

<b>APPLICATION NO.</b>	<a href="#">P21/S4979/FUL</a>
<b>APPLICATION TYPE</b>	FULL APPLICATION
<b>REGISTERED</b>	13.1.2022
<b>PARISH</b>	KIDMORE END
<b>WARD MEMBER</b>	Peter Dragonetti
<b>APPLICANT</b>	Tom Winter
<b>SITE</b>	Kano Wood Lane Kidmore End, RG4 9BE
<b>PROPOSAL</b>	Erection of a two-storey dwelling. (Amended plans received 29 April 2022 showing design changes to the proposed new dwelling, reduction of height to 6.5 metres (approx.), position of dwelling moved within the plot to accord with outline approval layout and the removal of the detached garage). (Amended Design and Access Statement received 9 May 2022). (Additional drainage information provided 23 May 2022 and amended conditions plan removing all root barriers received 27 May 2022 and as amended by information received 06 July 2022).
<b>OFFICER</b>	Davina Sarac

**1.0 INTRODUCTION AND PROPOSAL**

- 1.1 This application is referred to the Planning Committee as the application has been called in by a district councillor on the grounds that the proposal would have an adverse impact on the character of the area, and also an adverse impact on the Chilterns Area of Outstanding Natural Beauty. The officer’s recommendation is for approval as set below in this report
  
- 1.2 The application site, known as Kano (shown on the plan **attached** as Appendix A) is occupied by a detached dwelling located within the built up limits of the village of Kidmore End. The dwelling is one and half storey with the first floor being within the roof space. It is constructed of red bricks with a red clay tile. The property has been previously extended with dormer windows to the front and rear roof slope and rear and side extensions. The dwelling has a generous rear garden with ample parking at the front. The site lies within the Chilterns Area of Outstanding Natural Beauty.
  
- 1.3 This application seeks planning permission to subdivide the plot and to erect a single, detached four bedroom dwelling within what is currently garden area of Kano. This application follows the approved outline permission granted in July 2021 under reference number P21/S0956/O. Amended plans were submitted during the application which resulted in a redesign of the dwelling (lowering the height), the position of the dwelling was moved to a similar position as the outline permission, and the proposed detached garage was removed. A copy of the proposed plans are **attached** as Appendix B and other documentation associated with the application can be viewed on the council’s website, [www.southoxon.gov.uk](http://www.southoxon.gov.uk)

**2.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

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|---|--|
| Comments on original plans  | Comments on amended plans  |
| <b>2.1 Kidmore End Parish Council –</b><br>Objects on the grounds that the size and bulk on this backland site would be | <b>Kidmore End Parish Council –</b><br>The amended plans do not address the comments submitted previously. |

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| <p>unneighbourly to the nearby properties in terms of overlooking and less privacy.</p>  | <p>Accordingly, the Council's objection to the application stands.</p>   |
| <p>2.2 <b>Countryside Officer (South and Vale) -</b><br/>The proposed new dwelling is unlikely to impact on any potential protected species habitats since it is within a residential garden. However, some trees and a hedge will need to be removed, therefore it is recommended that an informative is attached to any permission regarding that nesting birds are protected from disturbance under the Wildlife &amp; Countryside Act 1981 (as amended).</p> | <p><b>Countryside Officer (South and Vale) -</b><br/>comments remain as previously for this application</p>  |
| <p>2.3 <b>Drainage - (South &amp; Vale) –</b> No objections to planning permission being granted subject to the imposition of the pre commencement drainage conditions and informative being imposed regarding surface water drainage and foul water drainage.</p>   | <p><b>Drainage - (South &amp; Vale) –</b><br/>The submitted drainage details are unacceptable and therefore the additional information needed should be provided by way of planning condition.</p>   |
| <p>2.4 <b>Forestry Officer (South and Vale) –</b> No objections to the proposed development. However, at least one more tree is needed at the very front of the site. This is needed to mitigate the loss of the tree next to the highway, removed to allow for additional parking to be provided for the existing dwelling. Mitigation planting is a requirement of SOLP policy ENV1- section 8.10.</p>   | <p><b>Forestry Officer (South and Vale) –</b><br/>The conditions plan now shows an acceptable landscaping scheme and tree protection measures. However, it doesn't state when the tree protection measures will be erected, therefore a general tree protection condition is required.</p> |
| <p>2.5 <b>Highways Liaison Officer (Oxfordshire County Council) –</b> No objections on highway grounds provided the recommended conditions are imposed upon any planning permission that may be granted.</p>   | <p><b>Highways Liaison Officer (Oxfordshire County Council) –</b> No comments.</p>   |
| <p>2.6 <b>SGN Plant Protection Team –</b> Standard advice received to add informatives to any permission should it be granted.</p>   | <p><b>SGN Plant Protection Team –</b> No comments.</p>   |
| <p>2.7 <b>Energy Assessor (ESE Ltd) –</b> Complies with DES10, no objection, subject to imposition of compliance condition.</p>  | <p><b>Energy Assessor (ESE Ltd) –</b> The amendments do not change the previous comments on the scheme, it still complies with DES10.</p>  |
| <p>2.8 <b>Neighbour representations –</b> 10 letters of objection received in total and 1 in support, which are summarised below:</p> <ul style="list-style-type: none"> <li>• Loss of amenity to the surrounding neighbours, loss of privacy.</li> </ul>  | <p><b>Neighbour representations –</b> 9 Comments received in relation to the amended plans.</p> <ul style="list-style-type: none"> <li>• All previous comments are still relevant, and want to reiterate their</li> </ul>  |

- Out of keeping with the character of the village which is within an AONB.
  - Kidmore End NDP does not support "backland developments" and if planning permission were granted, this could set a precedent in the village which would totally go against the NDP.
  - This development is contrary to South Oxon 2035 Local Plan provisions for Infill in smaller villages.
  - The height and scale of the new dwelling would be visible from our garden and would have a huge impact on our visual amenity and enjoyment of the area.
  - Concerns about the disturbance from the lighting and the noise that would be present if the house were to be built, not just to us and the other residents, but to the wildlife in this area.
  - Concerns about the impact upon highway safety as this is a narrow road close to a bend and more traffic would be dangerous to pedestrians.
  - Object to agent letter in support of granting planning permission. Ironically the agent says that there is no such thing as precedent in planning, yet the main thrust of their response rests entirely on a historical application.
- previous objections, particularly since the footprint of the dwelling has increased.
  - Does not constitute in any way "Infill" nor being "closely surrounded". There is nothing surrounding the location. Furthermore, to the North East there are open fields and to the North there is ancient woodland.
  - Principle not acceptable.
  - Harmful to the character of village.
  - Loss of privacy, visual amenity, and outlook to neighbours.
  - Loss of daylight and sunlight to Myrtle Cottage
  - Over-development
  - Light pollution from the internal and external lights of the proposed dwelling
  - Increased noise pollution especially as the drive is right up against the boundary to Myrtle Cottage.
  - Proposed access arrangements do not appear to comply with Building Regulations 85 -Section "Provision and Design of Access Routes".
  - Significant weight should now be attached to the KENDP as well as the adopted Local Plan.

### 3.0 RELEVANT PLANNING HISTORY

#### 3.1 [P21/S0956/O](#) - Approved (02/07/2021)

Outline planning application for erection of a 1.5 storey dwelling, incorporating access, layout and landscaping and all other matters reserved. (Amended Design and Access Statement received 31 March 2021 with removed image 26 from page 33 which showed back land development in the area). (Additional Information received 13 April 2021 - Consolidation Report and on 14 April 2021 a letter from Highway Planning Ltd). (Amended plans received 27 May 2021, showing revisions to access and landscaping). (Amended plans received 9 June 2021 showing revisions to access and landscaping).

#### [P19/S1225/PEM](#) - Advice provided (31/05/2019)

Proposed new dwelling in rear garden with separate driveway access and detached garage.

#### [P15/S2666/HH](#) - Approved (29/09/2015)

Erection of two storey side extension, removal of existing dormer window and erection of three dormer windows to front elevation.

[P13/S2880/HH](#) - Approved (08/11/2013)

Erection of a two storey rear extension.

[P95/S0443](#) - Approved (11/09/1995)

Two storey side extension, new dormer window in front elevation and new chimney.

New conservatory to rear.

#### 4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 Not applicable for a development of this size and scale.

#### 5.0 **POLICY & GUIDANCE**

##### 5.1 **Development Plan Policies**

South Oxfordshire Local Plan 2035 (SOLP) Policies:

DES1 - Delivering High Quality Development

DES2 - Enhancing Local Character

DES3 - Design and Access Statements

DES5 - Outdoor Amenity Space

DES6 - Residential Amenity

DES10 - Carbon Reduction

ENV1 - Landscape and Countryside

ENV2 - Biodiversity - Designated sites, Priority Habitats and Species

ENV3 - Biodiversity

ENV12 - Pollution - Impact of Development on Human Health, the Natural Environment and/or Local Amenity (Potential Sources of Pollution)

H1 - Delivering New Homes

H8 - Housing in the Smaller Villages

H16 - Backland and Infill Development and Redevelopment

INF4 - Water Resources

STRAT1 - The Overall Strategy

TRANS5 - Consideration of Development Proposals

##### 5.2 **Kidmore End Neighbourhood Plan (KENDP)**

On 28 July 2022 residents voted for the adoption of the Kidmore End Parish Neighbourhood Plan.

Section 3 of the Neighbourhood Planning Act 2017 (as amended) gives neighbourhood plans full legal effect once they have passed their local referendum. The neighbourhood plan will be presented to South Oxfordshire District Council in September where the decision will be taken on whether the plan should be made and continue to be part of the development plan. At this stage, any relevant policies in the neighbourhood plan carry full weight in decision making.

LCI – Infill Policy

LCQL – Quiet Lanes Policy

LCDPG – General Design Principles Policy

LPLV – Local Valued Landscape Policy

LTSRU – Safety for all Road Users Policy

LTSAP – Safe Access & Parking Policy

##### 5.3 **Supplementary Planning Guidance/Documents**

South Oxfordshire and Vale of White Horse Joint Design Guide 2022

##### 5.4 **National Planning Policy Framework and Planning Practice Guidance Countryside and Rights of Way Act 2000**

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 relevant planning considerations are the following:**

- The principle of the development in terms of housing policy.
- Impact on the character and appearance of the area.
- Neighbour impact.
- Impact on trees and landscaping.
- Highway impact.
- Amenity space.
- Sustainability.
- Biodiversity
- Drainage
- Fire safety
- Community Infrastructure Levy

**The principle of the development**

- 6.2 Local Plan Policy STRAT1 provides the overall strategy for the district. Of relevance to this application, the policy supports smaller villages such as Kidmore End by allowing for limited amounts of housing and employment to help secure the provision and retention of services.
- 6.3 Local Plan Policy H1 stems from the overall strategy and relates to proposals for residential development on land that is not specifically allocated for development in the plan. Part 3 (iv) of the policy states that within the smaller and other villages, residential development will be permitted only where it is infilling or on brownfield sites.
- 6.4 Policy H16 of the SOLP seeks to restrict development within smaller villages to infill and the redevelopment of previously developed land. In this case, the site forms part of the residential garden of Kano and would be a backland development. Policy H16 supports backland and infill development and redevelopment. It states that within smaller villages (such as Kidmore End) and other villages, development should be limited to infill and the redevelopment of previously developed land or buildings. Criteria 2 of the policy states that infill development is defined as the filling of a small gap in an otherwise continuous built-up frontage or on other sites within settlements where the site is closely surrounded by buildings. The scale of infill should be appropriate to its location.

It is officers' opinion that the proposal falls within the criteria of being closely surrounded as the site is closely related to the built form of the settlement and this has already been established under the previous grant of outline planning permission under reference number P21/S0956/O. It is a material planning consideration and the planning permission remains extant and can be implemented. This fact weighs

substantially in the planning balance when considering not just the point of principle but all of the issues that are set out above and considered in detail below.

- 6.5 Since the granting of the outline permission the Kidmore End Neighbourhood Plan has been voted for adoption. The neighbourhood plan policy LCI states that proposals for backland development of large back gardens or land behind an existing residential frontage will only be supported if they meet the four criteria and those in the SODC Local Plan 2035 and are appropriate with regard to privacy and access and conserve village character. It is officers' opinion that the proposal accords with this policy in principle and the criteria will be discussed further in the report.

**Design and character**

- 6.6 Comments received during the consultation period raised a number of objections on the basis that the proposal is out of keeping with, and harmful to the character of the village, and represents an overdevelopment of the plot. The neighbourhood Plan policy LCDPG states that development should complement, reinforce and where practicable enhance the local distinctiveness of the relevant settlement. The policy also lists a number of design considerations that proposals should incorporate.
- 6.7 The character of the surrounding area is predominantly residential with a variety of house types and styles predominately detached with some semi-detached properties. Also, there are dwellings of varying heights including bungalows, dormer bungalows and two storey houses. The site is fairly level from the road to the rear of the site. The proposed new dwelling would be two-storey and is designed with gable features and a materials palette of plain clay roof tiles, rendered and timber clad walls with a red brick plinth. The overall height of the dwelling is 6.5 metres at its highest point. The dwelling would be larger than Kano. However, overall the scale, massing, layout, size and design of the proposal in relation to surrounding buildings is considered to be acceptable. Officers also consider that the proposed development would respect the built limits and characteristic settlement pattern of the village and is well connected to the current built form of the village. The position of the dwelling within the site is acceptable as the backland nature of the development would not be detrimental to the character of the village or the wider AONB. Generally, Kidmore End has a linear pattern of development, but there are dwellings situated in a backland position that break up this pattern such as The Old Vicarage and Field Close and the housing within Craysleaze.
- 6.8 With regards to the above, officers consider the proposal is acceptable in design terms and would have an acceptable impact upon the character of the surrounding built form and the wider village. It complies with policies LCI and LCDPG of the KENDP, and policies DES1, DES2 and ENV1 of the SOLP 2035.

**Residential amenity**

- 6.9 Objections have been raised that the new dwelling will result in a loss of privacy to the nearest neighbouring properties and would also result in a loss of visual amenity, outlook and a loss of daylight and sunlight to Myrtle Cottage. The south-west corner of the front elevation of the proposed new dwelling would be situated 25 metres away from the north-east corner of the rear elevation of Myrtle Cottage. This distance complies with the minimum 21 metre distance of back to back positions to prevent any direct overlooking between habitable rooms. The dwelling has been designed to have no first floor windows facing Myrtle Cottage, only high level rooflights along the front roof slope. There are no side facing windows along the north-west elevation, and again only high level roof lights. The large gallery windows of the front gable are set further away from the boundary of Myrtle Cottage and would have a roof overhang so views towards the rear of Myrtle Cottage would be limited.

- 6.10 The situation with regards to Wingfield would be similar. There are first floor windows facing south-east and eastwards. The window of bedroom 1 is set in from the external wall and its position is that it faces towards the side garden boundary of Mieders directly, which would be 23 metres away. This means the angle of view from this window to Wingfield would be oblique and such that only a small section of Wingfield's rear garden would be visible, and this would be a partial view which would be obstructed by the boundary fence somewhat. In this regard officers consider there would be negligible impact of overlooking to the nearest neighbouring properties adjacent to the site. The new dwelling would also result in limited overlooking of Kano which is sited some 37 metres away and there would be a distance of 18 metres from the new rear boundary fence of Kano to the front of the new dwelling. These distances comply with the amenity guidance distances within the SOVWHJDG.
- 6.11 The proposed new dwelling is unlikely to result in any significant loss of daylight and sunlight to either Myrtle Cottage or Wingfield due to its distance away from these properties. In this regard it is also unlikely to have an overbearing impact upon them. Whilst there is an impact to the outlook from both these properties to a degree, both properties have large gardens and given the distance of the new dwelling from the rear elevation of both neighbouring properties officers consider the degree to which the proposal impacts upon their outlook would not be so substantial to warrant refusal.
- 6.12 Concerns have also been raised with regards to the noise impact as a result of the driveway to the new dwelling being located immediately adjacent to Myrtle Cottage. The vehicle activity associated with one dwelling is considered to result in low level traffic movements that would not create substantial noise disturbance to warrant refusal on noise grounds from vehicle movements along the driveway.

**Impact on trees and landscaping.**

- 6.13 There are no protected trees on site. Some of the fruit trees in the rear garden are to be removed in order to facilitate the development. The Council's Forestry Officer has assessed the submitted tree protection information provided within the application. The drawing number 3737/226 Rev Q shows an acceptable landscaping scheme and tree protection measures. These can be secured through planning conditions requiring their implementation.

**Highway impact.**

- 6.14 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. Within the previous outline application, the access arrangements were altered to improve the visibility splays when egressing and these were considered acceptable for this location.
- The visibility splays and access plan drawing previously conditioned should also be applied to this application. The site has demonstrated sufficient parking for the proposal which is considered acceptable. It is unlikely the proposal will result in displaced vehicles from the development onto the Highway. The proposal is unlikely to have a significant adverse impact on the highway network. After investigation and reviewing the supplied documents, the Local Highway Authority raised no objection to the development subject to the above conditions being applied to any permission being granted on the basis of highway safety.

**Amenity space.**

- 6.15 Policy DES5 of the SOLP seeks to ensure that a private outdoor garden or outdoor amenity space is provided for all new dwellings. The amount of land that should be

provided for the garden will be determined by the size of the dwelling proposed and by the character of the surrounding development. The council's standards for garden sizes are set down in the South Oxfordshire Design Guide. Dwellings of three bedrooms or more require 100sqm of private amenity area. In this case the proposed garden area exceeds 100sqm, and the remaining garden for Kano would also exceed 100sqm. This is considered acceptable and complies with policy DES5 of SOLP 2035.

**Sustainability**

- 6.16 Policy DES10 of the SOLP 2035 states that planning permission will only be granted where development proposals for new build residential dwelling houses achieve at least a 40% reduction in carbon emissions compared with a code 2013 Building Regulations compliant base case. The application was accompanied by an energy statement and SAP calculations submitted by Melin, dated 23 November 2021. It demonstrates that the design specification for the new dwelling will result in a carbon emissions reduction of 40.47% and will achieve well above the 40% reduction in carbon emissions compared with a code 2013 Building Regulations compliant base case. A compliance and monitoring condition is recommended.

**Biodiversity**

- 6.17 Policy ENV3 states that development that will conserve, restore, and enhance biodiversity in the district will be supported. All development should provide a net gain in biodiversity where possible. As a minimum, there should be no net loss of biodiversity. The conditions plan shows the proposed development would include bat and bird boxes; this can be secured through an implementation condition. Due to some of the hedge trees being removed in the garden it is recommended that a nesting bird informative is added to the permission in order to protect from disturbance under the Wildlife & Countryside Act 1981 (as amended); that all removal of hedgerows, trees and shrubs should take place outside the breeding season (March - July inclusive) unless carefully checked beforehand by a suitably qualified person.

**Drainage**

- 6.18 The Council's Drainage Officer raised no objection to the development subject to surface water and foul water pre-commencement conditions. The applicant submitted some information to the council during the course of the application in order to try avoid a pre-commencement condition. However, the submitted information was insufficient, and it is therefore considered necessary to deal with those matters through pre-commencement conditions.

**Fire safety**

- 6.19 Approved Document B of the UK Building Regulations looks at fire safety in domestic houses and section B5 is relevant to this case as it deals with access and facilities for fire services given that this is backland development. The conditions plan shows that the applicants would install a fire hydrant on the site along the driveway and turning area on the driveway directly outside the dwelling. Oxfordshire Fire and Rescue Service have looked at the plan and stated it appears to satisfy the minimum requirements for fire service access as detailed within Approved Document B. They have also stated that it is assumed that the roadway / driveway will be of suitable construction to withstand the weight of a fire appliance. The driveway shown on plans appears to comply with the width of 3.1 metres and an informative will be added requiring the applicant to be aware of the other requirements.

**Community Infrastructure Levy (CIL)**

6.20 The proposed development is liable to pay CIL.

**Pre-commencement conditions**

6.21 As mentioned above, materials, surface and foul water drainage details are required. Officers consider it necessary to impose glazing and external lighting conditions in order to prevent excessive light spillage/pollution and to protect the dark skies of the AONB.

**7.0 CONCLUSION**

7.1 Planning permission should be granted because the proposal represents a sustainable backland development within a smaller village. It does not result in a harmful impact to the character and appearance of the area, or the wider AONB character. In conjunction with the attached conditions the proposal will not give rise to a harmful impact to highway safety or neighbouring residential amenity and will accord with development plan policies.

**8.0 RECOMMENDATION**

8.1 **Planning Permission to granted subject to the following conditions**

1. **Development to commence with three years**
2. **Development to be built in accordance with the approved plans**
3. **A schedule of materials shall be submitted to the council prior to commencement**
4. **Surface water drainage details are required prior to commencement**
5. **Foul water details are required prior to commencement**
6. **Glass coating of windows to be submitted to and approved in writing**
7. **External lighting to be submitted to and approved in writing**
8. **Bird and bat boxes to be implemented as shown on plan**
9. **Landscaping plan implementation**
10. **Tree protection plan implementation**
11. **Energy Statement Verification is required prior to first occupation**
12. **New vehicular access formed and laid out prior to first occupation**
13. **Vision splay dimensions provided prior to fist occupation**
14. **Parking & Manoeuvring Areas Retained**
15. **Roof light cill level no lower than 1.7 metres**
16. **Withdrawal of PD rights for Class A, B, C and E of Part 1 Schedule 2 Informatives**

1. **Nesting birds**
2. **INF17 - Works within the Highway**
3. **CIL-Planning permission or reserved matters approval (South)**

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