

APPLICATION NO.	P19/S2148/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	8.7.2019
PARISH	STOKE ROW
WARD MEMBER(S)	Jo Robb & Lorraine Hillier
APPLICANT	c/o Agents
SITE	Land to north of Basset Shaw, Uxmore Road, Stoke Row, RG8 0TD
PROPOSAL	Erection of a detached two storey dwellinghouse and an open-sided triple car port with associated turning and manoeuvring space and external amenity space. (As amended by plans received 2019-07-17).
OFFICER	Marc Pullen

1.0 **INTRODUCTION**

- 1.1 This application is referred to the Planning Committee because the officers' recommendation for approval conflicts with the view of Stoke Row Parish Council. See below the full reasoning for Stoke Row Parish Council's objections to the proposed development.
- 1.2 The site (which is shown on the OS extracts **attached** as Appendix A) lies due north of Basset Shaw. The site lies within the Chilterns Area of Outstanding Natural Beauty and is bound by vegetation on all sides. The site is accessed off Uxmore Road via an existing driveway which serves neighbouring Basset Shaw.
- 1.3 Amendments were submitted during the consideration of the application to reduce the amount of fenestration at first floor level, reducing the amount of glazing within bedrooms 3 and 4 and the window at landing level is to be obscurely glazed. Subsequent details were submitted which consisted of a revised Arboricultural Report.

2.0 **PROPOSAL**

- 2.1 This application seeks planning permission for the erection of a single, detached dwelling, with vehicular access and garage accommodation. The proposed dwelling would be contemporary in appearance, two-storey in height and finished with facing brickwork, timber cladding and a flat green sedum roof. The dwelling would have a single storey car port to the front for the parking of three cars which will also be finished with a flat green sedum roof.
- 2.2 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**
- Size and scale are visually overbearing
 - Design is unsympathetic with its surroundings
 - Light pollution
 - Loss of privacy for neighbours
 - Further destruction of hedges

Forestry Officer (South Oxfordshire District Council) - No strong views

- Following the submission of further arboricultural details, no objections subject to conditions requiring the implementation of the tree protection measures set out in the Arboricultural Method Statement and the implementation of the tree planting shown on the submitted Landscape Proposals plan.

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

- No objection subject to a condition being attached which requires the implementation of the development in accordance with the measures stated within the supporting Preliminary Ecological Appraisal.

Highways Liaison Officer (Oxfordshire County Council) - No strong views

- No objections subject to conditions requiring parking and manoeuvring areas to be retained as approved and not obstructed in the future and no conversion of the car-port into living accommodation without obtaining consent from the local planning authority.

CPRE Oxfordshire – Object

- Design of this modern house incorporates extensive areas of glazing which have the potential to cause considerable light spillage into the surrounding countryside, harming nocturnal wildlife and damaging the dark skies of the Chilterns AONB
- Light spillage from very large windows is a major issue in many modern buildings and should be addressed
- No reference to external lighting in the documents

Neighbour Object (5)

- Traffic generation and safety caused by the intensification of the existing shared driveway and access onto Uxmore Road
- Moving of the electric gates closer to nearby neighbours will increase noise and nuisance
- Siting of the dwelling does not constitute infill
- The site has protected and priority species
- Concerned about the affect of the height of the house on both privacy and blocking of sunlight to the west of neighbouring Woodlands (to the east of the site).
- Hedgerow separating neighbouring Woodlands is to be reduced by 1-1.5m; however, the current height is not even as the Leylandii are substantially higher than the Beech hedge and there has also been considerable growth during the spring/summer. This hedge, especially the Beech, is very influential on the amount of sunlight Woodlands receives in the evening. Request a commitment to maintain a maximum height of 4m – similar concerns to neighbouring Longmead that the height to which the hedgerow will be maintained at has not been specified, this hedge is important in maintaining privacy to their garden and property.
- There are balconies that face Fairways
- A new driveway has been put in removing mature trees
- Concern that the building will cause a significant loss of privacy to neighbours to the north by virtue of it overlooking the property and garden (first floor windows along north elevation will have a direct line of sight to neighbour). Request that all first-floor windows along North elevation of dwelling be glazed with obscure glass
- Size of the building, in particular its height, and its proximity to the boundary will lead to a visually overbearing impact and loss of visual amenity for neighbours

- If the developer, owner or any occupant of the proposed building were to remove any part of the leylandii hedge on the northern/north-eastern boundary of the land, or reduce the height of this hedge to less than 2.5 - 3 metres, there will be a major loss of amenity value and privacy, resulting from an intrusive level of overlooking of our property

4.0 **RELEVANT PLANNING HISTORY**

- 4.1 [P61/H0722](#) - Refused (20/11/1961)
Site for dwellinghouse.

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
- CSQ3 - Design
- CSR1 - Housing in villages
- CSS1 - The Overall Strategy

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

- C8 - Adverse affect on protected species
- C9 - Loss of landscape features
- D1 - Principles of good design
- G2 - Protect district from adverse development
- H4 - Housing on sites within the built up areas of towns and villages
- 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**

Chilterns AONB Management Plan

Chilterns Buildings Design Guide

6.0 **PLANNING CONSIDERATIONS**

- 6.1
- Whether the development would be acceptable in principle
 - Whether the development would result in any adverse harm to the character and appearance of the site and the surrounding area
 - Whether the development would result in any adverse harm to the amenity of neighbours
 - Whether the development would have any adverse impact on the trees or protected species
 - Whether the development would result in any impact on the safety of the local highway network
 - Other matters

Principle of development

- 6.2 The site lies to the north of Basset Shaw, a detached dwelling which lies in a backland position off Uxmore Road. The land does not appear agricultural in use and has been maintained and bound by post and rail fencing. The site does not appear as part of the open countryside. The site forms part of the settlement of Stoke Row and lies within close proximity to a number of existing residential properties, including Basset Shaw to

the south, Longmeade and Basset Wood House to the north and Woodlands to the east. The site itself can be read in close association with these dwellings and these dwellings make a clear contribution to the continuous linear form of housing that extends out from the village and is experienced as you enter and leave Stoke Row. In officers' view, the site, as well as these neighbouring properties, identify as forming part of the built-up limits of Stoke Row village.

- 6.3 Determining whether new residential development in this location would be acceptable would largely be informed by an assessment against both policy CSR1 of the South Oxfordshire Core Strategy (SOCS) and Policy H4 of the South Oxfordshire Local Plan (SOLP). These policies offer support for proposals for new residential development within the built-up limits of the District's towns and villages.
- 6.4 Policy CSR1 (SOCS) aims to guide new residential development to appropriate locations within the District's villages. This policy allows for new housing in the villages of South Oxfordshire through allocated sites and through suitable infill sites. This policy tailors the provision of housing to villages depending on the size of the village and the facilities within them/their relative sustainability (e.g. 'larger', 'smaller' and 'other' villages). Appendix 4 of the Core Strategy (SOCS) identifies the category list for all settlements. According to Appendix 4 of the SOCS, Stoke Row is identified as a smaller village. Policy CSR1 (SOCS) allows for infill development of sites up to 0.2 hectares in size. The supporting text to Policy CSR1 (SOCS) and Appendix 1 of the SOCS defines 'infill' or 'infilling' 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 Core Strategy (SOCS) does not strictly define what constitutes 'closely surrounded by buildings' and this is open to interpretation on a site by site basis.
- 6.5 In officer's opinion, the proposed development would be sited on land which is closely located to other built form on at least three sides. When experienced on site, it is clear that there are residential properties which lie close to the site. Basset Shaw is in clear view, the top of Woodlands is visible and the backs of Fairways and Roseways (to the west) are visible. Furthermore, the site does not extend the built form of the village further into open countryside. The site is well contained and is not contiguous with open countryside that surrounds the village, instead it has an intimate relationship with Basset Shaw. In officer's view, the clear visual connection between the site and the neighbouring properties makes it clear that the site is closely surrounded by other built form. In light of the above assessment, officers consider that the site would meet the definition of infill development and since officers consider the site lies within the built-up limits of the village, the principle of the development must be regarded as acceptable having regard to Policy CSR1 (SOCS).
- 6.6 Policy CSR1 advises that all new development should respect national designations and should conserve and enhance the beauty of the Areas of Outstanding Natural Beauty (AONB). Suitably designed and located development at an appropriate scale that facilitates the economic and social well-being of such areas will be supported. The policy continues to state that local character and distinctiveness will be protected, and the requirements of the relevant development plan policies will be met.
- Impact on the character and appearance of site and surrounding area**
- 6.7 The National Planning Policy Framework (NPPF) seeks to ensure that all development is sympathetic to local character, including the surrounding built environment and landscape setting, whilst not preventing or discouraging appropriate innovation or change. Planning decisions should establish or maintain a strong sense of place, using the arrangement of streets, building types and materials and creating attractive, welcoming and distinctive places to live. The housing and development policies within

the council's development plan seek to ensure that all new dwellings and all new developments respect the character of a site and its surroundings, enhancing local distinctiveness and ensuring that it is of a scale, type and density appropriate to the site and its setting.

- 6.8 The site lies within the Chilterns Area of Outstanding Natural Beauty (AONB). Both national guidance and local policy attach great weight to the conservation and enhancement of the Chilterns AONB. Policy CSEN1 (SOCS) seeks to protect the district's distinct landscape character and key features against inappropriate development. Policy C4 of the South Oxfordshire Local Plan (SOLP) seeks to prevent any damage to the attractive landscape setting of settlements of the district.
- 6.9 The South Oxfordshire District Council's Landscape Character Assessment (2017) report identifies the site as within Landscape Character Area 10: Chilterns Plateau with Valleys. Within this larger landscape area, the site lies within the smaller wooded dip slope landscape area. The wooded dip slope is a dominant landscape type within this area, with extensive blocks of woodland occupying much of the dip slope and creating a more enclosed mosaic of wooded farmland. Some key characteristics of this area include a heavily wooded character, strong structure of woodland, generally rural and unspoilt character with only localised suburbanising influences within villages and distinctive pattern of winding rural roads, irregular field boundaries and scattered rural settlements.
- 6.10 The site is bound by vegetation with a strong woodland influence on the south, between the site and Basset Shaw. In addition, the site benefits from a strong band of trees to the north. This woodland and enclosed character and appearance is typical of this landscape area and reinforces the established wider character and appearance of the area. The dwelling is sited to the eastern half of the site so as to avoid any visually prominent built form when viewed from the public realm (most notably from Kit Lane to the north). The landscaping scheme, supporting the application suggests that the development would reinforce the existing landscape features by planting new as well as retaining existing landscape features.
- 6.11 The proposed dwelling adopts a contemporary design, with a flat roof and 'box-like' appearance. The dwelling would be finished predominantly with vertical timber cladding, facing brickwork, a green sedum roof and large areas of glazing. Paragraph 131 of the NPPF states that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings. Whilst the dwelling does not follow the traditional form of the nearby properties, it does adopt an outstanding and innovative design and would, in officer's view, raise the standard of design as experienced locally (in accordance with paragraph 131, NPPF). In addition, the siting of the dwelling would generally conform with the spatial positioning of neighbouring Basset Shaw, Woodlands and Broadlawns House.
- 6.12 The Chilterns Building Design Guide advises on new housing within the Chilterns AONB. This Guide also advises on 'one off' designs. The Guide recognises that there are opportunities for contemporary and innovative architecture or more interesting designs which demonstrate adherence to the basic principle of being in harmony with their site and the surrounding buildings and countryside. The Guide states that in order for such buildings to fit into the Chilterns AONB they should be sympathetic to their surroundings and the defining characteristics of the local area and demonstrate the appropriate use of local building materials, wherever possible. In officer's view, the use of natural timber references the site's woodland context and emphasises the important

contribution made by the woodland on the wider character and appearance of the area. The design and sustainability statement, supporting this application, further expands on this by stating that materials have been selected to fit a muted palette of greys and soft Scandinavian tones to better assimilate into its surroundings.

- 6.13 In officer's view, the flat roof reduces the overall height of the property (7.1m) which, alongside its siting within the plot, minimises its wider visual impact. Only limited views of the new dwelling would be possible from wider vantage points and some views possible from neighbouring properties. This would not be uncommon within this area, as precedent is already set by existing built form within the area that is visible. The use of large open aspects of glazing, whilst not commonly experienced on more traditional dwellings, breaks up the massing of the dwelling and tries to utilise as much available daylight and sunlight to serve the new dwelling. Officers note the concerns raised regarding the use of this much glazing. However, it is officer's view that the use of glazing would not be adversely harmful. The glazing on this property would not be readily observed from the public realm and in part would be greatly reduced anyway by the use of timber cladding as screening louvres. Officers are mindful of guidance within the Chilterns AONB Management Plan, but consider that the wider impact of light spillage is not deemed to be significant for a single dwelling in this location. This new dwelling would not be prominent and/or isolated within the countryside and instead will be well contained. The dwelling would be sited within close proximity to other dwellings; all of which emit their own light and activity.
- 6.14 The design of the dwelling does not attempt to conform with any immediate precedent of development. Instead, it would stand alone, architecturally in form and appearance. Whilst it is clear that other properties are nearby, the site does benefit from being well enclosed. Officers consider that this provides an opportunity to introduce a stand-alone design that would not be harmful to the surrounding area, all the while referencing the woodland character, as given its contained nature and limited visibility from the wider area the contrast in architectural vernacular would not be easily observed. In officer's view and in light of the above assessment, the development would not amount to any adverse or significant impact to the character or the appearance of the area or diminish the landscape character of the site and its contribution to the wider character and rural qualities of the Chilterns AONB.

Impact on amenity of neighbours

- 6.15 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.
- 6.16 The proposed dwelling would be sited approximately 37 metres from neighbouring Woodlands (to the rear), 45 metres from neighbouring Longmeade and 37 metres from Basset Shaw (both to the side). Neighbouring Fairways and Woodways to the west would be sited more than 100 metres away from the new dwelling. The SODG advises a suggested minimum distance between two properties when assessing the impact upon existing neighbours. The SODG advises a minimum back to back distance of 25 metres (Woodlands) and a minimum back to side distance of 12 metre (both Longmeade and Basset Shaw). In addition to this, the SODG advises that a minimum of 10 metre depth of garden is provided, which will be provided in this instance (19 metres). The dwelling, in officer's view, would be sited sufficiently far away from these

neighbours when considered against the SODG and that the privacy of neighbours would be safeguarded against any significant harm.

- 6.17 In officer's view, given the distances involved, the proposed development would not be of a height that would result in any overbearing or oppressive impact upon these neighbours. The depth of the rear garden area would be approximately 19 metres so the presence of the proposed dwelling on Woodlands (to the rear) would not be significant. The proposed dwelling would be sited approximately 5.5 metres from the boundary to the rear of neighbouring Longmeade. Officers acknowledge that the dwelling would therefore have some visual presence on this neighbour when viewed from their garden (and Basset Wood House to a lesser effect). However, it is officer's view that the majority of this neighbour's garden area and the rear elevation of this neighbour's property would not be adversely impacted by this development. The development would not heavily constrain or restrict the use of Longmeade's garden. A condition which requires that all north facing windows to be obscure glazed and fixed shut will safeguard the privacy of those neighbours to the north. As such it is officer's view that the proposed dwelling would not adversely harm the amenity of this neighbour.
- 6.18 The dwelling has been designed with no side facing windows looking toward Basset Shaw, with the exception of one full length first floor window which serves the landing area, but this has been designed as obscure glazed by the applicant. Officers are satisfied that owing to the distance between this neighbour and the new dwelling, coupled with the fact that no side facing windows would look toward them, there would be no adverse harm caused to the amenity of this neighbour.
- 6.19 Officers note the concern raised about the use and operation of the electric gate. The gate would unlikely be used intensively and the noise generated from the gates would be typical of an area of residential use. In officer's view, the noise generated would not be significant and would not result in an adverse impact to the enjoyment of all neighbours.

Impact on the trees or protected species

- 6.20 The council's forestry officer raises no objection to the proposed development, following the submission of an updated Arboricultural Report (Sept 2019). Conditions are suggested in the event that planning permission is granted which require the implementation of the tree protection measures, set out within the Arboricultural Method Statement and the implementation of the tree planting shown on the submitted Landscape Proposals plan.
- 6.21 The council's countryside officer raises no objection to the proposed development either. One condition is suggested to require the implementation of all measures stated within section 7 of the Preliminary Ecological Appraisal, which requires the erection of a minimum of two bat boxes and two bird boxes on site.

Impact on the safety of the local highway network

- 6.22 Through consultation with the local highways authority, the proposed development is not considered to result in any harm to the safety of the highway network. The driveway is proposed to be widened to allow two vehicles to pass so as to avoid any congestion or waiting on the highway. Given the characteristics of the carriageway, vehicular traffic and speeds are considered to be relatively low and any additional traffic leaving the site would not pose a threat to the safety of the road. Officers note that the local highways authority have requested that two conditions are attached should planning permission be granted to ensure that the parking and manoeuvring areas are retained and the garage/car port is not converted into living accommodation without first

obtaining planning permission. The first condition is not deemed necessary since sufficient space would exist to the front of the dwelling for the parking of vehicles and it would not be imperative that the parking areas as shown are retained in situ. The second condition is not necessary as any alteration to this garage/car-port would require planning permission to be sought in accordance with Part 1, Class E of the General Permitted Development Order. In addition, should the garage/car port be taken down then sufficient space would still exist to park vehicles on site. As such, officers do not consider that these conditions meet the tests of the NPPF and therefore these conditions should not be used if planning permission is granted.

Other matters

- 6.23 Community Infrastructure Levy (CIL) - The council's CIL charging schedule has recently been adopted and has 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. This charge is primarily calculated on the increase in residential use created as a result of all new development. In this case CIL would be liable for the proposed dwelling and charged on the internal floorspace.
- 6.24 South Oxfordshire Local Plan - 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.
- 6.25 Neighbourhood Plan – Stoke Row is not currently producing a Neighbourhood Plan.

7.0 CONCLUSION

- 7.1 Planning permission should be 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, would not adversely harm the amenity of neighbours, nearby trees of landscape value, protected species or the highway network.

8.0 RECOMMENDATION

8.1 Planning Permission be granted subject to conditions:

- 1 : Commence development within three years - Full Planning Permission**
- 2 : Development to be implemented in accordance with approved plans**
- 3 : A full schedule of all proposed external materials to be submitted and approved**
- 4 : Wildlife mitigation in accordance with preliminary ecological appraisal**
- 5 : Landscaping to be implemented in accordance with landscaping proposals plan**
- 6 : Tree protection measures as identified by arboricultural method statement to be implemented prior to commencement**
- 7 : Any south facing or north facing first floor windows to be obscure glazed**

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