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| <b>APPLICATION NO.</b>  | <a href="#">P18/S2331/FUL</a>  |
| <b>APPLICATION TYPE</b> | FULL APPLICATION   |
| <b>REGISTERED</b>       | 6.7.2018   |
| <b>PARISH</b>           | KIDMORE END  |
| <b>WARD MEMBER</b>      | Robert Simister  |
| <b>APPLICANT</b>        | Bentier Homes Ltd  |
| <b>SITE</b>             | Beechwood, Tokers Green Lane, Tokers Green   |
| <b>PROPOSAL</b>         | Demolition of the existing dwelling and the erection of two two-storey 5-bedroom dwellings together with detached double garages and formation of new access with entrance gates (rear balconies removed and reduction in the rear roofline as shown on amended plans received 1st November 2018 and levels, materials, landscaping and tree protection details shown on amended and additional plans received 20th November 2018 and drainage details as shown on plans received 30th November 2018). |
| <b>OFFICER</b>          | Paul Lucas   |

1.0 **INTRODUCTION**

1.1 Officers recommend that planning permission is granted. This report explains how officers have reached this conclusion. The application is referred to Planning Committee due to Kidmore End Parish Council's objection to the current plans.

1.2 The application site is shown on the plan attached at **Appendix A**. It consists of a large rectangular plot occupied by a 1950's detached bungalow with an attached garage on the western side of Tokers Green Lane. It forms part of a ribbon of development forming the northern part of the small settlement of Tokers Green. It has a red brick finish and a pitched roof with plain clay roof tiles and is set back about 45 metres from the road. The site is bounded by a variety of fences, mature trees, hedges and shrubs along all the boundaries, with a mature hedge screening the front of the site.

1.3 The western side of the road consists of similar sized plots containing detached dwellings. Many of these have been extended in recent years, so that many now have two storeys, including Cherry Trees to the north of the site. There is no prevailing form or design in the locality. The eastern side of the road is undeveloped and is open countryside, and there is a tree belt to the rear of the site with open countryside beyond. The site slopes up from front to rear. Although the site has no special designation, the countryside beyond the site to the east and west lies within the Chilterns Area of Outstanding Natural Beauty (AONB).

2.0 **PROPOSAL**

2.1 The application seeks full planning permission for the demolition of the existing dwelling and the erection of two replacement two-storey 5-bedroom dwellings and detached double garages along with the formation of a new vehicular access with new entrance gates, as shown on the current plans and supporting documents submitted with the application.

- 2.2 The application was amended during the application process to adjust the layout and visual appearance of the dwellings and garages and to remove the proposed rear balconies. The plans were also updated to provide additional tree protection, landscaping and drainage details. A copy of the plans supporting the application is attached as **Appendix B**. Other documentation associated with the application can be viewed on the council's [website](#).

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

- 3.1 **Kidmore End Parish Council** – The application should be refused due to:
- The proposed buildings are nearer the boundaries with both neighbours, compared to the approved scheme;
  - The footprint now takes the rear part of the dwellings well beyond the rear elevations of both Cherry Trees and Newlyn, making them overbearing and unneighbourly;
  - Garages are out of keeping with others in Tokers Green Lane

**Drainage - (South&Vale)** – No objections to submitted details

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

**Highways Liaison Officer (Oxfordshire County Council)** - No objections subject to conditions

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

**Mapledurham Parish Council** (adjoining parish to the rear of the site) - No objections

**Neighbours** - Five households raising objections and concerns, three of which were reiterated following the most recent amendments, summarised as follows:

- Subdivision of the original plot would be an overdevelopment
- More intensive higher density development with shared access would be out of keeping with other properties
- Too tall and too close to the boundaries and each other
- Plot 2 would lie within two metres of the boundary, resulting in overbearing and domineering impact and loss of light to rear facing windows and garden of Newlyn
- Loss of privacy to Newlyn from ground floor side windows
- Plot 1 would project beyond front and rear of Cherry Trees, resulting in loss of outlook and sunlight
- Concern about external materials

4.0 **RELEVANT PLANNING HISTORY**

- 4.1 [P18/S0327/FUL](#) - Approved (03/04/2018)

Demolition of the existing dwelling and the erection of a new two-storey 5-bedroom dwelling together with a detached three-bay garage/carport and formation of new access with entrance gates.

- [P14/S0887/FUL](#) - Approved (19/05/2014)

Demolition of bungalow and erection of two-storey 5-bedroom replacement dwelling.

- [P10/E1854/EX](#) - Approved (31/01/2011)

Extension of time for implementation of planning permission P08/E0299 (Erection of replacement dwelling).

[P08/E0299](#) - Approved (02/05/2008)

Proposed Replacement Dwelling

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

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

EP1 - Adverse affect on people and environment

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 Neighbourhood Plan policies;

Kidmore End Neighbourhood Area was formally designated on 20 December 2017. The parish council has started the process of gathering evidence and engaging with the local community. This is to give the plan a direction and draft policies that will form the neighbourhood plan.

5.4 Supplementary Planning Guidance/Documents

South Oxfordshire Design Guide 2016 (SODG 2016) – Section 7 – Plots & Buildings

South Oxfordshire Landscape Assessment – Character Area 10 – Chilterns Plateau with Valleys

5.5 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 an open space or view of public, environmental or ecological value;

- be in keeping with the character and appearance of the surrounding area and the landscape setting of the nearby Chilterns AONB, including safeguarding important trees;
- safeguard the living conditions of neighbouring residential occupiers and would provide suitable living conditions for future occupiers;
- demonstrate an acceptable provision of off-street parking spaces for the resultant dwelling or other conditions prejudicial to highway safety; and
- give rise to any other material planning considerations

#### 6.2 Principle of Development

The site is located within the built-up area of the settlement of Tokers Green. The SOCS Policy relevant to this proposal is CSR1. The SOCS classifies Tokers Green as an “other village”. Under Policy CSR1, residential development on infill sites of up to 0.1 hectares is acceptable in principle in “other villages”. The supporting text for Policy CSR1 states, “Infill development is defined as the filling of a small gap in an otherwise built up frontage, or on other sites within settlements where the site is closely surrounded by buildings.” The site area is 0.42 hectares, which would be larger than the infill limit. However, Policy CSR1 also states that “redevelopment proposals in all categories of settlement may be acceptable but will be considered on a case by case basis through the development management process in line with other policies in the Development Plan.” As such, officers are satisfied that the principle of this development is acceptable under the SOCS as a redevelopment of a site containing an existing dwelling and located within an established line of frontage dwellings forming part of the village. The net gain of a single dwelling would not exceed the maximum net gain of 2-3 dwellings that Policy CSR1 envisages that infill sites should deliver in this category of village. Officers are therefore satisfied the principle of this development is acceptable under the SOCS. Consequently, the proposal falls to be assessed primarily against the criteria of Policy H4 of the SOLP 2011 for new dwellings which are addressed below.

#### 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 already contains a dwelling and is not accessible to the public. Although there are views of the site from the road, these are in the context of adjoining development rather than open countryside. There would also be no adverse 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 the District’s distinct landscape character and key features will be protected against inappropriate development and where possible enhanced. Policy C4 aims to protect the landscape setting of the District’s settlements.

6.5 Local residents are concerned that the proposed development would double the plot density. However, this would still be a low density of 4.8 dwellings per hectare, which would be appropriate in a rural area such as this. The plot width would be halved into separate plots of 16 metres width. Whilst Newlyn has a similar plot width to the existing Beechwood at 32 metres, Cherry Trees has a plot width of about 20 metres. Therefore, although the plot subdivision would be apparent in public views, the reduction in plot widths would not result in a significant contrast to the established residential character.

The front building line of the dwellings would be further forward than the existing bungalow, but they would still be sited broadly in between the building lines of Newlyn and Cherry Trees and over 30 metres back from the highway boundary.

- 6.6 As was the case with the previous planning permission [P18/S0327/FUL](#) for the replacement of Beechwood with one two-storey dwelling, the proposed dwellings and their garages would be set into the slope so that their ridge heights would be at the same level as Cherry Trees and its garage. The combined width of the two dwellings, at around 24.5 metres would only be approximately 1 metre greater than the width of the approved dwelling. The built form would be spread out closer to the site boundaries than the approved dwelling. However, the gaps to the boundaries and between the proposed dwellings would be at least 2 metres, which would compare favourably to the 1.5 metre gap between Cherry Trees and the boundary.
- 6.7 The garages would be positioned forward of the dwellings, but also on a similar scale and alignment to the garage at Cherry Trees. The external staircases would not appear as unduly prominent features, given that they would be 20-25 metres back from the lane. Although the dwellings would not have individual driveways onto Tokers Green Lane, the shared access point would mean that there would continue to be only a single gap in the roadside boundary from which the dwellings and garages would be clearly glimpsed. The proposed gates would be a traditional 5-bar design. In respect of external materials, the proposed dwellings would have a similar appearance with a combination of brick and timber external walls and clay tiles to that indicated for the approved dwelling. The applicant has supplied a materials schedule, which confirms that the main brick would be of a traditional blend variety and the clay tile would be a rustic type. Given that the site itself lies outside of any designated area and there are examples of dwellings with concrete roof tiles in the vicinity, the proposed external materials would be acceptable.
- 6.8 The Council's Forestry Officer has commented that there would appear to be works proposed within the root protection area of a Sycamore tree that is located within Newlyn close to the southern site boundary. The proposed works could lead to the decline of this tree, due to its close proximity to the boundary. When assessed in accordance with BS 5837:2012, the Sycamore tree is of insufficient arboricultural value to be considered a constraint to the proposed development, due to its limited amenity value and low quality. The tree does not meet the criteria to be protected by a tree preservation order. An informative has been imposed to recommend that the applicant notifies the tree owner of these works prior to the commencement of the site works, so they are made aware of the impact of the works and can take appropriate action. It is also advised that a competent arboriculturist is consulted to provide advice on the future management of the Sycamore tree. Otherwise, the Forestry Officer has found the frontage parking arrangements and drainage scheme would allow for submitted tree protection and landscaping details to satisfactorily mitigate the arboricultural impact of the development, subject to planning conditions being imposed to secure implementation in accordance with these details.
- 6.9 In overall terms, the proposed development would be sufficiently in keeping with the character of established built form to prevent any significant harm to the rural character of the locality and the setting of the adjoining Chilterns AONB, in accordance with the above policies.

6.10 Residential Amenity 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 development would increase the overall height of built form from single to two storeys. Although the approved replacement dwelling would have the same ridge height, the closest distance to the boundary with Newlyn would be reduced from 5 metres to 2 metres. The adjoining residents' concerns about the proposal resulting in roughly 11.5 metres depth of two storey brickwork of Plot 2 being positioned so close to their boundary is understood.

6.11 However, there would still be a gap of about 13 metres between the proposed dwelling and Newlyn. This would mean that the closest rear-facing window would be about 18 metres from the proposed wall, which would lie outside of a notional 45-degree line of sight taken from that window. Given the distance and angle involved, officers consider that the rear facing rooms of Newlyn would retain an open aspect and any reduction in outlook and light received by these rooms would not be so significant as to warrant refusal of planning permission. The impact on the garden would be greater, but this would be limited to a relatively small portion of the rear garden behind Newlyn's garage close to the boundary. The neighbours are particularly concerned about the loss of sunlight. However, as Plot 2 would be located to the north-west of Newlyn, any overshadowing would only be experienced for a limited time of the year, which would not result in a level of harm that could justify withholding planning permission. Other parts of the large rear garden, including those immediately adjacent to the rear of Newlyn would remain largely unaffected by the proposal. In relation to loss of privacy, the first-floor windows in the south-facing elevation of Plot 2 would be subject to an obscure glazing/ fixed shut condition and the rooflights would exceed 1.7 metres above internal floor level. Given the proposed dwellings would be set into the ground the proposed ground floor side windows would be unlikely to result in excessive overlooking over the site boundary. The majority of existing boundary planting would be retained and augmented with a Wild Cherry, which would help to soften the impact of the development. The position of the proposed garage to Plot 2 would also not unduly intrude upon the residential amenity of the occupiers of Newlyn.

6.12 The relationship of Plot 1 with Cherry Trees would be closer to that of the approved dwelling. The depth of the two-storey element would project no further back into the site than the approved two storey rear building line of the approved dwelling. However, the proposed rear gable would be about 2 metres closer to the boundary with Cherry Trees and there would be an additional single storey element between the gable and the boundary. However, the applicant has demonstrated that both additional elements would lie outside a 45-degree line from the closest rear-facing window of Cherry Trees and in any event the single storey element would not project as far back or as close to the boundary as parts of the existing bungalow. This indicates to officers that the rear aspect of Cherry Trees would remain largely open and any impact on outlook and daylight would not be significant. The additional two storey element would not result in any significant additional loss of sunlight to the adjoining rear garden, given the remaining distance in excess of 6 metres and the due south orientation when the sun would be at its highest.

- 6.13 Compared with the approved dwelling, Plot 1 would have an additional front-projecting two storey gable. It is evident from the plans that this would not intrude unduly on the outlook from and light received by the front facing rooms and would only overshadow a gravel hardstanding. The additional impact on Cherry Trees would also be compensated for somewhat by the proposed garage to Plot 1 being two bays, whereas the approved garage is a larger 3-bay structure. In relation to loss of privacy, the first-floor windows in the north-facing elevation of Plot 1 would be subject to an obscure glazing/fixing condition and the rooflights would exceed 1.7 metres above internal floor level. It is also notable that the approved dwelling included a rear balcony that has been deleted from the dwellings in the current application.
- 6.14 In overall terms, the proposed development would not detract significantly from the residential amenity of either of the adjoining occupiers. The amount of outdoor amenity space would be well in excess of the 100 square metre standard set out in Section 7 of the SODG 2016 for dwellings of this size. Officers are also satisfied that the relationship between the proposed dwellings would give rise to adequate living conditions for the future occupiers. Based on this assessment, the proposal would accord with the above policies.
- 6.15 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. The Highway Liaison Officer has confirmed that the proposed access, visibility and parking arrangements would be adequate to serve two five-bedroom houses, subject to the imposition of several highway-related planning conditions. The development would therefore not give rise to conditions prejudicial to highway or pedestrian safety.
- 6.16 Other Material Planning Considerations  
The Council's Drainage Engineer is satisfied with the submitted drainage details and a planning condition is recommended to secure that development proceeds in accordance with those details. A planning condition restricting various householder permitted development rights is considered necessary to enable the Council to exercise control over any future householder development that might otherwise result in damage to important trees or other visual or residential amenity harm.
- 6.17 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 (subject to indexation). 15% of the CIL payment would go to Kidmore End Parish Council in the absence of an adopted 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, would not materially harm the character and appearance of the area, including the setting of the Chilterns AONB, or detract from the residential amenity of nearby residents. The development would also provide acceptable living conditions for future occupiers of the proposed dwellings and would not result in conditions prejudicial to highway safety.

8.0 **RECOMMENDATION**

8.1 To delegate authority to the head of planning to grant planning permission subject to the following conditions:

1. Commencement of development within three years.
2. Development in accordance with the approved plans.
3. No change in levels apart from in accordance with the approved details.
4. Tree protection implementation in accordance with approved details.
5. New vehicular access to be formed prior to occupation.
6. Close existing access.
7. Parking and turning areas to be in accordance with the approved details.
8. Landscaping implementation in accordance with the approved details.
9. Surface water and foul drainage implementation in accordance with the approved details.
10. Materials in accordance with submitted details.
11. Obscure glazing to the first floor north facing windows of Plot 1 and the first floor south facing windows of Plot 2.
12. Withdrawal of permitted development rights for extensions, outbuildings and hardstandings.
13. No garage conversion into accommodation.
14. Any gates to be set back a minimum of 5 metres from the edge of the carriageway.
15. Vision splays to be provided prior to occupation.

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