

REPORT 2

APPLICATION NO.	P13/S1139/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	23.4.2013
PARISH	GORING HEATH
WARD MEMBERS	Mrs Ann Ducker & Mrs Pearl Slatter
APPLICANT	Kingfisher First Ltd
SITE	Land adjacent to Rose Cottage, Hill Bottom Road, Whitchurch Hill
PROPOSAL	Erection of a two-storey two-bedroom house, alteration of access and formation of parking (amended plans received 14th June 2013).
AMENDMENTS	Access, position and design of dwelling altered
OFFICER	Paul Lucas

1.0 **INTRODUCTION**

1.1 This application is reported to the Planning Committee as a result of a conflict between officers' recommendation and the views of Goring Heath Parish Council. Members will recall that the application was deferred by the Planning Committee on 11 September 2013 to allow a site visit to be carried out on 14 October 2013.

1.2 The application site is identified at **Appendix 1**. It lies on the edge of development at Hill Bottom, Whitchurch Hill. Hill Bottom is a group of dwellings that has become amalgamated with the main triangle of development that characterises Whitchurch Hill. The application site has an area of about 0.025 hectares with a road frontage of approximately 21 metres. The site is presently undeveloped, with the front boundary being defined by a hedge, which extends along both side boundaries with Rose Cottage and the driveway to Cherry Tree Cottage. The rear boundary with Cherry Tree Cottage is defined by a 1.8 metres high close boarded fence, with this neighbouring property being located roughly 33 metres to the rear. This property has a mature garden with a number of deciduous trees situated just to the north of the site boundary. To the west of the site, Rose Cottage is a semi-detached two storey house positioned about 9 metres from the boundary of the application site. Rose Cottage has its entrance and four windows belonging to a bedroom and living room facing the site. On the opposite side of the road the dwellings are at a higher density and varied in appearance. The site slopes downhill from north-west to south-east.

2.0 **PROPOSAL**

2.1 The application seeks planning permission for the erection of a two storey two bedroom dwelling. The amended plans show that the proposed house would have an L-shaped footprint and would be positioned towards the rear of the site. It would have an east to west axis of 7.3 metres and projecting rear wing of 6.1 metres. The ridge height would be about 6.2 metres. It would have two ground floor windows and two dormers windows on the front elevation, two ground floor windows and a first floor window on the west facing side elevation and two sets of patio doors and a rooflight on the east facing side elevation. The north elevation would contain no openings. The house would have two bedrooms and a bathroom upstairs with a living room, kitchen and WC downstairs. The north-western side wall would be set in by 3.5 to 5 metres from the boundary with Rose Cottage, 8 metres from the eastern boundary and 0.3 to 2.1 metres from the rear boundary with Cherry Tree Cottage. There would be a widened vehicular access with two parking spaces and a turning area at the front of the dwelling. The main external

materials would be brick and clay tiles. A cycle store would be included in the garden.

- 2.2 A copy of the current plans is attached at **Appendix 2** whilst 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 **CPRE (Henley and Mapledurham District)** – We are well aware that infill development is now permitted in Whitchurch Hill; however, we still believe that this application, like that of 2012 proposes over-development of the small site and the resulting house will be unneighbourly, wherever it is sited.

Highways Liaison Officer (Oxfordshire County Council) - No objection subject to conditions requiring updated vehicle tracking plan, retention of parking and turning areas and no surface water drainage to highway

Forestry Officer (South Oxfordshire District Council) - No objection subject to tree protection and landscaping conditions

Goring Heath Parish Council – The application should be refused. The reasons for this refusal are that this development will result in an over intensive development that is inappropriate to the existing character of the locality, with the small area of the site leading to a contrived and intrusive development that would have an urbanising effect on the site and its surrounds and detract from the rural character of the area. The compact design of this proposal to enable it to fit into the small site results in the proposal failing to meet Policy D1 of the SODC Local Plan 2011, the design being more appropriate for a compact urban site than the rural village location in which it is actually located. The development has an adverse impact on the neighbouring property Rose Cottage, as the mass and bulk of the proposed development would have a domineering effect on this property. The site has been the subject of several applications for similar developments, all of which have been refused and, when taken to appeal, also refused. The fundamental reasons for these refusals have not changed and are still valid grounds for refusing this application.

Neighbours – Six representations of objection, summarised as follows:

- Cramped urban form of over-development on too small a site, where other plots have medium to large sized gardens
- Although a smaller house, it would not be in line with adjoining properties and would be too close to boundaries
- Unneighbourly - would not achieve 25 metre separation distance between proposed west-facing windows and the windows in the east elevation of Rose Cottage also harmful to outlook from Cherry Tree Cottage
- Not enough room for vehicles to turn within the site to avoid reversing out of the site, concern about more on-street parking and conflict with vehicular access to Kenregal and public footpath opposite
- Insufficient private outdoor amenity space for future occupiers of the proposed dwelling, unsuitable size for family accommodation
- 2006 application included additional land within the site area within the ownership of Cherry Tree Cottage, concern about damage to adjoining property from close proximity to the northern boundary

4.0 **RELEVANT PLANNING HISTORY**

- 4.1 [P12/S1038/FUL](#) - Refused (14/08/2012) - Dismissed on appeal (14/03/2013) on visual and amenity grounds - Erection of a two-storey two-bedroom house – see **Appendix 3**.

[P06/E0343](#) - Refused (24/05/2006) - Dismissed on appeal (26/02/2007) on principle grounds - Erection of two bedroom house – see **Appendix 3**.

[P05/E1370](#) - Withdrawn (02/03/2006) Erection of house.

[P03/E0874](#) - Refused (14/01/2004) - Dismissed on appeal (15/11/2004)
Erection of a two bedroom detached cottage with vehicular access, fencing and gates.

[P97/S0080](#) - Refused (08/05/1997) - Dismissed on appeal (08/10/1997)
New cottage. Access.

[P96/S0166](#) - Refused (14/10/1996)
Two bedroom detached chalet bungalow. Access.

[P95/S0312](#) - Refused (09/08/1995)
Two bedroom detached chalet bungalow.

[P88/S0750/O](#) - Refused (09/11/1988) - Dismissed on appeal (07/09/1989)
Erection of single detached house and garage.

[P64/H0653](#) - Refused (30/11/1964) - House

5.0 **POLICY & GUIDANCE**

5.1 South Oxfordshire Core Strategy (SOCS) policies

- CS1 - Presumption in favour of sustainable development
- CSEN1 - Landscape protection
- CSM1 - Transport
- CSQ2 - Sustainable design and construction
- CSQ3 - Design
- CSR1 - Housing in villages
- CSS1 – Overall Strategy

5.2 South Oxfordshire Local Plan 2011 (SOLP 2011) policies;

- 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
- G2 - Protect district from adverse development
- T1 - Safe, convenient and adequate highway network for all users
- T2 - Unloading, turning and parking for all highway users

5.3 Supplementary Planning Guidance:

- South Oxfordshire Design Guide 2008 – Sections 3, 4 & 5
- South Oxfordshire Landscape Assessment – Character Area 10
- Chilterns Buildings Design Guide – Chapter 3

5.4 National Planning Policy Framework

The policies within the SOCS and SOLP 2011 of relevance to this application are considered to be in general conformity with the provisions of the NPPF and therefore this application can be determined against these relevant policies.

6.0 PLANNING CONSIDERATIONS

6.1 The planning issues that are relevant to this application are whether the development would:

- be acceptable in principle in this location;
- result in the loss of an open space or view of public, environmental or ecological value;
- be in keeping with the character and appearance of the surrounding area, bearing in mind its location within the Chilterns AONB;
- safeguard the living conditions of neighbouring residential occupiers and would provide suitable living conditions for future occupiers; and
- demonstrate an acceptable provision of off-street parking spaces for the resultant dwelling or other conditions prejudicial to highway safety; and
- provide adequate sustainability and waste management measures.

Principle of Development

6.2 The site is located within the small settlement of Hill Bottom, which is amalgamated with Whitchurch Hill. Under the previous Local Plan regime, Hill Bottom was not a location where new housing was supported. However, in December 2012, the Council adopted its Core Strategy (SOCS). Thus, the SOCS Policy relevant to this proposal is CSR1, which outlines a new approach for assessing proposals for infill residential development in the District. The SOCS classifies Hill Bottom as an “Other” village. Under Policy CSR1, residential development on infill sites of up to 0.1 hectares in size is acceptable in principle in “Other” villages. The supporting text for Policy CSR1 states, “*Infill development is defined 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.*” Officers consider that the site is closely surrounded by other residential buildings to the north, south and west and also there is a public house located to the east along Hill Bottom Road. As the site is 0.025 hectare in size, this is within the allowances of Policy CSR1 and officers are satisfied the principle of this development is acceptable under the SOCS. This interpretation of infill development by the Council was accepted by the Inspector who dismissed application P12/S1038/FUL on visual and amenity grounds only. Therefore, she accepted that the principle of development on this site was acceptable having regard to Policy CSR1. Consequently, the proposal falls to be assessed primarily against the criteria of Policy H4 of the SOLP 2011 for new dwellings, which are addressed below.

Loss of Open Space

6.3 Criterion (i) of Policy H4 of the SOLP 2011 requires that an important open space of public, environmental or ecological value is not lost, nor an important public view spoilt. The site currently has the appearance of a private garden and is not accessible to the public. Although visible from the road, it is seen against the backdrop of adjacent dwellings and their gardens and it does not afford views into the open countryside. There would be no significant ecological implications arising from this proposal. On this basis, the proposal would be in accordance with the above criterion.

Visual Impact

6.4 Criterion (ii) of Policy H4 of the SOLP 2011 requires that the design, height, scale and materials of the proposed development are in keeping with its surroundings and criterion (iii) requires that the character of the area is not affected. Policies CSQ3 of the SOCS and D1 of the SOLP 2011 amplify this requirement. The proposed plot is relatively small compared to most other residential plots in the surrounding area, mainly due to its lack of depth, ranging from 12 to 15.5 metres. The appearance of surrounding dwellings is very mixed, with much variation in size and form.

- 6.5 The dwellings on the northern side of the road are generally traditional buildings, whereas the dwellings opposite have a more modern, functional appearance. Compared with the most recent proposal on this site P12/S1038/FUL, the footprint of the dwelling now proposed would be reduced by a third. Instead, it would have a similar footprint and ridge height to a previous dwelling proposed under application P06/E0343. In connection with that application, the Council only refused planning permission as the principle of development was, at that time, unacceptable under the SOLP 2011 Policy H6. The proposed dwelling would be smaller than most of the nearby properties, however, this would result in a scale of development that would be low-key and in keeping with the width of the plot. The dwelling would be positioned only about 1 metre closer to the roadside boundary than April Cottage which is the closest dwelling to the street on that side of the road, which would not represent a significant change. The lack of depth of the site would be less apparent from public views with the dwelling serving to partially screen the position of the rear boundary. The design of the dwelling would seek to replicate the form and detailing of a traditional Chilterns cottage and would broadly comply with the SODG 2008.
- 6.6 The location of parking spaces in front of the dwelling would be undesirable, however, some of the other dwellings in the vicinity have forward parking and there would be enough remaining front garden on either side, plus the retained hedgerow to soften the impact. The dwelling would have no adverse impact on the wider landscape character of the settlement as there are existing properties immediately to the rear and to the north-western side and to the south-east there is the Sun Public House with its extensive curtilage. The Inspector who dismissed the P06/E0343 appeal agreed with the Council that the dwelling of a similar size, position and appearance to that now proposed “would not be obtrusive in the street scene where there is considerable variety in the design and age of the dwellings and would not harm the character of the Chilterns AONB.” It is recognised that the application site area is smaller than that considered under application P06/E0343 by about 25 square metres. However, the Inspector also considered “the possibility that the appeal site could be slightly smaller than shown on the submitted drawings is not fundamental to my consideration of the wider planning merits of the case.” The proposed house would respect the location of existing trees close to the rear boundary to the satisfaction of the Council’s Forestry Officer. The development of the site would also present an opportunity to provide additional landscaping. In light of this assessment, the proposed house would not be unduly prominent in the street scene and would be in keeping with the character of the surroundings and would not harm the wider Chilterns AONB landscape. In the light of the above assessment, the proposal would comply with the relevant policies and guidance.

Neighbour Impact

- 6.7 Criterion (iv) of Policy H4 of the SOLP 2011 requires that there are no overriding amenity objections. Policy D4 of the SOLP requires that all new dwellings should be designed and laid out so as to secure a reasonable degree of privacy for the occupiers. Development will not be permitted if it would unacceptably harm the amenities of neighbouring properties through loss of privacy, daylight or sunlight. Advice on privacy standards is also included in the SODG 2008. In Section 3.2.6 it advocates that a distance of 25 metres between facing habitable rooms is desirable. The proposed dwelling would be positioned about 12 metres from the south-east facing side elevation of Rose Cottage. This adjoining house has side windows in this elevation belonging to habitable rooms. It is considered that this distance and the limited ridge height of 6.1 metres, combined with the slope, which would reduce the relative height of the proposed house in relation to Rose Cottage would be sufficient to avoid significant loss of light or outlook to the occupiers of Rose Cottage. This was found to be an acceptable relationship by the P06/E343 Inspector.

- 6.8 The current proposal would differ from application P06/E0343 in that there would be three windows in the north-western side elevation of the proposed house, whereas previously none were proposed. However the first floor window and one of the ground floor windows would serve a bathroom and WC, respectively and could be obscure glazed to prevent mutual overlooking and loss of privacy. Given the elevated position of Rose Cottage relative to the site and the intervening boundary hedge, there would be no discernible loss of privacy to the adjoining occupiers from the remaining ground floor window on the west elevation. This window would serve a kitchen/diner and as the main outlook of this room would be through the patio doors on the other side of this room any loss of privacy to future occupiers from the adjacent first floor bedroom windows of Rose Cottage would be unlikely to be significant. Although it would be possible to overlook the western garden area from these adjacent bedroom windows, unlike application P12/S1038/FUL, the main garden area would be located to the east of the proposed dwelling where an area in excess of 50 square metres would be sufficiently private to comply with the recommended minimum standards for a dwelling of this size as set out in Section 3.2.8. Cherry Tree Cottage is located in a hollow, but as it would be about 33 metres away the proposal would have no significant impact on the residential amenity of these occupiers, nor would it have any adverse impact upon the living conditions of the occupiers opposite. On the basis of this assessment, the proposal would accord with the above policies and guidance.

Access and Parking

- 6.9 Criterion (iv) of Policy H4 of the SOLP 2011 also requires that there are no overriding highway objections. Although local residents consider that the proposed parking and turning area would be inadequate, the number and size of the spaces are to the satisfaction of the Highway Liaison Officer. However, a condition should be imposed to provide updated tracking drawings following the repositioning of the dwelling to demonstrate that the ability to turn within the site would remain and would prevent on-street parking from occurring. On this basis, the proposal would comply with the above criterion.

Sustainability and Waste Management Measures

- 6.10 Policy CSQ2 of the SOCS and Section 4 of the SODG 2008 require single dwellings to achieve Level 4 of the Code for Sustainable Homes. This could be achieved through the imposition of a planning condition requiring details to be provided prior to occupation. With regard to waste management, the plans indicate provision can be made on site for waste bin storage, which would allow for both boxes and wheeled bins to be presented for collection at the highway junction with the driveway as is the case for nearby dwellings. Therefore the requirements of the above policies would be satisfied.

7.0 **CONCLUSION**

- 7.1 The proposed development would be acceptable in principle, would safeguard the character and appearance the surrounding area, including the Chilterns AONB, would safeguard important trees, would not detract from the living conditions of adjoining residents or be prejudicial to highway safety and would be in accordance with Development Plan Policies, Supplementary Planning Guidance and Government Guidance.

8.0 RECOMMENDATION

8.1 Planning Permission

- 1. Commencement 3 yrs - Full Planning Permission**
- 2. Approved plans ***
- 3. Levels to be submitted (details required)**
- 4. Schedule of materials required (all)**
- 5. Obscure glazing (west facing bathroom/WC windows)**
- 6. Withdrawal of permitted development rights (north-facing windows/ extensions/porch/outbuildings)**
- 7. Code Level 4**
- 8. Updated Vehicle Tracking Plan prior to commencement and Parking & Manoeuvring Areas Retained**
- 9. No Surface Water Drainage to Highway**
- 10. Landscaping Scheme (trees and shrubs only)**
- 11. Tree Protection (General)**

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