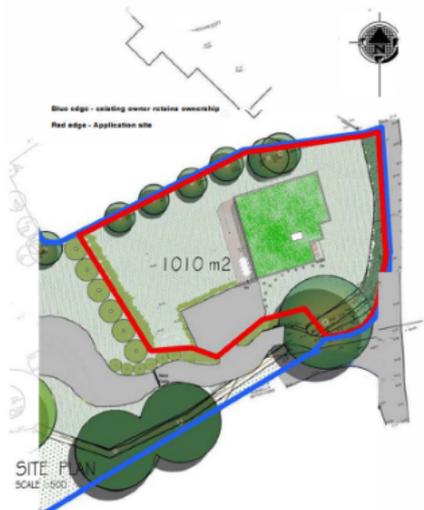
6.1 The planning issues that are relevant to this application are whether the development would:

- be in accordance with the Council's strategy for housing development in rural areas;
- result in the loss of an 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 living conditions of neighbouring residential occupiers and would provide suitable living conditions for future occupiers;
- provide adequate off-street parking spaces for the resultant dwelling and prevent any conditions prejudicial to highway safety; and
- give rise to any other material planning considerations.

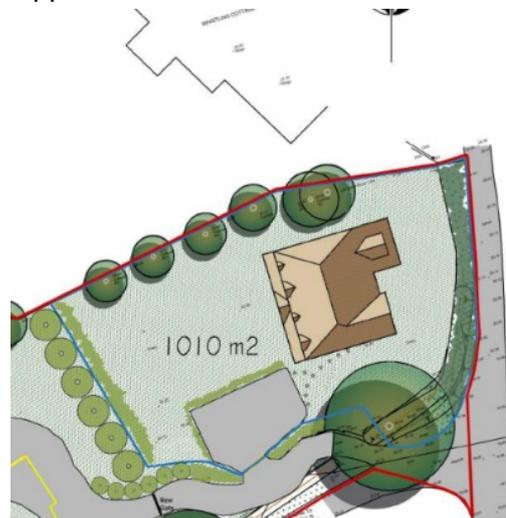
6.2 Principle of Development

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission 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). Russells Water is identified as an “other” settlement in the SOCS, capable of accommodating infill residential development on sites up to 0.1 hectare in area. The site is located within the built-up confines of the village and although there is no built-up frontage to the south of the site, the proposed development would be closely surrounded by buildings on three sides and would therefore be compliant with Policy CSR1 and acceptable in principle. Although the overall site area is greater than 0.1 hectare, the part of the site that would form the proposed infill plot would not exceed the 0.1 hectare limit. Furthermore, it is a material planning consideration that planning permission was previously refused for application [P16/S2816/FUL](#) on the same part of the site only in relation to its visual harm. Consequently, the proposal can be assessed primarily against the impact-based criteria of the SOLP 2011 Policy H4.

Current Site Plan:



Appeal Site Plan:



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 private land and is not accessible to the public. The Council’s Countryside Officer has raised no objection to the proposal from an ecological perspective. The only public views of the site are from the main road, where a domestic outbuilding is partially screened by the boundary hedge. In these views, the site is seen within the context of surrounding residential plots. 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 upon the requirement for good design. 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. Policy C4 aims to safeguard the landscape setting of the District’s settlements. Paragraph 172

of the NPPF confirms that "great weight" should be given to conserving and enhancing the landscape and scenic beauty of the Chilterns AONB "which have the highest status of protection". This reinforces the statutory duty placed on the Council under Section 85 of the Countryside Rights of Way Act 2000.

- 6.5 It is clear that being located within an AONB does not preclude housing development, provided it is found to be sustainable and visually acceptable. Instead, the NPPF directs that the scale and extent of any development should be limited. In this location, The South Oxfordshire Landscape Assessment (SOLA) identifies the site as belonging to a "semi-enclosed dipslope" with a "common or heath" opposite where the enhancement strategy is to "conserve". These landscape types have a high scenic quality and strong sense of place with uncommon intrusive influences. As a result, they have a moderate and high sensitivity to change, respectively, and the SOLA explains that the high quality of the semi-enclosed dipslope means that most forms of new development will potentially have an adverse impact on the Chilterns AONB. A particular objective is that special attention should be paid to creating strong landscape edges to settlements to reduce the urbanising influences of development on adjacent countryside and to prevent ribbon development along roads and the coalescence of settlements.
- 6.6 Although officers have accepted that the site is located within the settlement, the dwellings to the south of the site, Russells Water Farm and The Lookout, are set well back from the road behind mature planting, some of which is evergreen. This means that the existence of these dwellings is not obvious or conspicuous when approaching the site from the south, unless stood directly opposite their driveways. As a consequence, the southernmost extent of the built-up frontage of Russell's Water appears to start with Whistling Cottage. Officers recognise that development on the frontage would not result in an adverse impact on the wider Chilterns AONB landscape. Although officers also acknowledge that the front of the site is not an open space of any particular public, environmental or ecological value, the largely undeveloped nature of the site frontage makes a positive contribution to the loose-knit character of the village setting within the Chilterns AONB.
- 6.7 The two-storey dwelling previously applied for on this site was dismissed at appeal as it was found to represent the introduction of significant built form, presenting a mass of two-storey brickwork of 10 metres depth and a maximum ridge height of 7.3 metres above existing ground levels in views from the south. It would have had the effect of consolidating the loose-knit pattern of development, resulting in a localised impact on the character of the settlement. Although the current proposal would have a similar footprint, as a single storey dwelling it would be materially different in its scale. The submitted cross-sections show that the proposed dwelling would have a flat roof at a height of 2.55 metres above existing ground levels. This would represent a significant reduction in massing when compared with the dismissed two-storey dwelling. The cross-sections also demonstrate that the dwelling would be set back by around 7 metres from the roadside boundary hedge and the roof of the dwelling would range from 1 to 2 metres below the top of the hedge.
- 6.8 The proposed vehicular access would be formed off the private driveway leading to the existing dwelling, such that the existing roadside boundary hedge would be retained in its entirety, subject to a planning condition requiring tree/hedge protection details to be agreed and implemented prior to commencement. The retention of this existing landscape feature, comprising a mixture of evergreen and deciduous species, would filter any direct views of the proposed built form. This means that the dwelling's higher building to plot ratio on plan form than its neighbours would not be evident, and it would not appear as an unduly prominent feature in public viewpoints in the southern

approach to the village. Additional planting to augment the established boundary foliage could be secured through the landscaping reserved matter.

- 6.9 Third party representations are critical of the contemporary design approach. However, the AONB designation does not direct that planning permission for contemporary dwellings should always be refused. The village contains a mixture of some traditional and more modern dwellings and there are some other flat-roofed dwellings amongst them. Officers consider that the visual impact of any non-traditional design features on the local vernacular would be limited given the existing enclosed nature of the site at single storey level. It is usually feasible for innovative designs to incorporate traditional and recessive external materials to help them blend in to their surroundings and this could be secured in this instance through details of appearance to be provided at the reserved matters stage. In the light of the above assessment, officers are satisfied that the current application has addressed the deficiencies with the previous application and would not significantly detract from the distinctive rural landscape character at this end of the village in accordance with the above policies.
- 6.10 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 proposed dwelling would be positioned about 5 metres from the boundary with Whistling Cottage, which is dominated by mature conifers planted on the applicant's land. The footprint of the proposed dwelling would project around 5 metres from the rear of Whistling Cottage, which is angled towards the boundary. Even if the conifers were to be removed in the future, the combination of single storey massing and the gap of about 10 metres to the closest rear-facing windows would be sufficient to prevent undue loss of light and outlook to the neighbours.
- 6.11 The landscaping reserved matter would require appropriate retention/replacement of planting along the shared boundary. Such planting would also ensure that any views from first floor windows of Whistling Cottage angled towards the proposed rear garden of the proposed dwelling would not lead to direct overlooking. The plans indicate that there would be bedroom windows in the north-elevation facing Whistling Cottage. However, as appearance is a reserved matter, this detail is illustrative at this stage. Nonetheless, it is highly likely that any views towards Whistling Cottage would be obstructed by the boundary fence and any low-level planting and this would prevent any significant loss of privacy from occurring.
- 6.12 The relationship between the proposed dwelling and Marigay to the rear, including the replacement dwelling most recently approved under [P18/S2038/FUL](#) would be acceptable in terms of light, outlook and privacy. The landscaping reserved matter would provide the detail required to form an appropriate mutual boundary. The proposed rear garden size would comply with the 100 square metre and 10 metre depth minimum standards set out in Section 7 of the SODG 2016. Based on this assessment, the proposal would accord with the above policies.
- 6.13 Access and Parking
Criterion (iv) of Policy H4 of the SOLP 2011 also requires that there are no overriding highway objections. Policy T1 seeks to ensure that development would not be prejudicial to highway and pedestrian safety. The Highway Liaison Officer has commented that given the characteristics of the carriageway, vehicular traffic and speeds are likely to be low. The proposal would be unlikely to have a significant adverse impact on the highway network. Details relating to the maintenance of sightlines and the provision of adequate on-site parking and turning could be secured

through planning conditions. On this basis, the proposal would comply with the above policies.

6.14 Other Material Planning Considerations

It is apparent to officers that the Inspector's appeal decision concluded that the additional dwelling then before him would not reflect the pattern of development and would change significantly the landscape character, but the decision does not state that 'any' additional dwelling would be harmful. It is therefore not necessarily the case that he would reach the same conclusion in relation to the impact of the current application, as suggested by some of the third-party representations. In any event, it is an accepted planning principle that each application must be assessed based on its individual merits. The amount of additional noise from activities associated with one additional dwelling would be unlikely to result in significant harm and if found to result in a statutory nuisance could be resolved through separate powers under the 1990 Environmental Protection Act.

6.15 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 the Parish Councils in the absence of any made Neighbourhood Plans.

7.0 **CONCLUSION**

7.1 The application proposal would comply with the relevant Development Plan Policies and it is considered that, subject to the attached conditions, the proposed development would accord with the District's Housing Strategy, would not be harmful to the character and appearance of the locality or the wider Chilterns AONB landscape, including the retention of any important trees and hedges. The proposal would also not significantly detract from the residential amenity of nearby residents and would provide acceptable living conditions for future occupiers of the proposed dwelling, nor would it result in conditions prejudicial to highway safety. An acceptable external appearance and appropriate landscaping could be secured at the reserved matters stage.

8.0 **RECOMMENDATION**

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

1. **Timescales for the submission of reserved matters and the commencement of development.**
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. **Tree protection to be agreed prior to commencement.**
6. **New vehicular access to be implemented prior to occupation.**
7. **Vision splay details to be agreed prior to occupation.**
8. **Parking and manoeuvring areas to be provided and retained in accordance with the approved plans.**
9. **Restriction on use of roof to prevent use as a terrace.**

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