

<b>APPLICATION NO.</b>	<a href="#">P22/S1116/FUL</a>
<b>APPLICATION TYPE</b>	FULL APPLICATION
<b>REGISTERED</b>	21.3.2022
<b>PARISH</b>	WHEATLEY
<b>WARD MEMBER(S)</b>	Alexandrine Kantor
<b>APPLICANT</b>	Mrs Marcella Irving
<b>SITE</b>	21 Kellys Road Wheatley, OX33 1NT
<b>PROPOSAL</b>	Demolition of existing detached garage. Erection of new contemporary two storey two bed dwelling. Provision of private amenity space with off street parking utilising existing highway access to Kellys Road. Provision of enclosed bin and bike stores. (As amended by drawing no 21-021-P-001-C and revised Design and Access Statement accompanying Agent's email dated 19 July 2022).
<b>OFFICER</b>	Sharon Crawford

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**1.0 INTRODUCTION**

- 1.1 This report sets out the justification for the recommendation to grant planning permission having regard to the development plan and other material planning considerations. The application is referred to the planning committee because the recommendation to approve planning permission conflicts with the views of the Parish Council.
- 1.2 The application site comprises part of the garden area for 21 Kellys Road and would involve the demolition of a single storey, detached garage that serves no 21 Kellys Road and sits to the west of the dwelling. In addition to the garage to be lost, 21 Kellys Road benefits from a single storey detached garage to the east of the dwelling with parking to its frontage. The site is identified on the map extract **attached** at Appendix 1.

The site sits between 21 Kellys Road and the Thames Water Pumping station that sits in front of 23 Kellys Road. Kellys Road is built on a hill and levels change between neighbouring houses and across garden areas. The character of this part of Kellys Road is very varied in terms of size and design of dwellings but most are detached.

- 1.3 **THE PROPOSAL.** The application seeks full planning permission for a new two-bedroom dwelling in a contemporary design with a flat, sedum planted roof, with extensive areas of glazing on the front and rear elevations. The first floor slightly oversails the ground floor.  
One parking space for a car is provided on the frontage of the new dwelling and at least two car parking spaces for 21 Kellys Road are retained on its frontage. Secure parking for cycles for three bicycles is provided for the new dwelling and 21 Kellys Road in their respective rear gardens. Screened bin storage for the new dwelling is provided to the front adjacent to the pavement.

## South Oxfordshire District Council – Committee Report – 10 August 2022

An enclosed balcony area is proposed at first floor at the rear. Reduced copies of the plans accompanying the application are **attached** at Appendix 2.

### 2.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

#### 2.1 Wheatley Parish Council – Objection

Having regard to the dwelling's position and the restricted size of the site, the proposal fails to respect the domestic proportions of residential buildings in this area and appears cramped and incongruous in the street scene. As such it fails to reinforce local distinctiveness and the new dwelling would neither preserve nor enhance the character and appearance of the area. The benefits associated with the provision of a small unit of residential accommodation would not outweigh the identified harm to local distinctiveness and the character of the area.

Traffic generation, parking & highway safety- One parking space is not sufficient for a two-bed property. Already excessive parking on the narrow highway and therefore surrounding roads will be impacted. Also, the impact & inconvenience for neighbours.

Contaminated Land- Also to note it is on a former pig farmland.

Note: Design & Access statement shows the property outline including Parish Council land.

#### Maintain objection on the amended plans

2.2 **Drainage** No objection subject to a condition requiring details of Surface Water Drainage prior to commencement.

2.3 **OCC Highways** **Original plans.** Objection. The proposal seeks the demolition of the existing garage and the erection of a two-bedroom residential dwelling with provision of a single parking space. The site uses an existing access which served no.21 Kellys Road; therefore, this reduces the available parking allocation for the existing dwelling.

Visibility splays have been demonstrated for consideration; however, this passes through land outside of the curtilage of this proposed dwelling. In addition, these splays are considered substandard which can only increase the risk to Highway Safety and to other users of the Highway within the vicinity.

Given the reasons set out above the Highway Authority recommends Refusal to the proposal on the basis of Highway Safety.

**Amended plans** – The amended plans have addressed the highway concerns – no objection subject to conditions for access and parking.

2.4 **Contaminated Land** Following review of the contaminated land questionnaire I note that no potential sources of land contamination that could impact the development were reported. This causes concern for the information submitted and its reliability as part of the application site was formerly Littleworth Railway Cutting landfill. To address this, I would ask that the applicant submits a contaminated land preliminary risk assessment consultant's

## South Oxfordshire District Council – Committee Report – 10 August 2022

report in support of the application. Alternatively, should the applicant prefer, a contaminated land condition could be imposed on any planning consent to ensure any risk from land contamination is addressed.

- 2.5 **Energy Assessor** This complies with DES 10. No objection, subject to imposition of compliance condition.
- 2.6 **Thames Water** Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.
- 2.7 **Neighbour concerns (1)** The close proximity of a Thames Water asset namely the pumping station serving 20-31 Kelly s road plus the existence of storm drainage running south between the garage to be demolished and said pumping station towards the old railway line. The parking provision and turning space for a 2-bed property seems insufficient and should take into consideration the fact that Kelly s road narrows at this point. Consideration should therefore be given to inclusion of a condition in any consent precluding future on road parking of both visitors and residents. This is something being written into the deeds of No 20 opposite to prevent the same indeed we have placed a physical barrier to stop the use of the entrance to No 20 from Kellys road at this point for this very reason.
- 2.8 **Neighbour support (2)** I am happy to support this application for a well-planned, discreet, development which will add to the diversity of housing available in Kellys Road. The only concern is whether there is sufficient parking in what is a narrow road. The risk of road or pavement parking would be an obstacle for bin lorries and emergency vehicles.
- I live in the property adjacent to the proposed new build. In principle I am happy to support this application. My main query is that there is a substantial boundary wall between 23 and 21 supporting my garden and also the side of the sewerage pumping station. The plans appear to show that the new construction will be very close to this wall. If there is not a sufficient gap it will be impossible in the future to maintain or repair this wall (approximately 1.5m high) as necessary.
- 2.9 **Comments on amended plans (2)** The parking definitely needs more thought the proposal in this amendment feels a little contrived and it is unclear how it works when one or other property is sold. The other factor to consider is parking for No21 which is reduced in this proposal. The road also narrows at this point with any on road parking affecting access for emergency vehicles and bin lorries.

Inevitably cars would end up on the pavement for extended periods and as a norm.

I am concerned at the limited off-road parking even with the proposed provision of an extra space at 21. Only 3 spaces for 2 properties does not seem sufficient.

As others have commented, Kellys Road is very narrow, so any on-street parking is problematic. We already find that the 2 turning bays are being used for parking causing difficulties for delivery vehicles.

I would dispute the claim made by Demarcation that "the site lies in a sustainable location such that a wide-range of day-to-day facilities are accessible by non-car modes of transport".

I have lived here for 27 years and would say that the majority of journeys made by the current residents are by car.

### **3.0 RELEVANT PLANNING HISTORY**

3.1 Nothing of relevance.

### **4.0 ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 The site is not in a sensitive location and an EIA is not required for this relatively small scale of development.

### **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

ENV3 - Biodiversity

ENV4 - Watercourses

EP4 - Flood Risk

H1 - Delivering New Homes

INF4 - Water Resources

TRANS5 - Consideration of Development Proposals

STRAT1 - The Overall Strategy

#### **5.2 Neighbourhood Plan**

Wheatley Neighbourhood Plan was made on 20 May 2021. The relevant Policies are:

H1 - Design and Character Principles

H2 – Landscape Character

H4 - In-fill and Self-build Dwellings

P1 - Parking Provision

EN1 – Biodiversity

5.3 **Supplementary Planning Guidance/Documents**

South Oxfordshire and Vale of White Horse Joint Design Guide 2022 (SVJDG)

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.

Where development conflicts with the Development Plan planning permission should be refused unless material considerations indicate otherwise.

Where the development plan has no relevant policies on a particular matter then planning permission should be granted unless the National Planning Policy Framework (NPPF) includes policies that protect an area or asset of particular importance which provide a clear reason for refusing the development (Paragraph 11.d i).

In the case of this application, the most relevant parts of the Development Plan are the South Oxfordshire Local Plan 2035 (SOLP) and the Wheatley Neighbourhood Plan 2021 (WNP).

**The relevant planning considerations are the following:**

- **Principle of development**
- **Impact on the character and appearance of area**
- **Design and character**
- **Residential amenity of neighbours**
- **Residential amenity of occupants**
- **Access and parking**
- **Drainage and flooding**
- **Ecology**
- **Carbon reduction**
- **Other material planning considerations**

6.2 **Principle of development.** The spatial strategy in Policy STRAT1 of the SOLP establishes a settlement hierarchy where the amount and location of

new housing is related to the availability of facilities and services in order to achieve a sustainable pattern of development. Policy H1 of the SOLP also deals with the delivery of new homes, allowing new housing on allocated sites (including Neighbourhood Plan (NP) allocations). Where there is no NP the residential development in the larger villages will be assessed under policy H4 of the SOLP. In this case Wheatley have a made NP in place and the SOLP policy H1 is relevant, allowing for new residential development where;

- iii) **it is development within the existing built-up areas of Towns and Larger Villages as defined in the settlement hierarchy (shown in Appendix 7); provided an important open space of public, environmental, historical or ecological value is not lost, nor an important public view harmed; or**

In addition, Policy H4 of the WNP allows for Infill development within the settlement where it reflects the scale and character of the village

- 6.2i Assessing the site against the SOLP H1 and WNP H4 criteria,
- The site is within the built-up limits of the village
  - it is not an important open space, has no special ecological or historic interest and does not form part of an important view
  - scale, design and character will be assessed in the following paragraphs.

I believe that the principle of housing on the site is acceptable in accordance with the SOLP H1 and WNP H4 policies.

- 6.4 **Design and character.** Policy DES1 of the SOLP seeks to ensure that all new development is of a high-quality design. Policy DES2 states that all 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. Policy H1 of the WNP echoes these policies requiring development to comply with many of the principles of the SODG (now the SVJDG).

- 6.4i The Parish Council have objected to the proposal on the grounds that the proposal appears cramped and incongruous in the street scene. The plot is narrow and there is limited space to the side boundaries of the proposed building to provide a landscape setting for the new dwelling. However, this close relationship is somewhat ameliorated by the change of levels and building lines between the new dwelling and 23 Kellys Road. It is also helped by the space provided by the Thames Water pumping station on the road frontage which provides a gap between the dwellings. The boundary to 23 Kellys Road is also skewed and all these factors help to provide a more spacious feeling to the west. On balance the new dwelling will not appear unduly cramped due to the more spacious setting to the other side with 23 Kellys Road and the Thames Water pumping station. In my view, the impact on the character of the area of the close relationship with 21 is not so harmful to warrant a refusal of planning permission.

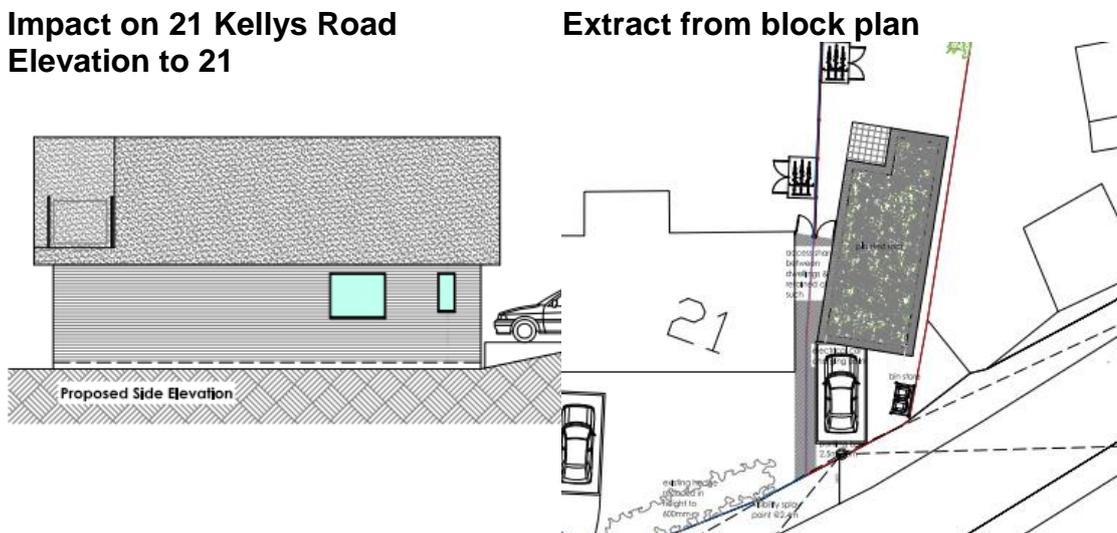
6.4ii The Parish Council also object on the grounds that the proposal fails to respect the domestic proportions of the residential dwellings in the area and does not reinforce local distinctiveness. The design put forward is contemporary and is relatively small as a two-bedroom unit. There is a contemporary new dwelling at 20a to the west in very close proximity to the site and the surrounding character along Kellys Road is diverse. I consider that the proposed dwelling will add to the existing diversity and would accord with the Development Plan design policies. In addition the provision of a smaller dwelling would add to the range of housing stock in the area.

6.4iii **Images of 20a Kellys Road to the west**



6.5 **Residential amenity of neighbours.** Policy DES6 of the 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 the development will be felt by 23 to the west and 21 (the applicant) to the east. There will be some limited impact but on the property opposite 20 Kellys Road.

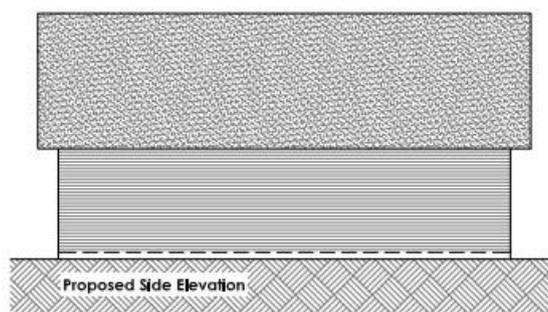
6.5.i **Impact on 21 Kellys Road Elevation to 21**



6.5.ii The proposed new dwelling projects some 5.5 m to the rear of 21 Kellys Road and would be some 5.3 m in height. The orientation of the site with the new dwelling being due west of 21 Kellys Road means that some late afternoon/evening sun would be blocked to 21 Kellys Road, but full sun would be available in the mornings and for a good portion of the afternoon. I consider this relationship acceptable and not dissimilar to other relationships in Kellys Road. There are no first-floor windows proposed on the side elevation to 21 Kellys Road. However, a balcony on the side facing 21 Kellys Road is proposed which has the potential to overlook the garden of 21 Kellys Road. To prevent overlooking, I have suggested a condition to ensure that a privacy screen to a height of 1.8 metres is provided along the side boundary of the balcony to 21 Kellys Road. I am satisfied that there will be no overlooking associated with the balcony with the addition of this condition. I have also suggested a condition to remove permitted development rights for extensions so that the council retain control of any later proposal for an extension as this could have an unneighbourly impact. Overall, I consider the impact on 21 Kellys Road to be acceptable.

6.5.iii **Impact on 23 Kellys Road**

**Elevation to 23**



**Photograph of side elevation of 23 Kellys Road**



6.5.iv There is change of levels between the proposed new dwelling and 23 Kellys Road, with 23 Kellys Road being some 1m higher than the proposed dwelling. There is also a Thames Valley pumping station at the front of the site which has meant that 23 Kellys Road is also located further back into the site with a double garage located on the boundary to the pumping station at the front of the site. The side-to-side distance between the new dwelling and 23 Kellys Road will be some 10 metres and the impact is reduced to some degree by the garage, pumping station and the change in levels.

Given the distance, change in levels and lack of windows on the side elevations of either dwelling, I conclude that the development will not result in any overlooking nor be oppressive. In my view the proposal accords with policy DES6 of the SOLP.

6.6 **Residential amenity of occupants.** Policy DES5 of the SOLP aims to ensure that all new dwellings have an adequate provision of private outdoor garden space. The garden size is dictated by the number of bedrooms and minimum garden sizes are prescribed in the SVJDG. For 2-bedroom dwellings the private amenity area should be at least 50 sqm in size. The proposed plot is large and provides for some 381 sqm of garden area and easily exceeds the minimum standard. In addition, the retained garden for 21 Kelly's Road also exceeds the minimum standard of 100sqm by providing some 598 sqm of garden area. The proposal accords with Policy DES5 of the 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 requires that all development provides safe and convenient access and parking.

Policy P1 of the WNP requires new development to provide adequate parking in line with standards.

Policy TRANS2 of the 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 The Oxfordshire County Council Parking Standards 2012 require that a maximum of 2 spaces per 2-bedroom units and above are provided.

However, the OCC standards at para 2.2 do make it clear that:

- 2.2. Some deviation from the parking standards may be acceptable for small-scale developments involving domestic extensions, subdivision of a dwelling house into self-contained flats, and infill development where no new access road is created. Discussion with the planning authority should take place at an early stage to establish if a variation will be permitted.

There is some flexibility built into the standards to control parking levels according to need without creating over provision nor creating indiscriminate parking. This means that in some circumstances a provision fewer than two parking spaces may be acceptable. In this case it is pertinent that Wheatley is a highly sustainable location with good access to public transport and other amenities which are all within easy walking distance. In such cases, it is reasonable to allow some flexibility in the amount of parking provided.

- 6.7ii The application provides one onsite parking space for the new dwelling and two on drive spaces and a garage space for 21 Kellys Road. Given the sustainable location and the characteristics of the highway, this level of parking is considered acceptable in my view.

Amended plans have been provided which have addressed the Highway Officer's concerns in relation to the visibility splay and there is now no technical objection to the proposal on highways grounds.

A condition is included to ensure that parking spaces and the vision splays are provided in accordance with the submitted plans. The proposal takes in to account the sustainable location and provides adequate parking standards for the locality in accordance with the Development plan policies.

- 6.8 **Drainage** Policy INF4 of the 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 the 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.

- 6.8i The site lies in flood zone 1 which has the lowest probability of flooding and the proposal is acceptable in these terms.

With regard to water resources, the new dwelling will connect into the existing foul water system. The Council's Drainage Engineer has agreed that a foul water drainage condition is not required.

In respect of surface water drainage, the Drainage Engineer has requested a condition for additional details to be submitted and agreed which I consider to be reasonable and necessary.

- 6.8ii Thames Water were consulted in response to concerns from the parish and neighbours about the capacity of the sewage system. Thames Water have advised that with regard to the wastewater network and sewage treatment works infrastructure capacity, they would not have any objection to the proposal, based on the information provided.

The proposal complies with the drainage policies of the Development Plan in my view.

- 6.9 **Ecology**. Policy ENV3 of SOLP 2035 aims to ensure that there is a net gain of biodiversity as a result of development proposals. As a minimum there should be no net loss of biodiversity.

The site currently comprises residential garden area with a single, flat roofed garage at the front of the site. No trees or hedges are to be removed as a result of the development.

- 6.9i The Design and Access statement details that the scheme proposes the use of a flat 'planted' roof. This planted deck will consist of a wildflower / sedum

mix, which provide an important habitat for foraging bees and other small-scale wildlife such as moths, butterflies and grasshoppers. In addition to the above, new hedging is proposed to form the new boundary between the new dwelling and 21 Kellys Road. New trees are also proposed in the rear garden. The new hedge will be made up of native bird friendly species, e.g., Hawthorn, Blackthorn, Wild Cherry, Bird Cherry, Wild Privet and Spindle. The mix outlined is intended to encourage a wide range of species to enjoy the structural diversity provided by hedges. With the provision of the sedum roof and provision of new hedging and planting, there is a net gain in biodiversity on the site as a result of the proposal. A landscaping condition is recommended to ensure that the biodiversity enhancements are provided. As such the development accords with Policy ENV3 of the SOLP.

- 6.10 **Carbon reduction.** Policy DES10 of the SOLP requires energy statements for new dwellings to demonstrate how the design would address a reduction of 40% in carbon emissions compared to the building regulations 2013.

An energy statement and SAP calculations have been submitted with the application. The Energy Assessor has confirmed that the energy statement and supporting SAP Report demonstrates that the design specification offset of carbon emissions associated with energy use improve for the proposed dwelling by 45.05% per annum against Part L1A compliant base cases. The need to comply with the energy statement and calculations has been added as a condition. As such the development accords with SOLP Policy DES10.

- 6.11 **Community Infrastructure Levy**  
The development is liable for **£10,322.18** of CIL money 25% of which will go to Wheatley Parish Council because there is made Neighbourhood Plan.

- 6.12 **Pre-commencement conditions.**  
In accordance with the Town & Country Planning (Pre-commencement Conditions) Regulations, 2018, all pre-commencement conditions have been agreed with the applicant.

## 7.0 **CONCLUSION**

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

- 7.1 Planning permission is granted because Wheatley is a sustainable location where the infill development and allocations are permitted in principle.

The design of the new dwelling is contemporary but is not at odds with the diverse character of dwellings along Kellys Road or the character of the area. The site would provide an acceptable amount of private amenity space and does not result in a materially harmful unneighbourly impact to adjacent properties. Conditions are proposed relating to highway matters, drainage, landscaping and neighbour amenity.

The development accords with the relevant development plan policies in the Development Plan Policies.

**8.0 RECOMMENDATION**

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

**8.2 Standard**

- 1. Commencement of development within 3 years**
- 2. Development in accordance with approved plans**

**Pre-commencement**

- 3. Details of levels to be submitted**
- 4. Details of materials to be submitted**
- 5. Details of surface water drainage to be submitted**
- 6. Contaminated Land - Linked Conditions (1)**

**Pre-occupation**

- 7. Contaminated Land - Linked Conditions (2)**
- 8. Energy Statement Verification**
- 9. New vehicular access**
- 10. Parking & Manoeuvring Areas to be provided**
- 11. Cycle parking in accordance with plan**
- 12. Landscaping implantation**
- 13. Electric Vehicles Charging Point (implementation)**
- 14. Prevention of overlooking from the balcony**

**Compliance**

- 15. Withdrawal of P.D. (Part 1 Class A) - no extensions**
- 16. No Surface Water Drainage to Highway**
- 17. Unsuspected contamination**

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