INTRODUCTION

1.1 This application is referred to the Planning Committee as officers’ recommendation conflicts with the views of Rotherfield Peppard Parish Council.

1.2 The application site (which is shown on the OS extract attached as Appendix A) is a parcel of land situated within the small pocket of housing within Kingwood Common. It once belonged to part of the residential garden of Cherry Croft Cottage which lies directly to the south of the site. It has been divided by a brick wall and was sold off separately from Cherry Croft Cottage. Some of the existing trees on the site have been removed. The site is bounded by a thick dense woodland along the north-west and north-east boundaries. The site lies within the Chilterns Area of Outstanding Natural Beauty.

PROPOSAL

2.1 The application seeks full planning permission for the erection of a four/five bedroom two-storey detached dwelling. The dwelling would be rectangular in shape and would 22 metres by 7.85 metres and 6.2 metres in height with a flat roof. It would be constructed in concrete with timber cladding on sections of the elevations and double-glazed windows and doors in a dark powder-coated finish.

2.2 A copy of the 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.

2.3 This application follows the previously refused application for a detached dwelling on the site, planning reference number P17/S2685/FUL. The application was dismissed on appeal, reference number APP/Q3115/W/18/3196643 (attached appeal decision as Appendix C). The appeal was dismissed on the grounds that the design of the development was inconsistent, appeared cramped within the site due to its position and would result in a visually unattractive development that would make a negative contribution to the overall quality of the area. The plans of the 2017 scheme are attached as Appendix D.
SUMMARY OF CONSULTATIONS & REPRESENTATIONS

Rotherfield Peppard Parish Council – Objects on the following grounds:

1: Notwithstanding the Inspector's view that the site could be reasonably described as infill under CS Policy CSR1, RPPC remains of the view that the site does not accord the definition of infill in CS Policy CSR1.

2: The development would have a low level of environmental sustainability, provide little social benefit and would cause significant environmental harm to the character of the area.

3: The development would expand the built-up area of Kingwood Common closer to the countryside and woodland of Kingwood Common and would have a harmful effect on the landscape setting of the AONB.

4: The contemporary in design would not be in keeping with other properties in the area, which tend to be of individual but traditional design.

5: Access to this site is via a narrow rural track and this proposal would increase vehicle movements on this track to the detriment of other users.

Highways Liaison Officer (Oxfordshire County Council) - Following the Appeal Inspectors decision, the Highway Authority do not wish to object provided the development be carried out with the recommended conditions.

Forestry Officer (South Oxfordshire District Council) - No objections to the proposed development subject to a condition being attached requiring the implementation of the tree protection measures and a landscaping condition.

South Oxfordshire District of CPRE - There is the potential of extensive light spillage from the large areas of glazing included in this modern design, which will harm nocturnal wildlife in the surrounding area and damage the dark skies of the Chilterns AONB. If the local planning authority are satisfied that this application meets fully all the criteria of the new Chilterns Management Plan 2019-2024 section 10, Strategic Objectives DO1&2 and policies DP2,7 &8, and the Chilterns Buildings Design Guide, we shall not oppose the application.

Neighbour representations – 8 Letters received in total. A summary of the main points raised are below:

- The modern design is not at all in keeping with the rural nature of the woodland setting and in an area of outstanding natural beauty.
- The access to the site has not been addressed and the vision splay will be dangerous for entry and exit to both vehicles, pedestrians and animals as that part of the lane is at its narrowest point.
- The proposed development would expand the build-up area of Kingwood Common closer to the countryside and the neighbouring woodland.
- This application still has all the issues identified in the refused application P17/S2685/FUL.
- Two large Oak trees have already been felled to make room for the dwelling.
- The house will back very closely onto a well-used footpath.
- The proposed new dwelling would have windows that will create a significant level of overlooking to Cherry Croft Cottage.
• Overlooking a part of our property (swimming pool area) was designed to benefit from the privacy of its position to date.
• A new build within the locality which isn't on mains drainage will produce further ground water overload and drainage issues.
• It is overly large in size.
• Squeezing such a large house into the narrowest part of the plot makes the development appear cramped. The surrounding plots have houses positioned at much more generous distances from their side boundaries.
• Cannot believe that a garage will not also be built. If approved an application for a garage is sure to follow.
• Kingwood Common has seen 4 new build properties added in the last three years (Hedgerow House, Lovell House, Well Cottage and the White House). This is over a 10% increase on the existing 30 or so houses in the small village.
• If this planning application is passed it will set a precedent for future development of similar parcels of land.

4.0 RELEVANT PLANNING HISTORY
4.1 P17/S2685/FUL - Refused (20/11/2017) - Appeal dismissed (22/10/2018)
Proposed erection of a 2-storey, 5-bed detached dwelling house of contemporary design plus a separate triple garage block.

5.0 POLICY & GUIDANCE
5.1 National Planning Policy Framework (NPPF)
National Planning Framework Planning Practice Guidance (NPPG)

5.2 South Oxfordshire Core Strategy (SOCS) Policies
CSR1 - Housing in villages
CSEN1 - Landscape protection
CSS1 - The Overall Strategy
CSR1 - Housing in villages
CSQ3 - Design
CS1 - Presumption in favour of sustainable development
CSH1 - Amount and distribution of housing
CSM1 - Transport

5.3 South Oxfordshire Local Plan 2011 (SOLP 2011) policies
C9 - Loss of landscape features
T1 - Safe, convenient and adequate highway network for all users
T2 - Unloading, turning and parking for all highway users
D1 - Principles of good design
G2 - Protect district from adverse development
G4 - Protection of Countryside
H4 - Housing sites in towns and larger villages outside Green Belt
C4 - Landscape setting of settlements
D10 - Waste Management
D2 - Safe and secure parking for vehicles and cycles
D3 - Outdoor amenity area
D4 - Reasonable level of privacy for occupiers
G3 - Development well served by facilities and transport
EP3 – Adverse affect by external lighting
5.4 Supplementary Planning Guidance/Documents
South Oxfordshire Design Guide 2016 (SODG 2016)
South Oxfordshire Local Plan 2034 Settlement Assessment Background Paper
Preferred options June 2016

6.0 PLANNING CONSIDERATIONS
6.1 The main issues to be considered are:

1. The principle of the development and sustainability of the site;
2. The impact on the character and appearance of the site and the surrounding AONB;
3. The impact on neighbouring properties;
4. The impact on parking provision and highway safety;
5. The impact upon Trees;

Principle and sustainability of the site.

6.2 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 materials considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations. In the case of this application, the most relevant parts of the Development Plan are the South Oxfordshire Core Strategy (SOCS) which was adopted in December 2012 and the saved policies of the South Oxfordshire Local Plan 2011 (SOLP).

6.3 The golden thread of sustainable development is echoed within the SOCS Policy CS1. Policy CSS1 of the SOCS sets out the overall development strategy for the District and advises that proposals should be consistent with the overall strategy of focusing major new development in Didcot; supporting the roles of Henley, Thame and Wallingford by regenerating town centres and providing new housing, services & infrastructure; supporting the 12 larger villages of the District as local service centres; supporting the other villages by allowing for limited amounts of housing and outside of the above areas, any changes will need to relate to very specific needs.

6.4 The spatial strategy is covered further in Policy CSR1 of the SOCS, which allows for housing in some villages in the district. Kingwood Common is classed as a ‘smaller village’ and is therefore a location where infill housing is acceptable on sites up to 0.2ha. The land within the applicants’ ownership is 0.22ha. However, the current site area is 0.165ha, because there is a ditch and band of trees which run along part of the boundary. Under Policy CSR1, infill development is defined as being the filling in of a small gap in an otherwise built up frontage or on other sites within settlements where the site is closely surrounded by buildings.

6.5 In the recent appeal decision on this site (see Appendix C), the Inspector considered that the site was closely related to the built form of the settlement, previously being part of the garden of Cherry Croft Cottage. The Inspector stated that the site was surrounded by the existing built form of the village with Cherry Croft Cottage and its Annexe to the south of the appeal site, Little Cherry Croft to the north east and the dwellings directly opposite the access to the site. This led the Inspector to conclude that the development of the site could be reasonably described as infill, but that there was nonetheless conflict with Policy CSR1 due the appeal site area being 0.22ha and thereby exceeding the 0.2ha site area permitted by this policy.
6.6 On the basis that this difference in site area has been addressed by the current application, officers consider that the proposed development would be in accordance with the Council’s Housing Strategy. Consequently, the principle of a new dwelling on this site is acceptable subject the criteria set out in policy H4 of the SOLP.

**The impact on the character and appearance of the site and the surrounding AONB.**

6.7 The site lies within the Chilterns Area of Outstanding Natural Beauty (AONB) and is predominantly rural in character. Any development should respect the natural beauty and special landscape character of the AONB. Paragraph 172 of the NPPF states that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.

6.8 This reinforces the statutory duty placed on the Council under Section 85 of the Countryside Rights of Way Act 2000. Policy CSEN1 (SOCS) requires development, where acceptable in principle, to be integrated into the landscape character of the area, and which gives a high priority to the enhancement of the AONB and its setting. Policy C4 aims to safeguard the landscape setting of the District’s settlements. Policy G2 of the Local Plan (SOLP) seeks to protect the district’s environmental resources from adverse development. The South Oxfordshire Landscape Assessment identifies that the site lies in Character Area 10: Chilterns Plateau with Valleys with the landscape type around the site being a mixture of semi-enclosed dipslope and wooded dipslope. These have a high scenic quality and strong sense of place with uncommon intrusive influences and as such are areas where the enhancement strategy is to ‘conserve’.

6.9 The site once belonged to Cherry Croft Cottage as part of their residential garden but has been separated off with a brick wall. The site is private land and is not accessible to the public. Kingwood Common is rural in character, with individually designed dwellings set in spacious, well landscaped plots, accessed off single vehicle width, unmade roads. Surrounding the developed part of this settlement is mature woodland. The site is visible from the unmade track, and the new location of the dwelling would be seen as it would be placed closer to the front of the site in comparison to the previous application where it was set much further back. The new dwelling would result in some loss of open space that is currently undeveloped. However, in the appeal decision the Inspector considered that this land displayed characteristics of the developed part of the village with mown grass and having once belonged to Cherry Croft Cottage, officers give weight to the Inspector’s view that it would not encroach into the countryside surrounding the settlement.
6.10 The Inspector dismissed the recent appeal by finding that the design would be harmful to the character and appearance of this attractive rural area. The position and design of the application dwelling is very different from the dwelling dismissed at appeal. The design of the proposed new dwelling is of a contemporary design, see illustrations below.

6.11 The supporting information in the Design and Access Statement sets out a clear rationale for the layout and design, with one of the main influencing features being to maximise natural light into key living spaces. The Design and Access Statement recognised that there are many traditional vernacular houses in varying historic styles and in a variety of materials. But that also there is also an emerging trend in the immediate and wider area for dwellings to be built in a contemporary style. The dwellings within Kingwood Common have no prevailing architectural style therefore, officers consider that this location would be suitable for a bespoke designed dwelling such as the one proposed here.

6.12 There have been several objections raised regarding the size, scale and design of the new dwelling not being in keeping with the local area. Officers sought guidance on the design and scale of the proposal through a recent Architects Review Panel. The design and scale of the development received a positive response from the panel where the design was considered to be innovative and the scale acceptable in relation to the plot size. Paragraph 1.20 of the Chilterns Building Design Guide 2010 (not adopted SPG) explains that it is not necessary for all new designs must be a copy of buildings from previous eras, or should utilise only local materials. This gives sufficient flexibility to
allow new designs and innovation, which still respect the distinctive qualities of the area. When seen against the backdrop of the woodland, which is reflected in the use of timber cladding, officers are of the opinion that the dwelling in its revised position would be in keeping with the individualistic architecture of dwellings in the locality. It would thereby conserve the landscape setting of the AONB and would not result in harm to the character of the area, or the attractive surrounding rural landscape setting of Kingwood Common. Therefore, the development would comply with Policies D1, G2, C4 and H4 (criteria i, ii and iii) of the SOLP and Policy CSEN1 and CSQ3 of the SOCS.

**Impact upon neighbouring properties**

6.13 The proposed new dwelling would have windows to the first-floor side and rear elevation. These windows would, by reason of the distance to the neighbouring dwelling Cherry Croft Cottage would not result in a high level of overlooking to the neighbouring dwelling. The distance between the rear elevation of Cherry Croft Cottage and the side elevation of the proposed dwelling would exceed the guidance set out within the SODG which recommends a minimum of 25 metres.

6.14 Concerns have been raised with regards to the development overlooking the swimming pool area of Cherry Croft Cottage. The diagram below (taken from the Design and Access Statement) shows the position of the dwelling in relation to Cherry Croft Cottage’s swimming pool.

![Diagram showing the position of the dwelling in relation to Cherry Croft Cottage’s swimming pool](image)

6.15 The views from the first-floor windows on the side elevation would look directly southwards to the brick boundary wall and the existing trees behind the wall. There would be limited views into the garden area of Cherry Croft Cottage. Similarly, the first-floor rear windows are positioned closer to the rear boundary edge and will look towards the rear garden of the application site. There would be oblique side views from these windows. However, the closest bathroom window would have vertical timber cladding on the exterior and this combined with the angle of the views and distance of the pool from the windows would result in minimal overlooking. It is considered that the proposal would have an acceptable impact upon the residential amenity of the occupiers of the nearest neighbouring property in terms of light, being overbearing, and privacy, and would therefore, comply with Policies H4 and D4 of the SOLP in this regard.

**The impact on parking provision and highway safety**

6.16 Concerns have been raised with regard to the intensification of use of the narrow access lane and the highway safety implications of this. The lane is likely to be lightly
trafficked given the modest number of dwellings it serves. The Highway Liaison Officer’s objection to the previous application was not supported by the Inspector at appeal. The Inspector considered that the previous proposal would not result in harm to highway safety and that there would be no conflict with the safety objectives of SOLP Policy T1. As a consequence, the Highway Liaison Officer does not object to the current proposal provided several recommended conditions are added to the planning permission.

**Impact upon Trees**

6.17 The proposed development is directly adjacent to the dense wooded edge of Kingwood Common, the woodland is a key feature of the landscape with both landscape and ecological value. The root protection areas (RPAs) of many of the adjacent trees will extend into the site, therefore construction works on this site potentially could cause considerable harm to the woodland edge trees. The application was accompanied by an Arboricultural assessment and method statement (Dated 9 May 2019) and tree protection plan (17285-BT2).

6.18 The Council’s Forestry Officer has assessed the proposed works and raised no objections, subject to the recommended condition being attached requiring the implementation of the tree protection measures set out in the submitted Arboricultural assessment and method statement and tree protection plan. A landscaping condition is also attached to ensure trees are planted to screen and soften the development.

**Provision of gardens**

6.19 Minimum standards for new residential development are recommended in the South Oxfordshire Design Guide and in saved Policy D3 of the SOLP. A minimum of 100 square metres a dwelling with 4/5 bedrooms is required. The proposed garden size is well in excess of the requirement and the scheme is acceptable in this respect.

**Community Infrastructure Levy (CIL)**

6.20 The council’s CIL charging schedule has recently been adopted and will apply to relevant proposals from 1 April 2016. 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. In this case CIL is liable because the proposal involves the creation of new dwellings. The CIL charge applied to new residential development in this case is £150 per square metre (index linked) of additional floorspace (Zone 1). 15% of the sum collected would be payable to Rotherfield Peppard Parish Council in the absence of a made neighbourhood plan.

**CONCLUSION**

7.1 The proposal represents an appropriate form of infill development within a settlement where the principle of additional residential development is acceptable. The proposed dwelling would be of an appropriate design and would be of a scale suitable to the size of the plot. The development would not detract from the character and appearance of the site within the Chilterns AONB, would not be unneighbourly and would not result in conditions prejudicial to highway safety. As such, and subject to the recommended conditions, the application complies with the relevant Development Plan policies.

**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 : Schedule of materials to be agreed prior to the commencement of development
4 : A Landscaping Scheme for trees and shrubs to be agreed prior to the commencement of development
5 : Tree protection details to be implemented as details submitted
6 : Existing vehicular access to be improved and laid out prior to occupation of the dwelling
7 : Reducing Gravel Spread
8 : Turning area and car parking to be carried out in accordance with the approved plans
9 : Vertical timber cladding prior to occupation
10 : Remove Permitted development rights – Class A extensions
11 : CIL-Planning permission or reserved matters approval (South)
12 : UNIQUE INFORMATIVE – works to Highway