

APPLICATION NO.	P22/S1434/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	12.4.2022
PARISH	DIDCOT
WARD MEMBER(S)	Alan Thompson Ian Snowdon
APPLICANT	Mr Stephen Murphy
SITE	Land to the rear of 5 Lydalls Close, Didcot, OX11 7LD
PROPOSAL	Erection of a new bungalow. As clarified by Agent's emails received on 9 May and 7 June 2022 regarding access.
OFFICER	Sharon Crawford

1.0 INTRODUCTION AND PROPOSAL

- 1.1 This report sets out the justification for the recommendation to grant planning permission having regard to the development plan and any other material planning considerations. This application is referred to Planning Committee because the applicant is related to Cllr Jane Murphy.

- 1.2 The site is some 0.005h in size and has a frontage onto an unmade section of Britwell Road in the centre of Didcot. Britwell Road is registered as a Restricted Byway in the records of Oxfordshire County Council. The site lies to the rear of 5 Lydalls Close, a bungalow on a prominent corner of Lydalls Close and the unmade section of Britwell Road. Until recently the site has been largely covered by barns and hardstanding associated with the repair of agricultural machinery. An evergreen hedge to some 1.8m in height marks the boundary to Britwell Road.



Aerial photograph of site date from 2015/2018

- 1.3 **The proposal.** The application seeks full planning permission for a four-bedroom bungalow with integral garage. Access is to be provided onto Britwell Road from an existing access point with parking for 2 cars at the frontage including a charging point for an electric car. A private garden area is proposed to the rear of the bungalow. The site is identified on the Ordnance Survey Extract **attached** at Appendix 1.
- 1.4 Reduced copies of the plans and documents accompanying the application are **attached** at Appendix 2. Full copies of the plans and consultation responses are available for inspection on the Council's website at www.southoxon.gov.uk
- 2.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**
- 2.1 Full responses can be found on the Council's website

Didcot Town Council – No objection.

Drainage – No objection subject to a condition for surface water drainage details.

Forestry Officer - There are trees to the South of the site that are protected by a Tree Preservation Order. No objection subject to a condition to secure the protection of adjacent trees.

OCC Highways Liaison Officer - In terms of the access, the proposal uses the existing access which is to be improved and the movements associated with a single residential dwelling are considered less than the previous use.

The parking is considered acceptable; however the internal dimensions of the garage will need to be increased to 3.0m wide by 6.0m in length to meet current dimensional standards – however there is sufficient space on site to accommodate this.

Apart from conditioning the parking area and the garage, I do not believe there is any Highway objections following on from the Countryside Access team comments.

Countryside Access - OCC's Countryside Access Team has no concerns or objections to make, only the factual observation that there are no public vehicular rights of access recorded to the application site. The applicant's agent has incorrectly described access as being via an unadopted road, when it is actually via highway maintainable at public expense to the status of Restricted Byway. Public rights of access along a Restricted Byway are limited to on foot, bicycle, horseback and horse drawn carriage. It is for the applicant to satisfy themselves that they possess the necessary private rights of vehicular access to the site, as driving along a Restricted Byway without lawful authority could constitute an offence (<https://www.legislation.gov.uk/ukpga/1988/52/section/34>).

Energy Assessor (ESE Ltd) - Complies with DES10, no objection, subject to imposition of compliance condition.

3.0 **RELEVANT PLANNING HISTORY**

- 3.1 [P66/R3544](#) - Refused (01/12/1966)
PROPOSED USE OF LAND FOR REPAIR OF AGRICULTURAL MACHINERY

4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

- 4.1 The site is not within a 'sensitive area' for the purposes of the EIA regulations 2020 and the scale and nature of the proposed development does not require an Environmental Statement.

5.0 **POLICY & GUIDANCE**

5.1 **Development Plan Policies**

South Oxfordshire Local Plan 2035 (SOLP) Policies:

- DES1 - Delivering High Quality Development
- DES10 - Carbon Reduction
- DES2 - Enhancing Local Character
- DES5 - Outdoor Amenity Space
- DES6 - Residential Amenity
- DES7 - Efficient Use of Resources
- ENV1 – Landscape and Countryside
- ENV2 - Biodiversity - Designated sites, Priority Habitats and Species
- ENV3 - Biodiversity
- EP3 - Waste collection and Recycling
- EP4 - Flood Risk
- H1 - Delivering New Homes
- INF4 - Water Resources
- STRAT1 - The Overall Strategy
- STRAT3 - Didcot Garden Town
- TRANS5 - Consideration of Development Proposals

5.2 **Neighbourhood Plan**

There is no neighbourhood plan for Didcot.

5.3 **Supplementary Planning Guidance/Documents**

South Oxfordshire Design Guide 2016 (SODG 2016)

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 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 material 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 Local Plan 2035 (SOLP)

The relevant planning considerations are:

- **Principle of development**
- **Design and character**
- **Residential amenity of neighbours**
- **Residential amenity of occupants**

- **Access and Parking**
 - Road classification
 - Access details
- **Impact on trees**
- **Drainage and flooding**
- **Carbon reduction**
- **Ecology**
- **Other material planning consideration**
- **CIL**

6.2 **Principle of development.** The site is situated within Didcot, one of the four towns within the district. Policies STRAT1 and H1 of the SOLP direct growth to these highly sustainable areas and encourage residential development on previously developed land within the existing towns (Policy H1.4). Until recently the site has been largely covered with buildings and is classified as previously developed land. Subject to meeting the requirements of the design, neighbour amenity, transport, ecology and carbon reduction policies (which are discussed below), the principle of development is considered acceptable.

6.3 **Design and character.** Policy DES1 of the SOLP seeks to ensure that all new development is of a high-quality design. One of the key requirements of the policy is to ensure development respects the local context working with and complementing the scale, height, density, grain, massing, type, and details of the surrounding area. Policy DES2 of the SOLP requires development to enhance local character, it states that new development must be designed to reflect the positive features that make up the character of the local area and should both physically and visually enhance and complement the surroundings.

6.4 The buildings that previously occupied the site were agricultural/industrial in character and single storey; they occupied some 50 per cent of the plot. The bungalow proposed is similar in form and design to the original bungalow at 5 Lydalls Road (before a recently permitted extension was constructed). There are also several examples of other bungalows in the immediate vicinity to the north-west on Lydalls Close. In terms of plot coverage and design the proposal is in keeping with the general character of the area and accords with Policies DES1 and DES2 in my view.



Extract from Google Street View from 2008 showing original buildings on the site

- 6.5 **Residential amenity of neighbours.** Policy DES6 of SOLP aims to protect the amenity of neighbouring uses from loss of privacy or day/sunlight, visual intrusion, noise, contamination or external lighting.

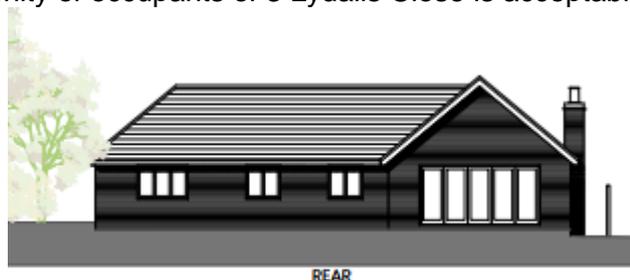
The main impact of development will be felt by the occupants of 5 Lydalls Close to the north, 3 Lydalls Close to the north-east and the elderly persons' home at Rymans Close to the south.

- 6.5i **5 Lydalls Close** – The rear of 5 Lydalls Close would look onto the side elevation of the new bungalow with a distance of some 8 metres between buildings. The boundary between is marked by a new 1.8 metre fence. One doorway and a small study window look towards 5 Lydalls Close but any potential overlooking is completely blocked by the boundary fence. Until very recently 50 per cent of the site was covered with single storey barns/industrial buildings. In terms of size and scale the impact of the proposed bungalow is not dissimilar to that of the former buildings. As such I conclude that the impact on the amenity of occupants of 5 Lydalls Close is acceptable.



Elevation to 5 Lydalls Close

- 6.5ii **3 Lydalls Close** – The proposed bungalow would back onto the spacious rear garden of 3 Lydalls Close. Windows serving three bedrooms and a set of patio doors to the living area would look out onto the rear boundary, with the rear garden being some 9.5 metres deep. Whilst the depth of the rear garden falls short of the 10-metre distance required in the SODG, I consider this impact is offset by the significant distance of some 21 metres between 3 Lydalls Close and the new dwelling. In addition, any overlooking from the rear windows would be completely blocked by the mature, evergreen hedge (over 2 metres in height) along that boundary. I conclude that the impact on the amenity of occupants of 3 Lydalls Close is acceptable.

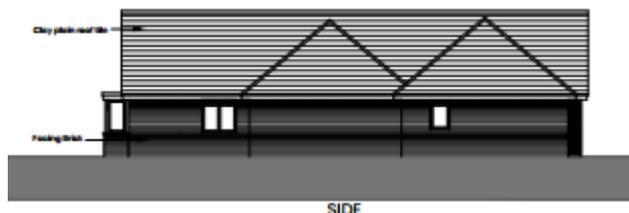


Elevation to 3 Lydalls Close

- 6.5iii **Rymans Close** – This property to the south is a three-storey building that is subdivided into 44 flats providing accommodation for the elderly. The proposed bungalow and flats would side onto each other with a gap of some 11 metres between buildings. The elevation to Rymans Close has one small obscure glazed window serving an ensuite bathroom and a recessed window to the living room. In my view any perceived overlooking from these windows is blocked by the existing boundary fence and landscaping screening. The occupants of the proposed bungalow may feel

somewhat overlooked by the side elevation windows in Rymans Close that extend across all three floors. However, any occupier of the proposed bungalow would be fully aware of this situation before buying or renting the property.

The development would not result in significant adverse impacts on the amenity of neighbouring uses in my view and would comply with policy DES6 of the SOLP.



Elevation to Rymans Close

- 6.6 **Residential amenity of occupants.** Policy DES5 of SOLP aims to ensure that all new dwellings have an adequate provision of private outdoor garden space. The garden size will be dictated by the number of bedrooms and minimum garden sizes are prescribed in the SODG. The proposed bungalow is a four bedroom property and at least 100sqm of garden area is required. In this case, some 216sqm of garden is provided at the rear of the dwelling which exceeds the requirement and is acceptable.

It should be noted that the site has not been part of the residential curtilage for 5 Lydalls Close as it has been used for commercial purposes for the repair of agricultural/industrial machinery. In any event 5 Lydalls Close would retain a garden space of some 210sqm also exceeding the requirement. The proposal accords with Policy DES5 of SOLP.

- 6.7 **Access and Parking.** With respect to highway safety matters the advice from Central Government set out in the National Planning Policy Framework (NPPF) makes it clear that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.

The term severe is locally interpreted as situations, which have a high impact, likely to result in loss of life, or a higher possibility of occurrence with a lower impact.

Policy TRANS5 of the SOLP requires development to provide safe and convenient access for all users to the highway. It states that new accesses should be constructed to adoptable standards and be completed as soon as they are required to serve the development.

Policy TRANS2 of SOLP also promotes sustainable forms of transport and accessibility by ensuring that new development is close to or along existing public transport corridors. New development should also be designed to encourage walking and cycling.

- 6.7i **Road classification.** The site exits onto part of Britwell Road that is partly unmade and is classified as a Restricted Byway. The OCC Countryside Access Team have confirmed that public rights of access along a Restricted Byway are limited to on foot, bicycle, horseback and horse drawn carriage. It is for the applicant to satisfy themselves that they possess the necessary private rights of vehicular access to the site, as driving along a Restricted Byway without lawful authority could constitute an offence.

The agent has clarified that the site was previously occupied by agricultural/commercial buildings and had a dedicated access which the new owner has retained. It is their view that the rights to this access passed from the previous to the current owner and therefore they do not consider this to be an issue. The access rights themselves are a civil matter which will need to be resolved between the applicant and the Highways Authority and do not preclude the grant of planning permission. Given the previous use of the site I am satisfied that an access to this site has been in existence for a considerable number of years.

6.7ii **Access details.** The proposed bungalow would use the existing access point that served the former commercial use of the site. The Design and Access Statement and block plan indicate improvements to the vision splays at the access point and provides for two external parking spaces to the front of the dwelling. Whilst an integral garage is included the dimensions fall short of a full internal parking space and so this space cannot be included in the parking provision. However, two parking spaces are provided on the frontage and it is recognised that this is a highly sustainable location within easy walking distance of public transport, shops, schools and other facilities. In the planning balance, the provision of two spaces is considered acceptable in this case.

6.8 **Impact on Trees.** In addition to assessing landscape impact, Policy ENV1 of the SOLP aims to protect trees where they contribute to the nature and quality of the landscape.

There are trees to the South of the site in the grounds of Ryman Court that are protected by a Tree Preservation Order.

The application includes an Arboricultural Report which concludes that the proposal will not adversely impact on the adjacent protected trees. It recommends that an arboricultural method statement is produced to protect the trees.

The Forestry Officer has no objection to the proposed development subject to a condition to ensure the satisfactory protection of adjacent retained trees during demolition and construction works. With the addition of the condition, the proposal accords with Policy ENV1 of the SOLP.

6.9 **Drainage and flooding.** Policy INF4 of SOLP aims to ensure that development proposals demonstrate that there is or will be adequate water supply, surface water, foul drainage and sewerage treatment capacity to serve the whole development. Policy EP4 of SOLP aims to minimise flood risk directing new development to areas of the lowest probability of flooding and also aims to achieve sustainable drainage systems.

The site lies in flood zone 1 which has the lowest probability of flooding but Britwell Road and Lydalls Close are susceptible to surface water flooding.

With regard to water resources, foul drainage is proposed via the main sewer with surface water being dealt with via a soakaway. The Drainage Engineer has no objection to the proposed dwelling subject to a condition to require more details of the surface water drainage arrangements. With the addition of the condition, the proposal accords with Policies INF4 and EP4 of the SOLP.

6.10 **Carbon reduction.** Policy DES8 of SOLP seeks to ensure that all new development limits greenhouse emissions. Policy DES10 of the SOLP seeks to reduce carbon emissions and requires all new build residential dwellings to incorporate renewable

energy and other low carbon technologies and / or energy efficiency measures. To comply with the policy an energy statement would usually need to be submitted in support of the planning application. Energy statements are required to show SAP calculations to demonstrate the dwelling can achieve a 40% uplift above 2013 Building Regulations baseline requirements.

6.11 The council's Energy Consultant has assessed the submitted Energy Statement and has confirmed that the scheme complies with Policy DES10 of the SOLP subject to a condition to require a verification report. Conditions to secure a verification report and an Electricity Vehicle Charging Point have been included. As such the proposal would comply with Policies DES8 and DES10.

6.12 **Ecology.** Policy ENV3 of SOLP 2035 aims to achieve a net gain of biodiversity as a result of development proposals. As a minimum there should be no net loss of biodiversity.

The site is previously developed land in the centre of Didcot and was largely covered with buildings until recently; opportunities to improve ecology are relatively limited. However, a condition is attached to retain the majority of the existing hedges onto Britwell Road (some hedge will be lost to secure improvements to the access) and the boundary to Lydalls Close and these hedges will continue to offer opportunities for birds to nest. In addition, a condition is attached to secure the provision of a bird box and the establishment of a rear garden will, on balance, provide a limited gain in biodiversity in accordance with Policy ENV3.

6.13 **Community Infrastructure Levy (CIL)** The development is CIL liable for the sum of £36,314.76. A CIL informative has been added to the recommendation.

6.14 **Pre-commencement conditions.** The pre-commencement conditions have been agreed with the applicant

7.0 CONCLUSION

7.1 The application has been assessed against relevant policies in the development plan, the NPPF, NPPG, adopted SPD and all other material planning considerations.

7.2 In my view planning permission should be granted because Didcot is a highly sustainable location and identified as a growth point. The provision of a new dwelling on this plot will not unduly harm the character and appearance of the area, or neighbouring amenity given that the site was previously developed land. The plot can accommodate the dwelling proposed, providing adequate standards of private amenity area and parking spaces. There are no technical concerns with this application, subject to the recommended conditions. The proposal accords with the Development Plan Policies and the NPPF.

8.0 RECOMMENDATION

8.1 **To grant Planning Permission subject to the following conditions.**

1 : Commencement three years - Full Planning Permission

2 : Approved plans

Pre-commencement conditions

3: Surface Water Drainage

4: Tree Protection

Compliance conditions

- 5: Energy statement verification**
- 6: Electric Vehicle Charging Point**
- 7: Provide bird box.**
- 8: Retain hedges (biodiversity)**

Author: Sharon Crawford

Contact No: 01235 422600

Email: planning@southoxon.gov.uk

This page is intentionally left blank