

APPLICATION NO.	P18/S4003/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	3.12.2018
PARISH	STOKE ROW
WARD MEMBER(S)	Jo Robb & Lorraine Hillier
APPLICANT	The Johnsons Group
SITE	Land adjacent to Red Cow House, Stoke Row, RG9 5NY
PROPOSAL	Proposed erection of a detached dwellinghouse with associated access and landscaping. (As amended by plans received 2019-03-14 to reduce bulk, scale and proximity to highway) (Further amended by plans 2019-05-20 to re-site the property away from woodland).
OFFICER	Marc Pullen

1.0 **INTRODUCTION**

1.1 The site (which is shown on the OS extracts **attached** as Appendix A) lies south of Red Cow House, a Grade II listed building, within the built-up settlement of Stoke Row. The site lies within the Stoke Row conservation area and within the Chilterns Area of Outstanding Natural Beauty (AONB). The site is currently vacant and belongs to the wider area of land associated with Red Cow House. The site contains a number of small trees and shrubs and to the south of the site is an area of woodland. To the south of the site lies neighbouring property, Woodcote and opposite the road lies Chilterns House and a new dwelling which is currently under construction.

1.2 This application is referred to the Planning Committee because the officers' recommendation conflicts with the view of Stoke Row Parish Council. Stoke Row Parish Council object on the following grounds:

- Whilst a reduction in scale to the originally proposed dwelling is appreciated there is still a long way to go before it is acceptable.
- The new house size is 90.7% of the original proposed design and as such will still dwarf Red Cow House, a Grade II listed building.
- The dwelling is sited too close to the south boundary; will this result in the trees being felled at a later date as the house is too shaded?
- The removal of the double garage/ store from the plans is suspicious and may well result once again in a later planning application; an increasing occurrence in planning applications of late. Plans should show garaging from the offset.
- The plot size is still too small for a building of this footprint and needs to be increased so that the house can be pushed back and sit comfortably away from the road as is the case of other homes in the locality. An alternative site layout would enable the house to take advantage of the setting, making the most of the woodland as a feature and not be so detrimental to the conservation area.
- The 6-metre-wide entrance driveway is clearly to allow access for subsequent, further developments behind at a later date. This should not determine the house being located in an unacceptable position and significantly cause damage to the vista to the village.

2.0 **PROPOSAL**

2.1 This application seeks full planning permission for the erection of a new dwelling on land to the south of Red Cow House. The dwelling has been designed to adopt the aesthetics of a 'working' building with an agricultural character and attempts to reflect the design of barn buildings of the early 19th century. The dwelling has been designed in a 'L' shape with a primary two-storey aspect which fronts onto Stoke Row Road with a secondary two-storey wing set perpendicular. The proposed materials would respect the vernacular of the local area.

2.2 This application has been subject to a number of revisions which have reduced the size, bulk and scale of the property as well as moving the dwelling away from the nearby woodland to preserve the woodland and moving the dwelling further away from Stoke Row Road to reduce the physical impact of the development on the street scene.

2.3 A copy of all the current plans accompanying the application is **attached** as Appendix B. Other documentation associated with the application can be viewed on the council's website, www.southoxon.gov.uk.

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

3.1 **Stoke Row Parish Council** – Object (as per paragraph 1.2)

Forestry Officer (SODC) - No objections, subject to conditions

Conservation Officer (SODC) - No objections, subject to conditions securing sample materials

Highways Liaison Officer (Oxfordshire County Council) – No objections, subject to conditions

Countryside Officer (SODC) - No objections, subject to compliance condition

Contaminated Land (SODC) – No objections, subject to condition

Neighbours – Four representations of objection:

- Unclear as to the division of land between The Johnsons Group and Mr James Pearce. The reason that this information is important is to show that there is no intent to present further applications for building on this historic site.
- The reduction in size of the property is appreciated however, we feel that the building is still too large for the plot and would recommend that the plot is enlarged
- The turning area to the front of the house appears to be small and would require vehicles to back out onto the main road
- We feel that it is unrealistic that a house of this size would not require a garage or indeed any outside storage areas, which would result in further planning applications being made.
- The house seems to be disproportionately large in proportion to the size of the plot
- The dwelling is close to the road and presenting a prominent and intrusive impression with a dominant, urbanising impact.
- The repositioned house is still too close to the woodland on the south boundary where it will be heavily shaded and out of keeping with the woodland edge to the Conservation Area
- The angle of the property would not provide an acceptable set back when viewed from the approach to the village.

4.0 **RELEVANT PLANNING HISTORY**

4.1 None directly relevant.

5.0 **POLICY & GUIDANCE**

5.1 **National Planning Policy Framework & National Planning Practice Guidance**

5.2 **South Oxfordshire Core Strategy 2012 policies;**

CS1 - Presumption in favour of sustainable development

CSB1 - Conservation and improvement of biodiversity

CSEN1 - Landscape protection

CSEN3 - Historic environment

CSQ3 - Design

CSR1 - Housing in villages

CSS1 - The Overall Strategy

5.3 **South Oxfordshire Local Plan 2011 policies;**

C8 - Adverse effect on protected species

C9 - Loss of landscape features

CON5 - Setting of listed building

CON7 - Proposals in a conservation area

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

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

5.4 **South Oxfordshire Design Guide 2016**

6.0 **PLANNING CONSIDERATIONS**

6.1 The main planning considerations in the determination of this application are:

- Whether the principle of development is acceptable on this site
- Whether the proposed development would have any detrimental impacts on the character and appearance of the area, including the Stoke Row conservation area or the Chilterns AONB
- Whether the development would harm the setting of the listed building Red Cow House
- Whether the proposed development would result in any adverse harm on the amenity of neighbours
- Whether the proposed development would result in any adverse harm on trees or protected species
- Whether the development provides safe access to the highway and provides sufficient parking
- Whether the proposed development would be harmful to the amenity of neighbours
- Other material considerations

Whether the principle of development is acceptable on this site

6.2 The site lies to the south of Red Cow House along Stoke Row Road. In this location the principle of residential development is largely governed by Policy CSR1 of the

South Oxfordshire Core Strategy (SOCS). This policy allows for new housing on suitable infill and redevelopment sites within the settlement. The definition of infill is regarded 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.

- 6.3 Stoke Row is a smaller village, by definition in the SOCS and Policy CSR1 allows for infill development of sites up to 0.2 hectares in size. The site is approximately 0.15 hectares in size which accords with the prescriptive limits of Policy CSR1 (SOCS) of 0.2 hectares. However, officers do acknowledge that with a gap of approximately 150 metres between the dwellings of Red Cow House and Woodcote, may not be regarded as a small gap within the built-up frontage of this road, and it would not be closely surrounded by other buildings. However, it is officer's view that the site does lie within the settlement of Stoke Row and its development for housing would be not be inappropriate in principle. Policy CSR1 (SOCS) indicatively suggests that a 0.2 hectares sized site could accommodate a quantum of approximately 5-6 houses.
- 6.4 The definition of infill within the SOCS does not strictly define what a *small gap* would constitute. Appeal decisions for P14/S2378/FUL, P15/S3434/FUL and P18/S2551/FUL attempt to provide clarity to definition of a *small gap*, acknowledging the threshold and suggested quantum of housing as stated in Policy CSR1 (SOCS); 2-3 houses on infill development within other villages and 5-6 houses on infill development within smaller villages (appeal decisions in **Appendix C**). Policy CSR1 (SOCS) seeks to provide an approach to providing housing within the villages and of the District and guide new residential development within the District's villages. Policy CSS1 (SOCS) acknowledges that in villages such as Stoke Row, limited amounts of housing should be allowed. As already stated, Stoke Row is an identified smaller village, which is regarded as a sustainable settlement that can support new dwellings, with appropriate facilities including a primary school, small village shop and two pubs.
- 6.5 The settlement generally follows a linear pattern through the village and along the secondary roads that serve the village. The density is a lot greater within the central part of the village and this falls away as you leave the village in any direction. The properties in this area of the village lie in large spacious plots and are noticeably separated. In officer's view, the site does not constitute the edge of the village as further development lies to the south along Stoke Row Road and that the proposed development therefore cannot be regarded as an outward extension to the built-limits of Stoke Row. It would be a reasonable observation in this instance, given the lower density and larger plot sizes, to consider that a *small gap* in this context may be larger than that usually expected.
- 6.6 In officer's view, the proposed development would respond to the pattern of development locally. The gap between Red Cow House and Woodcote allows for sufficient space to allow a single new property within this gap whilst still responding to the spacious pattern of development. A greater density, in accordance with Policy CSR1 (SOCS) of 5-6 houses would result in a proliferation of built form in an otherwise loose knit and spacious pattern of built-form. It is officer's view that it would be an appropriate assessment of Policy CSR1 (SOCS) to consider this development as an infill site given the sizes of the plots observed locally, the relative size of the plot in accordance with the pattern of development here and the suggested quantum thresholds within Policy CSR1. In addition, having regard to Policy CSS1 (SOCS) it is important to establish the fact that a single new dwelling here could be easily accommodated within the village without compromising existing services/infrastructure within the village and not put any undue pressure on them.

- 6.7 Policy CSR1 (SOCS) stipulates that all development, if found to be acceptable in principle, should respect national designations and should conserve and enhance the natural beauty of AONBs. Suitably designed and located development at an appropriate scale will be supported. Local character and distinctiveness will be protected, and the requirements of relevant development plan policies will be met. It is important therefore to consider the impact of the proposed development on the character and appearance of the site and the surrounding area; which includes an assessment into the harm caused to the Chilterns AONB and the Stoke Row conservation area.

Impact on character and appearance of the site and surrounding area

- 6.8 The site lies within the Chilterns AONB. The National Planning Policy Framework (NPPF) prescribes great weight to be given to the conservation and enhancement of the landscape and scenic beauty of AONBs. Policy CSEN1 (SOCS) also advises this and seeks to ensure that the district's distinct landscape character and key features are protected against inappropriate development. The site also lies within the Stoke Row conservation area. Accordingly, any new development should not harm the character or appearance of the conservation area and the design and scale of all new development should be sympathetic to the established character of the area. The conservation area must be conserved and enhanced for its significance and important contribution to local distinctiveness, character and sense of place. The NPPF insists that when considering the impact of any new proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 6.9 As mentioned above, the site would respond to the spacious pattern of development in this location. A higher density of development would not appropriately respond to the existing pattern of development observed locally. The proposal has been amended to re-site the property within the plot so as to avoid any interruption or harm to the nearby woodland. It is recognised that the Stoke Row conservation area is well informed by its woodland setting and that the openness of this site and the landscape character of the village is an important characteristic, typical within this area of the Chilterns AONB.
- 6.10 The amended siting of the building and the amended design has reduced the physical presence of the development along Stoke Row Road. The proposed dwelling would align satisfactorily with the outbuilding to the north with which it is most visually aligned with. When travelling along Stoke Row Road it is clear that residential development exists, with the presence of gates and vehicular accesses as well as views of dwellings. As such, the addition of a new access would not be considered out of keeping or likely to result in any adverse urbanising effects on the area. The physical setback has provided better space for the establishment of the boundary treatments to the frontage allowing better preservation of the street scene. The appearance of the proposed property demonstrates a rural character and responds to the rural and the landscape qualities of the Chilterns AONB. The materials of the dwelling would be secured via condition to ensure that officers can approve appropriate materials.
- 6.11 The openness of the site makes an active contribution to the character and appearance of the designated Stoke Row Conservation Area because it allows better appreciation of its woodland setting. The Stoke Row conservation area appraisal makes specific mention of the contribution made by the trees (woodland) to the south. Following amendments to the scheme, the forestry officer is satisfied that the development would not adversely harm or impose on the woodland and therefore the conservation officer is

satisfied that the contribution these trees make to the conservation area would not be adversely affected. In officer's view, the revised scale and agricultural character and appearance of the dwelling accords with the character and appearance of the site and the open and rural character of the area. In addition, the proposal would not adversely harm the Stoke Row conservation area.

Whether the development would harm the setting of the listed building Red Cow House

- 6.12 Red Cow house benefits in terms of general visual amenity from the openness of the proposal site, but this element of its setting does not contribute directly to its historical interest as a listed building. Had the kiln works been present, the historical connection between the proposal site to the listed building may have actively contributed to the significance of the building. This history is no longer appreciable. In the view of the conservation officer, the reduction in massing, reduction in scale and the removal of tithe barn style features has reduced the status of the building to something architecturally quieter and lower key which does not look to compete with the historic importance and significance of Red Cow House. Although the proposed dwelling has a footprint greater than Red Cow House, this is not considered itself as harmful to the significance of the listed building given that its design aligns with the non-domestic buildings associated with the listed building. In conclusion, the conservation officer is satisfied that the proposed works would not harm the special historical and architectural interest of Red Cow House as a grade II listed building. Accordingly, the development is not considered to conflict with the provisions of the NPPF, section 16 and the relevant policies within the council's development plan.

Whether the proposed development would result in any adverse harm on trees or protected species

- 6.13 The trees within this site are protected by the conservation area. Both collectively and some individually, the trees form a prominent feature of the area, adding to the sylvan character of the landscape. As mentioned before, the proposed development is not considered to result in any adverse impact upon the nearby woodlands. It is the view of the council's forestry officer that the proposed development, following amendments to the siting of the dwelling, would not result in any adverse harm to any protected trees of high arboricultural or landscape value. As such, it is agreed that planning permission can be granted subject to conditions requiring the submission of a detailed tree protection scheme and a detailed landscaping scheme to be approved by the council prior to the commencement of the development.
- 6.14 This application is supported by a preliminary ecological appraisal. In consultation with the council's countryside officer the habitats on site are not considered to be a constraint to development and no significant impacts on protected species are anticipated. The application states that suitable working methods and compensation are proposed to ensure compliance with the development plan. As such, the countryside officer does not object to the proposed development subject to a condition requiring that the development complies with the measures stated within the preliminary ecology appraisal.

Whether the development provides safe access to the highway and provides sufficient parking

- 6.15 The Council's policies and guidance seek to ensure that in determining planning applications, the Council should, in consultation with the local highway authority, ensure that new developments are designed to a standard that ensures a safe and attractive

environment and does not result in an unacceptable level of traffic on the local highway network or have a detrimental impact on the amenities and environment of the area.

- 6.16 Paragraph 109 of the NPPF stipulates that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.17 The highways authority does not object to this proposed development as, in their view, the proposal would unlikely have any significant adverse impact on the highway network. In officer's view, the addition of one more dwelling would not put any significant or undue pressures on the highway network. Conditions are requested to ensure satisfactory access, parking and visibility onto Stoke Row Road.

Whether the proposed development would be harmful to the amenity of neighbours

- 6.18 The council's policies and guidance seek to ensure that new dwellings are considerate to neighbours by way of ensuring that the development does not intrude upon a neighbour's privacy, does not overshadow, obstruct daylight or have an oppressive or overbearing impact, which would be harmful to the amenity of occupiers living in neighbouring properties. The South Oxfordshire Design Guide (SODG) advises on the suggested proximity between new residential development and existing properties in order to assess the level of impact. In addition, it is important to assess the character of the surrounding area and how the dwellings will relate to their respective neighbours.
- 6.19 The proposed development would be situated a sufficient distance away from any nearby neighbour, well in excess of 40 metres. As such, officer's do not consider that the proposed development would unduly harm the amenity of neighbours.

Other material considerations

- 6.20 Land ownership - Concerns have been raised about the land ownership. It has been confirmed that the land is owned by the same company and as such the certificate signed for this application is correct and there is no need to reassess the application form or withdraw or restart the application.
- 6.21 Waste - The lack of indication of any waste or recycling provision is not a matter of concern. The site is sufficiently large so as to accommodate the storage of the necessary refuse and recycling bins. As such, there is no requirement to provide details of this on any of the planning drawings.
- 6.22 Community Infrastructure Levy (CIL) - The Council's Community Infrastructure Levy (CIL) charging schedule has been adopted and will apply to relevant proposals. 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 or net gain of residential use on site. The proposed development would be liable to pay CIL since it results in the addition of a new residential dwelling.
- 6.23 Conditions – Officers are satisfied that the suggested conditions meet the tests of the NPPF, set out in paragraph 55. In accordance with the Town and Country Planning, England The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 Section 100ZA (6) of the Town and Country Planning Act 1990(a) all prior to commencement conditions have been agreed prior to recommending that planning permission is granted.

7.0 CONCLUSION

7.1 Planning permission is granted as the proposal complies with the NPPF and the relevant Development Plan Policies and, subject to the attached conditions would not be harmful to the character and appearance of the site and surrounding area, including the Chilterns AONB and the Stoke Row Conservation Area, would not adversely harm the amenity of neighbours, nearby trees of landscape value or historic value, protected species or the highway network.

8.0 RECOMMENDATION

8.1 Planning Permission

- 1 : Commence development within three years - Full Planning Permission**
- 2 : Development in accordance with approved plans**
- 3 : Samples required for all external materials proposed**
- 4 : Wildlife mitigation in accordance with preliminary ecology appraisal**
- 5 : New vehicular access to be formed, laid out and constructed in accordance with local highway authority's specifications**
- 6 : Parking & Manoeuvring Areas Retained**
- 7 : Vision splay shown on approved plans to not be obstructed by any object, structure, planting or other material with a height exceeding or growing above 0.9 metres**
- 8 : Gates/carriageway – any new gate to be set back by a minimum of 5 metres from the edge of the carriageway and shall open inwards**
- 9 : If contaminated land is encountered during development then the development shall not continue until a programme of investigation and/or remedial works are undertaken and agreed by the local planning authority**
- 10 : Landscaping details (including hardsurfacing and boundary treatment) to be submitted for approval by the local planning authority**
- 11 : Tree Protection details to be submitted for approval by the local planning authority**

INFORMATIVE: Public Right of Way – If works are required to be carried out within the public highway, the applicant is advised not to commence such work before formal approval has been granted by Oxfordshire County Council by way of an appropriate legal agreement, for example, under Sections 184 or Section 278.

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