

APPLICATION NO.	P19/S2241/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	16.7.2019
PARISH	KIDMORE END
WARD MEMBER(S)	Peter Dragonetti
APPLICANT	Mrs Lesley Warren
SITE	Anstey Wood Lane, Gallowstree Common, RG4 9BG
PROPOSAL	Conversion of existing outbuilding including the demolition of the existing timber frame extension to be replaced with a traditionally constructed extension over the same footprint to create a two bed annex. Formalisation of SUDS roadway and lowering of existing front wall. (as amended by plans received 26 July 2019 and 6 September 2019 removing boundary treatment between the dwelling and annex and showing foul drainage)
OFFICER	Victoria Clarke

1.0 **INTRODUCTION**

- 1.1 The application is referred to the Planning Committee because Kidmore End Parish Council objects to the proposal and planning officers recommend that planning permission should be granted.
- 1.2 The application site is shown on the map **attached** at Appendix A. The site is located within the built-up limits of the village of Gallowstree Common and contains a detached dwelling with a detached outbuilding to the rear and two paddocks to the east and north east of the dwelling which are accessed via the garden and do not form part of the residential curtilage of the dwelling.
- 1.3 The site falls within the Chilterns Area of Outstanding Natural Beauty.

2.0 **PROPOSAL**

- 2.1 The application seeks planning permission for the part demolition of the outbuilding, and erection of a replacement single storey rear extension with dual pitched roof, and change of use of the building to an annex for use in connection with the main dwelling.
- 2.2 The walls of the annex building will be finished in brick and black render, and the roof will be finished in concrete interlocking tiles to match the existing roof.
- 2.3 A copy of the plans associated with the application are **attached** at Appendix B and 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 **Kidmore End Parish Council - Object**

- Out of keeping with this part of the village introducing, effectively, a secondary dwelling behind the main dwelling which could be a precursor to development on land to the south

3.2 **Highways Liaison Officer (Oxfordshire County Council) - No strong views, condition recommended:**

- Parking and manoeuvring areas provided and retained

3.3 **Drainage - (South&Vale) – No objection, subject to pre-commencement conditions:**

- Submission of a surface water drainage scheme for approval
- Submission of a foul drainage scheme for approval

3.4 **Neighbours – Two letters have been received: Object:**

- Rooflights of living room face neighbouring property Kildare and should be re-positioned to the south east elevation.
- Second tier / backland development that is out of keeping with the area and will set a precedent
- Additional pressures on the drainage systems
- Traffic generation impact on Wood Lane

4.0 **RELEVANT PLANNING HISTORY**

4.1 [P19/S0262/FUL](#) - Withdrawn prior to determination (26/07/2019)

Conversion of existing outbuilding to dwelling including the demolition of the existing timber frame extension to be replaced with an extension. Removal of existing front wall and new dropped curb to front of existing house.

5.0 **POLICY & GUIDANCE**

5.1 **National Planning Policy Framework (NPPF)**

National Planning Policy Framework Planning Practice Guidance

5.2 **South Oxfordshire Core Strategy (SOCS) 2027**

CS1 - Presumption in favour of sustainable development

CSS1 - The Overall Strategy

CSEN1 - Landscape protection

CSQ3 - Design

CSB1 - Conservation and improvement of biodiversity

5.3 **South Oxfordshire Local Plan (SOLP) 2011 saved policies**

C8 - Adverse affect on protected species

C9 - Loss of landscape features

D1 - Principles of good design

D2 - Safe and secure parking for vehicles and cycles

D4 - Reasonable level of privacy for occupiers

D3 - Outdoor amenity area

D10 - Waste Management

G2 - Protect district from adverse development

H13 - Extension to dwelling

EP1 - Adverse affect on people and environment

EP4 - Impact on water resources

EP6 - Sustainable drainage

5.4 **Emerging South Oxfordshire Local Plan 2011-2034**

On 10th October 2019 the Secretary of State for Housing Communities and Local Government issued a Holding Direction on the Council in relation to the emerging Local Plan 2034. The holding direction has been made under the provisions of Section 21A of the Planning and Compulsory Purchase Act 2004. This means that the emerging plan has 'no effect whilst the direction is in force', this is set out in section 21A(2) of the

Planning and Compulsory Purchase Act 2004. This situation is likely to change over the coming weeks.

5.5 **South Oxfordshire Design Guide (SODG) 2016**

Part 2, section 3 - Parking

Part 2, section 7 - Buildings and plots

Part 3 (Technical documents), section 6 – Householder extensions and outbuildings

Part 3 (Technical documents), section 7 – Building conversions

5.6 **Kidmore End Neighbourhood Plan**

Kidmore End Parish Council is working on a neighbourhood plan. The Neighbourhood Area was formally designated on 20 December 2017 and includes Gallowstree Common which falls within its parish boundary. The parish council is still in the process of gathering evidence and engaging with the local community to give the plan a direction and draft policies that will form the neighbourhood plan.

6.0 **PLANNING CONSIDERATIONS**

6.1 The main issues to be considered are:

1. The principle of the development
2. The impact on the character and appearance of the existing building, the site and the surrounding area
3. The impact on neighbouring properties
4. The impact on the highway

6.2 The principle

Proposals for self-contained units of residential accommodation within the gardens of existing houses, to accommodate relatives, should be assessed on the basis of the housing policies in the Local Plan and Core Strategy. Policy CSR1 (housing in villages) of the South Oxfordshire District Council Core Strategy 2012 (SOCS) and Policy H4 (towns and villages) of the South Oxfordshire Local Plan 2011 (SOLP) are therefore of most relevance.

6.3 In the context of SOCS Policy CSR1, Gallowstree Common is defined as a “smaller village”. The Core Strategy states that infill housing is permitted in “smaller villages” on sites of up to 0.2 hectares and defines it 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.

6.4 SOLP Policy H4 outlines where housing will be permitted and specifically states that this is only within the “built-up areas” of villages. The principle of new housing within Gallowstree Common is therefore acceptable subject to the following criteria:

- (i) an important open space of public, environmental or ecological value is not lost, nor an important public view spoilt;
- (ii) the design, height, scale and materials of the proposed development are in keeping with its surroundings;
- (iii) the character of the area is not adversely affected;
- (iv) there are no overriding amenity, environmental or highway objections; and
- (v) if the proposal constitutes backland development, it would not create problems of privacy and access and would not extend the built limits of the settlement.

6.5 Previous planning application P18/S0262/FUL proposed the conversion of the outbuilding to a separate dwelling. Officers considered that the proposal for the formation of a dwelling would have constituted backland development in an area that is largely characterised by houses sited on large plots fronting the road. Officers considered that

the dwelling, and the provision of a separate residential curtilage and its use, represented unacceptable backland development that would have been detrimental to the character of the area, including the AONB. The proposed dwelling would have had an awkward relationship with the existing dwelling and thereby been harmful to the privacy and amenity of the occupiers of both properties. The means and use of the vehicular access would cause disturbance to the occupiers of Anstey and Signal Elm which would have harmed their amenity. The application was therefore recommended for refusal by officers but was withdrawn prior to determination.

- 6.6 The Council would not normally grant planning permission for new buildings of self-contained residential accommodation (annexes) unless the proposal would be acceptable in terms of the principles and the criteria set out in Policy H4. Despite the similarities between the previous application for a dwelling and current application for an annex, officers consider the current application for the proposed annex is acceptable.
- 6.7 Crucially in the case of the current application, the proposal is for the conversion of an existing building (which has been used as additional incidental living accommodation in the form of a play room and storage) to a two-bedroom residential annex. The use of the existing building as ancillary accommodation as part of a single planning unit with the main dwelling would not in itself require planning permission and this represents a valid and significant fallback position. Officers are of the opinion that its use as an annex would not be significantly different from its existing incidental use and it would be acceptable because it is likely to be used less intensively than a separate dwelling. Furthermore and importantly it would not require separate private amenity space, the plot would not be subdivided and the occupants would be part of the same household. The proposal is therefore considered acceptable in principle.
- 6.8 Impact on character
- The footprint of the building would not be increased because the proposed extension would have the same footprint as the demolished part. The height of the proposed extension would be higher than the demolished element and would match the ridge height of the existing outbuilding. The proposed extension would not therefore be subservient to the existing building but it would be of a scale and design that is in keeping with it.
- 6.9 The use of black render is unusual in the area but it should be noted that the building could be painted any colour under permitted development rights, and that render itself is a material commonly used in the area and black / dark brown stained timber is also widely used in the local area. Officers consider the use of black render is acceptable due to the scale and position of the building.
- 6.10 The use of the building as an annex in connection with the main dwelling would have a lesser impact on the character of the site than if it were used as a dwelling. A condition is recommended to remove permitted development rights for means of enclosure so that fences segregating the annex from the dwelling and defining a separate garden space for the annex would not be possible without obtaining planning permission. This will help to ensure the proposed development does not significantly alter the character of the site.
- 6.11 Officers consider the proposed annex is acceptable and would not harm the character of the site or the surrounding area including the landscape qualities of Chilterns Area of Outstanding Natural Beauty.

6.12 Impact on neighbours

The proposed extension to the building would increase the height of the built form along the north west boundary with the neighbouring property (Kildare) but the building is positioned away from the neighbouring dwelling itself and would not be overbearing on the garden area. Rooflights are proposed on the north west elevation of the building but these are high level and would not therefore result in overlooking. Light would be visible through these rooflights but this would not harm the amenities of neighbours.

6.13 The use of the building as an annex is likely to generate fewer vehicle movements than its use as a dwelling because it will be occupied in connection with the main house. The use of the vehicular access is therefore unlikely to result in harmful disturbance to neighbours at Signal Elm.

6.14 In the opinion of officers, the proposed extension and use of the building as an annex would not harm the amenities of the occupiers of neighbouring dwellings through being overbearing, resulting in loss of privacy, or causing excessive noise or general disturbance.

6.15 Impact on the highway

The proposed annex is unlikely to generate a significant number of vehicular movements over and above that of the dwelling. Adequate parking provision is proposed within the site. The applicant intends to lower the existing front wall next to the vehicular access which will improve vision from the access. The Local Highway Authority has no objection to the proposal. The proposed development is unlikely to result in severe harm to the highway network.

6.16 Other matters

Each application is dealt with on its own merits and officers consider granting permission for the annex would not set a precedent for development on the paddocks within the application site. The paddocks are outside the residential curtilage of Anstey and sit behind existing dwellings. Officers would not support a proposal for housing development within the paddocks because it would not represent infill development and would constitute backland development in an area that is largely characterised by houses sited within large plots fronting the road.

6.17 The council's CIL charging schedule has been adopted and applied to relevant proposals since 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 the development is CIL liable because the proposal involves the creation of an annex. However, the floorspace of the existing outbuilding can be deducted from the calculation so there is no net increase in floor area proposed and in addition the applicant is eligible for a self-build exemption for the annex.

7.0 **CONCLUSION**

7.1 Planning permission should be granted. The principle of the development is considered acceptable and, subject to conditions, the proposal would not be harmful to the character and appearance of the building, the site or the surrounding area, nor the amenity of neighbouring occupiers or the local highway.

8.0 **RECOMMENDATION**

8.1 **Grant Planning Permission subject to the following conditions:**

- 1 : Commencement within three years
- 2 : Development to be carried out in accordance with the approved plans
- 3 : Development to be completed in materials as on plan
- 4 : Parking and manoeuvring areas to be provided and retained
- 5 : Tree protection / replace trees if removal required (details required)
- 6 : Surface water drainage works (details required)
- 7 : Foul drainage works (details required)
- 8 : Withdrawal of permitted development rights (Part 2 Class A) - no walls, fences without planning permission

Recommended informatives:

- Annex occupation and use to be ancillary to the dwelling “Anstey”
- Bat (detailed informative)
- Wild birds

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