

APPLICATION NO.	P19/S3206/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	11.10.2019
PARISH	NUFFIELD
WARD MEMBERS	Jo Robb & Lorraine Hillier
APPLICANT	Mr C. Trotman
SITE	Comus, Howberry Lane, near Nuffield, RG9 5SU
PROPOSAL	Erection of a replacement two-storey 4-bedroom detached dwelling with associated access and a detached double garage (design of dwelling and external areas revised as shown on amended documents received 4th February 2020 and revised design & access statement and arboricultural information provided 11th March 2020 and 17th March 2020).
OFFICER	Paul Lucas

1.0 INTRODUCTION AND PROPOSAL

- 1.1 Officers recommend that planning permission should be granted. This report explains how officers have reached this conclusion. This application is referred to the planning committee at the discretion of the development manager as the officer's recommendation of approval conflicts with the views of Nuffield Parish Council.
- 1.2 The application site is identified at **Appendix A**. It comprises a residential plot, previously containing a single storey dwelling that has been demolished. It is located amongst a small group of dwellings located to the east of Nuffield, accessed from the north by a narrow track, also used as a public right of way Nuffield Bridleway 17. The bridleway passes to the east of the site and Nuffield Public Footpath 18 forms the boundary to the north of the site. The site is bordered by the gardens of residential properties to the east and west. The adjoining dwelling to the south-east, Elderberry Cottage has recently erected a detached garage with accommodation in the roofspace which is alongside the south-eastern site boundary. There are wooded areas to the north and south, the latter of which contains trees protected by a Tree Preservation Order. The site boundaries comprise a mixture of fencing, hedging and trees, including a semi-mature Giant Redwood in the south-west corner. The site itself is relatively flat, but slopes slightly down from north-west to south-east and from north-east to south-west. The land falls away more steeply past the rear site boundary, where the land has been recently terraced in front of the protected trees. The site and the surrounding area lie within the Chilterns AONB.
- 1.3 The application seeks full planning permission for the replacement of the previous dwelling with a two-storey flat-roofed dwelling, as shown on the current plans and supporting documents submitted with the application. This application follows on from a previous application for a different two-storey flat-roofed dwelling, which was granted planning permission in December 2017 and could be implemented until 1st May 2020 (due to the government's recent extension to the implementation period of some applications). The current proposal was revised to change the design and materials and provide more information to compare the proposed dwelling with the position and height of the approved dwelling.

1.4 The current plans can be found at **Appendix B**. Other documents can be viewed on the Council's [website](#).

2.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

2.1 Nuffield Parish Council – Objection to amended plans: The view is that it will still not conserve or enhance this beautiful and unspoilt area of the Chilterns AONB and that people in the future will look back and wonder how on earth planning permission was ever granted.

Countryside Officer – No objection

Forestry Officer – No objection subject to tree protection and landscaping implementation conditions

Highways Liaison Officer (Oxfordshire County Council) – No objection subject to parking and garage retention conditions

South Oxfordshire District of CPRE – Concern about light spillage and use of Portuguese Laurel for landscaping

Chiltern Society – Comment on original plans: The size and design of the proposed dwelling are not in keeping with local character. A dwelling with a reduced footprint and ridge height would be more appropriate for the location, less overbearing and more neighbourly. Additionally, a dwelling of reduced scale would be more in-keeping with the spirit of the council's pre-application advice. No further comment received on revised plans

Third Parties – five households raising objections and concern to the original proposal
Two households have continued to raise objections and concern to the amended proposal:

- Severe lines and dark cladding out of keeping with Chilterns AONB
- Out of character of the surrounding area which has more traditional vernacular dwelling surrounding it - it is better suited to a more urban development
- Prefer the house to have remained where the original footprint was

The representations can be read in full on the Council's [website](#).

3.0 RELEVANT PLANNING HISTORY

3.1 On the application site:

[P19/S1679/PEM](#) – Advice Provided (27/06/2019)

Erection of replacement 2 storey contemporary dwelling with detached garage

[P17/S2900/FUL](#) - Approved (01/12/2017)

Demolition of existing dwelling and garage and erection of replacement two-storey 4-bedroom dwelling (dwelling repositioned further north and volume calculations provided as shown on amended plans and additional information received 17th October 2017).

At the land to the rear of the site:

P20/S1132/FUL – Approved (15/05/2020)

Part retrospective to form terraces with a change of use of the land to residential.

At Elderberry Cottage:

[P19/S0002/FUL](#) - Approved (06/03/2019)

Detached Garage with ancillary residential accommodation within the roof space

4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 Not relevant.

5.0 **POLICY & GUIDANCE**

5.1 **Development Plan Policies**

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

CSS1 - The Overall Strategy

South Oxfordshire Local Plan 2011 (SOLP 2011) Policies:

C6 - Maintain & enhance biodiversity

C4 - Landscape setting of settlements

C9 - Loss of landscape features

D1 - Principles of good design

D10 - Waste Management

D2 - Safe and secure parking for vehicles and cycles

D3 - Outdoor amenity area

D4 - Reasonable level of privacy for occupiers

EP2 - Adverse affect by noise or vibration

EP3 - Adverse affect by external lighting

EP6 - Sustainable drainage

G2 - Protect district from adverse development

G4 - Protection of Countryside

H12 - Replacement dwelling

R8 - Protection of existing public right of way

T1 - Safe, convenient and adequate highway network for all users

T2 - Unloading, turning and parking for all highway users

South Oxfordshire Emerging Local Plan 2034 Policies

The council is currently progressing the emerging local plan through the examination stage. The plan currently carries limited weight. Relevant policies include;

DES1E - Delivering high quality development

DES2E - Enhancing local character

DES3E - Design and Access Statements

DES5E - Outdoor amenity space

DES6E - Residential amenity

DES9E - Promoting sustainable design

ENV12E - Pollution - Impact of development on human health, the natural environment and/or local amenity

ENV1E - Landscape and countryside

ENV3E - Biodiversity Non designated sites, habitats and species

H18E - Replacement dwellings

INF4E - Water resources

TRANS5E - Consideration of development proposals

5.2 **Neighbourhood Plan – None.**

5.3 **Supplementary Planning Guidance/Documents**

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

South Oxfordshire Landscape Assessment – Character Area 10

Chilterns Buildings Design Guide – Chapter 3

5.4 **National Planning Policy Framework and Planning Practice Guidance**

5.5 **Other Relevant Legislation**

Human Rights Act 1998

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

Equality Act 2010

In determining this planning application the Council has regard to its equalities obligations including its obligations under Section 149 of the Equality Act 2010.

6.0 **PLANNING CONSIDERATIONS**

6.1 The application site lies amongst a small group of dwellings in an isolated location in the countryside to the east of Nuffield where new housing is generally unacceptable in principle in accordance with the provisions of Policy CSR1 of the SOCS. However, the SOLP 2011 Policy H12 allows for the replacement of existing dwellings in such locations, subject to several criteria being met. Although the existing dwelling has already been demolished, it is a material planning consideration that planning permission [P17/S2900/FUL](#) for a replacement dwelling is live and therefore provides a fallback position. The planning issues that are relevant to this application are whether the development would:

- entail a residential use that has been abandoned;
- involve demolition of an existing dwelling, which is listed, or of historic, visual or architectural interest;
- be materially greater in volume than the existing dwelling;
- have an overall impact, which would be greater than the existing dwelling on the character and appearance of the site and the surrounding area, including this part of the Chilterns AONB and important trees;
- safeguard the living conditions of neighbouring occupiers and provide suitable living conditions for future occupiers;
- result in an acceptable provision of off-street parking spaces for the resultant development or conditions prejudicial to highway safety; and
- give rise to any other material planning considerations.

6.2 Abandonment:

The residential use of the previous bungalow called Comus had not been abandoned at the time it was demolished, following the previous planning permission being granted, in compliance with Criterion (i) of the SOLP 2011 Policy H12.

6.3 Architectural Merit:

The original dwelling was not listed and had no special architectural merit. As such, there is no objection in principle to the replacement of that dwelling on the site in accordance with Criterion (ii) of the SOLP 2011 Policy H12.

6.4 Volume:

Criterion (iii) of the SOLP 2011 Policy H12 specifies a 10% volume increase limit for replacement dwellings. The supporting text of Policy H12 defines the term 'not materially greater' in relation to the replacement dwelling as not being more than 10% larger in volume than the existing dwelling plus any unused 'permitted development' rights. The volume of the previously demolished dwelling was 650m³. When the volume of permitted development rights is added, the volume of the existing dwelling could be increased to 799.5 cubic metres. The proposed volume of 979 cubic metres is proposed. This equates to an increase in volume of 22.5%, which would exceed the 10% increase limit and leads officers to the conclusion that the proposed dwelling would be materially greater in volume.

6.5 Visual Impact

Criterion (iv) of the SOLP 2011 Policy H12 requires that the overall impact of the development would not be any greater than the existing dwelling on the character and appearance of the site and the surrounding area. Although there are objections from Nuffield Parish Council and other third-party objectors to the design of the proposed dwelling, a contemporary dwelling has already been approved on this site in a similar position. Officers consider that a contemporary design would be acceptable in this location due to the secluded nature of the site and the mixed appearance of the small group of dwellings in which it would sit. Officers recognise that the proposed dwelling would be 169 cubic metres larger than the approved dwelling. However, the applicant has demonstrated on the amended plans that the additional volume would be offset, because the proposed dwelling would be both lower in height (0.85 metres lower) and positioned further away from the public footpath than the approved dwelling (ranging from 3.2 to 5.4 metres further back). In officers' opinion, in spite of the proximity of the public rights of way, the dwelling would not be significantly more prominent in wider public views than the approved dwelling and would be seen in the context of the group of buildings.

- 6.6 The proposed dwelling would be of a contemporary form, but, like the approved dwelling, would incorporate timber cladding as one of the primary external materials, which would be appropriate in this wooded setting. The maximum roof height of the main ridge would be 6.3 metres above the lower external land levels and 5.9 metres above the higher external land levels. This would be relatively modest for a two-storey building. The roof height steps down to 4.7 metres where closest to the boundary with Elderberry Cottage and where the ridge height of the garage building at that property is 5.4 metres. The proposed flat-roofed two-bay garage, although closer to the public right of way than the proposed dwelling, would be a relatively subservient feature in keeping with the contemporary design of the proposed dwelling and not unduly prominent in the locality, helped by being set behind proposed native Yew hedging.
- 6.7 The Council's Area Tree Officer is satisfied that the siting of the dwelling would enable the Giant Redwood to flourish and become a real feature of the site to complement the contemporary design, along with the TPO trees to the south, which provide extensive screening of the site in views from Timbers Lane, over 100 metres to the south-west. The Area Tree Officer also raises no objections to the submitted tree protection and landscaping details. Whilst CPRE are critical of the inclusion of Portuguese Laurel, officers note that native Yew hedging would be planted along the front boundary. In respect of concerns about light spillage, officers consider that such matters could be controlled through planning conditions requiring details of glass coating and details of any external lighting to be agreed prior to installation.
- 6.8 In the light of the above assessment, officers consider that the proposal would not harm the rural character and appearance of the site and its surroundings and would conserve the wider Chilterns AONB landscape. As such, the overall impact of the proposed development would be no greater than the approved dwelling, which would be in accordance with the spirit of the above criterion.

6.9 Residential Amenity Impact

Policy D4 explains that development will not be permitted if it would unacceptably harm the amenities of neighbouring properties through loss of privacy, daylight or sunlight. Officers recognise that the footprint of the proposed dwelling would be closer to the boundary with Elderberry Cottage. The land levels at Elderberry Cottage drop away from the application site, so this dwelling is at a lower level than the proposed dwelling. However, the proposed dwelling would be in line with the neighbours' garage, built on the highest part of their site. In officers' opinion this garage would largely obscure the proposed dwelling from Elderberry Cottage, such that it would not be unduly harmful to the residential amenity of the occupants in relation to light, outlook or privacy.

6.10 The relationship between the replacement dwelling and the other dwellings in the group would remain similar to the existing situation. The proposed garage would also be 65 metres from Martyns Close to the north-west, with a tennis court on the boundary with these adjoining occupiers' main garden. Consequently, there would be no significant loss of light, outlook or privacy to other nearby occupiers, to comply with the above policy. The proposed outdoor amenity area would accord with the 100 square metres recommended minimum standard as set out in Section 7 of the SODG 2016 and therefore would be satisfactory for future occupiers.

6.11 Access and Parking

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 SOLP 2011 Policy T2 aims to secure adequate parking and turning provision for new developments and the SOLP 2011 Policy D2 aims for safe and convenient parking designs. The existing access arrangements would be retained with parking and turning arrangements acceptable for a dwelling of this size to accommodate at least two vehicles in the garage and enable vehicles to turn within the site on the frontage. As such, the proposal has met with no objections from the OCC Highway Liaison Officer in compliance with the above policies.

6.12 Other Material Planning Considerations

It is considered necessary to impose a condition restricting permitted development rights for extensions, outbuildings and hardstandings on the basis that the proposal would represent a significant expansion of the existing dwelling and any further additions may result in unacceptable visual, amenity or arboricultural impact. Matters relating to surface water and foul drainage can be secured through planning conditions. Some limited weight can also be given to emerging SOLP 2034 Policy H18 for replacement dwellings, which if adopted would no longer include the volume criterion.

6.13 Community Infrastructure Levy

The CIL charge applied to new residential development in this case is £150 per square metre of additional floorspace (Zone 1). 15% of the CIL payment would go directly to Nuffield Parish Council (in the absence of an adopted Neighbourhood Plan) for spending towards local projects.

6.14 Pre-commencement conditions

Levels and Surface and Foul Water Drainage conditions.

7.0 CONCLUSION

7.1 Whilst the proposed development would conflict with the volume criterion of Policy H12, the proposed dwelling would not have an overall greater impact on the Chilterns AONB than the dwelling that has the benefit of an extant permission. It would safeguard the residential amenity of adjoining occupiers and would not be prejudicial to highway safety and important trees and, subject to the conditions below, would be in accordance with Development Plan Policies, Supplementary Planning Guidance and Government Guidance.

8.0 RECOMMENDATION

8.1 Grant Planning Permission

- 1 : Commencement three years - Full Planning Permission**
- 2 : Approved plans**
- 3 : Levels details required prior to commencement**
- 4 : Schedule of materials required prior to foundation level**
- 5 : Details of glass coating prior to foundation level**
- 6 : Withdrawal of Permitted Development Rights
(extensions/outbuildings/hardstanding)**
- 7 : Parking & Manoeuvring Areas Retained**
- 8 : No Garage conversion into accommodation**
- 9 : Landscaping implementation as approved**
- 10 : Tree protection implementation as approved**
- 11 : External Lighting – details required prior to installation**
- 12 : Surface water drainage works details required prior to commencement**
- 13 : Foul drainage works details required prior to commencement**

Informatives:

- 14 : Public Rights of Way**
- 15 : CIL-Planning permission or reserved matters approval (South)**

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